

WSR 25-01-133
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

(Division of Occupational Safety and Health)
[Filed December 17, 2024, 9:01 a.m.]

Subject of Possible Rule Making: Worker walk around rule; chapter 296-900 WAC, Administrative rules.

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: The department of labor and industries (L&I) is initiating rule making for chapter 296-900 WAC, Administrative rules.

This rule making will implement the requirements of the Federal Occupational Safety and Health Administration's (OSHA) regulation 29 C.F.R. 1903.8, Representatives of employers and employees, which became effective on May 31, 2024, making L&I at least as effective as OSHA.

OSHA's regulation, 29 C.F.R. 1903.8, allows the employer and employees the right to authorize a representative to accompany OSHA officials during a workplace inspection. Employees can authorize another employee to serve as their representative or select a third party. If a third party is chosen, the OSHA official must be shown why a nonemployee is reasonably necessary to accompany them on an inspection, including but not limited to, their knowledge, skills, or experience with similar workplace hazards or conditions. OSHA officials are authorized to deny the right of accompaniment of any person whose conduct obstructs an inspection from being performed fairly.

Other housekeeping updates may occur during rule making.

Process for Developing New Rule: L&I's division of occupational safety and health (DOSH) will conduct stakeholder meetings to allow those affected by the rule to provide input to this rule preproposal. Parties interested in the formulation of these rules may contact the individual listed below. After L&I proposes amendments, the public may also participate by giving oral testimony or submitting written comments 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 Tari Enos, Administrative Regulations Analyst, L&I, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5541, fax 360-902-5619, email Tari.Enos@Lni.wa.gov.

Additional comments: For more information on L&I rule making, visit L&I's Rulemaking Activity web page at <https://www.lni.wa.gov/rulemaking-activity/>.

December 17, 2024
Joel Sacks
Director