

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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	<u>5</u>	Amended	<u>12</u>	Repealed	<u>7</u>
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____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	<u>5</u>	Amended	<u>12</u>	Repealed	<u>7</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>5</u>	Amended	<u>12</u>	Repealed	<u>7</u>
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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Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDED SECTIONS:

WAC 296-45-67503 Definitions.

- Removed numbers from each definition.
- Added definitions for helicopter service provider and pilot in command, pilot or PIC.

WAC 296-45-67513 Personal protective equipment (PPE).

- Subsection (2): Added an ANSI reference relating to hard hats and helmets.
- Subsection (3): Added language relating to performing and documenting a hazard assessment to determine appropriate PPE.

WAC 296-45-67519 Housekeeping.

- Changed title of this section to "Landing zones".
- Subsection (1): Added language relating to establishing a landing zone.

WAC 296-45-67521 Operator's responsibility.

- Changed title of this section to "Pilot's responsibility".
- Subsection (1): Added language relating to the pilot being properly rested and fit for duty.
- Replaced "operator" with "pilot" throughout this section.
- Subsection (5): Added language relating to the pilot possessing the appropriate ratings for the aircraft and be competent to safely conduct assigned tasks.

WAC 296-45-67523 Hooking and unhooking loads.

- Subsections (1) through (3): Reworded language for clarity.

WAC 296-45-67525 Static charge.

- Revised language to include "bonded" as means to protect against static charge and removed rubber gloves.

WAC 296-45-67527 Load permitted.

- Changed title of this section to "Line stringing".
- Subsections (2) and (3): Reworded for clarity.
- Subsection (4): Added language relating to a helicopter shall not pull any cable, rope or similar line which is at any point attached to a fixed object other than the helicopter itself.

WAC 296-45-67529 Visibility.

- Housekeeping change.

WAC 296-45-67531 Signal systems.

- Changed title of this section to "Communication".
- Subsections (1) and (2): Reworded for clarity.
- Subsections (3) and (4): Moved language from current WAC 296-45-67507 and reworded for clarity.

CR-103 RULE-MAKING ORDER (RCW 34.05.360)

Department of Labor and Industries

Division of Occupational Safety and Health

Hearing Dates: January 26 and 27, February 1 and 3, 2016

CR-103 Filing Date: May 3, 2016

Attachment (1)

(Purpose Statement)

WAC 296-45-67533 Approaching the helicopter.

- Changed title of this section to “Helicopter operation”.
- Subsections (2) through (12) are new but language is existing and considered current industry work practices. Merged this section with current WAC 296-45-67535.

WAC 296-45-67537 Sling and rigging.

- Subsection (1): Clarified language making it clear that rigging must be checked prior to using.
- Subsection (2): Added language requiring appropriate training.
- Subsection (3): Reworded for clarity.
- Subsection (4): Added language from current WAC 296-45-67509.

WAC 296-45-67545 Refueling operations.

- Reworded this section for clarity.
- Removed subsection (3)(h).

NEW SECTIONS:

WAC 296-45-67504 Operating certification.

- Added this section relating to operating certification requiring additional training.

WAC 296-45-67506 Personnel.

- Moved this section from current WAC 296-45-67539 adding additional training requirements.

WAC 296-45-67508 Hazard analysis and job briefing.

- Added this section relating to hazard analysis and job briefings adding additional training requirements.

WAC 296-45-67522 Cargo hooks.

- Moved this section from current WAC 296-45-67511 for better organization of information.

WAC 296-45-67536 Helicopter work tasks.

- Subsection (1): Added language relating to aerial hover transfer.
- Subsection (2): Reworded language relating to human external cargo (HEC).
- Subsection (3): Added language relating to external cargo sling loads.

REPEALED SECTIONS:

WAC 296-45-67505 Briefing.

WAC 296-45-67507 Signals.

WAC 296-45-67509 Slings and tag lines.

WAC 296-45-67511 Cargo hooks.

WAC 296-45-67535 In helicopter.

WAC 296-45-67539 Personnel.

WAC 296-45-67543 General.

Changes other than editing from proposed to adopted version

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

As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

WAC 296-45-67503 Definitions.

- Modified the definition of “cargo hooks”. It now reads, “The cargo hook is the FAA approved primary attachment means to the aircraft. A device attached or suspended from an aircraft which is used to connect an external load to the aircraft through direct couplings or by lead lines. This unit has both primary and secondary release mechanisms”.
- Modified the definition of “helicopter, helicopter crane and rotorcraft”. It now reads, “A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors”.
- Modified the definition of “hooking and unhooking”. It now reads, “The process by which an external load is either attached to or detached from the helicopter hook or sling line”.
- Modified the definition of “sock line”. It now reads, “A rope(s), cable(s) or similar line(s) that is used to pull a conductor line or other wire from a reel or to remove existing strung conductors from poles or towers”.

WAC 296-45-67508 Hazard analysis and job briefing.

- Modified the language in subsection (1), it now reads:
 - (1) Before the commencement of any construction, maintenance, or lifting activity using a helicopter, a job hazard analysis (JHA) must be conducted, which, at a minimum, must:
 - (a) Define the core tasks;
 - (b) Identify specific hazards;
 - (c) Identify mission specific tasks;
 - (d) Describe procedures or controls used to safely manage or mitigate the hazards;
 - (e) Describe the communication procedure to be used with the crew;
 - (f) Discuss fatigue, and methods to eliminate or mitigate it;
 - (g) Specify minimum approach distances (MAD);
 - (h) Describe a site specific emergency action plan.
- Added a new subsection (2) relating to a site specific job briefing. It reads:
 - (2) A site specific job briefing must be held each day construction, maintenance, or lifting activities using a helicopter are performed. The daily job briefing at a minimum must:
 - (a) Summarize or recap the content of the JHA as applicable to the day’s duties;
 - (b) Communicate any site specific hazards not identified in the JHA and provide mitigation for those hazards;
 - (c) Identify or establish roles for each person who will be interfacing with the aircraft or its load;
 - (d) Describe the communication procedure to be used with the crew;
 - (e) Specify minimum approach distances (MAD) from energized electrical lines and equipment in the work area;
 - (f) Describe the applicable sections of the site specific emergency action plan, such as the locations of first aid equipment and rescue gear.
- The proposed subsection (2) now becomes subsection (3) and it reads:
 - (3) An additional job briefing must be held immediately if working conditions change during the course of a job. Working conditions would include weather, wind, and visibility. During the

Changes other than editing from proposed to adopted version

job briefing all affected employees and others, including signalpersons, ground workers, pilot(s), must be advised of the hazards including a change of operation, if needed.

WAC 296-45-67522 Cargo hooks.

- Modified the language in subsection (1). It reads:
(1) All cargo hooks shall have a primary and secondary release mechanism designed and installed as to prevent inadvertent operation. The hooks primary and secondary release shall be tested prior to each day's operation to determine that the release functions properly.

WAC 296-45-67523 Hooking and unhooking loads.

- Added a sentence to subsection (3) stating that this does not apply to assembly and erection of steel monopole construction.

WAC 296-45-67527 Line stringing.

- Modified the language in subsection (3)(c). It reads:
(3)(c) No pulling operation shall be conducted at a ground speed greater than fifteen mph.

WAC 296-45-67531 Communication.

- Modified this section. The language in the proposed subsection (1) was rewritten and separated into subsections (1) through (4) for clarity. The language in the proposed (2) was slightly modified and becomes subsection (5). The language in subsections (3) and (4) becomes the new subsection (6) and (7). It reads:
(1) Communication must be maintained between the air crew and ground personnel at all times by a designated and qualified signalperson. There must be a constant, open line of communication using radios or head and hand signals.
(2) Signal systems must be understood by the air crew and the ground crew, including signalpersons, prior to the hoisting of any load.
(3) Signaling and maintaining communications with the pilot will be exclusive to the designated signalperson during periods of loading and unloading. The signalperson must be distinguishable from other members of the ground crew by the pilot of the aircraft. This may be by way of orange-colored gloves, vest, or other apparel.
(4) The lead worker and one top person must also have an operating transmitter and receiver. Subsections (5), (6) and (7), no changes except the numbering.

WAC 296-45-67533 Helicopter operation.

- Modified the language in subsection (1). It reads:
(1) Whenever approaching or leaving a helicopter with blades rotating, all employees must remain in full view of the pilot and remain in a crouched position while within 50 feet of the helicopter. No employee can approach the rear of the helicopter unless directly authorized and directed by the pilot of such craft. All employees when operating or working within 50 feet of the helicopter with blades turning are subject to the direction of the helicopter pilot.

WAC 296-45-67536 Helicopter work tasks.

- Added language relating to Class D operations in subsection (2)(a).
- Modified the language in subsection (2)(b)(iv). It reads:
(2)(b)(iv) All suspension harnesses used for HEC must be adjusted to the user. The harness must be designed to prevent suspension trauma or equipped with an orthostatic shock relief device. Such devices must be deployed and used if an employee has been in suspension longer than five minutes.

Changes other than editing from proposed to adopted version

WAC 296-45-67537 Sling and rigging.

- Modified the language in subsection (4)(c). It reads:
(4)(c) In an energized environment helicopter load lines must be comprised of nonconductive materials which are the appropriate weight, strength, and length to prevent the line from being lifted and entangled into the aircraft rotor system.

WAC 296-45-67545 Refueling operations.

- Modified the language in subsection (3)(d). It reads:
There must be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. The refueling area or the fuel truck must be posted with “no smoking” signs.