



# 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) April 1, 2009 (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 Occupational Safety and Health Administration (OSHA) has recently revised several of their rules to clarify the fact that personal protective equipment (PPE) for employees is to be paid for by the employer. The department is adopting the same changes to our rules to remain as effective as OSHA as mandated by statute.

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

Amended: See attachment 1

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

**Other authority :** None

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

Adopted under notice filed as WSR 08-23-086 on November 18, 2008  
Describe any changes other than editing from proposed to adopted version: None

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

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

**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:** February 17, 2009

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 17, 2009  
TIME: 7:33 AM

**WSR 09-05-071**

**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	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	<u>1</u>	Amended	<u>15</u>	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

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

Department of Labor and Industries  
Division of Occupational Safety and Health  
CR-103 Filing Date: February 17, 2009

**Attachment 1**

Citation of rules

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Citation of existing rules affected by this order:

**AMMENDED SECTIONS:**

- Chapter 296-32 WAC, Safety Standards for Telecommunications
- Chapter 296-45 WAC, Safety Standards for Electrical Workers
- Chapter 296-54 WAC, Safety Standards –Logging Operations
- Chapter 296-56 WAC, Safety Standards -- Longshore, Stevedore and Related Waterfront Operations
- Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations
- Chapter 296-78 WAC, Safety Standards for Sawmills and Woodworking Operations
- Chapter 296-155 WAC, Safety Standards for Construction Work
- Chapter 296-800 WAC, Safety and Health Core Rules
- Chapter 296-809 WAC, Confined Spaces
- Chapter 296-818 WAC, Abrasive Blasting
- Chapter 296-824 WAC, Emergency Response
- Chapter 296-826 WAC, Anhydrous Ammonia
- Chapter 296-843 WAC, Hazardous Waste Operations
- Chapter 296-848 WAC, Arsenic