



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: November 22, 2022

TIME: 8:51 AM

WSR 22-23-144

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

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) December 26, 2022 (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: L&I conducted rulemaking 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.

WAC 296-304-010 Scope and application

Chapter 296-880 WAC, Unified safety standards for fall protection, applies to ship repairing, shipbuilding and shipbreaking industries. Adopted language added reference to ensure stakeholders in these industries are aware of this.

WAC 296-304-01001 Definitions

- Added definition of “auto-darkening helmet.” Definition developed by L&I staff and information from Welding Headquarters. Use of “auto-darkening helmet” is industry standard. Employer not required to provide. Recognizes employees may purchase and prefer to use.
- Added numbers to defined words.
- Updated formatting of numbers throughout the section.

WAC 296-304-03005 Mechanical paint removers

- Updated subsection (3)(c)(i) - Added an exception to include additional piece of personal protective equipment (PPE) during abrasive blasting.
- Moved text in subsection (3)(c)(ii) to be part of the exception and renumbered subsequent subsections.
- Updated subsection (3)(c)(iv) - Added reference to chapter 296-880 WAC, Unified safety standards for fall protection.

WAC 296-304-04001 Ventilation and protection in welding, cutting and heating

- Updated table I-1A and table I-1B to align with OSHA personal protective equipment requirements for eye and face protection for Shipyard Employment found in 29 CFR 1915, Subpart I (29 CFR 1915.153).
- Added note below table to include use of auto-darkening helmets.
- Reformatted to address formatting error.
- Updated formatting of numbers throughout the section.

WAC 296-304-05001 Scaffolds or staging

- Subsection (9)(c) - Removed erroneous reference to WAC 296-304-09021(2). WAC 296-304-09021(2) was removed as part of Unified Fall Protection rulemaking (WSR 20-12-091). As part of this rulemaking, the adopted amendments removed the erroneous reference, and added a reference to chapter 296-880 WAC, Unified safety standards for fall protection.
- Updated formatting of numbers throughout the section.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 296-304-010, 296-304-01001, 296-304-03005, 296-304-04001, and 296-304-05001

Suspended:

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

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-17-125 on August 23, 2022 (date).

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

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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	<u>1</u>	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	___	Amended	<u>5</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>5</u>	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: November 22, 2022

Signature:

Name: Joel Sacks

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive style with a large initial 'J' and 'S'.

Title: Director