



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 14-24-094; 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 296-45 WAC, Safety Standards for Electrical Workers

Hearing location(s):
See Attachment (1).

Submit written comments to:

Name: Cynthia Ireland
Address: Post Office Box 44620, Olympia, WA 98504-4620
e-mail cynthia.ireland@lni.wa.gov
fax (360) 902-5619 by February 17, 2016

Assistance for persons with disabilities: Contact

Cynthia Ireland by January 11, 2016 at (360) 902-5522 or cynthia.ireland@lni.wa.gov.

Date of intended adoption: April 4, 2016
(Note: This is NOT the effective date)

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

This proposed rulemaking is federally initiated. The department is responding to a Federal Register notice where the Occupational Safety and Health Administration (OSHA) published their final rule relating to Electric Power Generation, Transmission, and Distribution; and Electrical Protective Equipment (29 CFR's 1910 and 1926). This was published on April 11, 2014 and effective July 11, 2014. The department is required to update our rules to be at least as effective as OSHA. The department will have a few provisions that may differ but will be at least as effective as the OSHA rule. In addition, the rule changes incorporate the most recent national standards or best industry practices, include adoption of various 2014 ANSI standards, update internal references and make minor housekeeping changes throughout our chapters.

See Attachment (2).

Reasons supporting proposal:

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

OSHA's final rule includes new or revised requirements for fall protection, minimum approach distances, and arc-flash protection, and for host employers and contract employers to exchange safety-related information.

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 C.F.R. 1910 Subpart R; 29 C.F.R. 1926 Subpart V

DATE
December 8, 2015

NAME (type or print)
Joel Sacks

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 08, 2015
TIME: 12:12 PM

WSR 16-01-030

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.....	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.

The department estimates that the proposed rule changes will, on average, impose no more than minor costs on a business in any affected industry and a SBEIS report is not required for this rulemaking project.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Cynthia Ireland

Address: Post Office Box 44620, Olympia, WA 98504-4620

phone (360) 902-5522

fax (360) 902-5619

e-mail cynthia.ireland@lni.wa.gov

No: Please explain:

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 8, 2015
Hearing Dates: January 26 and 27, February 1 and 3, 2016

Attachment (1)
(Public Hearings)

Public Hearings:

Date: January 26, 2016 **Time: 9:00 a.m.**
Red Lion Hotel
1225 North Wenatchee Avenue
Wenatchee, Washington

Date: January 27, 2016 **Time: 9:00 a.m.**
Enduris Training Facility
1610 South Technology Boulevard, Suite 100
Spokane, Washington

Date: February 1, 2016 **Time: 9:00 a.m.**
The Heathman Lodge
7801 Greenwood Drive
Vancouver, Washington

Date: February 3, 2016 **Time: 9:00 a.m.**
Department Of Labor and Industries – S118 & S119 Rooms
7273 Linderson Way Southwest
Tumwater, Washington

Submit written comments to:

Cindy Ireland, Administrative Regulations Analyst (Cynthia.Ireland@lni.wa.gov)
Division of Occupational Safety and Health
P.O. Box 44620
Olympia, Washington 98504-4620 By: 5:00 p.m. on February 17, 2016

In addition to written comments, the department will accept comments submitted to the following fax number: (360) 902-5619

Comments submitted by fax must be 10 pages or less.

AMENDED CHAPTER:

- Rename the title of this chapter from “Safety Standards for Electrical Workers” to “Electric Power Generation, Transmission, and Distribution”.

AMENDED SECTIONS:

WAC 296-45-015 Scope and application.

- Add the word “construction” in subsection (1). Add the word electrical to qualified employees in subsections (1)(a), (1)(e)(i), (ii) and (7).
- Change “qualified persons” to “qualified electrical employees” in the notes after subsection (2).
- Add a reference to Chapter 296-27 WAC in subsection (4).
- Create a new subsection (12) with current language.

WAC 296-45-035 Definitions.

- Add definitions for contract employer, entry, fall restraint system, first-aid training, host employer, may, must, network system, personal fall arrest system, roadway or public highway, shall, should, statistical sparkover voltage, statistical withstand voltage, and work-positioning equipment.
- Modify the definitions for automatic circuit recloser, designated employee, enclosed space, line-clearance tree trimmer, line clearance tree trimming, qualified person or qualified employee, and system operator or power dispatcher,
- Delete the definitions of electric utility, public highway, and underground network,

WAC 296-45-045 NESC applicable.

- Update the NESC references to 2012.

WAC 296-45-055 Employer’s responsibility.

- Update a reference in subsection (2).

WAC 296-45-065 Training.

- Housekeeping changes in subsections (1), (4), (5), (6) and (8).
- Add a new subsection (2) relating to the degree of training, using OSHA language. Renumber the rest of this section.
- Add the word “electrical” to qualified employees in subsections (3) and (3)(c). Add language in subsection (3)(c) using OSHA language. Add a new subsection (3)(e), using OSHA language. Add the word “electrical” to qualified employees in the note after subsection (3)(e).
- Add notes after subsection (8) using OSHA language.
- Add a new subsection (9) relating to line-clearance tree trimmers using OSHA language.

WAC 296-45-075 Employer’s safety program.

- Update a reference in subsection (5).

WAC 296-45-105 Work required of leadworkers.

- Change “lineworkers” to “qualified electrical employees” throughout this section.

WAC 296-45-125 Medical services and first aid.

- Add OSHA language in subsections (1)(a) and (3).

WAC 296-45-135 Job briefing.

- Reformat part of the language in subsection (1) and move to subsection (3).
- Add a new subsection (2) using OSHA language. Renumber the rest of this section.

WAC 296-45-17505 Lockout/tagout (hazardous control) program.

- Add the word “designated” after “authorized” throughout this section.

WAC 296-45-17510 Retraining.

- Add the word “designated” after “authorized” in subsection (1).

WAC 296-45-17515 Protective materials and hardware.

- Update a reference in the note at the end of this section.

WAC 296-45-17520 Energy isolation.

- Add the word “designated” after “authorized” in this section.

WAC 296-45-17525 Notification.

- Add the word “designated” after “authorized” in this section.

WAC 296-45-17530 Lockout/tagout application.

- Add the word “designated” after “authorized” throughout this section.

WAC 296-45-17535 Releasing stored energy.

- Add the word “designated” after “authorized” in subsection (2).

WAC 296-45-17540 Release from lockout/tagout.

- Add the word “designated” after “authorized” throughout this section.

WAC 296-45-17550 Group lockout/tagout.

- Add the word “designated” after “authorized” throughout this section.

WAC 296-45-17565 Central system operator.

- Add the word “designated” after “authorized” throughout this section.

WAC 296-45-205 Enclosed spaces.

- Update this section using OSHA language. Also update references throughout this section.

WAC 296-45-215 Underground electrical installations.

- Change “qualified persons” to “qualified electrical employees” throughout this section.
- Update a reference in the note.

WAC 296-45-225 Underground residential distribution (URD).

- Update the table reference in subsection (1)(b).
- Change “qualified employees” to “qualified electrical employees” throughout this section.
- Change “qualified employee” to “designated employee” in subsection (1)(c).

WAC 296-45-255 Protective equipment.

- Update the table reference in subsection (15).

WAC 296-45-25505 Personal protective equipment.

- Update the ANSI reference in subsection (2).
- Housekeeping change in subsection (3).

WAC 296-45-25510 Fall protection.

- Update this entire section with OSHA language.
- Add a reference to Appendix E.

WAC 296-45-275 Ladders, platforms, and manhole steps.

- Update references in subsections (1), (2) and the note.

WAC 296-45-295 Gasoline engine power chain saws.

- Update the ANSI reference in subsection (1).
- Update a reference in subsection (2).
- Add a note after subsection (15).

WAC 296-45-305 Live-line tools.

- Update the ASTM reference in the note.
- Housekeeping change in subsection (2)(c).
- Update the IEEE reference in the note.

WAC 296-45-315 Materials handling and storage,

- Change “qualified employees” to “qualified electrical employees” throughout this section.

WAC 296-45-325 Working on or near exposed energized parts.

- Change “qualified employees” to “qualified electrical employees” throughout this section.
- Housekeeping change in subsection (3).
- Update the table reference in subsection (4) and (11). Renumber (a) and (b).
- Replace Minimum Approach Distance table with a more current table.
- Add Table 3, Altitude correction factors using OSHA language. This table is currently in Appendix A.
- Add a reference to Appendix A.
- Add a new subsection (13) relating to protection from arcs and flames using OSHA language. Delete subsection (12)(b) and (c) and the note, now redundant with the new subsection (13). Renumber section.
- Update language referencing Appendix D.

WAC 296-45-335 De-energizing lines and equipment for employee protection.

- Change “designated employees” to “qualified electrical employees” throughout this section.
- Add a new subsection (15) relating to network protectors using OSHA language. Renumber the rest of this section.
- Housekeeping change in subsection (18).

WAC 296-45-345 Grounding for the protection of employees.

- Add “and bonding jumpers” to subsection (3). Also, add a note relating to bonding jumpers.
- Update ASTM reference in the note.
- Add language to subsection (6) relating to the order of connection using OSHA language.
- Update language referencing Appendix B.

WAC 296-45-355 Underground grounding.

- Housekeeping change in subsection (3).

WAC 296-45-365 Testing and test facilities.

- Change “qualified employees” to “qualified electrical employees” in the note.
- Update language referencing Appendix B.

WAC 296-45-375 Mechanical equipment, including aerial manlift equipment.

- Add references in subsection (1)(a) using OSHA language. Renumber subsection.
- Housekeeping change in subsection (1)(d).
- Update the table reference in subsection (10)(a). Change “qualified employee” to “qualified electrical employee”.
- Update the table reference in subsection (10)(c)(ii).
- Add the word “mechanical” to subsection (10)(c)(iii)(B) to match OSHA.
- Update language referencing Appendix B.

WAC 296-45-385 Overhead lines.

- Housekeeping change in the note, subsection (1)(c), (13)(d) and (16).
- Update language referencing Appendix B and C.
- Add language relating to temporary protective grounds to subsection (2)(e) using OSHA language.
- Delete subsections (2)(e)(i) through (v) since covered by new OSHA language. Add notes using OSHA language.
- Change “qualified employees” to “qualified electrical employees” throughout this section.

WAC 296-45-455 Line-clearance tree-trimming operations.

- Change “qualified employees” to “qualified electrical employees” in this section.
- Housekeeping change in subsection (2) and (2)(c).
- Update the table references in subsections (2)(b), (3), (4) and (5).

WAC 296-45-45505 Brush chippers.

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 8, 2015

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

Attachment (2)

(Purpose Statement)

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- Add a reference in subsection (2) and update a reference in subsection (5).

WAC 296-45-475 Substations.

- Update ANSI references throughout this section.
- Change “qualified persons” to “qualified electrical employees” throughout this section.
- Update the table references in subsections (6).

WAC 296-45-48515 Access and working space.

- Update ANSI references throughout this section.

WAC 296-45-48525 Guarding of energized parts.

- Update ANSI references throughout this section.
- Change “qualified persons” to “qualified electrical employees” in subsection (2).

WAC 296-45-545 Trolley maintenance, jumpering or bypassing.

- Change “lineworkers” to “qualified electrical employees” throughout this section.

WAC 296-45-903 Appendix B – Protection from step and touch potentials – nonmandatory.

- Update this appendix to match OSHA’s.

WAC 296-45-905 Appendix C – Methods of inspecting and testing wood poles – nonmandatory.

- Update this appendix to match OSHA’s.

NEW SECTIONS:

WAC 296-45-067 Information transfer.

- Create this section relating to host and contract employers using OSHA language.

WAC 296-45-902 Appendix A – Working on Exposed Energized Parts

- Add this appendix from 29 CFR 1910.269.

WAC 296-45-906 Appendix D – Protection from Flames and Arcs – nonmandatory

- Add this appendix from 29 CFR 1910.269 and add applicable WAC numbers.

WAC 296-45-907 Appendix E – Work-Positioning Equipment Inspection Guidelines – nonmandatory

- Add this appendix from 29 CFR 1910.269.

WAC 296-45-908 Appendix F – Other Applicable Safety and Health Washington Administrative Codes

- Add this appendix as a resource.

WAC 296-45-909 Appendix G – Flow Chart – nonmandatory

- Add this appendix from 29 CFR 1910.269.

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WAC 296-45-910 Appendix H – Reference Documents

- Add this appendix from 29 CFR 1910.269.

REPEALED SECTIONS:

WAC 296-45-901 Appendix A – Nonmandatory.