

# CONCISE EXPLANATORY STATEMENT

## Chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking

Public Hearing: September 27, 2022

Adoption: November 22, 2022

Effective: December 26, 2022

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## **I. Purpose of Rulemaking**

### **A. Background**

The purpose of this rulemaking was to better align chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking, with the U.S. Occupational Safety and Health Administration (OSHA) personal protective equipment requirements for eye and face protection for Shipyard Employment found at 29 CFR 1915, Subpart I.

OSHA updated personal protective equipment requirements for eye and face protection for Shipyard Employment found at 29 CFR 1915, Subpart I. This required L&I to update chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking, to be at least as effective as OSHA requirements, as statutorily required per chapter 49.17 RCW, the Washington Industrial Safety and Health Act.

Additionally, this rulemaking incorporated housekeeping and formatting changes.

### **B. Summary of the rulemaking activities**

DOSH formed a work group to review the standard. The work group included Jim Rone, Tracy West, John Stebbins, Teri Neely, Bill Sloniker, Chris Miller and Cathy Coates.

DOSH conducted three virtual stakeholder meetings. Prior to each meeting, DOSH informed the public of the upcoming meetings via GovDelivery. In addition, DOSH sent a direct email containing the information about each meeting to members of the Puget Sound Shipbuilders Association (PSSA). The department posted information related to each stakeholder meeting on L&I's Rulemaking Activity Public Participation Calendar.

DOSH conducted the first stakeholder meeting on May 11, 2022. Nineteen attended the meeting. Attendees did not express concerns related to the draft language. No comments or questions were received.

DOSH conducted the second virtual stakeholder meeting on June 22, 2022. Nine external stakeholders attended the virtual meeting. Attendees did not express concerns related to the draft language. No comments or questions were received.

DOSH conducted the third virtual stakeholder meeting on August 3, 2022. Attendees did not express concerns related to the draft language. No comments or questions were received.

Attendees at each meeting represented a wide variety of interests; including private sector, government, labor relations, ship repairing, shipbuilding and shipbreaking industry. Organizations represented at one or more of the stakeholder meetings:

- Office of Minority and Women’s Business Enterprises
- Trident Seafoods
- Washington Marine
- Washington Marine Cleaning
- Laborers Local 252
- Approach MS
- Central Welding
- American Seafoods
- Dakota Creek
- Platypus Marine
- Sound Testing Inc.
- Maaero
- Westport Yachts
- Parker, Smith & Feek-Business Insurance
- Carney Law
- Vigor Shipyard
- Dakota Creek Industries, Inc. (Shipbuilding)
- IBEW 46
- Washington Retail Services
- Christensen USA
- University of Washington
- Lake Union Dry Dock
- Vigilant
- Tidewater
- Washington State Department of Labor & Industries

- Washington State Department of Transportation
- Washington State Department of Corrections

## **II. Changes to the Rules (Proposed rule versus rule adopted)**

There are no changes between the proposed and adopted language. The department adopted the language as proposed.

## **III. Comments on Proposed Rule**

### **A. Comment Period**

The comment period was August 23, 2022 through close of business October 7, 2022.

### **B. Public Hearing**

The department conducted a virtual public hearing using Zoom on September 27, 2022. Five stakeholders attended the virtual hearing. Organizations represented at the hearing:

Washington State Department of Labor & Industries  
Westport Yachts  
Laborers' Local 252  
American Seafoods

No attendees provided verbal or written testimony at the hearing.

### **C. Summary of Comments Received and Department Response**

The comment period was August 23, 2022 through close of business October 7, 2022. No comments were received.