



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 16-11-084; 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 8: Chapter 296-65 WAC Asbestos; Chapter 296-301 WAC Safety Standards for the Textile Industry; Chapter 296-303 WAC Safety Standards for Laundry Machinery and Operations; Chapter 296-304 WAC Safety Standards for Ship Repairing, Shipbuilding and Shipbreaking; Chapter 296-803 WAC Lockout/Tagout (Control of Hazardous Energy); Chapter 296-811 WAC Fire Brigades; Chapter 296-818 WAC Abrasive Blasting; Chapter 296-824 WAC Emergency Response; Chapter 296-835 WAC Dipping and Coating Operations (Dip Tanks); Chapter 296-841 WAC Airborne Contaminants; Chapter 296-842 WAC Respirators; Chapter 296-863 WAC Forklifts and Other Powered Industrial Trucks; and Chapter 296-900 WAC Administrative Rules.

Hearing location(s):
Department of Labor and Industries
Room S119
7273 Linderson Way SW
Tumwater, WA 98501

Date: July 7, 2017 Time: 9:00 a.m.

Submit written comments to:

Name: Tari Enos
Address: PO Box 44620
Olympia, WA 98504
e-mail tari.enos@lni.wa.gov
fax (360) 902-5619 by 5:00 p.m. on July 14, 2017

Assistance for persons with disabilities:

Contact
Tari Enos by June 16, 2017 at (360) 902-5541

Date of intended adoption: September 5, 2017
(Note: This is NOT the effective date)

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 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.

Chapter 296-816 WAC Protecting Trade Secrets, which was listed on the CR-101 filed on May 17, 2016, was removed from this rulemaking due to being repealed effective February 3, 2017 and replaced by Chapter 296-901 WAC Hazard Communication.

See Attachment 1 for a list of the proposed changes.

Reasons supporting proposal:

When the agency updated its website, 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
May 23, 2017

NAME (type or print)
Joel Sacks

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 23, 2017

TIME: 11:29 AM

WSR 17-11-119

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.

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.

Department of Labor and Industries
Division of Occupational Safety and Health
CR-102 Filing Date: May 23, 2017

Amended Sections

Chapter 296-65 WAC Asbestos Removal and Encapsulation

WAC 296-65-005 through WAC 296-65-050

- Change bullets to letters or numbers where applicable
- Change “shall” to “must” where applicable

WAC 296-65-003 Definitions

- Remove quotation marks from all defined words
- Remove the word “means” from all applicable definitions and replace it with a period, making all definitions complete sentences

Chapter 296-301 WAC Safety Standards for the Textile Industry

WAC 296-301-010 through WAC 296-301-225

- Change “The employer” to “You must” where applicable
- Remove numbered subdivision “titles” throughout chapter that are repetitive
- Change “shall” to “must” where applicable

WAC 296-301-015 Definitions applicable to this chapter

- Remove quotation marks from all defined words
- Remove numbers from all definitions
- Remove the word “means” from all applicable definitions and replace it with a period, making all definitions complete sentences

Chapter 296-303 WAC Safety Standards for Laundry Machinery and Operations

WAC 296-303-01001 through WAC 296-303-040

- Change “The employer” to “You must” where applicable
- Change “shall” to “must” where applicable

WAC 296-303-01003 Definitions

- Remove quotation marks from all defined words
- Remove numbers from all definitions
- Remove the word “means” from all applicable definitions and replace it with a period, making all definitions complete sentences

WAC 296-303-02501 General

- Update reference in subsection (4) from “WAC 296-62-110” to “chapter 296-62 WAC, Part L”

Chapter 296-304 WAC Safety Standards for Ship Repairing, Shipbuilding and Shipbreaking

WAC 296-304-01001 through WAC 296-304-20025

- Change “The employer” to “You must” where applicable
- Change bullets to letters or numbers where applicable
- Remove subdivision titles throughout chapter and renumber sections where applicable
- Change “shall” to “must” where applicable
- Change “shall be not” to “must not be” where applicable

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WAC 296-304-01001 Definitions

- Remove quotation marks from all defined words
- Remove the word “means” from all applicable definitions in subsection and replace it with a period, making all definitions complete sentences

WAC 296-304-01021 Competent person

- Change lower case letters to numbers in the exception in the middle of subsection (2)

WAC 296-304-020 Confined and enclosed spaces and other dangerous atmospheres in ship yard employment

- Remove the word “means” from all applicable definitions in subsection (2) and replace it with a period, making all definitions complete sentences

WAC 296-304-03009 Flammable Liquids

- Remove number (1) from opening paragraph and change letters to numbers in the rest of the subsection. There wasn't a “(2)” to go with the (1) in the original language.

Chapter 296-803 WAC Lockout/Tagout (Control of Hazardous Energy)

WAC 296-803-100 through WAC 296-803-70015

- Remove bold “you must” from the beginning of section and incorporate it into the language of applicable sections
- Change bullets/dashes/boxes to letters or numbers where applicable and renumber/re-letter the rest of the section
- Change uppercase “and” and “or” to lowercase where applicable

WACs 296-803-200, 296-803-300, 296-803-400, 296-803-500, 296-803-600, and 296-803-700

- Update listed chapters into a “You must meet the requirements” table

WAC 296-803-50050 Protect employees working in a group

- Remove definition of “Primary authorized employee” from the end of this section – it is already located in the definition section WAC 296-803-099

Chapter 296-811 WAC Fire Brigades

WAC 296-811-100 through WAC 296-811-50005

- Remove bold “You must” and bullet and add “You must” to the applicable requirements listed below it
- Change bullets/dashes/boxes to letters or numbers where applicable and renumber/re-letter the rest of the section

WAC 296-811-100 Scope

- Remove definition of “Fire brigade” from this section – it's already in the definitions section WAC 296-811-099

WACs 296-811-200, 296-811-300, 296-811-400, and 296-811-500

- Update listed chapters into a “You must meet the requirements” table

Chapter 296-818 WAC Abrasive Blasting

WAC 296-818-100 through WAC 296-818-40015

- Remove bold “You must” and bullet and add “You must” to the applicable requirements listed below it
- Change bullets/dashes/boxes to letters or numbers where applicable and renumber/re-letter the rest of the section
- Change uppercase “and” and “or” to lowercase where applicable

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WACs 296-818-200, 296-818-300, and 296-818-400

- Update listed chapters into a “You must meet the requirements” table

Chapter 296-824 WAC Emergency Response

WAC 296-824-100 and WAC 296-824-20005 through WAC 296-824-70005

- Remove bold “You must” and bullet and add “You must” to the applicable requirements listed below it
- Change bullets/dashes to letters or numbers where applicable and renumber/re-letter the rest of the section
- Change uppercase “and” and “or” to lowercase where applicable
- Change diamonds/boxes to letters/numbers where applicable

WACs 296-824-400, 296-824-500, 296-824-600

- Update listed chapters into a “You must meet the requirements” table

Chapter 296-835 WAC Dipping and coating operations (Dip Tanks)

WAC 296-835-100 through WAC 296-835-13030

- Remove bold “You must” and bullet and add “You must” to the applicable requirements listed below it
- Change bullets/dashes to letters or numbers where applicable and renumber/re-letter the rest of the section
- Change uppercase “and” and “or” to lowercase where applicable
- Change diamonds/boxes to letters/numbers where applicable

WAC 296-835-110, 296-835-120, 296-835-130

- Update listed chapters into a “You must meet the requirements” table

Chapter 296-841 WAC Airborne contaminants

WAC 296-841-100 through WAC 296-841-20025

- Change bullets/dashes/boxes to letters or numbers where applicable and renumber/re-letter the rest of the section
- Change uppercase “and” and “or” to lowercase where applicable

WAC 296-841-100 Scope

- Remove definition of “Exposed or exposure” from the bottom of this section – it’s already in the Definitions section
WAC 296-841-099

Chapter 296-842 WAC Respirators

WAC 296-842-10200 through WAC 296-842-22020

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

WAC 296-842-10200 Definitions

- Remove all numbers from definitions
- Remove the word “means” from all applicable definitions and replace it with a period, making all definitions complete sentences

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Chapter 296-863 WAC Forklifts and other powered industrial trucks

WAC 296-863-100 through WAC 296-863-60015

- Remove bold “You must” and bullet and add “You must” to the applicable requirements listed below it
- Change “The employer” to “You must” where applicable
- Change “shall” to “must” where applicable
- Change bullets/dashes/boxes to letters or numbers where applicable and renumber/re-letter the rest of the section
- Change uppercase “and” and “or” to lowercase where applicable

WAC 296-863-100 Scope

- Remove the definition of “Powered industrial truck (PIT)” from the end of this section – it’s already in the definition section WAC 296-863-099

WACs 296-863-200, 296-863-300, 296-863-400, 296-863-500, 296-863-600

- Update listed chapters into a “You must meet the requirements” table

Chapter 296-900 WAC Administrative Rules

WAC 296-900-100 through WAC 296-900-17540

- Remove bold “You must” and bullet and add “You must” to the applicable requirements listed below it
- Change “The employer” to “You must” where applicable
- Change “shall” to “must” where applicable
- Change bullets/dashes/boxes to letters or numbers where applicable and renumber/re-letter the rest of the section
- Change uppercase “and” and “or” to lowercase where applicable

WACs 296-900-110, 296-900-120, 296-900-130, 296-900-150, 296-900-160, 296-900-170

- Update listed chapters into a “You must meet the requirements” table

New Sections

WAC 296-803-099 Definitions, WAC 296-811-099 Definitions, WAC 296-818-099 Definitions, WAC 296-824-099 Definitions, WAC 296-835-099 Definitions, WAC 296-841-099 Definitions, WAC 296-863-099 Definitions, WAC 296-900-099 Definitions

Repealed Sections

WAC 296-803-800 Definitions, WAC 296-811-600 Definitions, WAC 296-818-500 Definitions, WAC 296-824-800 Definitions, WAC 296-835-140 Definitions, WAC 296-841-300 Definitions, WAC 296-863-700 Definitions, WAC 296-900-17510 Definitions, WAC 296-900-180 Definitions