



# RULE-MAKING ORDER

(RCW 34.05.360)

**CR-103** (7/22/01)

**Agency:** Department of Labor and Industries

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

**(1) Date of adoption:** April 4, 2003

**(2) Purpose:** Chapter 296-807 WAC, Portable Power Tools  
The Portable Power Tools rule has been rewritten and reorganized for clarity and ease of use for the employers and employees. Hand and Portable Powered Tools and Other Hand-Held Equipment rules, in chapter 296-24 WAC, Part H-1. Part H-1 will be repealed concurrent with the adoption of chapter 296-807 WAC.

**(3) Citation of existing rules affected by this order:**

Repealed: None  
 Amended: See attachment (3)  
 Suspended: None

**(4) Statutory authority for adoption:** RCW 49.17.010, .040, .050, and .060  
Other Authority:

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 02-24-056 on December 3, 2002.  
Describe any changes other than editing from proposed to adopted version: See attachment (5.1)

**EMERGENCY RULE ONLY**

- Under RCW 34.05.350 the agency for good cause finds:
- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:**

Yes     No    If Yes, explain:

**(6) Effective date of rule:**  
**Permanent Rules**

- 31 days after filing
- Other August 1, 2003

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**Emergency Rules**

- Immediately
- Later (specify) \_\_\_\_\_

CODE REVISER USE ONLY

WSR # 03-09-009

Name (Type or Print)  
**Paul Trause**

Signature

Title  
**Director**

Date  
**April 4, 2003**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	59	Amended	_____	Repealed	38
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	59	Amended	_____	Repealed	38

### **Attachment (3)**

#### **Citation of existing rules affected by this order:**

#### **REPEALED SECTIONS:**

#### **Chapter 296-24 WAC, Part H-1, Hand and portable powered tools and equipment**

WAC 296-24-650 Hand and portable powered tools and equipment-General

WAC 296-24-65003 Compressed air used for cleaning.

WAC 296-24-65005 Compressed air tools.

WAC 296-24-65007 Air hammer.

WAC 296-24-655 Guarding of portable powered tools.

WAC 296-24-65501 Portable powered tools.

WAC 296-24-657 Pneumatic powered tools and hose.

WAC 296-24-65701 Portable tools.

WAC 296 24-65703 Airhose.

WAC 296-24-660 Portable abrasive wheels.

WAC 296-24-66001 Abrasive wheel terms.

WAC 296-24-66003 General requirements.

WAC 296-24-66005 Cup wheels.

WAC 296-24-66007 Vertical portable grinders.

WAC 296-24-66009 Other portable grinders.

WAC 296-24-66011 Mounting and inspection of abrasive wheels.

WAC 296-24-663 Safety requirements for powder actuated fastening systems.

WAC 296-24-66301 Scope.

WAC 296-24-66303 Purpose.

WAC 296-24-66305 Definitions applicable to this section.

WAC 296-24-66307 Requirements.

WAC 296-24-66309 Power load.

WAC 296-24-66311 Fasteners.

WAC 296-24-66313 Operation.

WAC 296-24-66315 Limitation of use.

WAC 296-24-66317 Maintenance and storage.

WAC 296-24-66319 Authorized instructor.

WAC 296-24-66321 Qualified operator.

WAC 296-24-665 Power lawnmowers.

WAC 296-24-66501 Terms.

WAC 296-24-66503 General requirements.

WAC 296-24-66505 Walk-behind and riding rotary mowers.

WAC 296-24-66507 Walk-behind rotary mowers.

WAC 296-24-66509 Riding rotary mowers.

WAC 296-24-670 Jacks.

WAC 296-24-67001 Jack terms.

WAC 296-24-67003 Loading and marking.

WAC 296-24-67005 Operation and maintenance.

## **Attachment (5.1)**

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

**AMENDED SECTION:** WAC 296-807-16005, Make sure equipment meets minimum design and construction requirements.

**Comment:**

The provisions of the new rules should apply to power lawnmowers manufactured on or after the effective date of the rule (August 1, 2003), not just the effective date.

**Department response:** Agree. The wording was revised to show that the rules apply to power lawnmowers manufactured on or after the effective date of the rule (August 1, 2003). Additionally, the date August 1, 2003 was inserted to assist users in determining if this rule applies.

**AMENDED SECTION:** WAC 296-807-16035, Use ride-on mowers safely.

**Comment:**

The limitations specified in WAC 296-807-16035(3) (Mow up or down a slope if the slope is greater than fifteen degrees) should be deleted. Some manufacturer's operating instructions allow operation on slopes greater than fifteen degrees and there are some conditions where longitudinal mowing of a slope may be unsafe and/or impractical. WAC 296-807-16015 requires the employer to make sure the operator understands and follows instructions before starting the mower and WAC 296-807-16020 requires that the manufacturer's instructions for safe use of the equipment be followed. These requirements cause WAC 296-807-16035(3) to not be needed.

**Department response:** Agree. WAC 296-807-16035(3) has been deleted.

**AMENDED SECTION:** WAC 296-807-18055, Make sure flanges are in good working condition.

**Comment:**

It is not clear in reading the second bulleted item (Replace or remachine any flange with a mounting surface that is:...) if any or all of the conditions stated would require the flange to be replaced or remachined.

**Department response:** The second bulleted item of WAC 296-807-18055 has been revised to eliminate confusion. The item now reads: "Replace or remachine any flange with a mounting surface that has any of the following problems:"