



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2011 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
 - No
- If Yes, explain:

Purpose:

On May 17, 2010, the Occupational Safety and Health Administration (OSHA) published in the Federal Register a final rule adding a non-mandatory note to the steel erection standard. The note provides information regarding existing Federal Highway Administration regulations that may apply to employers engaged in activities covered by the standards. The Division of Occupational Safety and Health (DOSH) believes that knowledge of these requirements will enhance the safety of employees operating on or near structural steel elements used in highway construction. Although this adoption does not impose any additional or more stringent requirements, it provides information that will enhance employee safety. References were also corrected. **See attachment 1.**

Citation of existing rules affected by this order:

- Repealed:
- Amended: WAC 296-155-704 Hoisting and Rigging; WAC 296-155-706 Structural Steel Assembly.
- Suspended:

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

Other authority : RCW 49.17

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-16-122 on August 3, 2010.
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:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

November 2, 2010

NAME

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: November 02, 2010
TIME: 12:44 PM

WSR 10-22-105

**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</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>2</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>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

Chapter 296-155 WAC, Part P, Steel Erection

WAC 296-155-704 Hoisting and rigging.

- Subsection (1): Changed the reference from “WAC 296-155-525 and 296-155-526” to “applicable parts of Part L”.
- Subsection (3)(d): Changed the reference from “WAC 296-155-525 through 296-155-528” to “applicable parts of Part L”.

WAC 296-155-706 Structural steel assembly.

- Subsection (1): Added a note that reads, “Federal Highway Administration (FHWA) regulations incorporate by reference a number of standards, policies, and standard specifications published by the American Association of State Highway and Transportation Officials (AASHTO) and other organizations. (See CFR 625.4). Many of these incorporated provisions may be relevant to maintaining structural stability during the erection process. For instance, as of May 17, 2010, in many cases FHWA requires a Registered Engineer to prepare and seal working drawings for falsework used in highway bridge construction. (See AASHTO Specifications for Highway Bridges, Div. II, Sec. 3.2.1, 15th edition, 1992, which FHWA incorporates by reference in 23 CFR 625.4). FHWA also encourages compliance with AASHTO Specifications that the FHWA regulations do not currently incorporate by reference. (See <http://www.fhwa.dot.gov/bridge/lrfd/index.htm>.)”
- Subsection (2)(b): Removed the word “reserved”.
- Subsection (2)(c): Deleted this subdivision.