



# 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

- Preproposal Statement of Inquiry was filed as WSR 13-13-064 or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** eRules, Chapter 296-829 WAC Helicopters Used as Lifting Machines, Chapter 296-832 WAC Late Night Retail Worker Crime Prevention, Chapter 296-876 WAC Ladders, Portable and Fixed, and Chapter 296-878 Window Cleaning. Substitute Senate Bill (SSB) 5679.

**Hearing location(s):**  
Department of Labor and Industries  
7273 Linderson Way SW, Rooms S118 and S119  
Tumwater, WA 98501

Date: January 23, 2014  
Time: 1:00 p.m.

**Submit written comments to:**  
Name: Catherine Julian  
Address: Post Office Box 44620, Olympia, Washington 98504  
e-mail [catherine.julian@lni.wa.gov](mailto:catherine.julian@lni.wa.gov)  
fax (360) 902-5619 by January 30, 2014

**Assistance for persons with disabilities:** Contact  
Catherine Julian by [January 9, 2014](mailto:catherine.julian@lni.wa.gov)  
(360) 902-5401 or [catherine.julian@lni.wa.gov](mailto:catherine.julian@lni.wa.gov)

**Date of intended adoption:** April 22, 2014  
(Note: This is NOT the effective date)

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

- No requirements are changing because of this rulemaking.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and table users.
- Bookmarks in the rules allow easy navigation in PDF files.
- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers through electronic postings.

**Reasons supporting proposal:** Stakeholders have complained that our rules on the web are confusing and difficult to access in real time. When the agency updated its website, template DOSH rules in HTML were broken and DOSH began forwarding rule users to the Office of the Code Reviser website, which caused more confusion. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules.

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

**Statute being implemented:** Chapter 49.17 RCW

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  No

If yes, CITATION:

**DATE**  
December 17, 2013

**NAME** (type or print)  
Joel Sacks

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** December 17, 2013

**TIME:** 10:03 AM

**WSR 14-01-088**

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

None.

**Name of proponent:** Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jeff Killip	Tumwater, WA	(360)902-5530
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.

No change in requirements, so no economic impact.

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

Name:  
Address:

phone ( ) \_\_\_\_\_  
fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

No: Please explain: No change in requirements, so no change in costs or benefits.

**NEW SECTIONS:**

**WAC 296-829-099 Definitions.**

Move the definitions section to the front of the rule and consolidated all definitions in one place.

**WAC 296-876-099 Definitions.**

Move the definitions section to the front of the rule and consolidated all definitions in one place.

**WAC 296-878-099 Definitions.**

Move the definitions section to the front of the rule and consolidated all definitions in one place.

**AMENDED SECTIONS:**

**WAC 296-829-100 Scope.**

Make word "Exemption" all caps. Number items in the exemption.

**WAC 296-829-200 Design and installation requirements for helicopters**

Create summary table with links to subsections.

**WAC 296-829-20005 Follow Federal Aviation Administration (FAA) requirements.**

Consolidate requirement into a single sentence.

**WAC 296-829-20010 Install and test hooks on helicopters correctly.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-829-300 Maintenance.**

Create summary table with links to subsections.

**WAC 296-829-30005 Keep landing and deposit areas safe.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-829-30010 Follow safe refueling procedures.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-829-400 Operating the helicopter.**

Create summary table with links to subsections.

**WAC 296-829-40005 Hold daily briefings.**

Consolidate requirement into a single sentence.

**WAC 296-829-40010 Make sure employees are dressed correctly.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-829-40015 Make sure loads are attached correctly.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-829-40020 Make sure the load is handled correctly.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-832-200 Training.**

Create summary table with links to subsections.

**WAC 296-832-20005 Provide crime prevention training to your employees.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-832-20010 Provide crime prevention retraining to your employees annually.**

Consolidate requirement into a single sentence.

**WAC 296-832-300 Store safety.**

Create summary table with links to subsections.

**WAC 296-832-30005 Have a safe in your store.**

Consolidate requirement into a single sentence.

**WAC 296-832-30010 Post a notice about your store's safe and cash register.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Number Notes items.

**WAC 296-832-30015 Provide outside lighting.**

Consolidate requirement into a single sentence. Number Notes items.

**WAC 296-876-100 Scope.**

Make word "Exemption" all caps. Number items in the exemption.

**WAC 296-876-150 Training**

Create summary table with link to subsection.

**WAC 296-876-15005 Training.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-876-200 Design and construction**

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Create summary table with link to subsection.

**WAC 296-876-20005 Design and construction.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed. Move “Special purpose ladder” definition to 296-876-099 Definitions.

**WAC 296-876-300 Ladder care**

Create summary table with links to subsections.

**WAC 296-876-30005 Condition and inspection.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-30010 Repair.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-30015 Storage.**

Consolidate requirement into a single sentence. Remove bullet from Note text.

**WAC 296-876-30020 Transport.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-400 Portable Ladder Use**

Create summary table with links to subsections.

**WAC 296-876-40005 Designed use.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed. Number Note items. Move “Maximum intended load” definition and “Ladder type” definition and table to 296-876-099 Definitions.

**WAC 296-876-40010 Workplace activities or traffic.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-40015 Support.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-40020 Set-up.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed. Move “Working length” definition to 296-876-099 Definitions. Remove redundant “Safe Ladder Angle” notation from above the graphic.

**WAC 296-876-40025 Climbing and descending.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed. Move “Single-rail ladder” definition to 296-876-099 Definitions.

**WAC 296-876-40030 Getting on and off ladders at upper levels.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed. Make the word “Exemption” all caps.

**WAC 296-876-40035 Exposed electrical hazards.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-40040 Persons on ladders.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-40045 Multisection ladders.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-40050 Self-supporting ladders.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed. Make the word “Exemption” all caps.

**WAC 296-876-500 Fixed ladder design and construction installed on or after December 1, 2006.**

Add “installed on or after December 1, 2006” to section name. Create summary table with link to subsection.

**WAC 296-876-50010 Design and construction—Fixed ladders installed on or after December 1, 2006.**

Consolidate requirement into a single sentence. Remove colon from Note to make text a continuous sentence.

**WAC 296-876-600 Fixed ladder design and construction installed before December 1, 2006.**

Add “installed before December 1, 2006” to section name. Create summary table with links to subsections.

**WAC 296-876-60005 Design and construction—Fixed ladders installed before December 1, 2006.**

Consolidate requirement into a single sentence. Remove colon from Note to make text a continuous sentence.

**WAC 296-876-60010 Design loads.**

Apply numbers (or numbers and letters) to content items, and repeated “You must” as needed.

**WAC 296-876-60015 Pitch.**

Consolidate requirement into a single sentence. Number Notes items.

**WAC 296-876-60020 Welding.**

Consolidate requirement into a single sentence.

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**WAC 296-876-60025 Ladder surfaces.**

Consolidate requirement into a single sentence.

**WAC 296-876-60030 Rungs, cleats and steps.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-876-60035 Side rails.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-876-60040 Clearances.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Make the word "Exemption" all caps.

**WAC 296-876-60045 Step-across distance.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-876-60050 Extensions and grab bars.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Number Note items. Make the word "Exemption" all caps.

**WAC 296-876-60055 Hatches.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-876-60060 Platforms.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Make the word "Exemption" all caps.

**WAC 296-876-60065 Protective structures and equipment.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Make the word "Exemption" all caps.

**WAC 296-876-60070 Cages.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. In (4)(a), change "is" to "are".

**WAC 296-876-60075 Wells.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-876-60080 Ladder safety devices.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. In (1)(a), hyphenate "five-hundred-pound weight".

**WAC 296-876-700 Fixed ladders inspection and maintenance**

Delete "-- Section contents" from section title. Create summary table with links to subsections.

**WAC 296-876-70005 Protection against corrosion and deterioration.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-876-70010 Inspection and repair.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Number and lettered Note items and sub-items.

**WAC 296-876-800 Fixed ladder use**

Delete "-- Section contents" from section title. Create summary table with links to subsections.

**WAC 296-876-80005 Designed load.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Delete redundant "Maximum intended load" definition restatement already added to 296-876-099 Definitions.

**WAC 296-876-80010 Climbing and descending.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-10005 Summary.**

Change "IMPORTANT" to upper and lowercase. Remove list of subsections, as each following three-digit WAC section was changed to have its own summary table, with link(s) to any subsections within that three-digit WAC section.

**WAC 296-878-110 Training.**

Create summary table with links to subsections.

**WAC 296-878-11005 Train workers to use window-cleaning equipment.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Number Note items.

**WAC 296-878-120 Building surfaces and fixtures.**

Create summary table with link to subsection.

**WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-130 Inspection procedures.**

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Create summary table with links to subsections.

**WAC 296-878-13005 Inspect the area to be cleaned.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-13010 Inspect window-cleaning equipment before use.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-140 Develop site-specific service and emergency plans.**

Create summary table with links to subsections.

**WAC 296-878-14005 Develop a site-specific service and emergency recovery plan for window-cleaning operations.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Number Note items.

**WAC 296-878-150 Equipment.**

Create summary table with links to subsections.

**WAC 296-878-15005 Select and use appropriate equipment.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-15015 Select appropriate rope for suspended equipment.**

Consolidate requirement into a single sentence.

**WAC 296-878-15020 Select appropriate carabiners.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-15025 Use fall protection equipment.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-160 Warning signs and barricades.**

Create summary table with link to subsection.

**WAC 296-878-16005 Provide warning signs and barricades when suspended equipment is used.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-170 Power line clearances.**

Create summary table with links to subsections.

**WAC 296-878-17005 Maintain clearance between window cleaners and power lines.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-180 Window-cleaners' belts and anchors.**

Create summary table with links to subsections.

**WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-18010 Inspect the anchors you plan to use for window cleaning.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-18015 Use window-cleaners' belts safely.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-18020 Move safely on the outside of buildings.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Number Note items.

**WAC 296-878-190 Boatswains' chairs.**

Create summary table with links to subsections.

**WAC 296-878-19005 Select appropriate boatswains' chairs.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-19010 Safely use boatswains' chairs rigged with a block and tackle.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Make "Exemption" all caps.

Number exemption items.

**WAC 296-878-200 Rope descent systems.**

Create summary table with links to subsections.

**WAC 296-878-20005 Select appropriate rope descent systems.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-20010 Safely use rope descent systems.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed. Number Note items.

**WAC 296-878-20015 Safely use rope descent devices.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**WAC 296-878-210 Equipment prohibited.**

Create summary table with links to subsections.

**WAC 296-878-21005 Prohibit equipment from use.**

Apply numbers (or numbers and letters) to content items, and repeated "You must" as needed.

**CR-102 RULE-MAKING ORDER (RCW 34.05.320)**

Department of Labor and Industries

Division of Occupational Safety and Health

CR-102 Filing Date: December 17, 2013

Hearing Date: January 23, 2014

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**Attachment (1)**

(Purpose Statement)

**REPEALED SECTIONS:**

**The following sections are being proposed to be repealed.**

**WAC 296-829-500 Definitions.**

**WAC 296-876-900 Definitions**

**WAC 296-878-220 Definitions**