AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-00101 Purpose and scope. (1) **Purpose.** ((~~The purpose of this standard is to~~)) Chapter 296-27 WAC requires employers to record work-related injuries and illnesses, **and** report to the department any work-related ((~~fatalities, injuries and illnesses~~)) fatality, inpatient hospitalization, amputation, or loss of an eye within the time parameters specified in the rule.

((~~Note 1: Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that a rule has been violated, or that the employee is eligible for workers' compensation or other benefits.~~))

(2) **Scope.** All employers covered by the Washington Industrial Safety and Health Act (WISHA) ((~~are covered by this~~)) must comply with the requirements in this standard, unless otherwise specified. ((~~However, most employers do not have to keep injury and illness records unless WISHA, OSHA, or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with ten or fewer employees and business establishments in certain industry classifications are partially exempt from keeping injury and illness records.~~))

Note: The recordkeeping and reporting requirements ((~~of~~)) in this chapter are separate and distinct from the ((~~recordkeeping and reporting requirements under~~)) Industrial Insurance Act, Title 51 RCW ((~~the Industrial Insurance Act) unless otherwise noted in this chapter~~)), for workers' compensation benefits. These requirements do not mean that the employer or employee was at fault, or that a safety or health rule has been violated.

AMENDATORY SECTION (Amending WSR 08-05-012, filed 2/8/08, effective 4/1/08)

WAC 296-27-00103 Partial exemption for employers with ten or fewer employees. (1) ((~~Basic requirement.~~

~~(a)~~)) If your company had ten or fewer employees at all times during the last calendar year, you do not need to keep injury and illness records unless ((~~WISHA~~)) the department, OSHA, or the Bureau of Labor Statistics (BLS) informs you in writing that you must keep records under this section. However, as required by WAC 296-27-031, all employers covered by ((~~the WISH Act~~)) WISHA must report any ((~~workplace~~)) work-related incident that results in a fatality ((~~or the~~)), inpatient hospitalization ((~~of any employee~~)), amputation, or the loss of an eye.

((~~(b)~~)) (a) The partial exemption for size is based on the number of employees in the entire company.

(b) To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you had no more than ten employees at any time in the last calendar year, your company qualifies for the partial exemption for size.

(2) If your company had more than ten employees at any time during the last calendar year, you must keep injury and illness records unless your establishment is classified as a partially exempt industry under WAC 296-27-00105.

((~~(2) Implementation.~~

~~(a) **Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment?**~~

~~The partial exemption for size is based on the number of employees in the entire company.~~

~~(b) **How do I determine the size of my company to find out if I qualify for the partial exemption for size?** To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you had no more than ten employees at any time in the last calendar year, your company qualifies for the partial exemption for size.~~))

AMENDATORY SECTION (Amending WSR 09-01-158, filed 12/23/08, effective 3/1/09)

WAC 296-27-00105 Partial exemption for ((~~private employers~~)) establishments in certain industries. (1) ((~~Basic requirement.~~

~~(a)~~)) If your ((~~private business~~)) establishment is classified in a specific, low hazard ((~~retail, service, finance, insurance or real estate~~)) industry group listed in Table 1, Industry Exemption List for Recordkeeping at the end of this section, you do not need to keep injury and illness records unless ((~~WISHA~~)) the department, OSHA, or the BLS asks you to keep the records under ((~~WAC 296-27-03105 or 296-27-03107. (Public employers are not included in this exemption, except as indicated in (b) of this subsection.)~~)) this chapter. However, all employers must report to ((~~WISHA~~)) the department any ((~~workplace~~)) work-related incident that results in a fatality ((~~or the in-patient~~)), inpatient hospitalization, amputation, or the loss of an eye of any employee (see WAC ((~~296-800-32005~~)) 296-27-031).

((~~(b) If you are a public employer in SIC 821 (elementary and secondary schools) and 823 (libraries), you do not need to keep injury and illness records unless WISHA, OSHA or the BLS asks you to keep the records under WAC 296-27-03105 or 296-27-03107. However, all employers must report to WISHA any workplace incident that results in a fatality or the in-patient hospitalization of any employee (see WAC 296-800-32005).~~

~~(c) If one or more of your company's establishments are classified in a nonexempt industry, you must keep injury and illness records for all of such establishments unless your company is partially exempted because of size under WAC 296-27-00103.~~

~~(2) Implementation.~~

~~(a) **Does the partial industry classification exemption apply only to business establishments in the retail, services, finance, insurance or real estate industries (SICs 52-89)?** Yes, business establishments classified in agriculture; mining; construction; manufacturing; transportation; communication, electric, gas and sanitary services; or wholesale trade are not eligible for the partial industry classification exemption.~~

~~(b) **Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company?** The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.~~

~~(c) **How do I determine the Standard Industrial Classification code for my company or for individual establishments?** You determine your Standard Industrial Classification (SIC) code by using the Standard Industrial Classification manual, *Executive Office of the President, Office of Management and Budget*. You may contact your local L&I office for help in determining your SIC or visit Department of Revenue's web site, http://dor.wa.gov/reports/Qbrsearch/sic_list.htm.~~))

(2) The partial industry classification exemption is based on the North American Industrial Classification System (NAICS), and it applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records while others may be exempt.

Note: To determine your NAICS code, you can do one of the following:
1. Contact your nearest OSHA office or the department.
2. Use the search feature at the U.S. Census Bureau NAICS main web page: http://www.census.gov/eos/www/naics/. In the search box for the most recent NAICS, enter a keyword that describes your type of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the one that most closely corresponds to your primary business activity or refine your search to obtain other choices.
3. Rather than searching through a list of primary business activities, you may also view the most recent complete NAICS structure with codes and titles by clicking on the link for the most recent NAICS on the U.S. Census Bureau NAICS main web page: http://www.census.gov/eos/www.naics/. Then click on the two-digit sector code to see all the NAICS codes under that sector. Then choose the six-digit code of your interest to see the corresponding definition, as well as cross-references and index items, when available.
4. If you know your old SIC code, you can also find the appropriate 2002 NAICS code by using the detailed conversion (concordance) between the 1987 SIC and 2002 NAICS available in Excel format for download at the "Concordances" link at the U.S. Census Bureau NAICS main web page: http://www.census.gov/eos/www/naics/.

Table 1
Industry Exemption List for Recordkeeping

NAICS Code	Industry
4412	Other Motor Vehicle Dealers
4431	Electronics and Appliance Stores
4461	Health and Appliance Stores
4471	Gasoline Stations
4481	Clothing Stores
4482	Shoe Stores
4483	Jewelry, Luggage, and Leather Goods Stores
4511	Sporting Goods, Hobby, and Musical Instrument Stores
4512	Book, Periodical, and Music Stores
4531	Florists
4532	Office Supplies, Stationery, and Gift Stores
4812	Nonscheduled Air Transportation
4861	Pipeline Transportation of Crude Oil
4862	Pipeline Transportation of Natural Gas
4869	Other Pipeline Transportation
4879	Scenic and Sightseeing Transportation
4885	Freight Transportation Arrangement
5111	Newspaper, Periodical, Book, and Directory Publishers
5112	Software Publishers
5121	Motion Picture and Video Industries
5122	Sound Recording Industries
5151	Radio and Television Broadcasting

NAICS Code	Industry
5172	Wireless Telecommunications Carriers (except Satellite)
5173	Telecommunications Resellers
5179	Other Telecommunications
5181	Internet Service Providers and Web Search Portals
5182	Data Processing, Hosting, and Related Services
5191	Other Information Services
5211	Monetary Authorities—Central Bank
5221	Depository Credit Intermediation
5222	Nondepository Credit Intermediation
5223	Activities Related to Credit Intermediation
5231	Securities and Commodity Contracts Intermediation and Brokerage
5232	Securities and Commodity Exchanges
5239	Other Financial Investment Activities
5241	Insurance Carriers
5242	Agencies, Brokerages, and Other Insurance Related Activities
5251	Insurance and Employee Benefit Funds
5259	Other Investment Pools and Funds
5312	Office of Real Estate Agents and Brokers
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
5411	Legal Services
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
5413	Architectural, Engineering, and Related Services
5414	Specialized Design Services
5415	Computer Systems Design and Related Services
5416	Management, Scientific, and Technical Consulting Services
5417	Scientific Research and Development Services
5418	Advertising and Related Services
5511	Management of Companies and Enterprises
5611	Office Administrative Services
5614	Business Support Services
5615	Travel Arrangement and Reservation Services
5616	Investigation and Security Services
6111	Elementary and Secondary Schools
6112	Junior Colleges
6113	Colleges, Universities, and Professional Schools

NAICS Code	Industry
6114	Business Schools and Computer and Management Training
6115	Technical and Trade Schools
6116	Other Schools and Instructions
6117	Educational Support Services
6211	Offices of Physicians
6212	Offices of Dentists
6213	Offices of Other Health Practitioners
6214	Outpatient Care Centers
6215	Medical and Diagnostic Laboratories
6244	Child Day Care Services
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
7115	Independent Artists, Writers, and Performers
7213	Rooming and Boarding Houses
7221	Full-Service Restaurants
7222	Limited-Service Eating Places
7224	Drinking Places (Alcoholic Beverages)
8112	Electronic and Precision Equipment Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
8121	Personal Care Services
8122	Death Care Services
8131	Religious Organizations
8132	Grantmaking and Giving Services
8133	Social Advocacy Organizations
8134	Civic and Social Organizations
8139	Business, Professional, Labor, Political, and Similar Organizations

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-00107 Keeping records for more than one agency. If you create records to comply with another government agency's injury and illness recordkeeping requirements, OSHA will consider those records as meeting federal recordkeeping requirements if OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as required by 29 C.F.R., Part 1904 ((~~requires you to record~~)). You may contact ((~~WISHA or your local L&I office~~)) the department for help in determining whether your records meet OSHA's requirements.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-011 Recordkeeping forms and recording criteria. This section describes the types of work-related injuries and illnesses that ((~~an employer~~)) you must enter ((~~into~~)) on the OSHA ((~~records and~~)) recordkeeping forms. This section also explains the OSHA forms that ((~~employers~~)) you must use to record work-related fatalities, injuries, and illnesses.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01101 Recording criteria. (1) ((~~Basic requirement. Each~~)) Employers required to keep records by this chapter ((~~to keep records of fatalities, injuries, and illnesses~~)) must record each fatality, injury and illness that:

((~~•~~)) (a) Is work-related, see WAC 296-27-01103;

((~~•~~)) (b) Is a new case, see WAC 296-27-01105; and

((~~•~~)) (c) Meets one or more of the general recording criteria of WAC 296-27-01107 ((~~or the application to~~)).

(2) Additional criteria for specific cases ((~~of~~)) such as needlestick and sharps injury cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases are located in WAC 296-27-01109 through ((~~296-27-01117~~)) 296-27-01115.

((~~(2) Implementation.~~

~~(a) **What sections of this rule describe recording criteria for recording work-related injuries and illnesses?** The table below indicates which sections of the rule address each topic.~~

~~(i) Determination of work-relatedness. See WAC 296-27-01103.~~

~~(ii) Determination of a new case. See WAC 296-27-01105.~~

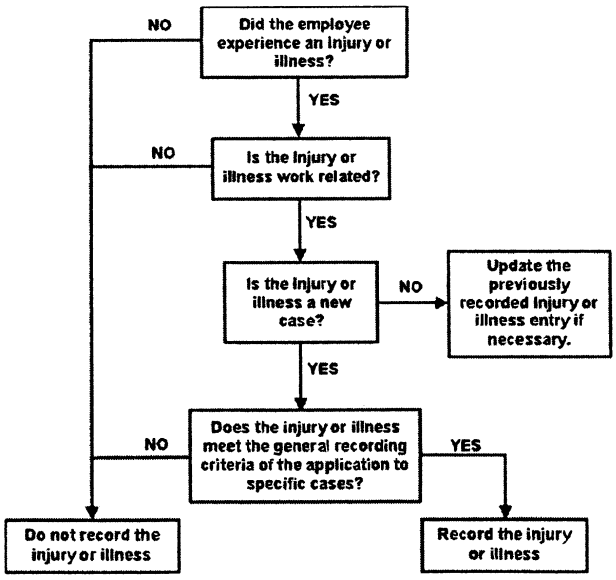
~~(iii) General recording criteria. See WAC 296-27-01107.~~

~~(iv) Additional criteria. (Needlestick and sharps injury cases, tuberculosis cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases). See WAC 296-27-01109 through 296-27-01117.~~

~~(b) **How do I decide whether a particular injury or illness is recordable?**~~))

Note: The decision tree for recording work-related injuries and illnesses below shows the steps involved in ((~~making this determination~~)) determining whether a particular injury or illness is reportable.

Decision Tree



((~~(c) **May I be required to keep other records or report additional information?** Yes, the director may require that additional records be kept or additional information reported to achieve the purpose of the WISH Act.~~))

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01103 Determination of work-relatedness. (1) ((~~Basic requirement.~~)) You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in ((~~WAC 296-27-01103 (2)(b)~~)) subsection (2)(a) through (i) of this section specifically applies.

(2) ((~~Implementation.~~

~~(a) **What is the "work environment"?** Work environment is defined as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."~~

~~(b) **Are there situations where an injury or illness occurs in the work environment and is not considered work-related?** Yes,~~)) An injury or illness occurring in the work environment ((~~that falls under~~)) is not recordable or considered work-related if it meets one of the following exceptions ((~~is not work-related, and therefore is not recordable.~~

~~You are **not** required to record injuries and illnesses if~~)):

((~~•~~)) (a) At the time of the injury or illness, the employee was present in the work environment as a member of the ((~~general~~)) public rather than as an employee.

((~~a~~)) (b) The injury or illness involves signs or symptoms that surface at work but result solely from a nonwork-related event or exposure that occurs outside the work environment.

((~~a~~)) (c) The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

((~~a~~)) (d) The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.

((~~Note: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.~~

~~a~~)) (e) The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

((~~a~~)) (f) The injury or illness is solely the result of personal grooming, self-medication for a nonwork-related condition, or is intentionally self-inflicted.

((~~a~~)) (g) The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

((~~a~~)) (h) The illness is the common cold or flu.

((~~Note: Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.~~

~~a~~)) (i) The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

((~~(c) **How do I handle a case**~~))

Notes: 1. If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.
2. Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.

(3) If it is not obvious whether ((~~the precipitating~~)) an event or exposure ((~~**occurred in the work environment or occurred away from work?** In these situations~~)) was work-related, you must evaluate the employee's work duties and work environment to ((~~decide whether or not one or more~~)) determine if the event((~~s~~)) or exposure((~~s in the work environment either caused or contributed to the resulting condition or~~)) was work-related and resulted in either a new injury or illness or it significantly aggravated a preexisting condition. ((~~(d) **How do I know if an event or exposure in the work environment "significantly aggravated" a preexisting injury or illness?**~~)) A preexisting condition is an injury or illness ((~~has been~~)) that is significantly aggravated((~~, for purposes of injury and illness recordkeeping, when an~~)) by the event or exposure occurring in the work environment if it results in any of the following:

((~~a~~)) (a) Death, provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.

((~~a~~)) (b) Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

((~~•~~)) (c) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

((~~•~~)) (d) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

((~~(e) **Which injuries and illnesses are considered preexisting conditions?** An injury or illness is a preexisting condition if it resulted solely from a nonwork-related event or exposure that occurred outside the work environment.~~

~~(f) **How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs?**~~)) (4) Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples ((~~of such activities~~)) include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer). Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed ((~~below.~~

~~If the employee has:~~	~~You may use the following to determine if an injury or illness is work-related.~~
~~• Checked into a hotel or motel for one or more days~~	~~When a traveling employee checks in to a hotel, motel, or into another temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she reenters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.~~
~~• Taken a detour for personal reasons~~	~~Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).~~

~~(g) **How do I decide if a case is work-related when the employee is working at home?**~~)) in Table 2 of this subsection:

Table 2

Determining Work-Related Injuries or Illnesses During Travel Status

If the employee has:	You may use the following to determine if an injury or illness is work-related.
Checked into a hotel or motel for one or more days	When a traveling employee checks into a hotel, motel, or into another temporary residence, they establish a "home away from home." You must evaluate the employee's activities after they check into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, they are considered to have left the work environment. When the employee begins work each day, they reenter the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
Taken a detour for personal reasons	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).

(5) Injuries and illnesses that occur while an employee is working at home((~~, including work in a home office, will be~~)) are considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work ((~~rather than~~)) and not to the ((~~general~~)) home environment ((~~or setting~~)). ((~~For example,~~))

Note: Examples of recordable injury and illnesses that occur when an employee works at home:
1. If an employee drops a box of work documents and injures ((~~his or her~~)) their foot, the case is considered work-related.
2. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related.
3. If an employee is injured because ((~~he or she~~)) they trip((~~s~~)) on the family dog while rushing to answer a work phone call, the case is not considered work-related.
4. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01105 Determination of new cases. (1) ((~~Basic requirement.~~)) You must consider an injury or illness to be a "new case" if:

(a) The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body; or

(b) The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness, and an event or exposure in the work environment caused the signs or symptoms to reappear.

(2) ((~~Implementation.~~

~~(a) **When an employee experiences the signs or symptoms of a chronic work-related illness, do I need to consider each recurrence of signs or symptoms to be a new case?** No,~~)) For occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

((~~(b)~~)) (3) When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, you must ((~~I~~)) treat the episode (even if the episode is a recurrence) as a new case((~~? Yes, because the episode or recurrence was caused by an event or exposure in the workplace, the incident must be treated as a new case.~~

~~(c) **May I rely on a physician or other licensed health care professional to determine whether a case is a new case or a recurrence of an old case?**~~)).

(4) You are not required to seek the advice of a physician or other licensed health care professional. However, if you do seek such advice, you must follow the ((~~physician~~)) physician's or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If you receive recommendations from two or more physicians or other licensed health care professionals, you must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-27-01107 General recording criteria. (1) ((~~Basic requirement.~~)) You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following:

(a) Death((~~,~~));

(b) Days away from work((~~,~~));

(c) Restricted work or transfer to another job((~~,~~));

(d) Medical treatment beyond first aid((~~, or~~));

(e) Loss of consciousness for any length of time.

(2) You must also ((~~consider a~~)) record any case ((~~to meet the general recording criteria if it~~)) that involves a **significant injury or illness** (see WAC 296-27-01107(21)) diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work ((~~or~~)), job transfer, medical treatment beyond first aid, or loss of consciousness.

((~~(2) Implementation.~~

~~(a) **How do I decide if a case meets one or more of the general recording criteria?** A work-related injury or illness must be recorded if it results in one or more of the following:~~

~~(i) Death. See (b) of this subsection.~~

~~(ii) Days away from work. See (c) of this subsection.~~

~~(iii) Restricted work or transfer to another job. See (d) of this subsection.~~

~~(iv) Medical treatment beyond first aid. See (e) of this subsection.~~

~~(v) Loss of consciousness. See (f) of this subsection.~~

~~(vi) A significant injury or illness diagnosed by a physician or other licensed health care professional. See (g) of this subsection.~~

~~(b) **How do I record a work-related injury or illness that results in the employee's death?**~~)) (3) You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death. ((~~You must also report any~~

~~work-related fatality to WISHA within eight hours, as required by WAC 296-800-32005.~~

~~(c) **How do I record a work-related injury or illness that results in days away from work?**~~))

(4) When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry ((~~of~~)) for the number of calendar days away from work in the number of days column. If the employee is out for an extended period ((~~of time~~)), you must enter an estimate ((~~of~~)) for the number of days that the employee will be away, and update the day count when the actual number of days is known.

((~~(i) **Do I count the day on which the injury occurred or the illness began?** No,~~)) (5) You begin counting days away on the day after the injury occurred or the illness began.

((~~(ii) **How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway?** You must record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.~~

~~(iii) **How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway?** In this situation~~)) (6) To record an injury or illness for which the employee comes to work against the physician's or other licensed health care professional's recommendation, you must do the following:

(a) Record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional.

(b) Record the days away whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not.

Notes: 1. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative and record the case based upon that recommendation.
2. Encourage your employee to follow the recommendation.

(7) When an employee decides to stay at home after the date a physician or other licensed health care professional recommends that the employee return to work, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.

((~~(iv) **How do I count weekends, holidays, or other days the employee would not have worked anyway?**~~)) (8) You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Weekend days, holidays, vacation days or other days off are included in the total number of days recor-

ded if the employee would not have been able to work on those days because of a work-related injury or illness.

((~~(v) **How do I record a case in which**~~)) (9) When a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend((**?**)), you only need to record this case ((~~only~~)) if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work((~~,~~)) and enter the day counts((~~,~~)) as appropriate.

((~~(vi) **How do I record a case in which**~~)) (10) If a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing((**?**)), you only need to record ((~~a~~)) the case ((~~of this type only~~)) if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work((~~,~~)) and enter the day counts((~~,~~)) as appropriate.

((~~(vii) **Is there a limit to the number of days away from work I must count?** Yes, you may "cap" the total days away at one hundred eighty calendar days.~~)) (11) You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than one hundred eighty calendar days away from work ((~~and/or~~)) or days of job transfer or restriction. In such a case, entering one hundred eighty in the total days away column will be considered adequate.

((~~(viii) **May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company?** Yes,~~)) (12) If the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work ((~~or~~)), days of ((~~restriction/job~~)) restriction, or days of job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away ((~~or~~)), days of ((~~restriction/job~~)) restriction, or days of job transfer and enter the day count on the OSHA 300 Log.

((~~(ix)~~)) (13) If a case occurs in one calendar year but results in days away during the next calendar year, ((~~**do I record the case in both years?** No,~~)) you only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work((~~,~~)). Then use this number to calculate the total for the annual summary((~~, and then~~)). Update the initial log entry later when the day count is known or reaches the one hundred eighty day cap.

((~~(d) **How do I record a work-related injury or illness that results in**~~)) (14) You must meet the following requirements for recording restricted work or job transfer((**?**)).

(a) When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and ((~~an entry of~~))

enter the number of restricted or transferred days in the restricted workdays column.

((~~(i) **How do I decide if the injury or illness resulted in restricted work?**~~)) (b) Restricted work occurs when, as the result of a work-related injury or illness:

((~~•~~)) (i) You keep the employee from performing one or more of the routine functions of ((~~his or her~~)) their job, or from working the full workday that ((~~he or she~~)) they would otherwise have been scheduled to work; or

((~~•~~)) (ii) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of ((~~his or her~~)) their job, or not work the full workday that ((~~he or she~~)) they would otherwise have been scheduled to work.

((~~(ii) **What is meant by "routine functions"?** For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.~~

~~(iii) **Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began?** No,~~)) (c) You do not have to record restricted work or job transfers if you, ((~~or~~)) the physician, or other licensed health care professional((~~,~~)) impose the restriction or transfer only for the day on which the injury occurred or the illness began.

((~~(iv) **If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case?** No,~~)) (d) A recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you ((~~or~~)), the physician, or other licensed health care professional keeps the employee from performing one or more of ((~~his or her~~)) their routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

((~~(v) **How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness?** A~~)) (e) If an employee works only for a partial work shift because of the work-related injury or illness, you must record the partial day of work ((~~is recorded~~)) as a day of job transfer or restriction ((~~for recordkeeping purposes, except for the day on which~~)). However, you need not record the partial day of work if it is the same day the injury occurred or the illness began.

((~~(vi) **If the injured or ill worker produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case?** No,~~))

Note: The case is considered restricted work only if the worker does not perform all of the routine functions (see definition in this chapter) of ((~~his or her~~)) their job or does not work the full shift that ((~~he or she~~)) they would otherwise have worked.

((~~(vii) **How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"?**~~)) (15) If you are not clear about the physician or other licensed health care professional's recommendation (i.e., engage only in "light duty" or "take it easy for the week"), you may ask ((~~that person whether~~)) the physician or other licensed health care professional:

(a) "Can the employee ((~~can~~)) do all of ((~~his or her~~)) their routine job functions ((~~and~~))?"

(b) "Can the employee work all of ((~~his or her~~)) their normally assigned work shift((~~.~~))?"

(i) If the answer to both of these questions is "Yes," then the case does not involve a work restriction and does not have to be recorded ((~~as such~~)).

(ii) If the answer to one or both of these questions is "No," the case involves restricted work and must be recorded as a restricted work case.

(iii) If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, record the injury or illness as a case involving restricted work.

((~~(viii) **What do I do if a physician or other licensed health care professional recommends a job restriction meeting the definition, but the employee does all of his or her routine job functions anyway?** You must record the injury or illness on the OSHA 300 Log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.~~

~~(ix) **How do I decide if an injury or illness involved a transfer to another job?**~~)) (16) To record an injury or illness for which a physician or other licensed health care professional recommends a job restriction, but the employee does all of their routine job functions, you must do the following:

(a) Record the injury or illness on the OSHA 300 Log as a restricted work case.

(b) Record this job restriction even if the employee chooses to do all of their routine job functions.

Notes: 1. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative and record the case based upon that recommendation.
2. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction.

(17) If you assign an injured or ill employee to a job other than ((~~his or her~~)) their regular job for part of the day, ((~~the case involves transfer to another~~)) you must record the case as a job transfer.

Notes: 1. This does not include the day on which the injury or illness occurred.

((~~(x) **Are**~~))

2. Transfers to another job are recorded in the same way as restricted work cases((~~**?** Yes, both job transfer and restricted work cases are recorded in the same box~~)) on the OSHA 300 Log. ((~~For~~)) Example((~~,~~)): If you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to ((~~his or her~~)) their routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

((~~(xi) **How do I count days of job transfer or restriction?**~~)) (18) You count days of job transfer or restriction in the same way you count days away from work((~~, using (c)(i) through (viii) of this subsection~~)). The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.

((~~(e) **How do I record an injury or illness that involves medical treatment beyond first aid?**~~)) (19) If a work-related injury or illness results in medical treatment beyond first aid, you must record ((~~it~~))

the case on the OSHA 300 Log. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

((~~(i) **What is the definition of medical treatment? "Medical treatment"** means the management and care of a patient to combat disease or disorder. For the purposes of this section, medical treatment does not include:~~

~~• Visits to a physician or other licensed health care professional solely for observation or counseling;~~

~~• The conduct of diagnostic procedures, such as X rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or~~

~~• "First aid" as defined in (e) of this subsection.~~

~~(ii) **What is "first aid"?** For the purposes of this section, **"first aid"** means the following:~~

~~• Using a nonprescription medication at nonprescription strength (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes);~~

~~• Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);~~

~~• Cleaning, flushing or soaking wounds on the surface of the skin;~~

~~• Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);~~

~~• Using hot or cold therapy;~~

~~• Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);~~

~~• Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.);~~

~~• Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;~~

~~• Using eye patches;~~

~~• Removing foreign bodies from the eye using only irrigation or a cotton swab;~~

~~• Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;~~

~~• Using finger guards;~~

~~• Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or~~

~~• Drinking fluids for relief of heat stress.~~

~~(iii) **Are any other procedures included in first aid?** No, this is a complete list of all treatments considered first aid for the purpose of this section.~~

~~(iv) **Does**~~))

Note: The professional status of the person providing ((~~the~~)) treatment ((~~have any~~)) has no effect on what is considered first aid or medical treatment((~~? No, the treatments listed in (e)(ii) of this subsection are considered to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of this section. Similarly, treatment beyond first aid is considered to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional~~)) as defined in WAC 296-27-051.

((~~(v) **What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation?** If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However,~~)) (20) You must record ((~~the~~)) a case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation for medical treatment.

((~~(f) **Is every work-related injury or illness case involving a loss of consciousness recordable?** Yes, you must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.~~

~~(g) **What is a**~~)) (21) You must record "significant" diagnosed ((~~**injury or illness that is recordable under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness?**~~)) injuries or illnesses, such as work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum ((~~must always be recorded under the general criteria~~)) at the time of diagnosis by a physician or other licensed health care professional even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Note: OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in WAC 296-27-01107(1): Death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. Cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis, even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-27-01109 Recording criteria for needlestick and sharps injuries. (1) ((~~Basic requirement.~~)) You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined in this chapter and by chapter 296-823 WAC, Occupational exposure to bloodborne pathogens). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log (see the requirements for privacy concern cases in WAC 296-27-01119 (3) and (4)).

(2) ((~~Implementation.~~

~~(a) **What does "other potentially infectious materials" mean?** The term "other potentially infectious materials" is defined in the bloodborne pathogens portion of Part J (Biological Agents) of chapter 296-62 WAC, General occupational health standards. These materials include:~~

~~• The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid,~~

~~peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;~~

~~• Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and~~

~~• HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.~~

~~(b) **Does this mean that I must record all cuts, lacerations, punctures, and scratches?** No,~~)) You ((~~need to~~)) must record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the general recording criteria in WAC 296-27-01107.

((~~(c)~~)) (3) If ((~~**I record an**~~)) after recording the initial injury ((~~**and**~~)), the employee is later diagnosed with an infectious bloodborne disease, ((~~do I need to~~)) you must update ((~~the~~)) both of the following on the OSHA 300 Log((~~**?** Yes, you must update the classification of the case on the OSHA 300 Log if the case results~~)) if it resulted in death, days away from work, restricted work, or job transfer((~~. You must also update the~~)):

(a) The classification of the case from an injury to an illness; and

(b) The description to identify the infectious disease ((~~and change the classification of the case from an injury to an illness.~~

~~(d) **What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched? Do I need to record this incident?**~~)).

(4) You ((~~need to~~)) must record ((~~such an~~)) incidents where an employee is splashed or exposed to blood or other potentially infectious material without being cut or scratched on the OSHA 300 Log as an illness if:

((~~(i)~~)) (a) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C; or

((~~(ii)~~)) (b) It meets one or more of the general recording criteria in WAC 296-27-01107.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01111 Recording criteria for ((~~cases involving~~)) medical removal ((~~under OSHA standards~~)) cases. (1) ((~~Basic requirement. If an employee is medically removed~~)) Under the medical surveillance requirements, you must record ((~~the~~)) any case that involves the medical removal of an employee on the OSHA 300 Log.

(2) ((~~Implementation.~~

~~(a) **How do I classify medical removal cases on the OSHA 300 Log?**~~)) You must enter each medical removal case ((~~on the OSHA 300 Log~~)) as either a case involving days away from work or a case involving restricted work activity((~~, depending on how you decide to comply~~

~~with the medical removal requirement. If the~~)). For medical removal ((~~is the result of a~~)) cases that resulted from chemical exposure, you must ((~~enter the case on the OSHA 300 Log by checking~~)) check the "poisoning" column.

((~~(b) **Do all standards have medical removal provisions?** No, some OSHA standards, such as the standards covering bloodborne pathogens and noise, do not have medical removal provisions. Many standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene.~~

~~(c) **Do I have to record a case where I voluntarily removed the employee from exposure before the medical removal criteria are met?** No, if the case involves voluntary medical removal before the medical removal levels required by this standard, you do not need to record the case on the OSHA 300 Log.~~))

Notes: 1. Standards that do not include medical removal provisions include bloodborne pathogens and noise.
2. Standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene.
3. If you voluntarily remove an employee from exposure before the medical removal criteria are met, you do not have to record the case.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-27-01113 Recording criteria for ((~~cases involving~~)) occupational hearing loss cases. (1) ((~~Basic requirement.~~)) You must record a hearing loss case on the OSHA 300 Log by checking the column for hearing loss if an employee's hearing test (audiogram) reveals that a recordable threshold shift (RTS) in one or both ears has occurred.

(2) ((~~Implementation.~~

~~(a) **How do I evaluate the current audiogram to determine whether a recordable threshold shift has occurred?**~~

~~(i) If the employee has never previously experienced a recorded hearing loss,~~)) To determine whether a RTS has occurred, you must ((~~compare~~)) evaluate the employee's current audiogram with ((~~that employee's~~)) their baseline audiogram. If the employee has previously experienced a recorded hearing loss, you must compare the employee's current audiogram with the ((~~employee's revised baseline audiogram (the~~)) audiogram reflecting the employee's previously recorded hearing loss case.((~~)~~

~~(ii) The employee has a recordable threshold shift when:~~

~~• There is a change in the hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or greater at 2000, 3000, and 4000 hertz (Hz) in one or both ears.~~

~~**AND**~~

~~• The employee's overall hearing loss (threshold) is 25 dB or greater (averaged at 2000, 3000, and 4000 Hz) in the same ear as the change.~~))

Note: Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero. Therefore, using the employee's current audiogram, you must use the average hearing level at 2000, 3000, and 4000 Hz to determine whether or not the employee's total hearing level is 25 dB or more.

((~~(b) **May I adjust the current audiogram to reflect the effects of aging on hearing?** Yes. When you are determining~~)) (3) To determine whether ((~~an~~)) RTS has occurred, you may age adjust the employee's

current audiogram results by using Tables A-1 or A-2((~~, as appropriate,~~)) in Appendix A of this chapter. You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.

((~~(c) **Do I have to record the hearing loss if I am going to retest the employee's hearing?** No, if you retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS,~~)) (4) You are not required to record the hearing loss case on the OSHA 300 Log if you retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS. If the retest confirms the RTS, you must record the hearing loss illness within seven calendar days of the retest. If subsequent audiometric testing indicates that an RTS is not persistent, you may erase or line-out the recorded entry.

((~~(d) **Are there any special rules for determining whether a hearing loss case is work-related?** No.~~)) (5) You must ((~~use the rules in WAC 296-27-01103 to determine if the hearing loss is~~)) consider the case to be work-related((~~.~~)) if an event or exposure in the work environment either caused or contributed to the hearing loss((~~,~~)) or significantly aggravated a preexisting hearing loss((~~, you must consider the case to be work-related~~)).

((~~(e) **If a physician or other licensed health care professional determines the hearing loss is not work-related, do I still need to record the case?** No.~~)) (6) You are not required to consider the case work-related or recordable if a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure((~~, you are not required to consider the case work-related or to record the case on the OSHA 300 Log.~~

~~(f) **How do I complete the OSHA 300 Log for hearing loss?** When you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss~~)).

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01115 Recording criteria for work-related tuberculosis cases. ((~~(1) Basic requirement.~~)) You must record a tuberculosis (TB) case on the OSHA 300 Log by checking the "respiratory condition" column if any ((~~of your~~)) employee((~~s~~)) has been occupationally exposed to anyone with a known case of active ((~~tuberculosis (~~))TB((~~)~~)), and that employee subsequently develops a ((~~tuberculosis~~)) TB infection((~~, as evidenced~~)) that is confirmed by a positive skin test or diagnosis by a physician or other licensed health care professional((~~, you must record the case on the OSHA 300 Log by checking the "respiratory condition" column.~~

~~(2) Implementation.~~

~~(a) **Do I have to record, on the Log, a positive TB skin test result obtained at a preemployment physical?** No, you do not have to record it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.~~

~~(b) **May I line-out or erase a recorded TB case if I obtain evidence that the case was not caused by occupational exposure?** Yes,~~)).

Notes: 1. You do not have to record a positive TB skin test result obtained at a preemployment physical because the employee was not occupationally exposed to a known case of active TB in your workplace.
2. You may line-out or erase ((~~the~~)) a TB case from the log under the following circumstances:
((•)) a. The worker ((~~is~~)) contracted TB while living in a household with a person who ((~~has~~)) had been previously diagnosed with active TB;
((•)) b. The public health department has identified the worker as a contact of an individual with a case of active TB unrelated to the workplace; or
((•)) c. A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-27-01119 Forms. (1) ((~~Basic requirement.~~)) You must use the following OSHA forms (or equivalent forms), for recording work-related injuries and illnesses:

(a) OSHA 300, Log of Work-Related Injuries and Illnesses;

(b) OSHA 300-A, ((~~and~~)) Summary of Work-Related Injuries and Illnesses; and

(c) OSHA 301 ((~~forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the~~)), Injury and Illness Incident Report.

(2) ((~~Implementation.~~

~~(a) **What do I need to do to complete the OSHA 300 Log?**~~)) You must complete the OSHA forms as follows:

(a) At the top of the OSHA 300 Log, enter your business information ((~~about your business at the top of the OSHA 300 Log,~~)) and enter a one or two line description for each recordable injury or illness((~~, and~~)). Summarize this information on the OSHA 300-A form at the end of the year.

(b) ((~~**What do I need to do to complete the OSHA 301 Incident Report?** You must~~)) Complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

(c) ((~~**How quickly must each injury or illness be recorded?** You must~~)) Enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven calendar days of receiving information that a recordable injury or illness has occurred.

((~~(d) **What is an equivalent form?** An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information listed on the OSHA form.~~

~~(e) **May I keep my records on a computer?** Yes, if the computer can produce equivalent forms when they are needed, as described under WAC 296-27-02111 and 296-27-03103, you may keep your records using the computer system.~~

~~(f) **Are there situations where I do not put the employee's name on the forms for privacy reasons?** Yes, if you have a "privacy concern case,"~~))

Note: You may keep your injury and illness forms on a computer if you can produce equivalent forms when they are needed, as described under WAC 296-27-02111, 296-27-03101(1), and 296-27-03103.

(3) For **privacy concern cases,** you must follow these requirements when filling out the OSHA 300 Log:

(a) You may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name((~~. This will~~)) in order to protect the ((~~privacy~~)) identity of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under WAC 296-27-02111.

(b) You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

((~~(g) **How do I determine if an injury or illness is a privacy concern case?** You must consider~~)) (c) The following injuries or illnesses ((~~to be~~)) are the **only** types of privacy concern cases recognized by this section:

((~~•~~)) (i) An injury or illness to an intimate body part or the reproductive system;

((~~•~~)) (ii) An injury or illness resulting from a sexual assault;

((~~•~~)) (iii) Mental illnesses;

((~~•~~)) (iv) HIV infection, hepatitis, or tuberculosis;

((~~•~~)) (v) Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (see definition in WAC ((~~296-27-01109 for definitions~~)) 296-27-051 of this chapter); **and**

((~~•~~)) (vi) Other illnesses if the employee independently and voluntarily requests that ((~~his or her~~)) their name not be entered on the log.

((~~(h) **May I classify any other types of injuries and illnesses as privacy concern cases?** No, this is a complete list of all injuries and illnesses considered privacy concern cases for the purposes of this section.~~

~~(i) **If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy?** Yes,~~)) (4) If you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

((~~(j) **What must I do to protect employee privacy if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives?**~~)) (5) If you decide to voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives (as required by WAC 296-27-02111 and 296-27-03103), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the forms with personally identifying information only:

((~~(i)~~)) (a) To an auditor or consultant hired by the employer to evaluate the safety and health program;

((~~(ii)~~)) (b) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or

((~~(iii)~~)) (c) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. 164.512.

((~~(3)~~)) (6) Falsification, failure to keep records or reports.

(a) RCW 49.17.190(2) of the act provides that "whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both."

(b) Failure to maintain records or file reports required by this chapter, or in the detail required by the forms and instructions issued under this chapter, may result in the issuance of citations and assessment of penalties as provided for in chapter 296-900 WAC, Administrative rules.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02101 Multiple business establishments. (1) ((~~Basic requirement.~~)) You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

(2) ((~~Implementation.~~

~~(a) **Do I need to keep injury and illness records for short-term establishments (i.e., establishments that will exist for less than a year)?** Yes, however, you do not have to keep~~)) You must keep injury and illness records for short-term establishments (i.e., establishments that will exist for less than a year). You do not have to keep a separate OSHA 300 Log for each such establishment. You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.

((~~(b) **May I keep the records for all of my establishments at my headquarters location or at some other central location?** Yes, you may keep the records for an establishment at your headquarters or other central location if you can~~)) (3) If you keep records for an establishment at your headquarters or other central location, you must be able to:

((~~•~~)) (a) Transmit information about the injuries and illnesses from the establishment to the central location within seven calendar days of receiving information that a recordable injury or illness has occurred; **and**

((~~•~~)) (b) Produce and send the records from the central location to the establishment within the time frames required by WAC 296-27-02111, 296-27-03101(1), and 296-27-03103 when you are required to provide records to a government representative, employees, former employees, or employee representatives.

((~~(c) **Some of my employees work at several different locations or do not work at any of my establishments at all. How do I record cases for these employees?**~~)) (4) If you have employees that work at differ-

ent locations or do not work at any of your establishments, you must link each of your employees with one of your establishments((,)) for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short-term establishment.

((~~(d) **How do I record an injury or illness when**~~)) (5) If an employee of one of ((~~**my**~~)) your establishments is injured or becomes ill while visiting or working at another of ((~~**my**~~)) your establishments, or while working away from any of ((~~**my**~~)) your establishments((~~**? If the injury or illness occurs at one of your establishments**~~)), you must record the injury or illness on the OSHA 300 Log of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment at which the employee normally works.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02103 Covered employees. (1) ((~~Basic requirement.~~)) You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

((~~(2) Implementation.~~

~~(a) **If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness?** No, self-employed individuals are not covered by the WISH Act or this standard.~~

~~(b) **If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees?**~~))

Note: If a self-employed person is injured or becomes ill while working for you, you are not required to report the injury or illness because they are not covered under WISHA or the recordkeeping requirements.

(2) You must record ((~~these~~)) injuries and illnesses of employees from a temporary help service, employee-leasing service, or personnel supply service if you supervise these employees on a day-to-day basis.

((~~(c) **If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?**~~)) (3) You must record an injury or illness of a contractor's employee who is working in your establishment if you supervise them on a day-to-day basis. However, if the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. ((~~If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.~~

~~(d) **Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased or contract employees that I**~~

~~**supervise on a day-to-day basis?** No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to~~)) (4) You must make sure that each injury and illness is recorded only once:

(a) Either on your OSHA 300 Log (if you provide day-to-day supervision); or

(b) On the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02105 Annual summary. (1) ((~~Basic requirement.~~)) At the end of each calendar year, you must:

((~~•~~)) (a) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

((~~•~~)) (b) Use the OSHA 300-A Log or equivalent form of your recorded injuries and illnesses to create ((~~an~~)) your annual summary ((~~of injuries and illnesses recorded on the OSHA 300 Log~~));

((~~•~~)) (c) Certify the annual summary; and

((~~•~~)) (d) Post the annual summary.

(2) ((~~Implementation.~~

~~(a) **How extensively do I have to review the OSHA 300 Log entries at the end of the year?** You must review the entries as extensively as necessary to make sure that they are complete and correct.~~

~~(b) **How do I complete the annual summary?**~~)) You must complete the annual summary by doing the following:

((~~•~~)) (a) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and

((~~•~~)) (b) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.

((~~• If you are using an equivalent form other than the OSHA 300-A summary form, as permitted under WAC 296-27-01105, the summary you use must also~~)) (c) Include the employee access and employer penalty statements found on the OSHA 300-A summary form when using an equivalent form as permitted by this chapter. For the definition of "equivalent form" see WAC 296-27-051.

((~~(c) **How do I certify the annual summary?**~~)) (3) A company executive must certify that ((~~he or she has~~)) they have examined the OSHA 300 Log and that ((~~he or she~~)) they reasonably believe((~~s~~)), based on ((~~his or her~~)) their knowledge of the process by which the information was recorded, that the annual summary is correct and complete.

((~~(d) **Who is considered a company executive?**~~)) (4) The company executive who certifies the log must be one of the following persons:

((~~•~~)) (a) An owner of the company (only if the company is a sole proprietorship or partnership);

((~~•~~)) (b) An officer of the corporation;

((~~•~~)) (c) The highest ranking company official working at the establishment; or

((~~•~~)) (d) The immediate supervisor of the highest ranking company official working at the establishment.

((~~(e) **How do I post the annual summary?**~~)) (5) You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material.

((~~(f) **When do I have to post the annual summary?**~~)) (6) You must post the summary no later than February 1 of the year following the year covered by the records and keep the posting in place until April 30.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02107 Retention and updating. (1) ((~~Basic requirement.~~)) You must save the OSHA 300 Log, the privacy case list (if one exists), the OSHA 300-A Annual Summary, and the OSHA 301 Incident Report forms for five years following the end of the calendar year that each of these records cover.

(2) ((~~Implementation.~~

~~(a) **Do I have to update the OSHA 300 Log during the five-year storage period?** Yes, during the storage period,~~)) You must update your stored OSHA 300 Logs during the five-year retention period to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line-out the original entry and enter the new information.

((~~(b) **Do I have to update the annual summary?** No, you are not required to update the annual summary, but you may do so if you wish.~~

~~(c) **Do I have to update the OSHA 301 Incident Reports?** No, you are not required to update the OSHA 301 Incident Reports, but you may do so if you wish.~~))

Note: During the five-year retention period, you are not required to update the OSHA 300-A Annual Summary of Work-Related Injuries or Illnesses, or the OSHA 301 Incident Reports, but you may do so if you wish.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02111 Employee involvement. (1) ((~~Basic requirement.~~)) Your employees and their representatives must be involved in the recordkeeping system in several ways. You must do the following:

(a) ((~~You must~~)) Establish a process for how employees report work-related injuries and illnesses to you.

(b) Inform each employee of how ((~~he or she is~~)) they are to report an injury or illness to you.

((~~(b) You must~~)) (c) Provide limited access to your injury and illness records for your employees and their representatives.

(2) ((~~Implementation.~~

~~(a) **What must I do to make sure that employees report work-related injuries and illnesses to me?**~~

~~• You must set up a way for employees to report work-related injuries and illnesses promptly; and~~

~~• You must tell each employee how to report work-related injuries and illnesses to you.~~

~~(b) **Do I have to give my employees and their representatives access to the OSHA injury and illness records?** Yes,~~)) Your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed ((~~below~~)) in subsection (3) through (7) of this section.

((~~• **Who is an authorized employee representative?** An authorized employee representative is an authorized collective bargaining agent of employees.~~

~~• **Who is a "personal representative" of an employee or former employee?** A personal representative is:~~

~~• Any person that the employee or former employee designates as such, in writing; or~~

~~• The legal representative of a deceased or legally incapacitated employee or former employee.~~

~~• **If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it?**~~

~~•~~)) (3) When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

((~~• **May I remove the names of the employees or any other information from the OSHA 300 Log before I give copies to an employee, former employee, or employee representative?** No,~~)) (4) You must leave ((~~the~~)) employee names and any other information on the OSHA 300 Log before giving copies to an employee, former employee, or an employee representative. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in WAC 296-27-01119 ((~~(2)(f) through (i)~~)) (3).

((~~• **If an employee or representative asks for access to the OSHA 301 Incident Report, when do I have to provide it?**~~

~~•~~)) (5) When an employee, former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, you must give the requester a copy of the OSHA 301 Incident Report containing that information by the end of the next business day.

((~~•~~)) (6) When an authorized employee representative asks for copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within seven calendar days. You are only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." You must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that you give to the authorized employee representative.

((~~• **May I charge for the copies?** No,~~)) (7) You may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records. An example of

what a "reasonable charge" would be is what a print company would charge for copying the same documents.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02113 Prohibition against discrimination. (1) Employers are prohibited from discriminating against an employee for reporting a work-related fatality, injury or illness. Employees are also protected when they file a safety and health complaint, or ask for records which are required to be maintained by this section or exercise rights extended ((~~by the WISH Act~~)) under WISHA.

((~~(1) WISHA~~)) (2) The department may not issue ((~~a~~)) an injury and illness recordkeeping variance to a private sector employer ((~~and~~)). However, the department must recognize all recordkeeping variances issued by Federal OSHA.

((~~(2) WISHA~~)) (3) The department may only grant an injury and illness recording and reporting variance to a state or local government employer within the state after obtaining approval to grant the variance from Federal OSHA.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02117 Variances from the recordkeeping rule. (1) ((~~Basic requirement.~~)) If you wish to keep records in a different manner from that prescribed in this section, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a variance only if you can show that your alternative recordkeeping system:

((~~•~~)) (a) Collects the same information as this section requires;

((~~•~~)) (b) Meets the purposes of the federal Occupational Safety and Health Act; and

((~~•~~)) (c) Does not interfere with the administration of the federal Occupational Safety and Health Act.

(2) ((~~Implementation.~~

~~(a) **What do I need to include in my variance petition?**~~)) You must include the following items in your variance petition:

((~~•~~)) (a) Your name and address;

((~~•~~)) (b) A list of the state(s) where the variance would be used;

((~~•~~)) (c) The address(es) of the business establishment(s) involved;

((~~•~~)) (d) A description of why you are seeking a variance;

((~~•~~)) (e) A description of the different recordkeeping procedures you propose to use;

((~~•~~)) (f) A description of how your proposed procedures will collect the same information as would be collected by this section and achieve the purpose of the act; and

((~~•~~)) (g) A statement that you have informed your employees of the petition by giving them or their authorized representative a copy of the petition and by posting a statement summarizing the petition in the same way as notices are posted under 29 C.F.R. 1903.2(a).

((~~(b) **How will the Assistant Secretary handle my variance petition?**~~)) (3) The Assistant Secretary will take the following steps to process your variance petition.

((~~•~~)) (a) The Assistant Secretary will offer your employees and their authorized representatives an opportunity to submit written data, views, and arguments about your variance petition.

((~~•~~)) (b) The Assistant Secretary may allow the public to comment on your variance petition by publishing the petition in the *Federal Register*. If the petition is published, the notice will establish a public comment period and may include a schedule for a public meeting on the petition.

((~~•~~)) (c) After reviewing your variance petition and any comments from your employees and the public, the Assistant Secretary will decide whether or not your proposed recordkeeping procedures will meet the purposes of the act, will not otherwise interfere with the act, and will provide the same information as required by this section. If your procedures meet these criteria, the Assistant Secretary may grant the variance subject to such conditions as he or she finds appropriate.

((~~•~~)) (d) If the Assistant Secretary grants your variance petition, OSHA will publish a notice in the *Federal Register* to announce the variance. The notice will include the practices the variance allows you to use, any conditions that apply, and the reasons for allowing the variance.

((~~(c) **If I apply for a variance, may I use my proposed recordkeeping procedures while the Assistant Secretary is processing the variance petition?** No, alternative recordkeeping practices are only allowed after the variance is approved.~~)) (4) You must comply with this section's requirements while the Assistant Secretary is reviewing your variance petition.

((~~(d) **If I have already been cited for not following the requirements of this section, will my variance petition have any effect on the citation and penalty?** No, in addition,~~)) (5) The Assistant Secretary may elect not to review your variance petition if it includes an element for which you have been cited and the citation is still under review by a court, an administrative law judge (ALJ), or the OSH Review Commission.

((~~(e) **If I receive a variance, may it be revoked at a later date?** Yes,~~)) (6) A variance may be revoked for good cause. The variance revocation procedures are the same as those followed to request the exception. In cases of willfulness or where necessary for public safety, the Assistant Secretary will:

((~~•~~)) (a) Notify you in writing of the facts or conduct that may warrant revocation of your variance; and

((~~•~~)) (b) Provide you, your employees, and authorized employee representatives with an opportunity to participate in the revocation procedures.

((~~(f)~~)) (7) The department of labor and industries must recognize any recordkeeping or reporting variance issued by federal OSHA.

AMENDATORY SECTION (Amending WSR 09-01-158, filed 12/23/08, effective 3/1/09)

WAC 296-27-031 Reporting ((~~fatality, injury, and illness information~~)) fatalities, inpatient hospitalizations, amputations, and losses of an eye as the result of work-related incidents. (1) ((~~Basic requirement.~~)) You must report ((~~fatalities, injuries and illnesses information as required by WAC 296-800-32005~~)) to the department within eight hours of a work-related incident that results in:

(a) A fatality; or

(b) An inpatient hospitalization of any employee.

(2) ((~~Implementation.~~

~~(a) **If the local L&I office is closed, how do I report the incident?**~~)) You must report to the department within twenty-four hours of a work-related incident that results in either an amputation or the loss of an eye that does not require inpatient hospitalization.

Notes: 1. If the amputation or loss of an eye requires inpatient hospitalization, follow the eight-hour reporting requirement in WAC 296-27-031(1).
2. Inpatient hospitalization that involves only observation or diagnostic testing is not a reportable inpatient hospitalization.

(3) If you do not learn about a reportable fatality, inpatient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to the department within the following time periods after the fatality, inpatient hospitalization, amputation, or loss of an eye is reported to you or any of your agents:

(a) Eight hours for a fatality or an inpatient hospitalization of one or more employees.

(b) Twenty-four hours for an amputation or a loss of an eye that does not require inpatient hospitalization.

(4) If you do not learn right away that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to the department within the following time periods after you or any of your agents learn that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident:

(a) Eight hours for a fatality or an inpatient hospitalization of one or more employees.

(b) Twenty-four hours for an amputation or a loss of an eye that does not require inpatient hospitalization.

(5) You must report the fatality, inpatient hospitalization, amputation, or loss of an eye in the required time frame using one of the following methods:

(a) By telephone to the department's toll-free telephone number, 1-800-4BE-SAFE (1-800-423-7233) or in person to the Labor and Industries' office located nearest to the site of the incident;

(b) By telephone to the OSHA toll-free telephone number, 1-800-321-OSHA (1-800-321-6742);

(c) By electronic submission using the reporting application located on OSHA's public web site at www.osha.gov; or

(d) By any other means.

(6) If the local office is closed, you must report a fatality ((~~or in-patient~~)), inpatient hospitalization, amputation, or the loss of an eye incident by:

(a) Calling ((~~either~~)) the department at 1-800-4BE-SAFE (1-800-423-7233) ((~~or by contacting the Occupational Safety and Health Administration (OSHA) by calling its central~~));

(b) Calling OSHA's toll-free telephone number at 1-800-321-6742; or

(c) Using the reporting application located on OSHA's public web site at www.osha.gov.

((~~(b) **What information do I need to give about the incident?**~~)) (7) You must give the department the following information for each fatality ((~~or in-patient~~)), inpatient hospitalization ((~~incident~~)), amputation, or loss of an eye:

((~~• Name of the work place~~)) (a) The establishment name;

((~~•~~)) (b) The location of the work-related incident;

((~~•~~)) (c) The time and date of the work-related incident;

((~~•~~)) (d) The type of reportable event (i.e., fatality, inpatient hospitalization, amputation, or loss of an eye);

(e) The number of ((~~fatalities or hospitalized~~)) employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye;

((~~•~~)) (f) The names of ((~~injured employees~~)) the employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye;

((~~•~~)) (g) Your contact person and their phone number; and

((~~•~~)) (h) A brief description of the work-related incident.

(8) If a fatality does not occur during or right after the work-related incident, you must only report it to the department if the fatality occurs within thirty days of the work-related incident.

(9) You must report a fatality, inpatient hospitalization, amputation, or loss of an eye that resulted from a motor vehicle accident that occurred in a construction work zone. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, inpatient hospitalization, amputation, or loss of an eye. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(10) You do not have to report an incident that resulted in a fatality, inpatient hospitalization, amputation, or loss of an eye to the department if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(11) You must report to the department a heart attack that occurs in the work environment that results in a fatality or inpatient hospitalization. The department will decide whether to investigate the event, depending on the circumstances of the heart attack.

(12) You must only report to the department each inpatient hospitalization that involves medical care or treatment. Inpatient hospitalization involving only observation or diagnostic testing need not be reported.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-03101 Providing records to government representatives. (1) ((~~Basic requirement.~~)) When an authorized government rep-

resentative asks for the records you keep under this section, you must provide copies of the records within four business hours.

(2) ((~~Implementation.~~

~~(a) **What government representatives have the right to get copies of records required by this section?** The government representatives authorized to receive the records are:~~

~~• A representative of the Secretary of Labor conducting an inspection or investigation under the act;~~

~~• A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health-NIOSH) conducting an investigation under section 20(b) of the act; or~~

~~• A representative of the state department of labor and industries.~~

~~(b) **Do I have to produce the records within four hours if my records are kept at a location in a different time zone?** Your response will be considered timely if you give the records to the government representative within four business hours of the request.~~)) If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-03103 Annual OSHA injury and illness survey. (1) ((~~Basic requirement.~~)) If you receive OSHA's annual survey form, you must fill it out and send it to OSHA or OSHA's designee, as stated on the survey form. You must report the following information for the year described on the form:

((~~•~~)) (a) The number of workers you employed;

((~~•~~)) (b) The number of hours worked by your employees; and

((~~•~~)) (c) The requested information from the records that you keep under this section.

(2) ((~~Implementation.~~

~~(a) **Does every employer have to send data to OSHA?** No,~~)) Each year, OSHA sends injury and illness survey forms to employers in certain industries. ((~~In any year, some employers will receive an OSHA survey form and others will not.~~)) You do not have to send injury and illness data to OSHA unless you receive a survey form.

((~~(b) **How quickly do I need to respond to an OSHA survey form?**~~)) (3) You must send the survey reports to OSHA, or OSHA's designee, by mail or other means described in the survey form, within thirty calendar days, or by the date stated in the survey form, whichever is later.

((~~(c) **Do I have to respond to an OSHA survey form if I am normally exempt from keeping OSHA injury and illness records?** Yes, even~~)) (4) If you are exempt from keeping injury and illness records under WAC ((~~296-27-001~~)) 296-27-00103 through 296-27-00107, OSHA may inform you in writing that it will be collecting injury and illness information from you in the following year. If you receive such a letter, you must keep the injury and illness records required by WAC 296-27-01103 ((~~to 296-27-01117~~)) through 296-27-01115 and make a survey report for the year covered by the survey.

((~~(d) **Do employers in**~~)) (5) Washington ((~~have to answer~~)) state employers must respond to the OSHA survey form((~~**? Yes**~~)) if they receive one.

((~~(e) **Does this section affect WISHA/OSHA's authority to inspect my workplace?** No,~~)) (6) Nothing in this section affects ((~~WISHA/OSHA's~~)) the departments or federal OSHA's statutory authority to investigate conditions related to occupational safety and health.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-03105 Requests from the Bureau of Labor Statistics (BLS) for data. (1) ((~~Basic requirement.~~)) If you receive a Survey of Occupational Injuries and Illnesses form from the ((~~Bureau of Labor Statistics (~~))BLS((~~)~~)), or a BLS designee, you must promptly complete the form and return it following the instructions contained on the survey form.

(2) ((~~Implementation.~~

~~(a) **Does every employer have to send data to the BLS?** No,~~)) Each year, the BLS sends injury and illness survey forms to randomly selected employers and uses the information to create the nation's occupational injury and illness statistics. In any year, some employers will receive a BLS survey form and others will not. You do not have to send injury and illness data to the BLS unless you receive a survey form.

((~~(b) **If I get a survey form from the BLS, what do I have to do?**~~)) (3) If you receive a Survey of Occupational Injuries and Illnesses form from the ((~~Bureau of Labor Statistics (~~))BLS((~~)~~)), or a BLS designee, you must promptly complete the form and return it, following the instructions contained on the survey form.

((~~(c) **Do I have to respond to a BLS survey form if I am normally exempt from keeping OSHA injury and illness records?** Yes, even~~)) (4) If you are exempt from keeping injury and illness records under WAC 296-27-00103 through 296-27-00107, the BLS may inform you in writing that it will be collecting injury and illness information from you in the coming year. If you receive such a letter, you must keep the injury and illness records required by WAC 296-27-01103 ((~~to 296-27-01117~~)) through 296-27-01115 and make a survey report for the year covered by the survey.

((~~(d) **Do I have to answer the BLS survey form if I am located in a state-plan state?** Yes, all employers who receive a survey form~~)) (5) Washington state employers must respond to the BLS survey((~~, even those in state-plan states~~)) form if they receive one.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-05101 Definitions. **Amputation.** The traumatic loss of an appendage, such as an upper or lower limb (or part of the limb) or other external body part that has been severed or cut off either completely or partially at the time of the injury, or is surgically re-

moved due to irreparable damage. Amputations may or may not include bone loss.

Note: Amputations include fingertip amputations and amputations of body parts that have since been reattached. Amputations do not include loss of an eye, broken or chipped teeth, scalpings, or avulsions, such as deglovings, where the skin and tissue have been torn away from the underlying subcutaneous tissue, tendons, muscle, or bone.

Authorized employee representative. An authorized collective bargaining agent of employees.

Authorized government representative. A representative of the Secretary of Labor, conducting an inspection or investigation under the act, a representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health (NIOSH)) conducting an investigation under section 20(b) of the act, or a representative of the state department of labor and industries.

Department. The Washington state department of labor and industries.

Employer ((~~means~~)). A person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and employee.

Establishment ((~~means~~)). A single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc., that either supervise such activities or are the base from which personnel carry out these activities.

(1) ((~~**Can one business location include two or more establishments?**~~)) Normally, one business location has only one establishment. Under limited conditions, the employer may consider two or more separate businesses that share a single location to be separate establishments. ((~~An employer~~)) You may divide one location into two or more establishments only when:

((~~•~~)) (a) Each of the establishments represents a distinctly separate business;

((~~•~~)) (b) Each business is engaged in a different economic activity;

((~~•~~)) (c) No one industry description in the ((~~*Standard Industrial Classification Manual* (1987)~~)) North American Industrial Classification System applies to the joint activities of the establishments; and

((~~•~~)) (d) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.

(2) ((~~**Can an establishment include more than one physical location?** Yes, but only under certain conditions. An employer~~)) You may

combine two or more physical locations into a single establishment only when:

((~~• The employer~~)) (a) You operate((~~s~~)) the locations as a single business operation under common management;

((~~•~~)) (b) The locations are all located in close proximity to each other; and

((~~• The employer~~)) (c) You keep((~~s~~)) one set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, one manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

(3) ((~~**If an**~~)) For employees who telecommute((~~**s**~~)) from home, ((~~**is his or her**~~)) the employee's home ((~~**considered**~~)) is not a ((~~**separate**~~)) business establishment((~~**? No, for employees who telecommute from home, the employee's home is not a business establishment**~~)), and a separate OSHA 300 Log is not required. Employees who telecommute must be linked to one of your establishments under WAC 296-27-02101 ((~~(2)(c)~~)) (4).

First aid. For the purpose of this chapter, first aid only includes the following:

(a) Using a nonprescription medication at nonprescription strength (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes);

(b) Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);

(c) Cleaning, flushing, or soaking wounds on the surface of the skin;

(d) Using wound coverings such as bandages, Band-Aids™, gauze pads, etc., or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);

(e) Using hot or cold therapy;

(f) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc., (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);

(g) Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.);

(h) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;

(i) Using eye patches;

(j) Removing foreign bodies from the eye using only irrigation or a cotton swab;

(k) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means;

(l) Using finger guards;

(m) Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or

(n) Drinking fluids for relief of heat stress.

Injury or illness ((~~means~~)). An abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic ill-

nesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. Injuries and illness are recordable only if they are new, work-related cases that meet one or more of this section's recording criteria.

Inpatient hospitalization. To be admitted into a hospital or equivalent facility for medical treatment.

Loss of an eye(s). The physical removal of an eye occurring either at the time of injury or is surgically removed due to irreparable damage. The loss of sight without the removal is not reportable, unless the worker is admitted as an inpatient hospitalization after losing sight as a result of a worker-related incident, then it is reportable within the eight-hour time frame specified in WAC 296-27-031(1).

Medical treatment. The management and care of a patient to combat disease or disorder. For the purposes of this section, medical treatment does not include:

(a) Visits to a physician or other licensed health care professional solely for observation or counseling;

(b) The conduct of diagnostic procedures, such as X rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or

(c) First aid (see definition of first aid).

((~~Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of this section's recording criteria.~~

~~"~~))**OSHA**((~~" means~~)). Occupational Safety and Health Administration.

Other potentially infectious materials. Includes all of the following:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead);

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV; and

(d) Blood and tissues of experimental animals infected with bloodborne pathogens.

Personal representative. Any person that the employee or former employee designates as such in writing, or the legal representative of a deceased or legally incapacitated employee or former employee.

Physician or other licensed health care professional ((~~means~~)). A physician or other licensed health care professional whose legally permitted scope of practice (i.e., license, registration, or certification) allows ((~~him or her~~)) them to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

Preexisting condition. An injury or illness that resulted solely from a nonwork-related event or exposure.

Routine functions. For recordkeeping purposes, routine functions are those work activities the employee regularly performs at least once per week.

WISHA. The Washington Industrial Safety and Health Act.

Work environment. The establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of their work.

You ((~~means~~)). An employer (see definition of employer).

((~~**Table "1" - Private Employer Exemptions**~~

~~**SIC Industry description code**~~

~~525 Hardware Stores~~
~~542 Meat and Fish Markets~~
~~544 Candy, Nut, and Confectionary Stores~~
~~545 Dairy Products Stores~~
~~546 Retail Bakeries~~
~~549 Miscellaneous Food Stores~~
~~551 New and Used Car Dealers~~
~~552 Used Car Dealers~~
~~554 Gasoline Service Stations~~
~~557 Motorcycle Dealers~~
~~56 Apparel and Accessory Stores~~
~~573 Radio, Television, & Computer Stores~~
~~58 Eating and Drinking Places~~
~~591 Drug Stores and Proprietary Stores~~
~~592 Liquor Stores~~
~~594 Miscellaneous Shopping Goods Stores~~
~~599 Retail Stores, Not Elsewhere Classified~~
~~60 Depository Institutions (banks & savings institutions)~~
~~61 Nondepository~~
~~62 Security and Commodity Brokers~~
~~63 Insurance Carriers~~
~~64 Insurance Agents, Brokers & Services~~
~~653 Real Estate Agents and Managers~~
~~654 Title Abstract Offices~~
~~67 Holding and Other Investment Offices~~
~~722 Photographic Studios, Portrait~~
~~723 Beauty Shops~~
~~724 Barber Shops~~
~~725 Shoe Repair and Shoeshine Parlors~~
~~726 Funeral Service and Crematories~~
~~729 Miscellaneous Personal Services~~
~~731 Advertising Services~~
~~732 Credit Reporting and Collection Services~~
~~733 Mailing, Reproduction, & Stenographic Services~~
~~737 Computer and Data Processing Services~~
~~738 Miscellaneous Business Services~~
~~764 Reupholstery and Furniture Repair~~
~~78 Motion Picture~~
~~791 Dance Studios, Schools, and Halls~~
~~792 Producers, Orchestras, Entertainers~~

~~**SIC Industry description code**~~

~~793 Bowling Centers~~

~~81 Legal Services~~

~~82 Educational Services (schools, colleges, universities and libraries)~~

~~832 Individual and Family Services~~

~~835 Child Day Care Services~~

~~839 Social Services, Not Elsewhere Classified~~

~~841 Museums and Art Galleries~~

~~86 Membership Organizations~~

~~87 Engineering, Accounting, Research, Management and Related Services~~

~~899 Services, not elsewhere classified~~

~~**Table "2" - Public Employer Exemptions**~~

~~**SIC Industry description code**~~

~~5821 Public Elementary and Secondary Schools~~

~~823 Public Libraries~~))

AMENDATORY SECTION (Amending WSR 03-24-085, filed 12/2/03, effective 1/1/04)

WAC 296-27-061 Nonmandatory Appendix A—Age adjustment calculations for comparing audiograms for recording hearing loss. **IMPORTANT:** These computations may only be used for comparison of audiograms to record hearing loss on the OSHA 300 Log. This appendix is nonmandatory.

(1) In determining whether a recordable threshold shift has occurred, allowance may be made for the contribution of aging to the change in hearing level by adjusting the most recent audiogram. If you choose to adjust the audiogram, you must follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard…Occupational Exposure to Noise," ((HSM)-11001).

(2) For each audiometric test frequency:

((~~(i)~~)) (a) Determine from Tables A-1 or A-2 the age correction values for the employee by:

((~~(A)~~)) (i) Finding the age at which the most recent audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz;

((~~(B)~~)) (ii) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz.

((~~(ii)~~)) (b) Subtract the values found in step ((~~(i)(B)~~)) (a)(ii) from the value found in step ((~~(i)(A)~~)) (a)(i).

((~~(iii)~~)) (c) The differences calculated in step ((~~(ii)~~)) (b) represent that portion of the change in hearing that may be due to aging.

EXAMPLE: Employee is a 32-year-old male. The audiometric history for his right ear is shown in decibels below.

Audiometric Test Frequency (Hz)					
Employee's age	1000	2000	3000	4000	6000
26	10	5	5	10	5
*27	0	0	0	5	5
28	0	0	0	10	5
29	5	0	5	15	5
30	0	5	10	20	10
31	5	10	20	15	15
*32	5	10	10	25	20

The audiogram at age 27 is considered the baseline since it shows the best hearing threshold levels. Asterisks have been used to identify the baseline and most recent audiogram. A threshold shift of 20 dB exists at 4000 Hz between the audiograms taken at ages 27 and 32.

(The threshold shift is computed by subtracting the hearing threshold at age 27, which was 5, from the hearing threshold at age 32, which is 25.) A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to Table A-1 and find the age correction values (in dB) for 4000 Hz at age 27 and age 32.

	Frequency (Hz)				
	1000	2000	3000	4000	6000
Age 32	6	5	7	10	14
Age 27	5	4	6	7	11
Difference	1	1	1	3	3

The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the most recent audiogram. In this example, the difference at 4000 Hz is 3 dB. This value is subtracted from the hearing level at 4000 Hz, which in the most recent audiogram is 25, yielding 22 after adjustment. Then the hearing threshold in the baseline audiogram at 4000 Hz (5) is subtracted from the adjusted annual audiogram hearing threshold at 4000 Hz (22). Thus the age-corrected threshold shift would be 17 dB (as opposed to a threshold shift of 20 dB without age correction).

TABLE A-1 - AGE CORRECTION VALUES IN DECIBELS FOR MALES

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8
21	5	3	4	5	8
22	5	3	4	5	8
23	5	3	4	6	9
24	5	3	5	6	9
25	5	3	5	7	10
26	5	4	5	7	10
27	5	4	6	7	11
28	6	4	6	8	11

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
29	6	4	6	8	12
30	6	4	6	9	12
31	6	4	7	9	13
32	6	5	7	10	14
33	6	5	7	10	14
34	6	5	8	11	15
35	7	5	8	11	15
36	7	5	9	12	16
37	7	6	9	12	17
38	7	6	9	13	17
39	7	6	10	14	18
40	7	6	10	14	19
41	7	6	10	14	20
42	8	7	11	16	20
43	8	7	12	16	21
44	8	7	12	17	22
45	8	7	13	18	23
46	8	8	13	19	24
47	8	8	14	19	24
48	9	8	14	20	25
49	9	9	15	21	26
50	9	9	16	22	27
51	9	9	16	23	28
52	9	10	17	24	29
53	9	10	18	25	30
54	10	10	18	26	31
55	10	11	19	27	32
56	10	11	20	28	34
57	10	11	21	29	35
58	10	12	22	31	36
59	11	12	22	32	37
60 or older	11	13	23	33	38

TABLE ((~~F-2~~)) A-2 - AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
20 or younger	7	4	3	3	6
21	7	4	4	3	6
22	7	4	4	4	6
23	7	5	4	4	7
24	7	5	4	4	7
25	8	5	4	4	7
26	8	5	5	4	8

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
27	8	5	5	5	8
28	8	5	5	5	8
29	8	5	5	5	9
30	8	6	5	5	9
31	8	6	6	5	9
32	9	6	6	6	10
33	9	6	6	6	10
34	9	6	6	6	10
35	9	6	7	7	11
36	9	7	7	7	11
37	9	7	7	7	12
38	10	7	7	7	12
39	10	7	8	8	12
40	10	7	8	8	13
41	10	8	8	8	13
42	10	8	9	9	13
43	11	8	9	9	14
44	11	8	9	9	14
45	11	8	10	10	15
46	11	9	10	10	15
47	11	9	10	11	16
48	12	9	11	11	16
49	12	9	11	11	16
50	12	10	11	12	17
51	12	10	12	12	17
52	12	10	12	13	18
53	13	10	13	13	18
54	13	11	13	14	19
55	13	11	14	14	19
56	13	11	14	15	20
57	13	11	15	15	20
58	14	12	15	16	21
59	14	12	16	16	21
60 or older	14	12	16	17	22

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-27-00109	Nonmandatory appendix to this section—Partially exempt industries.
WAC 296-27-041	Transition from the former rule.
WAC 296-27-04101	Summary and posting of the 2001 data.

WAC 296-27-04103 Retention and updating of old forms.

AMENDATORY SECTION (Amending WSR 12-24-071, filed 12/4/12, effective 1/4/13)

WAC 296-37-575 Recordkeeping requirements. (1) Recording and reporting. ((~~(a)~~)) The employer ((~~shall~~)) must comply with ((~~the requirements of~~)) chapter((~~s~~)) 296-27((~~, 296-800, and 296-900~~)) WAC for recording work-related injuries and illnesses and reporting to the department any work-related fatality, inpatient hospitalization, amputation, or the loss of an eye.

((~~(b) The employer shall record the occurrence of any diving-related injury or illness which requires any dive team member to be hospitalized, specifying the circumstances of the incident and the extent of any injuries or illnesses.~~))

(2) Availability of records.

(a) Upon the request of the director of the department of labor and industries or his duly authorized designees, the employer shall make available for inspection and copying any record or document required by this standard.

(b) Records and documents required by this standard shall be provided upon request to employees, designated representatives, and the assistant director in accordance with chapter 296-802 WAC. Safe practices manuals (WAC 296-37-530), depth-time profiles (WAC 296-37-540), recording of dives (WAC 296-37-545), decompression procedure assessment evaluations (WAC 296-37-545), and records of hospitalizations (((~~WAC 296-37-575~~)) chapter 296-27 WAC) shall be provided in the same manner as employee exposure records or analyses using exposure or medical records. Equipment inspections and testing records which pertain to employees (WAC 296-37-570) shall also be provided upon request to employees and their designated representatives.

(c) Records and documents required by this standard shall be retained by the employer for the following period:

(i) Dive team member medical records (physician's reports) (WAC 296-37-525) - Five years;

(ii) Safe practices manual (WAC 296-37-530) - Current document only;

(iii) Depth-time profile (WAC 296-37-540) - Until completion of the recording of dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness;

(iv) Recording dive (WAC 296-37-545) one year, except five years where there has been an incident of decompression sickness;

(v) Decompression procedure assessment evaluations (WAC 296-37-545) - Five years;

(vi) Equipment inspections and testing records (WAC 296-37-570) - Current entry or tag, or until equipment is withdrawn from service;

(vii) Records of hospitalizations (WAC ((~~296-37-575~~)) 296-27-02107) - Five years.

(d) After the expiration of the retention period of any record required to be kept for five years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human Services. The employer shall also comply with any additional requirements set forth in chapter 296-802 WAC.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-78-515 Management's responsibility. (1) It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) The employer shall develop and maintain a hazard communication program as required by WAC 296-901-140, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) Management shall not assign mechanics, millwrights, or other persons to work on equipment by themselves when there is a probability that the person could fall from elevated work locations or equipment or that a person could be pinned down by heavy parts or equipment so that they could not call for or obtain assistance if the need arises.

Note: This subsection does not apply to operators of motor vehicles, watchperson or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(4) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative if available and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation.

(5) Reporting ((~~of fatality or hospitalization incidents.~~

~~(a) Within eight hours after the fatality or probable fatality of any employee from a work-related incident or the inpatient hospitalization of any employee as a result of a work-related incident, the employer of any employees so affected shall report the fatality/hospitalization by telephone or in person, to the nearest office of the department or by using the OSHA toll-free central telephone number, 1-800-321-6742.~~

~~(i) This requirement applies to each such fatality or hospitalization which occurs within thirty days of the incident.~~

~~(ii) Exception: If any employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.~~

~~(iii) Each report required by this subsection shall relate the following information: Establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident.~~

~~(b) Equipment involved in an incident resulting in an immediate or probable fatality or in the in-patient hospitalization of any employee, shall not be moved, until a representative of the department investigates the incident and releases such equipment, except where removal is essential to prevent further incident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.~~

~~(c) Upon arrival of a department investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the incident, or whoever the investigator deems necessary to complete the investigation.~~

~~(6) A system for maintaining records of occupational injuries and illnesses as prescribed by chapter 296-27 WAC.~~

~~Note: Recordable cases include:~~
~~(a) Every occupational death.~~
~~(b) Every industrial illness.~~
~~(c) Every occupational injury that involves one of the following:~~
~~(i) Unconsciousness.~~
~~(ii) Inability to perform all phases of regular job.~~
~~(iii) Inability to work full time on regular job.~~
~~(iv) Temporary assignment to another job.~~
~~(v) Medical treatment beyond first aid.~~

~~All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - supplementary record occupational injuries and illnesses and OSHA 200 - log and summary. Forms other than OSHA 101 may be substituted for the supplementary record of occupational injuries and illnesses if they contain the same items.~~)) and recording requirements. The employer must comply with chapter 296-27 WAC for recording work-related injuries and illnesses and reporting to the department any work-related fatality, inpatient hospitalization, amputation, or the loss of an eye.

(6) The employer must comply with the accident investigation requirements in WAC 296-800-320.

(7) Personal protective equipment required by this standard shall be provided at no cost to employees.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-115-060 Operations. (1) No person will rent, lease, or hire out a charter boat, carry, advertise for carrying, or arrange for carrying, more than six passengers on a vessel for a fee or other consideration on state waters unless the vessel meets the requirements of this chapter.

(2) Notice of casualty.

(a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following must report the incident immediately to the department:

(i) Damage to property in excess of one thousand five hundred dollars.

(ii) Major damage affecting the seaworthiness or safety of the vessel.

(iii) Loss of life or an injury to a person that requires medical treatment beyond first aid.

(iv) Fire on board the vessel.

(b) The report must be in writing to the assistant director. Upon receipt of the report the assistant director may request an investigation by a marine dock inspector.

(c) For work-related injuries and illness involving any employee that resulted in death, inpatient hospitalization, amputation or loss of an eye, the employer must comply with the recordkeeping and reporting regulations in chapter 296-27 WAC.

(3) Miscellaneous operations.

(a) In the case of collision, accident, or other casualty involving a vessel the operator, must:

(i) So far as possible without serious danger to the vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger.

(ii) Provide the name and address of the vessel owner and the name of the vessel to any person injured and to the owner of any property damaged.

(b) The person in charge of the vessel must see that the provisions of the certificate of inspection are strictly adhered to. This will not limit the person in charge from taking any action in an emergency judged necessary to help vessels in distress or to prevent loss of life.

(c) The operator of a vessel must comply with the provisions of the USCG Navigation Rules International/Inland, Commandants Instruction M16672.2D.

(d) The operator of a vessel must test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.

(e) Vessels using fuel with a flashpoint of 110°F or lower must not take on fuel when passengers are on board.

(f) All vessels must enforce "no smoking" provisions when fueling. Locations on the vessel where flammable liquids are stored must be posted "no smoking."

(g) All vessels must prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:

(i) Man overboard.

(ii) Fire.

(h) The persons in charge must conduct emergency drills to ensure that the crew is familiar with their duties in an emergency and must document the drills.

(i) Carrying hazardous substances is prohibited on vessels. However, the assistant director may authorize a vessel to carry specific types and quantities of hazardous substances if the assistant director approves the type, quantity, and manner in which it is carried.

(j) All areas accessible to passengers or crew must be kept in a clean and sanitary condition. All walking surfaces must be free of slipping or tripping hazards and in good repair.

(4) First aid.

(a) All passenger vessels at all times must have a person holding a valid certificate of first-aid/CPR training.

(b) A first-aid kit or first-aid room must be provided on all vessels. The size and quantity of first-aid supplies or equipment required must be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit or supplies must be in a weatherproof container with individually sealed packages for each type of item. The location of the first-aid station or kit must be posted or marked "first aid" on the container.

AMENDATORY SECTION (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

WAC 296-307-018 What are the employer's responsibilities?

You must:

(1) Provide a safe and healthful working environment.

(2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.

(3) Implement a written accident prevention program as required by these standards.

(4) Implement a hazard communication program as required by WAC 296-307-550.

(5) Establish a system for ((~~reporting and~~)) complying with chapter 296-27 WAC for recording ((~~accidents on the OSHA 200 log. (See chapter 296-27 WAC.)~~)) work-related injuries and illnesses and reporting to the department any work-related fatality, inpatient hospitalization, amputation, or loss of an eye. In addition, you must also report to the department within eight hours after any work-related incident that results in injury or illness from acute pesticide exposure.

(6) Follow the requirements for accident investigations in WAC 296-800-320.

(7) Provide safety education and training programs.

((~~(7)~~)) (8) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.

((~~(8)~~)) (9) Implement the requirements of WAC 296-307-642 through 296-307-656 to ensure the safety of employees who are exposed to confined spaces in the workplace.

((~~(9)~~)) (10) Control chemical agents.

You must:

• Control chemical agents in a manner that they will not present a hazard to your workers; or

• Protect workers from the hazard of contact with, or exposure to, chemical agents.

Reference: Pesticides are chemical agents and are covered by chapter 296-307 WAC Part I, Pesticides (worker protection standard). Pesticides may also be covered by WAC 296-307-594, Respirators.

((~~(10)~~)) (11) Protect employees from biological agents.

You must:

• Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Examples of biological agents include:
– Animals or animal waste
– Body fluids
– Biological agents in a medical research lab
– Mold or mildew.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-307-015 What must an employer do if a serious injury occurs?

AMENDATORY SECTION (Amending WSR 09-01-158, filed 12/23/08, effective 3/1/09)

WAC 296-800-320 Summary. Your responsibility:

To ((~~report and~~)) conduct an investigation of certain types of accidents.

You must:

((~~Report the death, or probable death, of any employee, or the in-patient hospitalization of any employee within 8 hours~~

~~*WAC 296-800-32005*~~))

Make sure ((~~that any~~)) equipment involved in ((~~an~~)) a work-related accident is not moved.

WAC 296-800-32010

Assign people to assist the department of labor and industries

WAC 296-800-32015

Conduct a preliminary investigation for all serious injuries

WAC 296-800-32020

Document the investigation findings

WAC 296-800-32025

AMENDATORY SECTION (Amending WSR 08-05-012, filed 2/8/08, effective 4/1/08)

WAC 296-800-32010 Make sure ((~~that any~~)) equipment involved in ((~~an~~)) a work-related accident is not moved. You must:

• Not move equipment involved in a ((~~work or~~)) work-related accident ((~~or incident~~)) if any of the following results:

– A death

((~~– A probable death~~))

– An ((~~employee's~~)) inpatient hospitalization

- An amputation

- The loss of an eye

• Not move the equipment until a representative of the department of labor and industries investigates the incident and releases the equipment unless:

– Moving the equipment is necessary to:

((✦)) ■ Remove any victims

((✦)) ■ Prevent further incidents and injuries

AMENDATORY SECTION (Amending WSR 08-05-012, filed 2/8/08, effective 4/1/08)

WAC 296-800-32015 Assign people to assist the department of labor and industries. You must:

• Assign witnesses and other employees to assist department of labor and industries personnel who arrive at the scene to investigate the incident involving:

– A death

((~~– Probable death~~))

– An ((~~employee's~~)) inpatient hospitalization

- An amputation
- The loss of an eye

Include:

– The immediate supervisor

– Employees who were witnesses to the incident

– Other employees the investigator feels are necessary to complete the investigation.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-800-370 Definitions.

Abatement action plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable

As used in **Electrical, WAC 296-800-280** means an installation or equipment is acceptable to the director of labor and industries, and approved:

• If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

• With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

• With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 C.F.R. 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in Electrical, WAC 296-800-280 means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access

As used in safety data sheets (SDSs) as exposure records, WAC 296-901-14014 means the right and opportunity to examine and copy exposure records.

Affected employees

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

• An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:

– Partial or complete information from individual employee exposure or medical records or

– Information collected from health insurance claim records

• The analysis is not final until it has been:

– Reported to the employer or

– Completed by the person responsible for the analysis

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

• Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

• As used in Electrical, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director

The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

As used in the basic electrical rules, WAC 296-800-280 means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

Biological agents

Organisms or their by-products.

Board

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means the board of industrial insurance appeals.

Ceiling

An exposure limit that must not be exceeded during any part of the employee's workday. The ceiling must be determined over the shortest time period feasible and should not exceed fifteen minutes.

Certification

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.

C.F.R.

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical agents (airborne or contact)

A chemical agent is any of the following:

• Airborne chemical agent which is any of the following:

– Dust - Solid particles suspended in air, that are created by actions such as:

• Handling.

• Drilling.

• Crushing.

• Grinding.

• Rapid impact.

• Detonation.

• Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

– Fume - Solid particles suspended in air, that are created by condensation from the gaseous state.

– Gas - A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

– Mist - Liquid droplets suspended in air. Mist is created by:

• Condensation from the gaseous to the liquid state;

OR

• Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

– Vapor - The gaseous form of a substance that is normally in the solid or liquid state.

• Contact chemical agent which is any of the following:

– Corrosive - A substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

– Irritant - A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

– Toxicant - A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

• The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)

• The Chemical Abstracts Service (CAS) rules of nomenclature

• A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

• Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

• Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

Citation

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Commercial account

As used in Hazard communication, WAC 296-901-140 means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

As used in Hazard communication, WAC 296-901-140 means any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

- 40 psi at 70°F (21.1°C)

OR

- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor

A wire that transfers electric power.

Container

As used in Hazard communication, WAC 296-901-140 means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Corrosive

A substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

As used in basic electrical rules, WAC 296-800-280 means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

• Any individual or organization to which an employee gives written authorization.

• A recognized or certified collective bargaining agent without regard to written authorization.

• The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers.

Documentation

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location

As used in basic electrical rules, WAC 296-800-280 means areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Dust

Solid particles suspended in air that are created by actions such as:

• Handling.
• Drilling.
• Crushing.
• Grinding.
• Rapid impact.
• Detonation.
• Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the es-

sence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employee exposure record

As used in safety data sheets (SDSs) as exposure records, WAC 296-901-14014 means a record containing any of the following kinds of information:

• Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;

• Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;

• Safety data sheets indicating that the material may pose a hazard to human health;

OR

• In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts

Electrical parts that are:

• Not suitably guarded, isolated, or insulated

AND

• Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in Hazard communication, WAC 296-901-140 and safety data sheets (SDSs) as exposure records, WAC 296-901-14014. An employee has

been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated
- Present

Exposure record

See definition for employee exposure record.

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from not complying with an abatement date.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and notice;
- Corrective notice;
- Decision and order from the board of industrial insurance appeals;
- Denial of petition for review from the board of industrial insurance appeals; or
- Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment.

Flammable

A chemical covered by one of the following categories:

- Aerosol flammable means a flammable aerosol as defined by WAC 296-901-14024, Appendix B—Physical hazard criteria;
- Gas, flammable means:
  - A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less or
  - A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.

• Liquid, flammable means any liquid having a flashpoint at or below 199.4°F (93°C). Flammable liquids are divided into four categories as follows:

(a) Category 1 shall include liquids having flashpoints below 73.4°F (23°C) and having a boiling point at or below 95°F (35°C).

(b) Category 2 shall include liquids having flashpoints below 73.4°F (23°C) and having a boiling point above 95°F (35°C).

(c) Category 3 shall include liquids having flashpoints at or above 73.4°F (23°C) and at or below 140°F (60°C). When a Category 3 liquid with a flashpoint at or above 100°F (37.8°C) is heated for use to within 30°F (16.7°C) of its flashpoint, it shall be handled in accordance with the requirements for a Category 3 liquid with a flashpoint below 100°F (37.8°C).

(d) Category 4 shall include liquids having flashpoints above 140°F (60°C) and at or below 199.4°F (93°C). When a Category 4 flammable liquid is heated for use to within 30°F (16.7°C) of its flashpoint, it shall be handled in accordance with the requirements for a Category 3 liquid with a flashpoint at or above 100°F (37.8°C).

(e) When liquid with a flashpoint greater than 199.4°F (93°C) is heated for use to within 30°F (16.7°C) of its flashpoint, it shall be handled in accordance with the requirements for a Category 4 flammable liquid.

• Solid, flammable means a solid, other than a blasting agent or explosive as defined in 29 C.F.R. 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 C.F.R. 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

• The minimum temperature at which a liquid gives off a vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid and shall be determined as follows:

– The flashpoint of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100°F (37.8°C) and a flashpoint below 175°F (79.4°C) shall be determined in accordance with the Standard Method of Test for Flash Point by the Tag Closed Tester, ASTM D-56-69, or an equivalent method as defined by WAC 296-901-14024, Appendix B—Physical hazard criteria.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

• Belt holes
• Pipe openings

• Slot openings

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

• Hatchways
• Stair or ladder openings
• Pits
• Large manholes

The following are NOT considered floor openings:

• Openings occupied by elevators
• Dumbwaiters
• Conveyors
• Machinery
• Containers

Foreseeable emergency

As used in Hazard communication, WAC 296-901-140 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Fume

Solid particles suspended in air that are created by condensation from the gaseous state.

Gas

A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any physical stress such as noise, vibration, repetitive motion, heat, cold, ionizing and nonionizing radiation, and hypo- or hyperbaric pressure which:

• Is listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS); or

• Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

• Is the subject of a safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

As used in Hazard communication, WAC 296-901-140 can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

A chemical, mixture, biological agent, or physical agent that may cause health effects in short- or long-term exposed employees. Based on statistically significant evidence from at least one study conducted using established scientific principles. Health hazards include:

• Carcinogens
• Toxic or highly toxic agents
• Reproductive toxins
• Irritants
• Corrosives
• Sensitizers
• Hepatotoxins (liver toxins)
• Nephrotoxins (kidney toxins)
• Neurotoxins (nervous system toxins)
• Substances that act on the hematopoietic system (blood or blood-forming system)
• Substances that can damage the lungs, skin, eyes, or mucous membranes
• Hot or cold conditions.

((~~**Hospitalization**~~

~~To be admitted to a hospital or an equivalent medical facility on an emergent in-patient basis requiring an overnight stay.~~))

Identity

As used in Hazard communication, WAC 296-901-140 means any chemical or common name listed on the safety data sheet (SDS) for the spe-

cific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs

Imminent danger violation

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Importer

The first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA

Inpatient hospitalization

To be admitted into a hospital or equivalent facility for medical treatment.

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- The amount of voltage involved

AND

- The type of covering material

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Irritant

A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Listed

Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mist

Liquid droplets suspended in air. Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

Mixture

As used in Hazard communication, WAC 296-901-140, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment

As used in WAC 296-800-35052, a hand-held or nonhand-held machine or device;

• That is powered or nonpowered;

AND

• Can be moved within or between worksites

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA)

Created in 1970 when the U.S. Congress passed the Occupational Safety and Health Act, the Occupational Safety and Health Administration (OSHA) provides safety on the job for workers. OSHA oversees state plans (such as WISHA in Washington) that have elected to administer the safety and health program for their state. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

• Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.

• Office areas of manufacturing and production facilities, not including process areas.

• Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is an organic compound containing the bivalent-0-0-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-60130 or C.F.R. 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Person

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

- First aid
- Medical services
- Dressing
- Showering
- Bathrooms
- Washing
- Eating

Personnel

See the definition for employees.

Physical hazard

Means a chemical that is classified as posing one of the following hazardous effects: Explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. WAC 296-901-14024, Appendix B——Physical hazard criteria.

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that is suitable for drinking by the public and meets the requirements of chapter 246-290 or 246-291 WAC.

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- At least once every 2 weeks

OR

- 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

Produce

As used in Hazard communication, WAC 296-901-140, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser

As used in Hazard communication, WAC 296-901-140, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Qualified person

A person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

• Possession of a recognized degree, certificate, or professional standing;

OR

• Extensive knowledge, training and experience.

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

As used in basic electrical rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

• Paper document
• Microfiche
• Microfilm
• X-ray film
• Computer record

Refuge area

• A protected space along an exit route that is separated from other spaces inside the building by a barrier with at least a one-hour fire resistance rating;

OR

• A floor in a building with an automatic sprinkler system that has at least two spaces that are separated by smoke-resistant partitions. See WAC 296-24-607 for requirements for automatic sprinkler systems.

Repeat violation

A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.

((~~**Refuge area**~~

~~• A protected space along an exit route that is separated from other spaces inside the building by a barrier with at least a one-hour fire resistance rating;~~

~~**OR**~~

~~• A floor in a building with an automatic sprinkler system that has at least two spaces that are separated by smoke-resistant partitions. See WAC 296-24-607 for requirements for automatic sprinkler systems.~~))

Responsible party

As used in Hazard communication, WAC 296-901-140. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety data sheet (SDS)

Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous chemical, its hazards, and protective measures as required by safety data sheet and label preparation, WAC 296-901-140.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Self-lighting or self-luminous

A light source that:

• Is illuminated by a self-contained power source other than batteries;

AND

• Operates independently from external power sources.

Serious violation

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Short-term exposure limit (STEL)

An exposure limit, averaged over a short time period (usually measured for 15 minutes) that must not be exceeded during any part of an employee's workday.

Should

Should means recommended.

Single ladder

A type of portable ladder with one section.

It is distinguished by all of the following:

• It has one section
• It cannot support itself
• Its length cannot be adjusted

Smoking

A person is smoking if they are:

• Lighting up
• Inhaling
• Exhaling
• Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity

This term applies to chemical substances. It can mean the:

• Chemical name
• Chemical Abstracts Service (CAS) registry number
• Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

Stairs or stairway

A series of steps and landings:

– Leading from one level or floor to another

– Leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment

– Used more or less continuously or routinely by employees, or only occasionally by specific individuals

– With three or more risers

Standard safeguard

Safety devices that prevent hazards by their attachment to:

• Machinery
• Appliances
• Tools
• Buildings
• Equipment

These safeguards must be constructed of:

• Metal
• Wood
• Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

Step ladder

A portable ladder with:

• Flat steps

• A hinge at the top allowing the ladder to fold out and support itself

• Its length that cannot be adjusted.

Time weighted average (TWA_8)

An exposure limit, averaged over 8 hours, that must not be exceeded during an employee's work shift.

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toxic chemical

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

• Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS)

• Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer

• The subject of a safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Toxicant

A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Trade secret

Any confidential:
- Formula
- Pattern
- Process
- Device
- Information
- Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-901-14018 for requirements dealing with trade secrets.

Tread

As used in stairs and stair railings, WAC 296-800-250 means the horizontal part of the stair step.

Tread run

As used in stairs and stair railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive)

As used in Hazard communication, WAC 296-901-140. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

As used in Hazard communication, WAC 296-901-140, means to:
- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for **Washington Administrative Code,** which are rules developed to address state law.

Water-reactive

As used in Hazard communication, WAC 296-901-140, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

As used in basic electrical rules, WAC 296-800-280 means:

• Underground installations or in concrete slabs or masonry that are in direct contact with the earth

• Locations that can be saturated by water or other liquids

• Unprotected locations exposed to the weather (like vehicle washing areas)

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Work area

As used in Hazard communication, WAC 296-901-140, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Working days

Means a calendar day, except Saturdays, Sundays, and legal holidays. Legal holidays include:

– New Year's Day - January 1
– Martin Luther King, Jr. Day
– Presidents' Day
– Memorial Day
– Independence Day - July 4
– Labor Day
– Veterans' Day - November 11
– Thanksgiving Day
– The day after Thanksgiving Day; and
– Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

Worker

See the definition for employee.

Workplace

• The term workplace means:

– Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

– As used in Hazard communication, WAC 296-901-140 means an establishment, job site, or project, at one geographical location containing one or more work areas.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-800-32005	Report the death, probable death of any employee, or the in-patient hospitalization of any employee within 8 hours.