

WSR 24-18-111
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed September 3, 2024, 4:54 p.m.]

Title of Rule and Other Identifying Information: High voltage lines and equipment—Automated external defibrillators (AED); WAC 296-32-22515 First aid, and 296-45-125 Medical services and first aid.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this expedited proposal is to implement the requirements of HB 1542, chapter 253, Laws of 2023, codified as RCW 49.17.510. The department of labor and industries (L&I) will be adding the requirements into WAC 296-32-22515 First aid, and 296-45-125 Medical services and first aid. The law requires employers who build, maintain, and operate high voltage systems 601 volts and over to have and maintain an AED on-site where two or more employees are working in close proximity to high voltage lines and equipment. In WAC 296-45-125, without exceeding the statute, added a reference to existing standards around minimum approachable distances in high voltage work to WAC 296-45-325 regarding close proximity. L&I also connected close proximity in WAC 296-32-22515 by adding references to WAC 296-32-23518 and 296-32-23520. The law requires AEDs to be available; L&I added references in each section to tie the availability of an AED to the same availability requirement for first aid kits to ensure it is clear when and how many need to be available. Employers who perform line clearance tree trimming activities are also included in this change. The proposed amendments include a housekeeping update in WAC 296-32-22515, incorporating a note that is further in the section to have information on format of the certificate being next to the requirement.

Reasons Supporting Proposal: High voltage worksites can be extremely dangerous for any workers around or in them. Accidents from working by high voltage power lines can lead to both nonfatal and fatal injuries. Employees are better protected by providing an AED at any job site with employees who operate, maintain, or construct high voltage lines with a voltage of 601 or greater. These rule amendments are needed to implement the requirements established in HB 1542 and ensure employers and employees understand what measures are required when an employee may suffer an injury requiring cardiopulmonary resuscitation (CPR) or an AED.

RCW 49.17.510 (HB 1542) becomes effective January 1, 2025.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.510.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy West, Tumwater, Washington, 509-237-2372; Implementation and Enforcement: Craig Blackwood, Tumwater, Washington, 360-902-5828.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of

statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed language adopts without material change the AED requirements at high voltage work sites described under RCW 49.17.510.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tari Enos, 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, BEGINNING September 4, 2024, at 8:00 a.m., AND RECEIVED BY November 4, 2024, at 5:00 p.m.

September 3, 2024
Joel Sacks
Director

OTS-5658.2

AMENDATORY SECTION (Amending WSR 20-20-109, filed 10/6/20, effective 11/6/20)

WAC 296-32-22515 First aid. This section is designed to ensure that all employees in this state are afforded quick and effective first-aid attention in the event of an on-the-job injury.

(1) For fixed locations, the employer must make sure that first-aid trained personnel are available to provide prompt first aid. Designated first-aid trained personnel must have a valid first-aid certificate.

(2) For field work involving two or more employees at a work location, at least two trained persons holding a valid first-aid and CPR certificate must be available.

(3) Employees working alone must have basic first-aid training and hold a valid first-aid certificate. The first-aid certificate can be in electronic format.

(4) The first-aid kits and supplies requirements of the safety and health core rules, WAC 296-800-15020, apply within the scope of this chapter.

(5) When practical, a poster must be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating the worksite address or location, and the phone numbers of emergency medical responders for the worksite.

(6) All vehicles used to transport an employee or work crews must be equipped with first-aid supplies.

((Note: A valid first-aid certificate can be in an electronic form.))

(7) Any employer with employees who operate, maintain, or construct high voltage lines and equipment or who conduct line-clearance tree trimming in close proximity to high voltage lines and equipment must:

(a) Make an automated external defibrillator available, similar to first-aid kits under WAC 296-800-15020(1), and accessible to employees when work is being performed on, or in close proximity to, high voltage lines and equipment by two or more employees;

(b) Conduct regular maintenance, in accordance with the manufacturer instructions, and conduct annual inspections of the automated external defibrillator to ensure operability and availability; and

(c) Provide training or facilitate the provision of training to ensure there are at least two employees proficient on the proper and safe use of the automated external defibrillator at any site involving work on, or in close proximity to, high voltage lines and equipment. To be considered proficient, an employee must have completed initial or updated training within the previous two years.

(8) For the purposes of this section:

(a) "Close proximity" refer to WAC 296-32-23518 and 296-32-23520.

(b) "High voltage lines and equipment" refers to any energized communication line, electric supply line, or equipment with a voltage of 601 or greater.

OTS-5659.2

AMENDATORY SECTION (Amending WSR 19-13-083, filed 6/18/19, effective 8/1/19)

WAC 296-45-125 Medical services and first aid. The employer must provide medical services and first aid as required in WAC 296-800-150. The following requirements also apply:

(1) Cardiopulmonary resuscitation and first-aid training. When employees are performing work on or associated with exposed lines or equipment energized at 50 volts or more, persons trained in first aid including cardiopulmonary resuscitation (CPR) must be available as follows:

(a) For field work involving two or more employees at a work location, at least two trained persons must be available. However, for line-clearance tree trimming operations performed by line-clearance tree trimmers who are not qualified electrical employees, only one trained person need be available if all new employees are trained in first aid, including CPR, within ((3)) three months of their hiring dates.

(b) For fixed work locations such as generating stations, the number of trained persons available must be sufficient to ensure that each employee exposed to electric shock can be reached within ((4)) four minutes by a trained person. However, where the existing number of employees is insufficient to meet this requirement (at a remote substation, for example), all employees at the work location will be trained.

(2) First-aid supplies. First-aid supplies required by WAC 296-800-150 must be placed in weatherproof containers if the supplies could be exposed to the weather.

(3) First-aid kits. The employer must maintain each first-aid kit, ensure that it is readily available for use, and must inspect it frequently enough to ensure that expended items are replaced. The employer also must inspect each first-aid kit at least once per year.

(4) Any employer with employees who operate, maintain, or construct high voltage lines and equipment or who conduct line-clearance tree trimming in close proximity to high voltage lines and equipment must:

(a) Make an automated external defibrillator available, similar to first-aid kits under subsection (3) of this section, and accessible to employees when work is being performed on, or in close proximity to, high voltage lines and equipment by two or more employees;

(b) Conduct regular maintenance, in accordance with the manufacturer instructions, and conduct annual inspections of the automated external defibrillator to ensure operability and availability; and

(c) Provide training or facilitate the provision of training to ensure there are at least two employees proficient on the proper and safe use of the automated external defibrillator at any site involving work on, or in close proximity to, high voltage lines and equipment. To be considered proficient, an employee must have completed initial or updated training within the previous two years.

(5) For the purposes of this section:

(a) "Close proximity" refer to WAC 296-45-325.

(b) "High voltage lines and equipment" refers to any energized communication line, electric supply line, or equipment with a voltage of 601 or greater.