



# PREPROPOSAL STATEMENT OF INQUIRY

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

**Agency:** Department of Labor and Industries

**Subject of possible rule making:** Chapter 296-809 WAC, Confined Space WAC

**Statutes authorizing the agency to adopt rules on this subject:** : RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

**Reasons why rules on this subject may be needed and what they might accomplish:** The Occupation Safety and Health Administration (OSHA) adopted its Final Rule for Confined Space in Construction, effective August 4, 2015. Since this final rule imposes additional or more stringent requirements on employers than existing OSHA standards, State Plans must adopt an "at least as effective" standard or amendment to their existing standards, or show that they already have an existing "at least as effective" standard, within 6 months.

DOSH has advised OSHA that we will adopt rules that are different but at least as effective as the OSHA standard. A request for a one-year extension has been filed to give DOSH adequate time to update its standard in light of the complexity involved.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
As an OSHA-approved State Plan, DOSH is the primary entity to regulate this subject in Washington, with certain exceptions pertaining to maritime the industry and U.S. government operations, in which cases OSHA maintains jurisdiction.

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

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

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

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

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**DATE**  
January 5, 2016

**NAME (TYPE OR PRINT)**  
Joel Sacks

**SIGNATURE**

**TITLE**  
Director

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**DATE:** January 05, 2016  
**TIME:** 11:47 AM

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