



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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FILED

DATE: February 19, 2019

TIME: 2:53 PM

WSR 19-05-076

**Agency:** Department of Labor and Industries

**Subject of possible rule making:** The department is conducting rulemaking specifically related to fall protection requirements and references included in:

- Chapter 296-155 WAC Construction Work
- Chapter 296-24 WAC General Health and Safety, Part A, Part J and appendices
- Chapter 296-800 WAC Core Rules
- Chapter 296-32 WAC Telecommunication
- Chapter 296-45 WAC Electric Power Generation, Transmission and Distribution
- Chapter 296-56 WAC Longshore, Stevedore and Waterfront Related Operations
- Chapter 296-59 WAC Ski Area Facilities and Operations
- Chapter 296-78 WAC Sawmills and Woodworking Operations
- Chapter 296-79 WAC Pulp, Paper, and Paperboard Mills and Converters
- Chapter 296-301 WAC Textile Industry
- Chapter 296-304 WAC Ship Repairing, Ship Building and Shipbreaking
- Chapter 296-307 WAC Agriculture, Part O
- Chapter 296-863 WAC Forklifts and other Powered Industrial Trucks
- Chapter 296-869 WAC Elevating Work Platforms
- Chapter 296-870 WAC Powered Platforms
- Chapter 296-874 WAC Scaffolds
- Chapter 296-876 WAC Ladders, Portable and Fixed
- Chapter 296-878 WAC Window Cleaning

This rulemaking will possibly create a new Chapter, Chapter 296-880 WAC, Unified Fall Protection

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

**Reasons why rules on this subject may be needed and what they might accomplish:** In June of 2013 and October of 2015 the Division of Occupational Safety and Health (DOSH) received notification from the Federal Occupational Safety and Health Administration (OSHA) relating to DOSH's fall protection standards. The latest notification advised the department that DOSH needed to amend our fall protection rules in Chapter 296-155 WAC in order for them to be at least as effective as those administered by OSHA. This rulemaking will consider changes to the rules to make them at least as effective as OSHA, as required by the Washington State Plan.

In addition, this rulemaking will consider incorporating fall protection requirements from multiple DOSH rules into one chapter applicable to all industries. During public meetings held in the fall of 2016 and 2018, stakeholders supported the creation of a unified fall protection rule and believe it will be easier to implement and help protect workers from fall hazards. By creating a unified fall protection rule, some existing requirements may be changed to ensure alignment and consistency and references to the existing requirements will need updating.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**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:**

	(If necessary)
Name: Carmyn Shute, Administrative Regulations Analyst	Name:
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Other:	Other:

Additional comments:

**Date:** February 19, 2019

**Name:** Joel Sacks

**Title:** Director

**Signature:**

