

# Chapter 296-155 WAC, Part N Excavation, Trenching, and Shoring Preliminary Draft Rule Updates

Steve Heist, Construction Technical Specialist

Phone: (253) 878-0928

Email: [Steven.Heist@Lni.wa.gov](mailto:Steven.Heist@Lni.wa.gov)

July & August 2025



Washington State Department of  
**Labor & Industries**

Includes:  
Chapter 296-155-650 through 296-155-655

# Agenda

- Introductions/Rulemaking Process
- Overview of Recent Progress
- Discuss Updates to Preliminary Draft of the Trenching, Excavation, and Shoring Rules
  - High-Level Summary (State initiated – why?)
  - Detailed Changes
- Q&A
- Next Steps and Tentative Timeline
- Contact Info

# Rulemaking Process

- Administrative Procedure Act (APA)
  - Chapter 34.05 RCW
- Regulatory Fairness Act (RFA)
  - Chapter 19.85 RCW
- Initiated [Agency]



# Background ~ Need for Rulemaking

- Troubling spike in trenching fatalities and injuries both nationally and here in Washington.
- Evidence suggests these tragedies are preventable with planning and adherence to existing regulations.
- Rulemaking initiated in June 2021 (CR-101).
- L&I held 5 public stakeholder meetings and multiple drafts were sent via GovDelivery requesting public feedback.

# Overview of Recent Progress

- L&I convened a small workgroup comprised of business and labor representatives.
- This workgroup focused the scope of this rulemaking less on “trench rescue” as was previously shared, and more on gaining compliance with current regulations.
- This “new focus” brought the preliminary draft language we are sharing with you today, as well as a draft “Trenching & Excavation Work Plan.”

# High-Level Summary of Changes

## **State-initiated changes:**

- Added definition for emergency.
- Added requirement for a written work plan to be completed by a competent person that includes both an evaluation of the site as well as a safe work plan.
- Work plan must be available on-site for inspection by L&I.
- Employee training.

# RULEMAKING CHANGES

- WAC 296-155-652 Definitions applicable to this part.
  - (8) Emergency. Any occurrence or event internal or external to the excavation that could endanger employees.
  - Note: Other minor grammatical and housekeeping changes were made as well.

# RULEMAKING CHANGES

- WAC 296-155-655 General protection requirements.
- (13) Trench excavations. (a) You must develop and implement a written work plan for any trench excavation into which an employee may enter and where a protective system is required under WAC 296-155-657 (1)(a). Employers who have created an industry specific workplan which contains the information below may continue to use their own form or use the form available on the L&I website at [www.Lni.wa.gov](http://www.Lni.wa.gov) .



# RULEMAKING CHANGES

- WAC 296-155-655 General protection requirements.
- (13) Trench excavations.
- (b) The work plan must:
  - (i) Identify all trench excavations where a protective system is required;
  - (ii) Identify the classification of soil and rock deposits;
  - (iii) Identify underground installations by using a line locate service such as 811;
  - (iv) Describe the method of protecting underground installations when the trench excavation is open;

# RULEMAKING CHANGES

- WAC 296-155-655 General protection requirements.
- (13) Trench excavations.
- (b) The work plan must:
  - (v) Describe the method of protection from surface encumbrances;
  - (vi) Describe the method of stabilizing adjacent structures;
  - (vii) Identify potentially hazardous atmospheres;
  - (viii) Describe the type of protective system to be provided;
  - (ix) Describe the frequency of inspections of trench excavations, the adjacent areas, and protective system for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions;

# RULEMAKING CHANGES

- WAC 296-155-655 General protection requirements.
- (13) Trench excavations.
- (b) The work plan must:
  - (xi) Describe the method of protecting workers in a trench excavation from loose soil, rock, or equipment that could pose a hazard by falling or rolling into the excavation;
  - (xii) Describe the method of protection from hazards associated with water accumulation;
  - (xiii) Describe the safe means of egress from trench excavations;
  - (xvi) Be available on-site for inspection by the department.

# RULEMAKING CHANGES

- WAC 296-155-655 General protection requirements.
- (13) Trench excavations.
- (b) The work plan must:
  - (c) Training. Prior to permitting employees into any trench excavation where a protective system is required, the employer must ensure employees are trained and instructed on the items described in (b)(i) through (xv) of this subsection.

# RULEMAKING CHANGES

- WAC 296-155-655 General protection requirements.
- (13) Trench excavations.
- *Note: A sufficient work plan description of "prompt, safe removal or rescue of workers ~~in the event of a cave-in~~" can include coordination with available local emergency services (e.g., 911) but must account for your worksite's proximity to these local emergency services and any potential geographic, topographic, or other obstacles that could prevent immediate access to the worksite. In remote or otherwise inaccessible locations where local emergency services cannot feasibly respond to an emergency in a timely manner, your plan cannot rely upon local emergency services as a primary means of "prompt and safe removal or rescue."*

# RULEMAKING CHANGES

## TRENCHING & EXCAVATION EVALUATION & WORK PLAN

Employer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Jobsite Name/Address: \_\_\_\_\_

Name of competent person remaining onsite during the excavation? \_\_\_\_\_

Do you have training or knowledge in soils classification for:

Class A? ☐ Yes ☐ No      Class B? ☐ Yes ☐ No  
Class C? ☐ Yes ☐ No      Stable rock? ☐ Yes ☐ No

Do you have training or knowledge in use of protective systems such as:

Shoring? ☐ Yes ☐ No      Shielding? ☐ Yes ☐ No  
Benching? ☐ Yes ☐ No      Sloping? ☐ Yes ☐ No  
Engineering? ☐ Yes ☐ No

	YES	NO*
Do you have training or knowledge in the requirements of Chapter 296-155 WAC, Part N, Excavation, Trenching and Shoring?	<input type="checkbox"/>	<input type="checkbox"/>
Did you obtain line locates for the area of the excavation?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have authority to stop work until hazards are corrected, eliminated or controlled and to remove employees from the hazardous area until proper systems are in place?	<input type="checkbox"/>	<input type="checkbox"/>

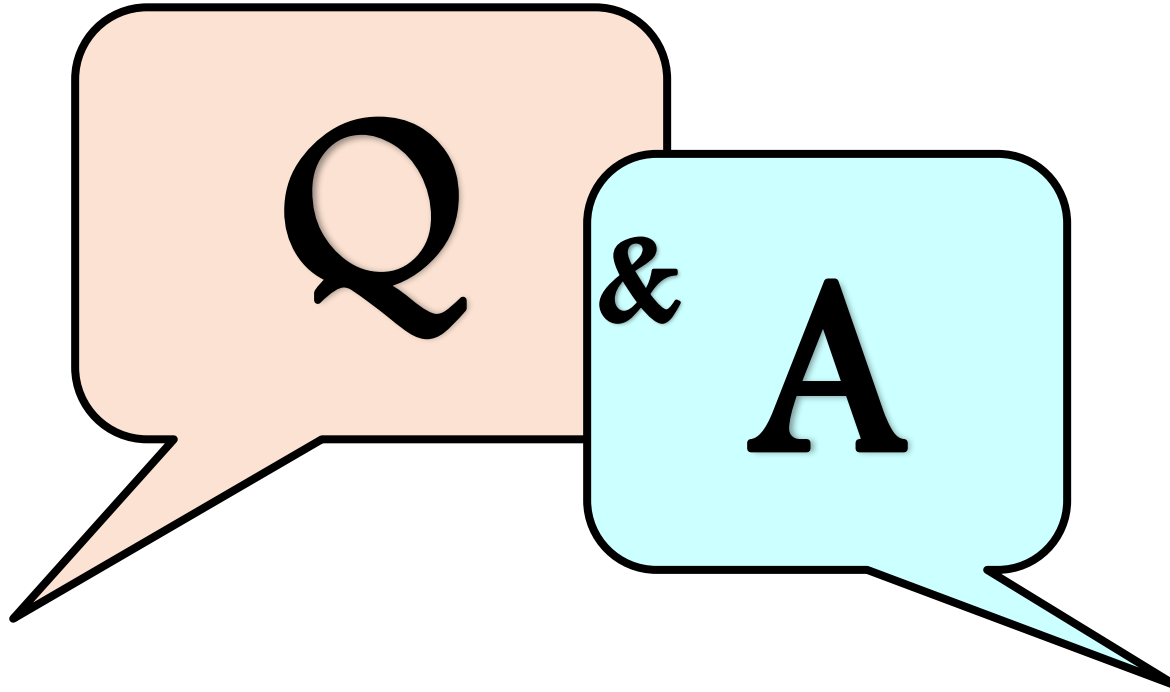
*This document must be completed by the COMPETENT PERSON, as described in Chapter 296-155-650 WAC, Part N, Excavation, Trenching and Shoring.*

# RULEMAKING CHANGES

<b>Equipment Used:</b>	<input type="checkbox"/> Speed-shore installed per MFG requirements. MFR: _____ Serial #: _____ <input type="checkbox"/> Trench box <input type="checkbox"/> Engineered System Name of engineer: _____
<b>Conditions &amp; Hazards:</b>	<b>Soil Classification:</b> <input type="checkbox"/> Class A <input type="checkbox"/> Class B <input type="checkbox"/> Class C <input type="checkbox"/> Stable Rock <b>Underground Installations:</b> <input type="checkbox"/> Gas <input type="checkbox"/> Water <input type="checkbox"/> Sewer <input type="checkbox"/> Electric <input type="checkbox"/> Communications <input type="checkbox"/> Other: _____ <b>Hazardous Atmospheres</b> <input type="checkbox"/> Continuous monitoring for Oxygen, H2S, CO and LEL <input type="checkbox"/> Ventilations fans <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other: _____
<b>Access &amp; Exiting Trench:</b>	<b>Trench access / egress:</b> <input type="checkbox"/> Ladder placed every 25' <input type="checkbox"/> Taper or slope suitable for walk-out every 25'  Do you have a rescue plan as required in WAC 296-155-035(9)? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Shoring Plan:</b>	Please describe system(s) used:      Note: Excavations greater than 20' require a RPE stamped drawing. Soils engineer indicating trench work is safe.
<b>Inspections:</b>	Please describe the frequency of inspections of trench excavations:

**THIS DOCUMENT MUST BE KEPT ON THE JOBSITE  
AND MADE AVAILABLE TO THE DEPARTMENT IMMEDIATELY UPON REQUEST.**

# Questions?





# Next Steps

- Stakeholder meetings

- July 24, 2025, 1:00 pm – Dept. of Labor & Industries, Tukwila
- August 5, 2025, 1:00 pm – Dept. of Labor & Industries, Kennewick
- August 7, 2025, 1:00 pm – Enduris Training Center, Spokane
- August 20, 2025, 1:00 pm – Virtual

- L&I is requesting feedback on the preliminary draft

- Preliminary draft will be available on L&I's website <https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/trenching>
- Please submit comments/feedback by August 29, 2025, to [Carmyn.Shute@Lni.wa.gov](mailto:Carmyn.Shute@Lni.wa.gov)

- Tentatively filing a CR-102 Fall of 2025

# ***Rulemaking Timeline***

- June 22, 2021: Filed/CR-101
- July & August, 2025: Input & Feedback/Stakeholder Meetings
- November 4, 2025: File/CR-102
- December 9-11, 2025: Virtual/In-Person Public Hearings
- January 5, 2026: Comment period ends 5:00 p.m.
- February 3, 2026: CR-103 Rule adoption
- March 6, 2026: Rule update effective

# Contact Information

- For technical questions, please contact:
  - Steven Heist, Construction Technical Safety Specialist
  - [Steven.Heist@Lni.wa.gov](mailto:Steven.Heist@Lni.wa.gov) , (253) 878-0928
  
- To submit feedback, or for questions related to the rulemaking, please contact:
  - Carmyn Shute, Project Manager & Administrative Regulations Analyst
  - [Carmyn.Shute@Lni.wa.gov](mailto:Carmyn.Shute@Lni.wa.gov) , (360) 870-4525