



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Labor & Industries

- Permanent Rule  
 Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rulemaking is to establish rules for the Department to administer a grant program to implement Substitute House Bill 1128 Chapter 522, Laws of 2007 Section 218 which appropriated funds to foster accident prevention in state fund work places. This section included a condition under (4) as follows:

“\$8,000,000 of the medical aid account—state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.”

See Attachment 1.

**Citation of existing rules affected by this order:**

Repealed: None  
Amended: WAC 296-900-100, Scope  
Suspended: None

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210 and Chapter 522 Laws of 2007

**Other authority :** None

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 07-21-127 on October 23, 2007.

Describe any changes other than editing from proposed to adopted version: See Attachment 3

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

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**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:**

January 8, 2008

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 08, 2008  
TIME: 10:44 AM

**WSR 08-03-025**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>9</u>	Amended	<u>1</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>9</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>9</u>	Amended	<u>1</u>	Repealed	<u>0</u>

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**Chapter 296-900 WAC, Administrative Rules**

**AMENDED SECTIONS:**

**WAC 296-900-100, Scope**

- Updated Scope to include Safety and Health Investment Projects.

**NEW SECTIONS:**

**WAC 296-900-175, Safety and Health Investment Projects**

- Created this section to contain all the sections located in chapter 296-900 WAC, Administrative Rules, relating to the Safety and Health Investment Projects.

**WAC 296-900-17505, Scope and Purpose**

- Created this section to explain the purpose behind the Safety and Health Investment Projects.

**WAC 296-900-17510, Definitions**

- Created this section to include the definitions for Safety and Health Investment Projects, including: Applicant, Department, Department staff, Funding cycle, Medical aid fund, Milestones, Product, and Recipient.

**WAC 296-900-17515, Eligibility**

- Created this section to include eligibility requirements for awards under the Safety and Health Investment Projects.

**WAC 296-900-17520, Advisory Committee**

- Created this section to include requirements for Safety and Health Investment Project advisory committee.

**WAC 296-900-17525, Application**

- Created this section to include application requirements for Safety and Health Investment Projects.

**WAC 296-900-17530, Approval**

- Created this section to include requirements for approving Safety and Health Investment Projects.

**CR 103 RULE-MAKING ORDER (RCW 34.05.360)**

Department of Labor and Industries

Division of Occupational Safety and Health

Hearing Date: November 28, 2007

CR-103 Filing Date: January 8, 2008

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**Attachment 1**

(Purpose Statement)

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**WAC 296-900-17535, Monitoring**

- Created this section to include requirements for monitoring Safety and Health Investment Projects.

**WAC 296-900-17540, Suspension or revocation of funding**

- Created this section to include requirements for suspending or revoking funds for Safety and Health Investment Projects.

**(3) Describe any changes other than editing from proposed to adopted version:**

As a result of written and oral comments received, the following sections are being changed as indicated below:

**Chapter 296-900-175 WAC, Safety and Health Investment Projects**

**WAC 296-900-17010, Definitions**

- Changed the WAC number from 296-900-17010 to 296-900-17510 to correct a clerical error.

**WAC 296-900-17520, Advisory Committee**

- Changed (4) for clarity to read as follows: “Committee members will disclose to the committee any potential conflicts of interest with specific project applications, whether direct or indirect. The committee will determine whether a member’s connection to a project should result in recusal from voting on the project. The committee’s decision and reasons supporting the decision will be documented in the meeting minutes.”

**WAC 296-900-17525, Application**

- Under (1), corrected the web site address to “SafetyGrants.lni.wa.gov”
- Changed (2) to give the program greater flexibility on accepting and funding applications throughout each funding cycle. Third sentence now reads: “Applications are accepted throughout the year, and funding is awarded throughout each 6-month funding cycle.”
- Changed web site address in (2) and (3).

**WAC 296-900-17530, Approval**

- Changed the number of advisory committee members needed to recommend a project from 5 of 8 voting members to a majority of the eligible voting members.
- Added the following: “(5) Upon approval of an application and before project activities begin, the Department and the applicant will enter into a written agreement. The agreement: (a) Includes the entire approved application packet, (b) Spells out the terms and conditions governing the project.”

**WAC 296-900-17540, Suspension or revocation of funding**

- Changed (2) to read as follows: “Any suspension or revocation will: (a) Be in writing and delivered by either personal service or certified mail. The suspension or revocation will be effective upon service or 5 days after being mailed by certified mail; (b) Include the reasons for suspension or revocation; and (c) Be subject to appeal as described in chapter 34.05 RCW, Administrative Procedures Act and contain an explanation of how to appeal the Department’s decision.”