



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) July 1, 2016 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

This rulemaking was federally initiated. The department responded 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 has a few provisions that may differ but is at least as effective as the OSHA rule. In addition, the rule changes incorporated the most recent national standards or best industry practices, including adoption of various 2014 ANSI standards, updating internal references and making minor housekeeping changes throughout the chapter.

See Attachment (1).

Citation of existing rules affected by this order:

Repealed: See Attachment (1)

Amended: See Attachment (1)

Suspended:

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

Other authority : Chapter 49.17 RCW

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-01-030 on December 8, 2015.

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

See Attachment (2).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted:

May 3, 2016

NAME (TYPE OR PRINT)

Joel Sacks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 03, 2016

TIME: 10:57 AM

WSR 16-10-082

**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>7</u>	Amended	<u>44</u>	Repealed	<u>1</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>7</u>	Amended	<u>44</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>7</u>	Amended	<u>44</u>	Repealed	<u>1</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	_____

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)

AMENDED CHAPTER:

- Renamed 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.

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

WAC 296-45-035 Definitions.

- Added 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.
- Modified 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,
- Deleted the definitions of electric utility, public highway, and underground network,

WAC 296-45-045 NESC applicable.

- Updated the NESC references to 2012.

WAC 296-45-055 Employer’s responsibility.

- Updated a reference in subsection (2).

WAC 296-45-065 Training.

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

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

- Updated a reference in subsection (5).

WAC 296-45-105 Work required of leadworkers.

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

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

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

WAC 296-45-135 Job briefing.

- Reformatted part of the language in subsection (1) and moved to subsection (3).
- Added a new subsection (2) using OSHA language. Renumbered the rest of this section.

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

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

WAC 296-45-17510 Retraining.

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

WAC 296-45-17515 Protective materials and hardware.

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

WAC 296-45-17520 Energy isolation.

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

WAC 296-45-17525 Notification.

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

WAC 296-45-17530 Lockout/tagout application.

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

WAC 296-45-17535 Releasing stored energy.

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

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

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

WAC 296-45-17550 Group lockout/tagout.

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

WAC 296-45-17565 Central system operator.

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

WAC 296-45-205 Enclosed spaces.

- Updated this section using OSHA language. Also updated references throughout this section.

WAC 296-45-215 Underground electrical installations.

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

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

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

WAC 296-45-255 Protective equipment.

- Updated the table reference in subsection (15).

WAC 296-45-25505 Personal protective equipment.

- Updated the ANSI reference in subsection (2).
- Made housekeeping change in subsection (3).

WAC 296-45-25510 Fall protection.

- Updated this entire section with OSHA language.
- Added a reference to Appendix E.

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

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

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

- Updated the ANSI reference in subsection (1).
- Updated a reference in subsection (2).
- Added a note after subsection (15).

WAC 296-45-305 Live-line tools.

- Updated the ASTM reference in the note.
- Made housekeeping change in subsection (2)(c).
- Updated the IEEE reference in the note.

WAC 296-45-315 Materials handling and storage,

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

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

- Changed “qualified employees” to “qualified electrical employees” throughout this section.
- Made housekeeping change in subsection (3).
- Updated the table reference in subsection (4) and (11). Renumbered (a) and (b).
- Replaced Minimum Approach Distance table with a more current table.
- Added Table 3, Altitude correction factors using OSHA language. This table was in Appendix A.
- Added a reference to Appendix A.
- Added a new subsection (13) relating to protection from arcs and flames using OSHA language. Deleted subsection (12)(b) and (c) and the note, now redundant with the new subsection (13). Renumbered section.
- Update language referencing Appendix D.

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

- Changed “designated employees” to “qualified electrical employees” throughout this section.
- Added a new subsection (15) relating to network protectors using OSHA language. Renumbered the rest of this section.
- Made housekeeping change in subsection (18).

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

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

WAC 296-45-355 Underground grounding.

- Made housekeeping change in subsection (3).

WAC 296-45-365 Testing and test facilities.

- Changed “qualified employees” to “qualified electrical employees” in the note.
- Updated language referencing Appendix B.

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

- Added references in subsection (1)(a) using OSHA language. Renumbered subsection.
- Made housekeeping change in subsection (1)(d).
- Updated the table reference in subsection (10)(a). Changed “qualified employee” to “qualified electrical employee”.
- Updated the table reference in subsection (10)(c)(ii).
- Added the word “mechanical” to subsection (10)(c)(iii)(B) to match OSHA.
- Updated language referencing Appendix B.

WAC 296-45-385 Overhead lines.

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

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

- Changed “qualified employees” to “qualified electrical employees” in this section.
- Made housekeeping change in subsection (2) and (2)(c).
- Updated the table references in subsections (2)(b), (3), (4) and (5).

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WAC 296-45-45505 Brush chippers.

- Added a reference in subsection (2) and updated a reference in subsection (5).

WAC 296-45-475 Substations.

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

WAC 296-45-48515 Access and working space.

- Updated ANSI references throughout this section.

WAC 296-45-48525 Guarding of energized parts.

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

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

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

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

- Updated this appendix to match OSHA’s.

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

- Updated this appendix to match OSHA’s.

NEW SECTIONS:

WAC 296-45-067 Information transfer.

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

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

- Added this appendix from 29 CFR 1910.269.

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

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

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

- Added this appendix from 29 CFR 1910.269.

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

- Added this appendix as a resource.

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

- Added this appendix from 29 CFR 1910.269.

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WAC 296-45-910 Appendix H – Reference Documents

- Added this appendix from 29 CFR 1910.269.

REPEALED SECTIONS:

WAC 296-45-901 Appendix A – Nonmandatory.

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 296-45-25510 Fall protection.

- Changed “qualified employee” to “qualified electrical employee” in subsection (4)(c)(iii) to be consistent in the use of this terminology throughout the rule.

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

- II. “Inspection of wood poles”. Changed “qualified employee” to “qualified electrical employee” to be consistent in the use of this terminology throughout the rule.