



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 07-20-089 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:**

Accident Reporting and Investigating  
Chapter 296-27 WAC Recordkeeping; Chapter 296-37 WAC Diving; Chapter 296-78 WAC Sawmills; Chapter 296-305 WAC Firefighting; Chapter 296-307 WAC Agriculture; Chapter 296-800 WAC Core Rules

**Hearing location(s):**

Department of Labor and Industries  
Room S117  
7273 Linderson Way SW  
Tumwater, Washington

Date: January 10, 2008 Time: 9:30 a.m.

**Submit written comments to:**

Name: Kimberly Johnson  
Address: PO Box 44620  
Olympia, WA 98507-4620

e-mail: rhok235@lni.wa.gov  
fax: (360)902-5619 by January 18, 2008

**Assistance for persons with disabilities:** Contact  
Bev Clark by December 31, 2007  
(360) 902-5516 or clah235@lni.wa.gov

**Date of intended adoption:** February 4, 2008

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

These rules are being amended to rectify inconsistencies in reporting requirements for different industries, and to provide equal protection to all employees.

**Reasons supporting proposal:** All employees will be protected equally, and DOSH rules will be consistent throughout industries.

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

**Statute being implemented:** Chapter 49.17 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 04, 2007  
TIME: 6:47 AM

**WSR 07-24-058**

**DATE**  
December 4, 2007

**NAME**  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Tracy Spencer	Tumwater, Washington	(360) 902-5530
Implementation	Stephen M. Cant	Tumwater, Washington	(360) 902-5495
Enforcement	Stephen M. Cant	Tumwater, Washington	(360) 902-5495

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

RCW 19.85.030 (1)(a) requires a small business economic impact statement only when a rule will "impose more than a minor cost on businesses in an industry." The proposed rule will not translate into more than minor costs for businesses in any industry. The proposed rule simply requires employers to report the in-patient hospitalization of 1 or more employees, whereas the existing WAC requires this when 2 or more employees are hospitalized (with the exception of the agriculture industry, where the requirement is currently 1 or more). The potential costs of this new requirement are purely administrative and fall below the minor cost threshold in the Regulatory Fairness Act (Chapter 19.85 RCW).

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Kimberly Johnson

PO Box 44620

Olympia, WA 98507-4620

phone (360) 902-5008

fax (360) 902-5619

e-mail [rhok235@lni.wa.gov](mailto:rhok235@lni.wa.gov)

No: Please explain: