

WAC 296-155-53110 Revocation or suspension of an accreditation.

(1) The department may suspend or revoke a certificate issued under the provisions of these rules upon the following grounds:

(a) Permitting the duplication or use of one's own accreditation certificate by another;

(b) Performing work for which accreditation has not been received;

(c) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience;

(d) Any person who falsifies training documentation;

(e) The holder of the certificate is found to be incompetent to carry out the work for which the certificate was issued;

(f) Gross negligence, gross incompetence, a pattern of incompetence, or fraud in the certification of a crane;

(g) Willful or deliberate disregard of any occupational safety standard while certifying a crane;

(h) Misrepresentation of a material fact in applying for, or obtaining, a license to certify under this chapter;

(i) Failure by an accredited crane certifier to maintain records;

(j) Failure by an accredited crane certifier to report crane safety deficiencies affecting the safe operation of a crane while in the process of conducting an annual certification inspection;

(k) Failure to meet or comply with the requirements of this rule or the limitations imposed on the accreditation; or

(l) Performance of work not in compliance with applicable laws and regulations.

(2) Before any certificate may be suspended or revoked, the certificate holder must be given written notice of the department's intention, mailed by certified mail, return receipt requested to the address as shown on the application form. The notice must specify the reasons for the department action. The department must also include within the notice of revocation or suspension specific conditions which must be met before the applicant will be entitled to apply for a new certification.

(3) A suspension or revocation order may be appealed to the division of occupational safety and health (DOSH) or the board of industrial insurance appeals within 15 working days after the suspension or revocation order is entered. The notice of appeal may be filed with the department or the board of industrial insurance appeals and must include the accredited certifier's name, address, certifier number, telephone number, reason for appeal, their signature and date. DOSH may reassume jurisdiction over the matter following the timelines set out for appeal in WAC 296-900-17005. Should DOSH reassume jurisdiction over the matter, the process for reassumption outlined in WAC 296-900-17005 must be followed. If the accredited certifier does not agree with the department's redetermination, the matter will be forwarded to the board of industrial insurance appeals upon receiving further appeal from the accredited certifier. The board of industrial insurance appeals must hold the hearing in accordance with procedures established in RCW 49.17.140. Any party aggrieved by an order of the board of industrial insurance appeals may obtain superior court review in the manner provided in RCW 49.17.150.

(4) The filing of an appeal must not stay the suspension or revocation, and such action must remain in effect until such time as the applicant presents proof that the specified written conditions re-

quired by the department are met or until otherwise ordered after resolution of the appeal.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-53110, filed 4/19/16, effective 5/20/16. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.440, 49.17.060, and 29 C.F.R. 1926, Subpart CC. WSR 12-01-086, § 296-155-53110, filed 12/20/11, effective 2/1/12. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.400, 49.17.410, 49.17.420, 49.17.430, and 49.17.440. WSR 08-22-080, § 296-155-53110, filed 11/4/08, effective 1/1/09.]