



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 21, 2022

TIME: 11:34 AM

WSR 22-19-101

**Agency:** Department of Labor & Industries (L&I)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rulemaking is to create chapter 296-71 WAC, Refinery worker training and certification in high hazard facilities, implementing the advanced safety training requirements under chapter 49.80 RCW established by Engrossed Substitute House Bill 1817, passed by the Washington state legislature in 2019. Chapter 49.80 RCW requires owners of petroleum refining or petrochemical manufacturing facilities to use a skilled and trained workforce when contracting for construction, alteration, demolition, installation, repair, or maintenance work. All workers in the skilled and trained workforce must have completed at least 20 hours of approved advanced safety training for workers at high hazard facilities within the past three calendar years. Delayed enforcement policies will be used to ensure employers have adequate time to train all employees as required. This adoption includes requirements for advanced safety training certification for workers, curriculum for in-person classroom and laboratory instruction, and approval of training providers. Please see below for an overview of the adopted language, as well as minor changes from the proposed language.

**New Sections**

**WAC 296-71-001 Purpose and scope.**

- Indicates this new chapter applies to the training and certification of skilled and trained workforce under chapter 49.80 RCW, establishing a training course approval program and certification and the issuance of worker certification.

**WAC 296-71-003 Definitions.**

- Includes definitions of the following terms: Apprenticeable occupation, Approved, Competent instructor, Department, Director, High hazard facility, On-site work, Owner/operator, Person, Registered apprentice, Revocation, Skilled journeyman, Skilled and trained workforce, Suspension. These definitions are applicable throughout this chapter, unless context clearly requires otherwise.

**WAC 296-71-010 Skilled and trained workforce requirements.**

- Establishes the skilled and trained workforce requirements and includes statutory requirements for percentages of the workforce that must be trained, training standards, and employer documentation with recordkeeping standards. This rule also has exceptions from the section outlined.

**WAC 296-71-020 Training certification.**

- Sets forth how to qualify for, renew, and the issuance of an advanced training certificate.

**WAC 296-71-030 Training course approval.**

- Training courses must be 20 hours and meet the minimum requirements in Appendix A.

**WAC 296-71-040 Reciprocity**

- Outlines the standards for training certificate reciprocity, when reciprocity isn't available, and that L&I will maintain a list of states recognized that meet Washington standards.

**WAC 296-71-050 Denial, suspension and revocation**

- Outlines the criteria and how L&I may deny, suspend, or revoke a training certificate or course approval.

**Appendix A: Training course content – Non-Mandatory.**

- Outlines the curriculum a training course would have to meet to become an approved course.

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

New: WAC 296-71-001, 296-71-003, 296-71-010, 296-71-020, 296-71-030, 296-71-040, 296-71-050, and Appendix A  
 Repealed:  
 Amended:  
 Suspended:

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and 49.80.060

**Other authority:** Chapter 49.80 RCW

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

Adopted under notice filed as WSR 22-07-086 on March 22, 2022 (date).  
 Describe any changes other than editing from proposed to adopted version:

**WAC 296-71-010 Skilled and trained workforce requirements.**

- Added clarifying language to subsection (1) that a skilled and trained workforce in the building and construction trades performing on-site work should be done within the worker's specific occupation or craft.

**WAC 296-71-030 Training course approval.**

- Updated the second sentence in subsection (1) to include "20-hours of in-person and laboratory instruction" which matches the language in chapter 49.80 RCW. It was determined that our language needed to be as descriptive as the RCW's to ensure it was clear and concise to readers of L&I's rule language.

**Appendix A: Training course content – Non-Mandatory.**

- In the table, added "including but not limited to" to the title "Craft -Specific Safety Training".

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**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:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	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 on the agency's own initiative:**

New	<u>8</u>	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** September 21, 2022

**Name:** Joel Sacks

**Title:** Director

**Signature:**

