



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 18, 2019

TIME: 10:00 AM

WSR 19-13-083

Agency: Department of Labor & Industries

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) August 1, 2019 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This rulemaking is being adopted to comply with the 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. Below are the adopted amendments:

DOSH eRules amendments throughout the chapter:

- Changed "shall" to "must" or "will".
- Changed "may not" to "cannot" or "must not".
- Removed "shall" from the definitions.
- Changed "he/she" and "his/her" to "they" or "their".
- Reformatted definitions to eRule format.

Additional corrections include:

WAC 296-45-015 Scope and application.

- In subsection (1)(e)(ii) – added WAC 296-45-067 (Information Transfer) to the list WAC's that apply to line-clearance tree-trimming operations to align with and be at least as effective OSHA.
- In subsection (4) – added a reference to Chapter 296-32 WAC, Safety Standards for Telecommunications.

WAC 296-45-045 NESC applicable.

- Updated the National Electrical Safety Code (NESC) to the 2017 edition.

WAC 296-45-075 Employer's safety program.

- In subsection (7) – added the words "and communicated to employees" to this sentence. It now reads, "Existing conditions related to the safety of the work to be performed must be determined and communicated to employees before work on or near electric lines or equipment is started". This change was for clarity.

WAC 296-45-105 Work required of leadworkers.

- In subsection (1) – removed the words "look out for" in this sentence. It now reads, "A leadworker cannot properly supervise the work and the safety of employees under their direction if required to work as a leadworker and a qualified electrical employee at the same time". This change was for clarity.

WAC 296-45-17505 Lockout/tagout (hazardous control) program.

- In subsection (1) – replaced the word "inoperative" with "inoperable". OSHA changed "inoperative" wherever it appeared in their existing standard to "inoperable" as it is a more precise term.

WAC 296-45-25505 Personal protective equipment.

- In subsection (2) – removed the words “Type II” from this sentence. This change was to correct an error made in the 2016 rulemaking.

WAC 296-45-325 Working on or near exposed energized parts.

- In subsection (4)(c) – added a reference to Appendix A for additional information relating to working on exposed energized parts. This change was for clarity.
- In subsection (4)(d) – added language relating to doing work with voltages over 72.5 kilovolts to align with and be at least as effective as OSHA. Also, added a new Table 4, Assumed Maximum Per-Unit Transient Overvoltage, this table is identical to OSHA’s Table R-9.
- Modified Table 2, AC Live Work Minimum Approach Distance, to match OSHA’s tables of minimum approach distances.
- Reformatted the notes in Table 2, AC Live Work Minimum Approach Distance.
- In subsection(5)(a) - added the words “and communicated to employees” to this sentence. It now reads, “Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, must be determined and communicated to employees as will any other particular hazard of a particular worksite”.
- In subsection (12)(b) – replaced the word “workers” with the word “employees” for consistency.

WAC 296-45-355 Underground grounding.

- In subsection (3) – replaced the word “worker” with the word “employee” for consistency.

WAC 296-45-375 Mechanical equipment, including aerial manlift equipment.

- In subsection (18) – replaced the word “inoperative” with “inoperable”. OSHA changed “inoperative” wherever it appeared in their existing standard to “inoperable” as it is a more precise term.

WAC 296-45-385 Overhead lines.

- In subsection (2)(d) – replaced the word “inoperative” with “inoperable”. OSHA changed “inoperative” wherever it appeared in their existing standard to “inoperable” as it is a more precise term.

WAC 296-45-465 Communication facilities.

- Added a note/reference to this section relating to additional information about radio frequency radiation exposure can be found in WAC 296-32-22572 and 296-32-22574.

WAC 296-45-475 Substations.

- Updated the National Electrical Safety Code (NESC) to the 2017 edition.
- Reformatted the notes by removing numbers and adding bullets.
- In subsection (2) – replaced the word “inoperative” with “inoperable”. OSHA changed “inoperative” wherever it appeared in their existing standard to “inoperable” as it is a more precise term.

WAC 296-45-48515 Access and working space.

- Updated the National Electrical Safety Code (NESC) to the 2017 edition.
- Reformatted the notes by removing numbers and adding bullets.

WAC 296-45-48525 Guarding of energized parts.

- Updated the National Electrical Safety Code (NESC) to the 2017 edition.
- Reformatted the notes by removing numbers and adding bullets.

WAC 296-45-52540 Lasers.

- Added a note/reference to this section relating to additional information about lasers can be found in WAC 296-32-22576.

WAC 296-45-902 Appendix A – Working on exposed energized parts – Nonmandatory.

- Fixed a grammatical error in the first note of this appendix.
- Removed an OSHA reference to live-line barehand work since that type of work is prohibited in Washington State.
- Deleted Tables 6 through 13, they became obsolete on April 1, 2015.
- Added a note letting employers know that Tables 6 through 13 have been deleted, they became obsolete on April 1, 2015.
- Corrected Tables 14 through 21 relating to “phase-to-ground” vs. “phase-to-phase” terminology.

WAC 296-45-906 Appendix D – Protection from flames and electric arcs – Nonmandatory.

- Updated the National Electrical Safety Code (NESC) to the 2017 edition.

WAC 296-45-910 Appendix H – Reference documents.

- Updated the National Electrical Safety Code (NESC) to the 2017 edition.

Citation of rules affected by this order:

New: 0
 Repealed: 0
 Amended: WAC 296-45-015; 296-45-035; 296-45-045; 296-45-055; 296-45-065; 296-45-067; 296-45-075; 296-45-085; 296-45-095; 296-45-105; 296-45-115; 296-45-125; 296-45-135; 296-45-17505; 296-45-17510; 296-45-17515; 296-45-17525; 296-45-17530; 296-45-17535; 296-45-17540; 296-45-17545; 296-45-17550; 296-45-17555; 296-45-17560; 296-45-17565; 296-45-195; 296-45-205; 296-45-215; 296-45-225; 296-45-255; 296-45-25505; 296-45-25510; 296-45-275; 296-45-285; 296-45-295; 296-45-305; 296-45-315; 296-45-325; 296-45-335; 296-45-345; 296-45-355; 296-45-365; 296-45-375; 296-45-385; 296-45-455; 296-45-45505; 296-45-45510; 296-45-45515; 296-45-45520; 296-45-45525; 296-45-45530; 296-45-465; 296-45-475; 296-45-48505; 296-45-48510; 296-45-48515; 296-45-48520; 296-45-48525; 296-45-48530; 296-45-48535; 296-45-48540; 296-45-48545; 296-45-48550; 296-45-48555; 296-45-48560; 296-45-52505; 296-45-52510; 296-45-52515; 296-45-52520; 296-45-52525; 296-45-52540; 296-45-52545; 296-45-52550; 296-45-545; 296-45-675; 296-45-67503; 296-45-67506; 296-45-67513; 296-45-67515; 296-45-67517; 296-45-67519; 296-45-67521; 296-45-67522; 296-45-67523; 296-45-67525; 296-45-67527; 296-45-67529; 296-45-67531; 296-45-67533; 296-45-67536; 296-45-67537; 296-45-67541; 296-45-67545; 296-45-902; 296-45-903; 296-45-905; 296-45-906; and 296-45-910
 Suspended: 0

Statutory authority for adoption: RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060.

Other authority: Chapter 49.17 RCW

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-06-067 on March 5, 2019 (date).

Describe any changes other than editing from proposed to adopted version: Adopted as proposed.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Note: If any category is left blank, it will be calculated as zero.
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
 A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>98</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New ____ Amended 98 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended 98 Repealed ____

The number of sections adopted using:

Negotiated rule making: New ____ Amended ____ Repealed ____
Pilot rule making: New ____ Amended ____ Repealed ____
Other alternative rule making: New ____ Amended ____ Repealed ____

Date Adopted: June 18, 2019

Name: Joel Sacks

Title: Director

Signature:

