



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

Subject of possible rule making:

Chapter 296-27 WAC, Recordkeeping and Reporting
Chapter 296-37 WAC, Standards for Commercial Diving Operations
Chapter 296-78 WAC, Safety Standards for Sawmills and Woodworking Operations
Chapter 296-115 WAC, Safety Requirements for Charter Boats
Chapter 296-307 WAC, Safety Standards for Agriculture
Chapter 296-800 WAC, Safety and Health Core Rules

Statutes authorizing the agency to adopt rules on this subject: RCW 49.17.010, 49.17.040, and 49.17.050.

Reasons why rules on this subject may be needed and what they might accomplish:

The Occupational Safety and Health Administration (OSHA) revised the Occupational Injury and Illness Recording and Reporting Requirements in 29 C.F.R. Part 1904 to use the North American Industry Classification System (NAICS) rather than the previously used Standard Industrial Classification (SIC) system. The NAICS codes will now be used to determine which employers classified as low-hazard industries are partially exempt from recordkeeping requirements.

In addition, OSHA revised the reporting requirements for any work-related fatality, in-patient hospitalization, amputation, and the loss of an eye. Employers are now required to report to OSHA any work-related fatality within eight hours, and any work-related incident that results in an in-patient hospitalization, amputation, or loss of an eye for one or more employees within 24 hours.

The department is required to update our rules to be at least as effective as OSHA's. The department proposes adopting OSHA's requirements to be at least as effective, but maintaining the current state reporting requirement of eight hours for any in-patient hospitalization of any employee. In addition, references, formatting and minor housekeeping changes may be made throughout the chapters specified above.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

No other state or federal agencies (other than OSHA) are known to regulate recordkeeping and reporting for work-related fatality, injury, and illness information.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

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DATE
December 23, 2014

NAME (TYPE OR PRINT)
Joel Sacks

SIGNATURE

TITLE
Director

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