



RULE-MAKING ORDER

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

Agency: Department of Labor and Industries

- Permanent Rule
- Emergency Rule

Effective date of rule: September 1, 2009

Permanent Rules

- 31 days after filing.
- Other (specify) September 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: OSHA revised the Marine Terminals Standard and related sections of the Longshoring Standard to adopt new requirements related to the practice of lifting two intermodal containers together, one on top of the other, connected by semiautomatic twistlocks (SATLs). This practice is known as a vertical tandem lift (VTL). The final standard permits VTLs of no more than two empty containers provided certain safeguards are followed. Washington is a state plan state; therefore the department is required to adopt this language approximately within six months of the publication date.

Citation of existing rules affected by this order: See attachment 2.

Repealed: 0
 Amended: 7
 Suspended: 0

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 09-08-108 on March 31, 2009.

Describe any changes other than editing from proposed to adopted version: Adopted as proposed.

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

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:

July 21, 2009

NAME

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 21, 2009

TIME: 9:30 AM

WSR 09-15-144

**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:

| | | | | |
|---|-----|---------|---|----------|
| Federal statute: | New | Amended | | Repealed |
| Federal rules or standards: | New | Amended | 7 | Repealed |
| Recently enacted state statutes: | New | Amended | | Repealed |

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

| | | | | |
|--|-----|---------|--|----------|
| | New | Amended | | Repealed |
|--|-----|---------|--|----------|

The number of sections adopted in the agency's own initiative:

| | | | | |
|--|-----|---------|---|----------|
| | New | Amended | 7 | Repealed |
|--|-----|---------|---|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | |
|--|-----|---------|---|----------|
| | New | Amended | 7 | Repealed |
|--|-----|---------|---|----------|

The number of sections adopted using:

| | | | | |
|---------------------------------------|-----|---------|--|----------|
| Negotiated rule making: | New | Amended | | Repealed |
| Pilot rule making: | New | Amended | | Repealed |
| Other alternative rule making: | New | Amended | | Repealed |

Chapter 296-56 WAC, Safety Standards – Longshore, Stevedore and Related Waterfront Operations.

- Changed the title of this chapter to “Safety Standards – Longshore, Stevedore and Waterfront Related Operations”.

WAC 296-56-60001 Scope and applicability.

- Subsection (3)(e) – Updated the reference.
- Subsection (3)(f) – Updated the reference.
- Subsection (3)(g) – Updated the reference.
- Subsection (3)(l) – Updated the reference.
- Subsection (3)(m) – Updated the reference.

WAC 296-56-60017 Line handling.

- Subsection (2) – Corrected a typographical error. Change the word “on” to “or”.
- Subsection (4) – Corrected a typographical error. Change the spelling of the word “hausers” to “hawsers”

WAC 296-56-60077 Powered industrial trucks.

- Subsection (1) – Updated the reference.
- Subsection (7)(l)(vii) – Deleted this language, it is redundant of the language in subsection (7)(l)(iii).
- Renumberd subsection (7)(l)(viii) to (vii).

WAC 296-56-60103 Terminals intermodal containers or roll-on roll-off operations.

- Subsection (9) – Added this section relating to vertical tandem lifts.
- Subsection (10) – Added this section relating to transporting vertically coupled containers.
- Subsection (11) – Added this section relating to safe work zones.

WAC 296-56-60115 Other protective measures.

- Subsection (2)(b)(iii) – Deleted the words “Ski belt or inflatable type personal flotation devices are specifically prohibited”. These are now allowed.

WAC 296-56-60221 Illumination.

- Subsection (1) – Added language more similar to what OSHA has for clarity.

WAC 296-56-60235 Welding, cutting and heating (hot work) (see also definition of “hazardous cargo, material, substance or atmosphere”).

- Subsection (2) – Updated a reference.
- Subsection (6)(b) – Updated a reference.
- Subsection (7)(c) – Updated a reference.

Citation of existing rules affected by this order:

AMENDED CHAPTER

Chapter 296-56 WAC Safety Standards – Longshore, Stevedore and Waterfront Related Operations

AMENDED SECTIONS

WAC 296-56-60001 Scope and Applicability.

WAC 296-56-60017 Line Handling.

WAC 296-56-60077 Powered Industrial Trucks.

WAC 296-56-60103 Terminals Handling Intermodal Containers or Roll-on Roll-Off Operations.

WAC 296-56-60115 Other Protective Measures.

WAC 296-56-60221 Illumination.

WAC 296-56-60235 Welding, Cutting and Heating (Hot Work) (See also definition of “hazardous cargo, material, substance or atmosphere”).