



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Labor and Industries

Title of rule and other identifying information:

Chapter 296-823 WAC, Occupational Exposure to Bloodborne Pathogens, Chapter 296-869 WAC, Elevating Work Platforms, Chapter 296-870 WAC, Powered Platforms, and Chapter 296-874 WAC, Scaffolds.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Chris Miller
Agency: Department of Labor and Industries
Address: PO Box 44610 Olympia, WA 98504

AND RECEIVED BY (Date) December 5, 2016

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

The purpose of this proposal is to fix any outstanding housekeeping issues that are on the Department of Labor and Industries Division of Occupational Safety and Health's change log for the chapters listed above, as well as proposing to add language back in that is currently in federal Occupational Safety and Health Administration (OSHA) rules that was inadvertently removed from Chapter 296-870 WAC during previous rulemaking. Please see attachment (1) for a list of the proposed changes in this rulemaking.

Reasons supporting proposal:

Updating these housekeeping errors and replacing the language that was inadvertently removed will ensure that all readers of these rule sections can clearly understand the rules, keeping employers and employees safe on the job.

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

Statute being implemented:
Chapter 49.17 RCW

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 04, 2016

TIME: 12:11 PM

WSR 16-20-084

DATE
October 4, 2016

NAME (TYPE OR PRINT)
Joel Sacks

SIGNATURE

TITLE
Director

Name of proponent: Department of Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Chris Miller	Tumwater	(360) 902-5516
Implementation....Anne Soiza	Tumwater	(360) 902-5090
Enforcement.....Anne Soiza	Tumwater	(360) 902-5090

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Department of Labor and Industries
Division of Occupational Safety and Health
CR-105 Filing Date: October 4, 2016

Chapter 296-823 WAC Occupational Exposure to Bloodborne Pathogens

WAC 296-823-16015 Provide the results of the source person's blood test to the exposed employee

- Correct the terms item 3 of the Note from "rules" to "statutes" for references to the Revised Code of Washington.
- Correct the website link to the direct readers to the Revised Code of Washington webpage (<http://app.leg.wa.gov/rcw>) and not the Washington administrative Code webpage (<http://www.leg.wa.gov/wac>).

Chapter 296-869 WAC Elevating Work Platforms

WAC 296-869-60040 Working from the Platform

- Add "self-propelled elevating work platforms" to the Note to clarify that guardrails are the primary means of fall protection for both manually propelled and self-propelled elevating work platforms.

Chapter 296-870 WAC Powered Platforms

WAC 296-870-099 Definitions

- Update bullets to letters throughout section.
- Add the definition for "Verified" that had been accidentally deleted when the requirements for powered platforms were moved from chapter 296-24, Part Y-3 WAC to chapter 296-870 WAC in 2006. Federal OSHA's rules also have the term "verified" defined under 29 CFR 1910.66(d).

WAC 296-870-20010 Personnel Requirements

- Clarified number 2 in Reference by changing the term "using" to "operate and inspect" as follows - "Training requirements for persons who operate and inspect powered platforms are found in WAC 296-870-400."

WAC 296-870-50010 Fall Protection

- Correct the term "that" to "than" in subsection (2)(a).

WAC 296-870-60005 Design

- Add language that was left out of final version when the requirements for powered platforms were moved from chapter 296-24, Part Y-3 WAC to chapter 296-870 WAC in 2006. Language in new (5) now reads: "You must make sure the building design and installation provides:
 - (a) Safe access to and egress from the equipment; and
 - (b) Sufficient space to conduct maintenance of the equipment."Federal OSHA rule also has these requirements under 29 CFR 1910.66(e)(1)(iii).

WAC 296-870-70050 Suspended working platforms and manned platforms used on supported equipment

- Update (3) in Reference include fixed ladders as follows - "Ladders, portable and fixed, chapter 296-876 WAC."

Chapter 296-874 WAC Scaffolds

WAC 296-874-40006 Make sure supported scaffolds are properly supported

- Corrected the Forklift and Other Powered Industrial Trucks chapter number in Reference to "chapter 296-863 WAC."

WAC 296-874-40030 Meet these requirements when using pole scaffolds

- Corrected the conversation of pounds to kilograms, replacing "222 kg" with "22.7 kg" in subsection (3)(c).