

CONCISE EXPLANATORY STATEMENT

Chapter 296-45 WAC – Electric Power Generation, Transmission, and Distribution

Public Hearings: April 9 and 11, 2019

Adoption: June 18, 2019

Effective: August 1, 2019

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I. Purpose of Rulemaking

This rulemaking is being done to comply with the Division of Occupational Safety and Health (DOSH) eRules initiative in addition to making necessary corrections to the rule that have been identified since the updated rule was adopted on May 3, 2016. The eRules portion of this rulemaking provides a format consistent with all the other DOSH rules, and allows ease of access using the DOSH website. Washington is a state plan state under the Occupational Safety and Health Administration (OSHA). As a state plan state, Washington assumes responsibility for occupational safety and health in the state under the Washington Industrial Safety and Health Act (WISHA). To maintain its status, Washington's safety and health standards must be at least as effective as those standards adopted or recognized by OSHA. Additional amendments include: correct an error relating to hard hats; include a reference in the scope of this rule to chapter 296-32 WAC; include language in the scope of this chapter identifying a WAC that applies to line clearance tree trimmers to align with and be at least as effective as OSHA; include language relating to doing work with voltages over 72.5 kilovolts to align with and be at least as effective as OSHA.

The Electrical Utility Safety Advisory Committee (EUSAC) was very involved in the previous iteration of this rule and in fact identified one of the items that needed to be corrected, which related to the type of head protection required. Most of the changes adopted are regarding eRule formatting such as; changing "shall" to "must", removing unnecessary quotes around words being defined and correcting punctuation errors.

This rulemaking was originally intended to be an eRule filing only, but when issues from the EUSAC were identified, the department decided to combine this rulemaking into one to address all the necessary corrections as well as the eRule requirements.

The department met with this committee on three separate occasions starting in October 2017.

II. Changes to the Rules

There were no language changes made since publishing the proposed rule in the CR-102.

III. Comments on Proposed Rule

The purpose of this section is to respond to the oral and written comments received through the public comment period and at the public hearing.

A. Comment Period

The public comment period for this rulemaking was March 5, 2019 through April 18, 2019. No written comments were received during this time.

B. Public Hearings

Two public hearings were held:

- On April 9, 2019 at 1:00 pm in Tumwater, WA; two attendees were present at the public hearing and one provided testimony.
- On April 11, 2019 at 9:00 am in Moses Lake, WA; one person attended the public hearing and provided testimony.

C. Summary of Comments Received and Department Response

Below is a summary of the comments the department received and the department's response.

General Comments	Department Response
<p>I am with International Brotherhood of Electrical Workers, IBEW Local 77. I also am chair of the small committee that EUSAC formed to work with the Department on this Chapter 45. I am here today to simply state that we are in full support as proposed for these regulations and in addition would like to thank the Department and in particular Cindy Ireland and the standards group, Alan Lundeen, Dick Maxwell and Jeff Krausse. It is one way we can get the Director's attention by putting that in the record formally.</p> <p>We look forward to future rulemaking in Chapter 45 as other</p>	<p>Thank you for your comments in support of this rulemaking and the rulemaking process.</p> <p>The department will continue to work with the Electrical Utility Safety Advisory Committee (EUSAC) committee to identify needed modifications that support the industry in the application of this rule.</p>

<p>sections need to be modified to keep up with technology; however, we again support the proposal today.</p>	
<p>I represent the Northwest Line chapter of NECA. And we just want to be on record that we do support these proposed changes. And I just want to thank the Department on behalf of the EUSAC committee for the work that they did with us to get these proposals.</p>	<p>Thank you for your comments in support of this rulemaking and the rulemaking process.</p> <p>The department will continue to work with the Electrical Utility Safety Advisory Committee (EUSAC) committee to identify needed modifications that support the industry in the application of this rule.</p>