



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (August 2017)**  
**(Implements RCW 34.05.310)**  
Do **NOT** use for expedited rule making

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FILED

DATE: January 23, 2018

TIME: 10:40 AM

WSR 18-03-162

**Agency:** Department of Labor and Industries

**Subject of possible rule making:** Chapter 296-52 WAC Safety Standards for Possession, Handling, and Use of Explosives

**Statutes authorizing the agency to adopt rules on this subject:** RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060, RCW 70.74

**Reasons why rules on this subject may be needed and what they might accomplish:** Many sections within Chapter 296-52 WAC Safety Standards for Possession, Handling, and Use of Explosives have not been updated in 10 to 30 years and there is widespread agreement among stakeholders and agency staff that some changes are necessary in order to reflect technological advancements and to better complement related federal regulations in the interest of both worker and public safety. Additionally, updating requirements for storage of smokeless powder to reflect current industry best practices and align with federal regulations is expected to significantly reduce the number of variances requested, which place an administrative burden on both businesses and Division of Occupational Safety & Health (DOSH). Accordingly, DOSH has formed an explosives safety stakeholder group comprised of representatives of law enforcement, other governmental agencies, industry, and private/recreational users who plan to meet regularly beginning in January 2018 to discuss potential rule changes in advance of drafting a revised rule proposal. While the scope of the rulemaking will include the entire WAC chapter and updating other references to chapter 296-52 as needed, likely focus areas will include changes to definitions, licensing, storage, background check requirements, public disclosure, transportation, and restructuring of the rule in order to create separate sections for law enforcement and avalanche control work.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Federal Bureau of Alcohol, Tobacco, and Firearms (ATF)

**Process for developing new rule (check all that apply):**

Negotiated rule making

Pilot rule making

Agency study

Other (describe) Parties interested in the formulation of these rules for proposal may contact the individual listed

below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Kevin Walder, Administrative Regulations Analyst

(If necessary)

Name:

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Other:

Additional comments:

**Date:** January 23, 2018

**Signature:**

**Name:** Joel Sacks



**Title:** Director