



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 13-16-084; or
- Expedited Rule Making--Proposed notice was filed as WSR; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information:

Chapter 296-32 WAC, Safety Standards for Telecommunications

Hearing location(s): See Attachment (1).

Submit written comments to:

Name: Cynthia Ireland
Address: Post Office Box 44620, Olympia, WA 98504-4620
e-mail cynthia.ireland@lni.wa.gov
fax (360) 902-5619 by 5:00 pm on May 19, 2017

Assistance for persons with disabilities: Contact

Cynthia Ireland by April 25, 2017 at (360) 902-5522 or cynthia.ireland@lni.wa.gov.

Date of intended adoption: July 18, 2017

(Note: This is NOT the effective date)

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

This proposed rulemaking is as a result of the department receiving a petition formally requesting the department to update and modify the current Chapter 296-32 WAC, Safety Standards for Telecommunications. This chapter was originally created in 1975. Although there have been partial rule changes over the years (1976 through 2002), a full review of this chapter, in its entirety, has not taken place. Since inception of Chapter 296-32 WAC over 40 years ago, wireless technology in the area of telecommunications has rapidly advanced. Our telecommunication rules have not kept pace with that advancement. Safety has been compromised for our communication workers, as no specific standards exist for their industry. Training requirements in the current rule are generalized and not specific to the critical work skills necessary to perform telecommunication tasks in a safe and effective manner. Radio frequency radiation (RFR) training, and a requirement for rescue training are extremely important areas of worker safety in this industry, and neither are currently addressed in this chapter. Additionally, safety standards for directional boring machinery usage, which has become a constant in telecommunications work, should be included in Chapter 296-32 WAC. Aside from the manufacturer's safety manuals for the specific type of boring machinery used, our workers have no other safety standard to follow at this time.

The department held several stakeholder meetings in 2009 and 2010 with labor, business, and industry representatives. The department and stakeholders developed a draft rule, however on November 17, 2010 Executive Order 10-06 was issued suspending all "non-critical" rulemaking. The Executive Order expired on December 31, 2012. In 2013, the department received petitions formally requesting the department to recommence with the rulemaking that began in 2009. The department scheduled additional stakeholder meetings starting back in May 2015, and throughout this process the department worked again with labor, business, and industry representatives to develop this proposed rule.

Reasons supporting proposal: There has been a significant increase in injuries including fatalities since the rule was adopted over 40 years ago, particularly since cell phone technology has appeared and evolved. Therefore, this proposed rulemaking is a very important rulemaking effort. In addition, references may also be updated throughout our chapters. See Attachment (2).

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:
29 C.F.R. 1910 Subpart R

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 21, 2017

TIME: 10:18 AM

WSR 17-07-105

DATE
March 21, 2017

NAME (type or print)
Joel Sacks

SIGNATURE

TITLE
Director

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

None.

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, WA	(360) 902-5516
Implementation.... Anne Soiza	Tumwater, WA	(360) 902-5090
Enforcement..... Anne Soiza	Tumwater, WA	(360) 902-5090

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

- Name:
- Address:
- Phone:
- Fax:
- e-mail:

No. Explain why no statement was prepared.

A Small Business Economic Impact Statement is not required for this rulemaking pursuant to RCW 19.85.030(1)(a) as the department determined the rule will not result in or impose more than minor costs.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

- Name: Cynthia Ireland
- Address: Post Office Box 44620, Olympia, WA 98504-4620
- Phone: (360) 902-5522
- Fax: (360) 902-5619
- e-mail cynthia.ireland@lni.wa.gov

No: Please explain:

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Department of Labor and Industries
Division of Occupational Safety and Health
CR-102 Filing Date: March 21, 2017
Hearing Dates: May 9, 11, and 12, 2017

Attachment (1)
(Public Hearings)

Public Hearings:

Date: May 9, 2017 Time: 1:00 p.m.

Department of Labor and Industries
3001 West Broadway Avenue
Moses Lake, Washington

Date: May 11, 2017 Time: 9:00 a.m.

Department of Labor and Industries
12806 Gateway Drive South
Tukwila, Washington

Date: May 12, 2017 Time: 9:00 a.m.

Department of Labor and Industries – Rooms S118 & S119
7273 Linderson Way Southwest
Tumwater, Washington

Submit written comments to:

Cindy Ireland, Administrative Regulations Analyst (Cynthia.Ireland@lni.wa.gov)
Division of Occupational Safety and Health
P.O. Box 44620
Olympia, Washington 98504-4620 By: 5:00 p.m. on May 19, 2017

In addition to written comments, the department will accept comments submitted to the following fax number: (360) 902-5619

Comments submitted by fax must be 10 pages or less.

AMENDED SECTIONS:

WAC 296-32-200 Scope and application.

- Add clarifying language in subsection (1).
- Add subsection (2) relating to the minimum requirements set forth in this chapter for employers to protect employees from the hazards associated with working in the telecommunications industry.
- Add subsection (3) which explains how this chapter is laid out. The three primary parts of this chapter are:
 - Part A: General requirements – This part is intended to convey the areas of responsibility to employers when working on telecommunications facilities or locations of any type.
 - Part B: Requirements that apply to wireline.
 - Part C: Requirements that apply to wireless.
- Subsection (4) is existing WAC.
- Add clarifying language to subsection (5).
- Add clarifying language to subsection (6).
- Add subsection (7) relating to additional requirements located in national consensus standards.
- Add clarifying language to subsection (8).
- Add subsection (9) relating to enforcement.

WAC 296-32-210 Definitions.

- Add definitions for acceptable conditions for access, accessible radiation, adverse weather, anchorage, anti-two block, articulating boom lift/crane, assisted rescue, authorized climber, automatic descent control device, boatswain chair, brakes, cage, capstans, carabiner, carrier, climber attachment anchorage, climbing facilities, communication tower, competent climber, competent rescuer, competent rigger, construction work, contract employer, crew, crew chief/supervisor/foreman, crown block (top block or load block), deceleration distance, direct communications, elevated (high angle) rescue, emergency washing facilities, engineer of record (EOR), engineered hoist system, exit, exit route, exposed live parts, exposed wiring methods, fall arrest, fall arrest system, fall protection equipment, fall protection work plan, fall restraint, fiber-optic cable – communication, fiber-optic cable – supply, field work, first aid, flemish eyes (molly hogan), floor hole, floor opening, foot block, full body harness, gin pole, gross load, grounded, ground-fault circuit-interrupter, guardrails, handrail, hazard, high wind, hoist mechanism or hoist, hoisting, horizontal lifeline, host employer, individual-rung/step ladder, job hazard assessment, ladder, ladder safety device, landing, laser safety officer, length of climb, line clearance tree trimming, lineman's body belt, listed, load chart, load line, locking snap hook, lockout, lockout device, manual descent control device with automatic lockoff, maximum intended personnel load/gross load, maximum permissible exposure (MPE), may, mobile crew, multi-use site for towers and antennas, must, nearby facility, NEMA, nonionizing radiation, normally unattended work location, oil sample analysis, one-hundred percent (100%) fall protection, operator (equipment), permissible exposure limits (PELs), personal eyewash units, platform, portable ladder, positioning system, positive locking system, potable water, powered lowering, prime mover, proficient, proof test, pulley, qualified climber, qualified engineer, radio frequency radiation (RFR), rated capacity, record, registered professional engineer (RPE), remote site/worksite, rescue, rescue plan, rescue procedure, rescue system, rescue system – one person, rescue system – two persons, retraining, rigging, rigging plan, rise, riser, rung, safety climb system,

safety sleeve, safety watch system, self-retracting lanyard (SRL), shall, should, side plates, side-step ladder, similar structures, single ladder, site/worksites, slings, special-purpose ladder, special tools and equipment, specular reflection, stair railing, stairs or stairway, standard safeguard, static brakes, step, step bolt, structure owner, sub-contractor, tag line and/or trolley line, tagout, tagout device, teardown inspection, through ladder, tie-off anchorage points, time weighted average (TWA), toeboard, tower and tower site, tower construction, tower inspection, tower maintenance work, training program, tread, tread run, tread width, trial lift, two blocking, UL (Underwriters' Laboratories), vertical lifeline, voltage – nominal, watertight, weatherproof, well, winch/hoist, wire rope (cable), and working length.

- Modify the definitions for aerial lifts, aerial splicing platform, aerial tent, alive or live (energized), barricade, barriers, bond, cable, cable sheath, circuit, clearance, climbing space, communication lines, communication plant, competent person, conductor, crewleader or person-in-charge, effectively grounded, emergency, energized, equipment, ground, grounding, ground tent, grounded conductor, grounded systems, grounding electrode conductor (grounding conductor), guard or guarded, insulated, insulation (as applied to cable), joint use, ladder platform, ladder seat, manhole, manhole platform, manlift equipment, microwave transmission, nominal voltage, pole balcony or seat, pole platform, protection from hazardous voltage, protective devices, public highway, qualified employee (person), qualified line-clearance tree trimmer, qualified line-clearance tree trimmer trainee, sheath, system operator/owner, telecommunications center (facility), telecommunications (digger) derricks, telecommunication line truck, telecommunication service, unvented vault, vault, vented vault, voltage communications, voltage electric supply, voltage of an effectively grounded circuit, and voltage of a circuit not effectively grounded.

NEW SECTIONS:

WAC 296-32-195 Foreword.

- Add this section explaining the purpose of this chapter.

WAC 296-32-22505 Incorporation of standards of national organizations.

- Add this section using language from chapters 296-155 WAC and 296-800 WAC.

WAC 296-32-22510 Safe place standard.

- Move requirements from WAC 296-32-215 to this section.

WAC 296-32-22511 Host employer/contractor responsibilities.

- Add this section using language from chapter 296-45 WAC. Also add language referencing the applicable national consensus standards.

WAC 296-32-22512 Accident prevention program and safety meetings.

- Add this section using language from chapters 296-45 WAC, 296-155 WAC and 296-800 WAC.
- Move requirement relating to hazard communication from WAC 296-32-230.

WAC 296-32-22515 First aid.

- Add this section using language from chapters 296-45 WAC, 296-54 WAC, 296-800 WAC and WAC 296-32-230.

CR-102 RULE-MAKING ORDER (RCW 34.05.320)

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Division of Occupational Safety and Health
CR-102 Filing Date: March 21, 2017
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Attachment (2)
(Purpose Statement)

WAC 296-32-22520 Remote communication sites.

- Add this section to address work being done at remote communication sites.

WAC 296-32-22525 Training.

- Add this section using language from chapters 296-45 WAC, 296-155 WAC, 296-863 WAC and WAC 296-32-230.
- Add a requirement relating to tasks being performed less often than once per year will necessitate retraining.

WAC 296-32-22530 Employee protection in public work areas.

- Move requirements from WAC 296-32-240 to this section.

WAC 296-32-22535 Facilities requirements.

- Move requirements from WAC 296-32-220 to this section.
- Add "face shields" to subsection (5), this came from WAC 296-800-16050.

WAC 296-32-22540 Tools and personal protective equipment – general.

- Move requirements from WAC 296-32-250 and 296-32-330 to this section.
- Add personal protective equipment – hazard assessment to this section using language from chapter 296-45 WAC and 296-800 WAC.
- Add language relating to the use of any machinery, tool, material, or equipment not in compliance is prohibited using language from chapter 296-155 WAC.
- Add requirements relating to head and foot protection using language from chapter 296-155 WAC.
- Additional language relating to vehicle-mounted utility generators was added using language from chapter 296-155 WAC.
- Add fire extinguisher inspection requirements using language from chapter 296-800 WAC.

WAC 296-32-22545 Capstan and cathead hoists.

- Add this section relating to capstan and cathead hoists.

WAC 296-32-22550 Rubber insulating equipment.

- Move requirements from WAC 296-32-260 to this section.
- Add an exception relating to protector gloves using language from chapter 296-45 WAC.
- Add a requirement relating to rubber gloves when not in use shall be carried in an approved bag using language from chapter 296-45 WAC.

WAC 296-32-22555 General fall protection.

- Add requirements relating to fall protection using language from chapter 296-155 WAC.
- Add language relating to working in the hour's darkness.

WAC 296-32-22560 Ladders.

- Move requirements from WAC 296-32-280 to this section.
- Add a requirement relating to aluminum or conductive ladders using language from chapter 296-876 WAC.

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- Add a requirement relating to portable ladders must be equipped with locking levelers.

WAC 296-32-22565 Vehicle-mounted material handling devices and other mechanical equipment.

- Move requirements from WAC 296-32-290 to this section.
- Add language relating to the operator's instructional manual shall be kept on the vehicle using language from chapter 296-45 WAC.

WAC 296-32-22570 Communication, roof tops, water towers and other elevated locations.

- Add this section to refer employers to the fall protection requirements located in WAC 296-32-22555.

WAC 296-32-22572 Microwave transmission/radio frequency radiation (RFR) and laser communication – general requirements.

- Add this section relating to potential RFR hazards and laser hazards.

WAC 296-32-22574 Hazardous areas.

- Add this section relating to protection from radiation exposure using language from chapter 296-62 WAC.
- Add a table relating to the limits for maximum permissible exposures.

WAC 296-32-22576 Optical communications systems (laser).

- Add language relating to lasers using language from ANSI Z136.

WAC 296-32-22578 Control of hazardous energy.

- Add language relating to the control of hazardous energy using language from chapter 296-803 WAC.

WAC 296-32-23505 Pole climbing equipment.

- Move requirements from WAC 296-32-270 to this section.
- Change "safety belts" to lineman's belts" to be consistent with current industry practice. Also using language from chapter 296-45 WAC.
- Add language relating to 100% fall protection using language consistent with chapter 296-45 WAC.
- Add language relating to snaphooks using language from chapters 296-45 WAC and 296-155 WAC.
- Wire rope requirements came from manufacturer's specifications.
- Pulling equipment requirements came from manufacturer's specifications.

WAC 296-32-23510 Materials handling and storage.

- Move requirements from WAC 296-32-300 to this section.

WAC 296-32-23512 Cable fault locating and testing.

- Move requirements from WAC 296-32-310 to this section.

WAC 296-32-23514 Grounding for employee protection – pole lines.

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- Move requirements from WAC 296-32-320 to this section.

WAC 296-32-23516 Overhead lines.

- Move requirements from WAC 296-32-330 to this section.
- Add language relating to handling suspension strand using language from chapter 296-45 WAC.

WAC 296-32-23518 Wood or other types of poles.

- Add language relating to testing of wood poles using language from chapter 296-45 WAC.
- Add language relating to when a pole is not safe to perform the work without taking additional precautions.
- Add language relating to handling poles near energized power conductors using language from chapter 296-45 WAC.
- Update the minimum approach distances in Table 6.

WAC 296-32-23520 Telecommunications line tree trimming and emergency work.

- Move requirements from WAC 296-32-360 to this section.
- Update the minimum approach distances in Table 7.

WAC 296-32-23522 Line patrol and work on aerial plants.

- Add language relating to line patrol and work on aerial plants from Chapter 296-45 WAC.

WAC 296-32-23523 Storm work and emergency conditions.

- Move requirements from WAC 296-32-360 to this section.
- Add language relating to when storm damage work can begin.
- Add language relating to the use of insulated gloves.

WAC 296-32-23524 Underground lines and cable vaults. Underground/buried communication lines.

- Add language relating to underground lines and cable vaults using language from chapter 296-155 WAC.

WAC 296-32-23526 Directional boring machines.

- Add language relating to directional boring machines using language from manufacturer's specifications.

WAC 296-32-23528 Manholes, street openings and vaults.

- Move requirements from WAC 296-32-340 to this section.

WAC 296-32-23530 Joint power and telecommunication manholes and vaults.

- Move requirements from WAC 296-32-340 to this section.

WAC 296-32-23532 Ladders for underground access.

- Move requirements from WAC 296-32-340 to this section.

WAC 296-32-23534 Tent heater, torches and open flames.

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- Move requirements from WAC 296-32-250 and 296-32-340 to this section.

WAC 296-32-23536 Lead work.

- Move requirements from WAC 296-32-250 to this section.

WAC 296-32-24005 Wireless communications – general requirements.

- Add general requirements relating to the wireless part of the telecommunications industry such as:
 - Training and training program documentation
 - Telecommunications work on high voltage transmission towers
 - Site specific safety plan
 - Hazard assessment
 - Climbing facilities
 - Communication tower/structure evaluation
- Add requirements from ANSI/TIA 222G.

WAC 296-32-24010 Antenna work-radio transmitting stations 3-30 MHZ.

- Move requirements from WAC 296-32-320 to this section.

WAC 296-32-24012 Fall protection.

- Add requirements relating to fall protection using language from chapters 296-155 WAC and 296-878 WAC.

WAC 296-32-24014 Work during hours of darkness.

- Add requirements when climbing towers in the hours of darkness.

WAC 296-32-24018 Emergency response/rescue requirements.

- Add requirements relating to emergency response/rescue.

WAC 296-32-24020 Rigging plan.

- Add rigging plan requirements from ANSI/ASSE A10.48.

WAC 296-32-24022 Gin poles – installation.

- Add gin pole installation requirements from ANSI/ASSE A10.48.

WAC 296-32-24024 Gin poles – use.

- Add gin pole use requirements from ANSI/ASSE A10.48.

WAC 296-32-24026 Gin poles – inspections.

- Add gin pole inspection requirements from ANSI/ASSE A10.48.

WAC 296-32-24028 Base mounted hoists used for overhead material lifting and personnel lifting.

- Add requirements relating to base mounted hoists used for overhead material lifting and personnel lifting from ANSI/ASSE A10.48.

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WAC 296-32-24032 Personnel lifting – general requirements.

- Add requirements relating to personnel lifting from ASME B30.23.

WAC 296-32-24034 Helicopters used for lifting loads.

- Add requirements relating to using helicopters for lifting loads from ANSI/ASSE A10.48.

REPEALED SECTIONS

WAC 296-32-215 Safe place standard.

- Repeal this section and move the requirements to WAC 296-32-22510.

WAC 296-32-220 General.

- Repeal this section and move the requirements to WAC 296-32-22535.

WAC 296-32-230 Training.

- Repeal this section and move the requirements to WAC 296-32-22525.

WAC 296-32-240 Employee protection in public work areas.

- Repeal this section and move the requirements to WAC 296-32-22530.

WAC 296-32-250 Tools and personal protective equipment – general.

- Repeal this section and move the requirements to WAC 296-32-22540.

WAC 296-32-260 Rubber insulating equipment.

- Repeal this section and move the requirements to WAC 296-32-22550.

WAC 296-32-270 Personal climbing equipment.

- Repeal this section and move the requirements to WAC 296-32-23505.

WAC 296-32-280 Ladders.

- Repeal this section and move the requirements to WAC 296-32-22560.

WAC 296-32-290 Vehicle-mounted material handling devices and other mechanical equipment.

- Repeal this section and move the requirements to WAC 296-32-22565.

WAC 296-32-300 Materials handling and storage.

- Repeal this section and move the requirements to WAC 296-32-23510.

WAC 296-32-310 Cable fault locating and testing.

- Repeal this section and move the requirements to WAC 296-32-23512.

WAC 296-32-320 Grounding for employee protection – pole lines.

- Repeal this section and move the requirements to WAC 296-32-23514.

WAC 296-32-330 Overhead lines.

- Repeal this section and move the requirements to WAC 296-32-23516.

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WAC 296-32-340 Underground lines and cable vaults.

- Repeal this section and move the requirements to WAC 296-32-23524.

WAC 296-32-350 Microwave transmission.

- Repeal this section and move the requirements to WAC 296-32-22572.

WAC 296-32-360 Tree trimming – electrical hazards.

- Repeal this section and move the requirements to WAC 296-32-23520.

WAC 296-32-370 Buried facilities – communications lines and power lines in the same trench.

- Repeal this section, the requirements relating to buried facilities are located in WAC 296-32-23524.