

**WAC 296-307-65402 Follow these requirements when classifying a confined space as a nonpermit confined space.** (1) The employer must make sure the confined space meets these conditions to be classified as nonpermit confined spaces:

(a) The confined space does not contain an actual or potential hazardous atmosphere.

(b) The confined space does not contain hazards capable of causing death or serious physical harm. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.

(c) If the employer must enter to remove hazards, the space must be treated as a permit-required confined space until hazards have been eliminated.

**Notes:**

1. Controlling atmospheric hazards through forced air ventilation does not eliminate the hazards.
2. The employer should evaluate the use of lockout-tagout, as covered in WAC 296-307-320, to determine if using it fully eliminates the hazard.
3. The employer is allowed to use alternate entry procedures covered in WAC 296-307-652, if the employer can demonstrate that forced air ventilation alone will control all hazards in the space.

(2) The employer must document how the employer determined the confined space contained no permit-required confined space hazards. Certify this documentation with the following:

(a) Date.

(b) Location of the space.

(c) Signature of the person making the determination.

(3) The employer must make the certification available to each entrant, or their authorized representative.

**Note:** This certification must be completed every time a permit-required confined space is reclassified as a nonpermit space.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 20-21-091, § 296-307-65402, filed 10/20/20, effective 11/20/20; WSR 05-01-166, § 296-307-65402, filed 12/21/04, effective 4/2/05.]