



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- | | |
|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 10-23-096; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: Chapter 296-54 WAC, Safety Standards – Logging Operations

Hearing location(s):

Department of Labor and Industries
Room S117
7273 Linderson Way SW
Tumwater, WA 98501

Date: May 15, 2017 Time: 9:00a.m.

Submit written comments to:

Name: Tari Enos
Address: PO Box 44620
Olympia, WA 98504-4620
e-mail tari.enos@lni.wa.gov
fax (360)902-5619 by 5:00p.m. on May 22, 2017

Assistance for persons with disabilities: Contact

Tari Enos by May 1, 2017 at (360) 902-5541

Date of intended adoption: August 1, 2017

(Note: This is NOT the effective date)

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

The purpose of this proposal is to update the logging safety standards of Chapter 296-54 WAC, Safety Standards - Logging Operations, per multiple petitions that were received from the Washington Contract Loggers Association (WCLA) in 2010 and 2014.

The Department of Labor and Industries (L&I) started rulemaking in response to the petitions. However, in 2012, L&I put their rulemaking efforts on hold to launch the Logger Safety Initiative (LSI). The WCLA petitioned L&I again in 2014 to reopen rulemaking efforts following the successful launch of the LSI program.

Also, references, formatting and minor housekeeping changes may be proposed throughout the chapter specified above. Please see Attachment 1 (Purpose Statement) for a summary of the changes proposed.

Reasons supporting proposal:

The reasons supporting the proposal are to ensure the logging rules are up to date with the technology of the industry to keep workers and employers safe while on the job.

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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **March 21, 2017**

TIME: **10:08 AM**

WSR **17-07-104**

DATE

March 21, 2017

NAME (type or print)

Joel Sacks

SIGNATURE

TITLE

Director

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

N/A

Name of proponent: Department of Labor and Industries

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Chris Miller	Tumwater, WA	(360) 902-5516
Implementation....	Anne Soiza	Tumwater, WA	(360) 902-5090
Enforcement.....	Anne Soiza	Tumwater, WA	(360) 902-5090

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal 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.

A Small Business Economic Impact Statement is not required for this rulemaking pursuant to RCW 19.85.030(1)(a) as the department determined the rule will not result in or impose more than minor costs.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Tari Enos

Address:

PO Box 44620

Olympia, WA 98504

phone (360) 902-5541

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e-mail tari.enos@lni.wa.gov

No: Please explain:

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Division of Occupational Safety and Health
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NEW SECTIONS

WAC 296-54-520 Chain shot awareness and prevention
WAC 296-54-52001 Chain shot awareness and prevention training
WAC 296-54-52003 Cutting system inspection
WAC 296-54-52005 Cutting system maintenance
WAC 296-54-52007 Cutting system operation
WAC 296-54-99015 Appendix 6 – Sample Chain Shot Training Program.

AMENDED SECTIONS

WAC 296-54-503 through WAC 296-54-707

- Change “the employer” to “You” or “You must” where applicable
- Change bullets to letters or numbers where applicable.
- Change numbering and lettering where applicable

WAC 296-54-501 Scope and Application

- Add clarifying language to first sentence to read: “This chapter establishes safety practices for all types of logging operations, log road construction and other similar activities.”
- Removed “forest activities using logging machinery and/or power saws regardless of the end use of the wood.”

WAC 296-54-503 Variance

- Update zip code and PO Box number in address

WAC 296-54-505 Definitions

- Delete all dashes from definitions and replace with periods.
- Add definition of “Chain Shot”, “Chain shot danger zone or shot cone zone,” and “Spurious response attenuation.”
- Remove the following definitions: “Dapped,” “Dog line,” “Mainline train,” “Siwash,” “Speeder,” “Squirrel,” and “Squirrel tree.”

WAC 296-54-507 Employer’s responsibilities

- Remove “logging” from subsections (2) and (3).

WAC 296-54-511 Personal protective equipment (PPE)

- Remove the word “design” from subsection (3).
- Remove “All safety belts and attachments must meet the requirements of section 3 of ANSI A10.14-1975” from subsection (3).
- Add new note to bottom of the section that reads: “The employer is not required to provide logging boots for employees. The cost of logging boots may be borne by employees. The employer must ensure, however, that logging boots as well as all PPE provided by the employer, are worn by employees and are in serviceable condition and meet the requirements of this subsection.”

WAC 296-54-51110 Head protection

- Add clarifying language in opening paragraph of section to read “You must provide, at no cost to the employee, and ensure that all employees wear a hard hat whenever there is a potential exposure to danger of flying or falling objects, unless the employees are protected by FOPs, cabs, or canopies meeting the requirements of this chapter.”
- Add clarifying language of subsection (1) to read:
“Head protection (hard hats) must comply with any of the following consensus standards:
(a) ANSI Z89.1-2009, “American National Standard for Industrial Head Protection;”
(b) ANSI Z89.1-2003, “American National Standard for Industrial Head Protection;” or
(c) ANSI Z89.1-1997, “American National Standard for Personnel Protection – Protective Headwear for Industrial Workers – Requirements.”
- Add new note to read: “Note: You may use protective helmets that do not meet these ANSI standards if you can demonstrate that they are equally effective as those constructed in accordance with the above ANSIs.”
- Remove original language of subsection (2), - language of previous subsection (3) is now (2).

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WAC 296-54-51120 Eye and face protection

- Add new note to read: "Mesh type screen goggles or face shields, which conform to ANSI Z87.1, may be used while operating a chain saw or during chipping operations."

WAC 296-54-51140 Hand Protection

- Add "or other rough materials" to subsection (1) – it was in previous versions of the rule and it was requested to put it back in the language.

WAC 296-54-51160 Leg protection

- Add clarifying language in first sentence of subsection (1) to read: "You must provide, at no cost to the employee, and ensure that each employee who operates a chain saw wears leg protection meeting the requirements of ASTM F1897 "American Society for Testing and Materials Standard Specification for Leg Protection for Chain Saw Users.""

WAC 296-54-51170 Foot protection

- Remove "logging" from subsection (1).

WAC 296-54-51190 Highly visible clothing

- Add clarifying language in subsection (1) to read: "Employees working on landings or in log sorting yards on or from the ground must wear at least one piece of highly visible equipment, whether it be their hard hat..."

WAC 296-54-513 Arrangement of work areas and emergency contact.

- Add "logging" to subsections (8) and (9), so both subsections start with "Each logging worksite".
- Remove "or UMS Grid System coordinates" from subsection (9)(a).

WAC 296-54-515 Accident prevention program

- Replace "logging" with "workplace or" in subsection (1).

WAC 296-54-51510 Safety and health meetings

- Add clarifying language in subsection (1) to read: "You must hold safety and health meetings at least monthly."
- Remove (a) and (b) from subsection (1).
- Add new language to subsection (2): "A safety and health meeting must be held each time you move logging or timber felling operations to a new jobsite."
- Move Note from bottom of section to just below subsection (2).

WAC 296-54-51520 First-aid training

- Add clarifying language in subsection (1) to read: "At logging worksites, each employee, including supervisors, must hold a valid certificate of first-aid and CPR training. New employees not holding a valid certificate of training must be trained within six months of being hired and they must be working on a crew where at least one person holding a valid certificate of first-aid and CPR training is present at all times."
- Add clarifying language in subsection (2) to read: "At road construction and maintenance worksites, whenever two or more employees are present, a person or persons holding a valid certificate of first-aid and CPR training must be present at all times."

WAC 296-54-51530 First-aid kits

- Add clarifying language in subsection (1) to read: "You must provide first-aid kits at all worksites."
- Remove (a), (b), (c) and (d) from subsection (1).
- Add clarifying language in subsection (2) to read: "Worksite first-aid kits must contain the following minimum supplies at all times:"
- Add clarifying language (o) in subsection (2) to read: "One stretcher or equivalent weather proof litter at any three or more person worksite, and at all logging sites."
- Add letters (a) through (g) to supply list in subsection (3).
- Remove "speeders" from subsection (3).

WAC 296-54-517 Lockout/tagout procedures

- Remove "logging" from subsection (1), (3)(b) and subsection (5).

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- Remove "Release from lockout/tagout" from subsection (4).
- Remove "energy sources" from subsection (7).

WAC 296-54-521 Motor vehicles

- Add "s" to "provision" and "entrance" in subsection (3).

WAC 296-54-523 Inspection and repair of equipment and vehicles

- Remove "Defective equipment" from beginning of section and add the word "Defective" to subsection (1).

WAC 296-54-531 Truck Roads

- Add clarifying language in subsection (3) to read: "For all portions of roads under your direct control, you must ensure that:"

WAC 296-54-537 Chain saws

- Add clarifying language in subsection (15) to read: "A chain saw must not be used to cut directly overhead in a manner where the operator could lose control of the saw, or that would cause limbs, chunks of bark or pieces of wood to fall on the operator."

WAC 296-54-539 Falling and bucking – General

- Add clarifying language in subsection (11) to read: "One worker must not fall a tree or danger tree when the assistance of another worker is necessary to minimize the risk of injury caused by overhead hazards, loose bark, or interlocked limbs, conditions of the tree, terrain or cutting conditions."
- Add new subsection (12) that reads: "When manual falling or tree jacking, trees must not be felled directly uphill when the probability of the tree sliding back past the stump is likely."

WAC 296-54-53910 Falling and bucking – Falling

- Add clarifying language in subsection (4) to read:
"Before falling trees, cutters must:
(a) Ensure that all personnel are out of reach of the tree; and
(b) Ensure that all personnel are in the clear of logs, fallen trees, snags, or other trees that may be struck by the falling tree."
- Remove Exception from in between subsections (4) and (5).
- Add new Figure 2 image that includes "Open Face Undercut."
- Add new language in (C) under Figure 2 to read: "Open Face Undercut. Both cuts are made with the saw. The top and bottom face cuts generally form a 90 degree angle when completed. Works best on small diameter trees."

WAC 296-54-53930 Falling and bucking – Danger trees

- Remove "must" and replace it with "should" in subsection (3).

WAC 296-54-53940 Falling and bucking – Springboards and tree jacking

- Add new subsection (10): "Trees must not be felled directly uphill when the probability of the tree sliding past the stump is likely."

WAC 296-54-541 Tree pulling

- Remove "Siwashing" from subsection (6) and update to: "Using a physical object such as a stump or tree in lieu of a block, in order to change tree pulling lead, is prohibited."

WAC 296-54-543 Mechanized Falling

- Replace "shall" with "will" in subsection (3).

WAC 296-54-545 Climbing equipment and passline

- Add clarifying language in subsection (2)(c) to read: "A climbing rope (lanyard) made of a high-quality steel safety chain of 3/16-inch size or larger or a wire core rope."

WAC 296-54-54730 Rigging – shackles

- Replace "be a maximum of" with "not be more than" in subsection (5).

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- Add clarifying language in subsection (6): "For example: 1-inch Extra Improved Plow Steel (EIPS) line requires a 1 1/8-inch shackle, 1-inch swaged line require 1 1/4 inch shackle."

WAC 296-54-54740 Rigging – straps

- Add new subsection (2): "Straps/chokers must be equivalently sized for the line they support, e.g., Extra Improved Plow Steel (EIPS) line requires EIPS straps or equivalent strength material, and swaged lines require swaged straps or equivalent strength material."

WAC 296-54-54750 Rigging – Blocks

- Move "and" from after subsection (5)(b) to after (5)(a).
- Change subsection (5)(c) to subsection (6).

WAC 296-54-54760 Rigging – hanging blocks

- Add clarifying language in subsection (2)(a) to read: "Hanging the block in both eyes or Ds of the straps (threading eye through of wire rope straps is prohibited)."

WAC 296-54-557 Wire rope

- Remove subsection (2)(f) and re-letter rest of section.
- Add new exception above subsection (3) that reads: "EXCEPTION: Out-of-service requirements do not apply to chokers, grapple opening lines, tag lines, cat and skidder winch lines, and drop lines that are not used to move the carriage. However, an authorized, qualified person must thoroughly inspect these cables adhering to the requirements of WAC 296-54-54710(1) and (3)."

WAC 296-54-55720 Wire rope – splicing

- Add new note at the end of the section that reads: "Note: Unraveling 40 lays of cable on each side will give the required length of splice regardless of the diameter."

WAC 296-54-55730 Wire rope – Attaching end fastenings

- Add new subsection (5): "Wedge-type quick ferrules, such as "quick nub" must not be used as end fittings for guylines and skylines."

WAC 296-54-561 Guylines

- Remove letters (a) and (b) from subsection (5) and combine language.
- Add exception between subsections (9) and (10) that reads: "Exception: It's acceptable to use the base of a tree/stump or ground conditions to change the lead of a guyline for the purpose of keeping the guyline properly positioned."

WAC 296-54-563 Guying tail/lift trees

- Change "below" to "above" in subsection (3)(b) which is describing what picture to refer to.

WAC 296-54-567 Rigging skylines

- Add "and hung in a manner to prevent excessive bight or fouling when tightened" to end of subsection (6)(b).

WAC 296-54-569 Anchoring

- Add clarifying language in subsection (7) to read: "When a standing tree is used as an anchor for guylines of portable spars, wood spars or towers:
(a) The tree must be properly tied back if it is within reach of a work area, landing area or haul road;
(b) The tree must be carefully chosen for strength;
(c) The line or strap must be attached to the base of the tree; and
(d) The tree must be adequately notched."
• Add note below subsection (7) to read: "Note: The depth of the notch should not be any deeper than what is necessary to keep the line/strap from sliding up the tree."

WAC 296-54-573 Logging machines – General

- Add new subsection (10): "Horns and travel alarms, which are part of the machine's original equipment, must be maintained in serviceable condition." Renumber the rest of the section.

WAC 296-54-57350 Logging machines – Tractors and skidders

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- Update “choked” to “choked” in subsection (5)(c).

WAC 296-54-575 Landing area

- Remove “Landings must” from beginning subsection (1)(d).
- Remove “when” from beginning of subsection (2) and start sentence with “During.”

WAC 296-54-577 Yarding, skidding, landing

- Remove subsection (14) and renumber the rest of the section.

WAC 296-54-583 Loading Logs

- Change “Employees must not be” to “No one is” in subsection (2).

WAC 296-54-58950 Log trucks – Wrappers and binders

- Add new language to subsection (1)(d)(ii) that reads: “When any log is over seventeen feet in length, the load must be secured by not less than three properly spaced wrappers. Log(s) loaded on top or in outside saddles of a load must not be transported unless secured by at least two wrapper chains or cables, one of which must be placed near each end of such log.”
- Add new language to subsection (10) that reads: “Wrappers must not be thrown over the load until personnel are in the clear.”

WAC 296-54-601 Signals and signal systems

- Add clarifying language in subsection (6) to read: “A copy of the standard hand and whistle signals must be available at the worksite.”
- Add clarifying language in subsection (17) to read: “When the normal rigging crew configuration consists of two or more persons at the point where chokers are being set, at least two members of the rigging crew must carry transmitters for each signal and control system being operated where chokers are being set. Only one transmitter for each signal and control system is required if:”

WAC 296-54-604 Radio signaling permits

- Update zip code and PO Box in address.

WAC 296-54-605 Radio systems used for voice communication, activation of audible signals, or control of equipment

- Replace Figure 38 with a new image.

WAC 296-54-607 Radio signal systems – Specifications and test procedures

- Remove definition of “Spurious response attenuation” from subsection (4) and moved it to the definitions section.

WAC 296-54-701 Wood Spar Trees

- Add clarifying language to first part of subsection (2): “The top of the tree must not extend more than...”

WAC 296-54-99003 Appendix 2 – Sample minimum lockout/tagout procedure

- Remove “logging” three times from the opening paragraphs of the section.
- Add numbers to a list at the beginning of the section and under the new heading.
- Add new heading that says: “Sample lockout/tagout procedures.”

REPEALED SECTIONS

WAC 296-54-595 Transporting crews.
WAC 296-54-59510 Speeders used to transport crews.
WAC 296-54-59520 Trailers used to transport crews.
WAC 296-54-597 Railroads.
WAC 296-54-59710 Railroad construction and maintenance.
WAC 296-54-59720 Railroad Operations.
WAC 296-54-59730 Railroad maintenance – Loading or unloading.