



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 15-24-101; 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 7 - Chapter 296-52 WAC Safety Standards for Possession, Handling and Use of Explosives, Chapter 296-59 WAC Safety Standards for Ski Area Facilities and Operations, Chapter 296-78 WAC Safety Standards for Sawmills and Woodworking Operations, Chapter 296-79 WAC Safety Standards for Pulp, Paper and Paperboard Mills and Converters, Chapter 296-99 WAC Grain Handling Facilities, and Chapter 296-115 WAC Safety Requirements for Charter Boats

Hearing location(s): Department of Labor and Industries Room S119 7273 Linderson Way SW Tumwater, WA 98501 Date: <u>May 19, 2017</u> Time: <u>10:00 a.m.</u>	Submit written comments to: Name: Tari Enos Address: PO Box 44620 Olympia, WA 98504-4620 e-mail tari.enos@lni.wa.gov fax (360)902-5619 by 5:00 p.m. on <u>May 26, 2017</u>
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Date of intended adoption: <u>August 1, 2017</u> (Note: This is NOT the effective date)	Assistance for persons with disabilities: Contact <u>Tari Enos</u> by <u>May 5, 2017</u> at (360) <u>902-5541</u>
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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 tablet 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.

Chapters 296-32 WAC, 296-36 WAC, 296-37 WAC, 296-63 WAC and 296-67 WAC were all removed from this rulemaking. After the CR-101 was filed December 1, 2015, it was determined that these chapters are all being either rewritten and/or reviewed in separate rulemaking projects, which will fulfill the requirements of SSB 5679, requiring all of our rules to be reviewed.
See Attachment 1 for a list of the proposed changes.

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
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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
March 28, 2017

NAME (type or print)
Joel Sacks

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 28, 2017
TIME: 10:59 AM

WSR 17-08-023

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	(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.

According to RCW 19.85.025(3) which references RCW 34.05.310(4)(d), no small business economic impact statement is required for this rulemaking.

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:

According to RCW 34.05.328(5)(iv), no cost benefit analysis is required for this rulemaking.

Amended Sections

Chapter 296-52 WAC Safety Standards for Possession, Handling and Use of Explosives

WAC 296-52-60010 through WAC 296-52-809

- Change bullets, dashes and diamonds to letters or numbers where applicable and renumber/re-letter the rest of the section or subsection.
- Change uppercase “and” and “or” to lowercase where applicable.
- Change “shall” to “must” where applicable.

Part A – Purpose, Scope and Application

- Add “Definitions” to the title of Part A.

WAC 296-52-61010 License applicants must provide this information

- Add “Individual” to beginning of subsection (1).
- Remove bulleted item below subsection (1) that said “An individual must provide:”
- Add (b) and (c) to subsection (1).

WAC 296-52-61015 License applicants must complete department forms

- Add (1) to first sentence in this section.

WAC 296-52-64005 Responsibility to obtain a blaster’s license

- Add a (1) to the opening paragraph.
- Add a (2) to the second paragraph.

WAC 296-52-65015 Manufacturing site inspections

- Add a (1) to the beginning of the section and renumber the rest.
- Add “The department will...” to new subsection (2).

WAC 296-52-66015 Storage site inspections

- Add a (1) to the beginning of the section and renumber the rest.
- Add “The department will...” to new subsection (2).

WAC 296-52-67170 Bulk delivery/mixing vehicles

- Add (iii) to last paragraph in subsection (2)(e).

WAC 296-52-70010 Building construction for Type 1 magazines

- Add a (1) to the opening paragraph of the beginning of the section and then renumber the rest of the section.

Chapter 296-59 WAC Safety Standards for Ski Area Facilities and Operations

WAC 296-59-001 through WAC 296-59-130

- Change “The employer” to “You must” where applicable.
- Change bullets and dashes to letters or numbers where applicable and renumber/re-letter the rest of the section or subsection.
- Change “shall” to “must” where applicable.

WAC 296-59-007 Definitions

- Remove quotation marks from every definition.
- Remove the word “means” from every definition and add a period after the word being defined, making each definition a complete sentence.
- Add definitions for “Hazardous Material System” and “Piping System” that were moved from WAC 296-59-080.
- Remove definition of “Shall” and add definition of “Must.”

CR-102 Rulemaking Order (RCW 34.05.320)

Department of Labor and Industries
Division of Occupational Safety and Health
CR-102 Filing Date: March 28, 2017

**Attachment (1)
(Purpose Statement)**

WAC 296-59-055 Lockout requirements

- Add letters (i)-(v) to un-bulleted list in subsection (10)(a).

WAC 296-59-080 Installation, inspection and maintenance of pipes, piping systems and hoses.

- Remove definitions of "Hazardous Material System" and "Piping system" from subsection (1) and add them to WAC 296-59-007.

Chapter 296-78 WAC Safety Standards for Sawmills and Woodworking Operations

WAC 296-78-500 through WAC 296-78-84011

- Change "The employer" to "You must" where applicable.
- Change bullets and dashes to letters or numbers where applicable and renumber/re-letter the rest of the section or subsection.
- Change "shall" to "must" or "will" where applicable.
- Remove repetitive "titles" from the beginning of numbered subsections where applicable.

WAC 296-78-505 Definitions

- Remove quotation marks and numbers from all definitions.
- Remove the word "means" from applicable definitions, and add a period after the word being defined, making each definition a complete sentence.

WAC 296-78-56505 Boats and mechanical devices on waters.

- Remove the reference to (19) from WAC 296-24-58501 in subsection (8)(h) due to definitions no longer being numbered.

WAC 296-78-70501 Definitions – Terms, general

- Remove numbers and quotation marks from definitions and add a period after every word being defined.

Chapter 296-79 WAC Safety Standards for Pulp, Paper and Paperboard Mills and Converters

WAC 296-79-010 through WAC 296-79-320

- Change "The employer" to "You must" where applicable.
- Change bullets and dashes to letters or numbers where applicable and renumber/re-letter the rest of the section or subsection.
- Change "shall" to "must" where applicable.
- Remove repetitive "titles" from the beginning of numbered subsections where applicable.

WAC 296-79-011 Definitions

- Remove quotation marks from all definitions.
- Remove the word "means" from applicable definitions, and add a period after the word being defined, making each definition a complete sentence.
- Add definitions of "Hazardous Material System" and "Piping System" that were removed from WAC 296-79-140.

WAC 296-79-140 Installation, inspection, and maintenance of pipes, piping systems and hoses

- Remove definitions of "Hazardous Material System" and "Piping System" from subsection (1) and move them to WAC 296-79-011 and renumber the rest of the section.

WAC 296-79-150 Powered industrial trucks and other equipment

- Update reference in opening sentence of section from "chapter 296-24 WAC, Part D" to "chapter 296-863 WAC."
- Update reference in subsection (14) from "WAC 296-24-230" to "WAC 296-863-40060."

CR-102 Rulemaking Order (RCW 34.05.320)

Department of Labor and Industries
Division of Occupational Safety and Health
CR-102 Filing Date: March 28, 2017

**Attachment (1)
(Purpose Statement)**

WAC 296-79-170 Requirements for crawler and truck cranes

- Add word “below” to subsection (19) to make a complete sentence: “When using visual signals, standard hand signals as illustrated below, must be used for directing crane operators.”

WAC 296-79-210 For conveyors, maintenance and inspection

- Update reference from “chapter 296-24 WAC, Part D” to “WAC 296-806-420, Conveyors.”

WAC 296-79-230 Confined spaces.

- Update reference in subsection (1) from “chapter 296-62 WAC, Part M” to “chapter 296-809 WAC.”

Chapter 296-99 WAC Safety Standards for Grain Handling Facilities

WAC 296-099-010 through WAC 296-99-085

- Change “The employer” to “You must” where applicable.
- Change bullets/dashes to letters or numbers where applicable.

WAC 296-99-085 What special requirements apply to inside bucket elevators?

- Remove definition of “Jogging” from subsection (1) and move it to WAC 296-99-005.

Chapter 296-115 WAC Safety Requirements for Charter Boats

WAC 296-115-025 through WAC 296-115-060

- Change “The employer” to “You must” where applicable.
- Change bullets and dashes to letters or numbers where applicable and renumber/re-letter the rest of the section or subsection.

WAC 296-115-015 Definitions

- Remove numbers from all definitions.
- Remove the word “means” from applicable definitions, and add a period after the word being defined, making each definition a complete sentence.

New Sections

WAC 296-52-099 Definitions

WAC 296-99-005 What definitions apply to this chapter?

Repealed Sections

WAC 296-52-60130 Definitions

WAC 296-99-020 What definitions apply to this chapter?