



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Department of Labor and Industries

**Title of rule and other identifying information:**

Chapter 296-56 WAC, Safety Standards – Longshore, Stevedore, and Waterfront Related Operations, Chapter 296-155 WAC, Safety Standards for Construction Work, Chapter 296-304 WAC, Safety Standards for Ship Repairing, Shipbuilding and Shipbreaking, and Chapter 296-800 WAC, Safety and Health Core Rules.

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Suchi Sharma

Agency: Department of Labor and Industries

Address: Post Office Box 44001, Olympia, Washington 98504-4001

**AND RECEIVED BY** December 23, 2013

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

The department is responding to a Federal Register notice where the Occupational Safety and Health Administration (OSHA) updated their requirements relating to head protection as recognized in the 2009 edition of the American National Standard for Industrial Head Protection (ANSI). The department is proposing to add this latest edition of ANSI Z89.1 to four of our industry standards.

The updated ANSI standard includes design provisions as part of comprehensive requirements to ensure that employees use personal protective equipment that will protect them from hazards in the workplace.

See attachment (1).

**Reasons supporting proposal:**

By law, Labor and Industries' Division of Occupational Safety and Health is required to have rules at least as effective as OSHA.

**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?	<input checked="" type="checkbox"/> Yes	<input 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:  
29 CFR 1910, 1915, 1917, 1918 and 1926.

**DATE**

October 23, 2013

**NAME**

Joel Sacks

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 23, 2013**

**TIME: 10:09 AM**

**WSR 13-21-148**

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

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
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Implementation....	Anne F. Soiza	Tumwater	(360) 902-5090
Enforcement.....	Anne F. Soiza	Tumwater	(360) 902-5090

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

N/A

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**Chapter 296-56 WAC, Safety Standards – Longshore, Stevedore, and Waterfront Related Operations**

**WAC 296-56-60111 Head protection.**

- In subsection (2), replace the word “one” with “any”. Add a new bullet that reads, “ANSI Z89.1-2009, American National Standard for Industrial Head Protection”.

**WAC 296-155-205 Head protection.**

- In subsection (1), delete the reference to subdivision (b) and replace with subdivision (c).
- Add a new subdivision (b) that reads, “The employer must provide each employee with head protection that meets any of the following American National Standards Institute (ANSI) for industrial head protection: (i) Z89.1-2009; (ii) Z89.1-2003; or (iii) Z89.1-1997.
- Renumber subdivision (b) to (c).

**WAC 296-304-09011 Head protection.**

- In subsection (2), replace the word “one” with “any”. Add a new bullet that reads, “ANSI Z89.1-2009, American National Standard for Industrial Head Protection”.

**WAC 296-800-16055 Make sure your employees use appropriate head protection.**

- In subsection (1) delete last bullet that reads, “That helmets meet the specifications of either the 1997 or 2003 version of ANSI Z89.1, American National Standard for Industrial Head Protection, or the 1986 version of ANSI A89.1, American National Standard for Personnel Protection Protective Headwear for Industrial Workers Requirements.”
- Add a new subsection (2) that reads, “Head protection must comply with any of the following consensus standards: (a) American National Standards Institute (ANSI) Z89.1-2009, “American National Standard for Industrial Head Protection”; (b) American National Standards Institute (ANSI) Z89.1-2003, “American National Standard for Industrial Head Protection”; (c) American National Standards Institute (ANSI) Z89.1-1997, “American National Standard for Personnel Protection – Protective Headwear for Industrial Workers – Requirements”.
- Renumber subsection (2) to (3) and renumber subsection (3) to (4).