



# 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

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-12-088 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: eRules Phase 5; Chapter 296-155 WAC Safety Standards for Construction Work

Hearing location(s):  
Department of Labor and Industries  
7273 Linderson Way SW  
Tumwater, WA 98501

Date: February 25, 2016 Time: 1:00pm

Date of intended adoption: April 1, 2016  
(Note: This is NOT the effective date)

Submit written comments to:  
Name: Kevin Walder  
Address: PO Box 44620  
Olympia, WA 98504  
e-mail [kevin.walder@lni.wa.gov](mailto:kevin.walder@lni.wa.gov)  
fax (360) 902-5619 by (date) March 3, 2016

Assistance for persons with disabilities: Contact  
Kevin Walder by February 18, 2016 at (360) 902-5401

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

- No changes in requirements as a result of this rulemaking.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and table users.
- Easy navigation in PDF files provided through bookmarks in the rules.
- Easier referencing by replacing bullets and dashes with numbers and letters.
- Enhanced rule update efficiency for customers through electronic postings.
- "Housekeeping" corrections such as correcting dead links and obsolete references.
- Applying "plain talk" principles such as changing passive language to active for better clarity.
- See Attachment 1.

**Reasons supporting proposal:**

When the agency updated its website, template DOSH rules in HTML were broken and DOSH began forwarding rule users to the Office of the Code Reviser website, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules.

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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE  
January 5, 2016

NAME (type or print)  
Joel Sacks

SIGNATURE

TITLE  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **January 05, 2016**

TIME: **11:52 AM**

**WSR 16-02-094**

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

None

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Chris Miller	Tumwater	(360) 902-5516
Implementation.... Anne Soiza	Tumwater	(360) 902-5090
Enforcement..... Anne Soiza	Tumwater	(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.

No change in requirements, so no economic impact.

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

No change in requirements, so no change in costs or benefits.

## **NEW/REPEALED SECTIONS**

No new sections have been added or repealed.

Although definitions have been consolidated and moved to the beginning of rules in previous eRules filing packages, doing so with WAC 296-155 would not be feasible because the chapter covers such a broad range of topics that many definitions appear multiple times throughout with slightly varying meanings pertaining specifically to a given section.

## **AMENDED SECTIONS**

### **Chapter 296-155 WAC**

#### **WAC 296-155-01 Forward through WAC 296-155-965 Overhead protection for operators of agricultural and industrial tractors.**

- Changed sentence structure on numbered requirements from passive voice “shall” to active voice “you must”
- In other places throughout the chapters, aside from numbered requirements, changed “shall” to “must,” where applicable.
- Changed “employer” to “you” where applicable.
- Changed “his/her” to “their” where applicable to ensure gender neutrality.
- Changed “WISHA services” to “DOSH” where applicable.
- Changed bullets and dashes to letters or numbers where applicable.
- Changed written numbers to numerals where applicable (e.g., “two hundred and seventy five” now reads, “275”).
- Changed written fractions to numeric fractions where applicable.
- Emboldened chapter, section, and subsection titles for easier reference where applicable.
- Changed “assure” and “insure” to “ensure” throughout.
- Changed abbreviated measurements in tables to complete word for clarity (e.g., “gal” now reads, “gallon”).
- Made miscellaneous grammatical and housekeeping corrections throughout where applicable.