



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

Subject of possible rule making:
Chapter 296-900 WAC, Administrative Rules (Abatement)

Statutes authorizing the agency to adopt rules on this subject:
RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060, and Chapter 91, Laws of 2011 (Engrossed Substitute Senate Bill 5068)

Reasons why rules on this subject may be needed and what they might accomplish:
During the 2011 session, the Legislature updated state law regarding abatement of serious safety and health violations during appeal of a WISHA citation. Engrossed Substitute Senate Bill 5068 directs the Department to write rules establishing that an appeal of any violation classified and cited as serious, willful, repeated serious violation or failure to abate a serious violation does not stay abatement dates and requirements. The rule will allow an employer to request a stay of abatement through submission of a notice of appeal.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
No other state or federal agencies other than Occupational Safety and Health Administration (OSHA) are known to regulate worker safety and health for this subject.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process. RCW 34.05.328(5)(b)(v) exempts this rulemaking from the requirements for significant legislative rules.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

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DATE
July 19, 2011

NAME
Judy Schurke

SIGNATURE

TITLE
Director

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STATE OF WASHINGTON
FILED

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