

WAC 296-17A-0104 Classification 0104.

0104-12 Dredging, N.O.C.

Applies to:

Businesses engaged in providing dredging services to others that are not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Cleaning, deepening, or widening a body of water such as a harbor or other waterway;
- The dredging process removes sand, clay, mud, or other material from the body of water that is being dredged.

Machinery used, but are not limited to:

- Scooping dredges;
- Suction dredges.

Exclusions:

- Worker hours engaged in diving operations must be reported separately in classification 0202;
- Underground mining operations are classified in 1702; and
- Dredging for the production of sand, gravel, or shale is classified in 0112.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

Special note: Dredging projects could occur on or adjacent to navigable waters (a harbor, river, canal) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, or type of pontoon which is a flat bottom boat or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, dredging projects involve a variety of types of work crews such as those working from a floating derrick or dredge, a pontoon, a shoreline dredge, workers who are on shore distributing the discharged material, as well as the maintenance and repair of the dredge and equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 23-23-155, § 296-17A-0104, filed 11/21/23, effective 1/1/24. WSR 07-01-014, recodified as § 296-17A-0104, filed 12/8/06, effective 12/8/06. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-504, filed 8/28/98, effective 10/1/98; WSR 85-24-032 (Order 85-33), § 296-17-504, filed 11/27/85, effective 1/1/86; WSR 83-24-017 (Order 83-36), § 296-17-504, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-504, filed 11/9/73, effective 1/1/74.]