

WSR 11-16-022
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 26, 2011, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-19-073.

Title of Rule and Other Identifying Information: Chapter 296-155 WAC, Safety standards for construction work, this proposal is to address the requirements that employers must follow with regard to inspection, maintenance and operation of cranes used in the construction industry. This phase will also include updates to our current rigging and personnel lifting requirements. RCW 49.17.400 through 49.17.440 requires the department to establish by rule a crane certification program for cranes used in the construction industry and to establish requirements that must be met to be considered a qualified crane operator. This proposal was developed with the assistance of a stakeholder group from the industry. In addition, the Occupational Safety and Health Administration (OSHA) has adopted their final rule and this proposal also includes requirements OSHA has in their rule in order for the division of occupational safety and health (DOSH) to be at-least-as-effective-as the federal rule. References are also being updated throughout other DOSH standards.

Hearing Location(s): DoubleTree by Hilton, Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201, on October 5, 2011, at 9:00 a.m.; at the DoubleTree by Hilton, Seattle Airport, 18740 International Boulevard, Seattle, WA 98188, on October 6, 2011, at 1:00 p.m.; and at the Department of Labor and Industries, Tumwater, S117 and S118, 7273 Linderson Way S.W., Tumwater, WA 98501, on October 11, 2011, at 9:00 a.m.

Date of Intended Adoption: November 22, 2011.

Submit Written Comments to: Cindy Ireland, P.O. Box 44620, Olympia, WA 98504, e-mail mooc235@lni.wa.gov, fax (360) 902-5619, by 5 p.m. on October 14, 2011.

Assistance for Persons with Disabilities: Contact Beverly Clark by September 23, 2011, (360) 902-5516 or clah235@lni.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal is to address the requirements that employers must follow with regard to inspection, maintenance and operation of cranes used in the construction industry. This phase will also include updates to our current rigging and personnel lifting requirements. RCW 49.17.400 through 49.17.440 requires the department to establish by rule a crane certification program for cranes used in the construction industry and to establish requirements that must be met to be considered a qualified crane operator. In addition, OSHA has adopted their final rule and this proposal also includes requirements OSHA has in their rule in order for DOSH to be at-least-as-effective-as the federal rule.

NEW SECTIONS:

WAC 296-155-53302 Signal person qualifications.

- Requirements relating to signal person qualifications are located in this section. These requirements

are federally initiated except for subsection (4), this subsection is state-initiated.

WAC 296-155-53304 Repair, inspection, and maintenance employee qualifications.

- Requirements relating to repair, inspection and maintenance employee qualifications are located in this section. These requirements are federally initiated.

WAC 296-155-53306 Rigger qualifications.

- Requirements relating to rigger qualifications are located in this section. These requirements are state-initiated.

WAC 296-155-534 General requirements for all cranes and derricks.

- There are no requirements in this section.

WAC 296-155-53400 General requirements.

- Requirements relating to general requirements applying to all cranes and derricks are located in this section. Most of these requirements in this section are either federally initiated, are in current rule or are in an industry national consensus standard.

WAC 296-155-53401 Duties of assigned personnel.

- Requirements relating to the duties of assigned personnel are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-53402 Assembly/disassembly.

- Requirements relating to the assembly/disassembly of cranes and derricks are located in this section. These requirements are federally initiated and state-initiated.

WAC 296-155-53403 Fall protection.

- Requirements relating to fall protection while operating cranes and derricks are located in this section. These requirements are either federally initiated or are in current rule.

WAC 296-155-53404 Wire rope.

- Requirements relating to the use of wire rope when used with cranes and derricks are located in this section. These requirements are federally initiated.

WAC 296-155-53405 Inspections.

- Requirements relating to the inspection of cranes and derricks are located in this section. These requirements are federally initiated.

WAC 296-155-53406 Signals.

- Requirements relating to signals while operating cranes and derricks are located in this section. These requirements are federally initiated or are in an industry consensus standard.

WAC 296-155-53408 Power line safety.

- Requirements relating to power line safety while operating cranes and derricks are located in this sec-

tion. These requirements are federally initiated or are in current rule.

WAC 296-155-53409 Training.

- Requirements relating to training are located in this section. These requirements are federally initiated.

WAC 296-155-53410 Safety devices.

- Requirements relating to safety devices required on all cranes and derricks are located in this section. These requirements are federally initiated.

WAC 296-155-53412 Operational aids.

- Requirements relating to operational aids are located in this section. These requirements are federally initiated.

WAC 296-155-53414 Cranes/derricks with a rated hoisting/lifting capacity of two thousand pounds or less.

- Requirements relating to cranes/derricks with a maximum manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less are located in this section. These requirements are federally initiated.

WAC 296-155-537 Mobile cranes.

- There are no requirements in this section.

WAC 296-155-53700 Mobile cranes—General.

- General requirements relating to mobile cranes are located in this section. These requirements are federally initiated or are in an industry consensus standard.

WAC 296-155-53715 Mobile cranes—Operations.

- Operational requirements relating to mobile cranes are located in this section. These requirements are either federally initiated, state-initiated or are in an industry consensus standard.

WAC 296-155-538 Articulating boom cranes.

- There are no requirements in this section.

WAC 296-155-53800 Articulating boom cranes—General.

- General requirements relating to articulating boom cranes are located in this section. These requirements are federally initiated or are in an industry consensus standard.

WAC 296-155-53815 Articulating boom cranes—Operations.

- Operational requirements relating to articulating boom cranes are located in this section. These requirements are federally initiated or are in an industry consensus standard.

WAC 296-155-539 Tower cranes.

- There are no requirements in this section.

WAC 296-155-53900 Tower cranes—General.

- General requirements relating to tower cranes are located in this section. These requirements are

either federally initiated, state-initiated, are in current rule or are in an industry consensus standard.

WAC 296-155-53905 Tower cranes—Additional inspection criteria.

- Additional inspection criteria requirements relating to tower cranes are located in this section. These requirements are federally initiated.

WAC 296-155-53915 Tower cranes—Operations.

- Operational requirements relating to tower cranes are located in this section. These requirements are federally initiated or are in an industry consensus standard.

WAC 296-155-541 Self-erecting tower cranes.

- There are no requirements in this section.

WAC 296-155-54100 Self-erecting tower cranes—General.

- General requirements relating to self-erecting tower cranes are located in this section. These requirements are state-initiated.

WAC 296-155-54115 Self-erecting tower cranes—Operations.

- Operational requirements relating to self-erecting tower cranes are located in this section. These requirements are state-initiated.

WAC 296-155-542 Overhead/bridge and gantry cranes.

- There are no requirements in this section.

WAC 296-155-54200 Overhead/bridge and gantry cranes—General.

- General requirements relating to overhead/bridge and gantry cranes are located in this section. These requirements are federally initiated.

WAC 296-155-54215 Overhead/bridge and gantry cranes—Operations.

- Operational requirements relating to overhead/bridge and gantry cranes are located in this section. These requirements are state-initiated or are in an industry consensus standard.

WAC 296-155-543 Derricks.

- There are no requirements in this section.

WAC 296-155-54300 Derricks—General.

- General requirements relating to derricks are located in this section. These requirements are federally initiated or state-initiated.

WAC 296-155-54305 Derrick—Construction.

- Requirements relating to the construction of derricks are located in this section. These requirements are federally initiated or state-initiated.

WAC 296-155-54320 Derricks—Operations.

- Operational requirements relating to derricks are located in this section. These requirements are federally initiated or state-initiated.

WAC 296-155-544 Additional requirements for other types of cranes/derricks.

- There are no requirements in this section.

WAC 296-155-54400 Floating cranes/derricks and land cranes/derricks on barges.

- Requirements relating to floating cranes/derricks and land cranes/derricks on barges are located in this section. These requirements are federally initiated.

WAC 296-155-54405 Dedicated pile drivers.

- Requirements relating to dedicated pile drivers are located in this section. These requirements are federally initiated.

WAC 296-155-54410 Sideboom cranes.

- Requirements relating to sideboom cranes are located in this section. These requirements are federally initiated.

WAC 296-155-547 Personnel lifting platforms (attached and suspended)—Scope.

- This section is the scope and application of lifting personnel. This section is federally initiated.

WAC 296-155-548 Design and installation requirements for personnel lifting systems.

- There are no requirements in this section.

WAC 296-155-54800 Design of platforms and suspension systems.

- Requirements relating to the design of platforms and suspension systems are located in this section. These requirements are either federally initiated, state-initiated or are in an industry consensus standard.

WAC 296-155-549 Personnel lifting hoisting equipment.

- There are no requirements in this section.

WAC 296-155-54900 Crane or derrick requirements for personnel lifting.

- Requirements relating to the use of cranes or derricks for personnel lifting are located in this section. These requirements are either federally initiated, state-initiated or are in an industry consensus standard.

WAC 296-155-551 Inspections, maintenance and testing.

- There are no requirements in this section.

WAC 296-155-55100 Inspections on cranes and personnel platforms.

- Requirements relating to the inspection on cranes and personnel platforms are located in this section. These requirements are in an industry consensus standard.

WAC 296-155-55105 Adjustments and repairs on personnel platforms.

- Requirements relating to the adjustments and repairs on personnel platforms are located in this section. These requirements are federally initiated and are in an industry consensus standard.

WAC 296-155-55110 Proof load test platforms and rigging.

- Requirements relating to the proof load testing of platforms and rigging are located in this section. These requirements are federally initiated.

WAC 296-155-55115 Trial lift.

- Requirements relating to the trial lift are located in this section. These requirements are federally initiated.

WAC 296-155-552 Employer responsibilities.

- There are no requirements in this section.

WAC 296-155-55200 Employer responsibilities for lifting personnel.

- Requirements relating to the employer responsibilities for lifting personnel are located in this section. These requirements are federally initiated and state-initiated.

WAC 296-155-55205 Responsibilities of the personnel lift supervisor.

- Requirements relating to the responsibilities of the personnel lift supervisor are located in this section. These requirements are in an industry consensus standard.

WAC 296-155-55210 Crane or derrick operation requirements for personnel lifting.

- Requirements relating to the crane or derrick operation for personnel lifting are located in this section. These requirements are either federally initiated, state-initiated or are in an industry consensus standard.

WAC 296-155-553 Lifting personnel.

- This requirement is federally initiated.

WAC 296-155-55300 Personnel lifting requirements.

- Personnel lifting requirements are located in this section. These requirements are either federally initiated, state-initiated or are in an industry consensus standard.

WAC 296-155-55305 Lifting personnel near electrical power lines.

- Requirements relating to lifting personnel near electrical power lines are located in this section. These requirements are in an industry consensus standard.

WAC 296-155-554 Boatswain's chairs.

- There are no requirements in this section.

WAC 296-155-55400 Use boatswain's chairs as a last resort.

- Requirements relating to using boatswain's chairs are located in this section. These requirements are federally initiated or are in current rule.

WAC 296-155-55405 Lifting personnel using a boatswain's chair.

- Additional requirements relating to using boatswain's chair are located in this section. These requirements are federally initiated or are in current rule.

WAC 296-155-556 Rigging—General requirements.

- There are no requirements in this section.

WAC 296-155-55600 General requirements.

- General requirements relating to all rigging are located in this section. These requirements are either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-558 Slings.

- There are no requirements in this section.

WAC 296-155-55800 Chain slings.

- Requirements relating to chain slings are located in this section. These requirements are either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-55805 Wire rope slings.

- Requirements relating to wire rope slings are located in this section. These requirements are either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-55810 Metal mesh slings.

- Requirements relating to metal mesh slings are located in this section. These requirements are either in the current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-55815 Synthetic rope slings.

- Requirements relating to synthetic rope slings are located in this section. These requirements are either in current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-55820 Synthetic webbing slings.

- Requirements relating to synthetic webbing slings are located in this section. These requirements are

either in current federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-55825 Synthetic roundslings.

- Requirements relating to synthetic roundslings are located in this section. These requirements are either in federal rule, current state rule or are in an industry consensus standard.

WAC 296-155-561 Rigging hardware.

- There are no requirements in this section.

WAC 296-155-56100 General requirements.

- General requirements relating to rigging hardware are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56105 Shackles.

- Requirements relating [to] shackles are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56110 Adjustable hardware.

- Requirements relating to adjustable hardware are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56115 Compression hardware.

- Requirements relating to compression hardware are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56120 Links, rings, and swivels.

- Requirements relating to links, rings, and swivels are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56125 Rigging blocks.

- Requirements relating to rigging blocks are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-562 Lifting devices other than slings and rigging hardware.

- There are no requirements in this section.

WAC 296-155-56200 Structural and mechanical lifters.

- Requirements relating to structural and mechanical lifters are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56205 Vacuum lifters.

- Requirements relating to vacuum lifters are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56210 Close proximity lifting magnets.

- Requirements relating to close proximity lifting magnets are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56215 Remotely operated lifting magnets.

- Requirements relating to remotely operated lifting magnets are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-56220 Scrap and material handling grapples.

- Requirements relating to scrap and material handling grapples are located in this section. These requirements came from an industry consensus standard.

WAC 296-155-564 Appendices.

- There are no requirements in this section.

WAC 296-155-56400 Mobile crane hand signal chart.

- This appendix contains mobile crane hand signals. These signals came from an industry consensus standard.

WAC 296-155-56405 Examples of types of cranes.

- This appendix contains diagrams of other types of cranes.

WAC 296-155-56410 Personnel platform lift planning and authorization form.

- This appendix contains a personnel platform lift planning and authorization form. This form came from an industry consensus standard.

WAC 296-155-56415 Qualifications for operators of below-the-hook lifting devices.

- This appendix contains information for the qualifications for operators of below-the-hook lifting devices. This chart came from an industry consensus standard.

WAC 296-155-56420 Operator certification—Written examination—Technical knowledge criteria.

- This appendix contains information relating to operator certification, written examination and technical knowledge. This information came from the federal rule.

WAC 296-155-56425 Sample declaration form for hours of experience.

- This appendix contain[s] a sample declaration form for operator hours of experience. This form came from current rule.

WAC 296-155-56430 Assembly/disassembly—Working under the boom, jib or other components—Sample procedures for minimizing the risk of unintended dangerous boom movement.

- This appendix contains information on assembly/disassembly while working under the boom, jib or other components. This appendix came from the federal rule.

WAC 296-155-56435 Work area chart.

- This appendix contains work area charts. These charts came from an industry consensus standard.

WAC 296-155-77100 Hoists, elevators, excavators, and conveyors.

- The requirements in this section were moved from current WAC 296-155-525.

WAC 296-155-77105 Material hoists, personnel hoists, and elevators.

- The requirements in this section were moved from WAC 296-155-530.
- Subsection (3)(d): Changed the requirement relating to towers being anchored to structures at intervals not exceeding thirty feet instead of twenty-five feet. This change was made for consistency. Current industry standard requires thirty feet as well as current WAC 296-96-09000.

WAC 296-155-77110 Base-mounted drum hoists.

- The requirements in this section were moved from current WAC 296-155-535.

WAC 296-155-77115 Overhead hoists.

- The requirements in this section were moved from current WAC 296-155-540.

WAC 296-155-77120 Conveyors.

- The requirements in this section were moved from current WAC 296-155-545.

WAC 296-155-77125 Aerial cableways.

- The requirements in this section were moved from current WAC 296-155-550.

WAC 296-155-77130 Concrete bucket towers.

- The requirements in this section were moved from current WAC 296-155-560.

WAC 296-155-77135 Hoisting engines.

- The requirements in this section were moved from current WAC 296-155-565.

AMENDED SECTIONS:**WAC 296-45-25510 Fall protection.**

- Update a reference in the note after subsection (12).

WAC 296-54-51160 Leg protection.

- Update a reference in the exception after subsection (1).

WAC 296-99-040 What practices must an employer follow for entry into grain storage structures?

- Update a reference in subsection (2).

WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only).

- Update references.

WAC 296-155-325 General requirements for storage.

- Move requirements from current WAC 296-155-330(8) to this section for better organization of information.

WAC 296-155-329 Qualified person—Rigging.

- Delete current language from this section and add a note that reads, "Rigging requirements have been moved to WAC 296-155-556 through 296-155-562."

WAC 296-155-52900 Scope.

- Subsection (3): Clarify the language by adding titles to the referenced sections.
- Renumbered subdivisions (l) through (x).
- Subsection (3)(a): Add a reference for clarity.
- Subsection (3)(c): Add the words "For rigging requirements see WAC 296-155-556 through 296-155-562" for clarity.
- Subsection (3)(e): Replace language with the federal equivalent language. This proposed language reads, "Digger derricks when used for augering holes for poles carrying electric and telecommunication lines, placing and removing the poles, and for handling associated materials to be installed on or removed from the poles. Digger derricks used in work subject to chapter 296-45 WAC, Safety standards for electrical workers, must comply with chapter 296-45 WAC. Digger derricks used in work for telecommunication service (as defined in chapter 296-32 WAC, Safety standards for telecommunications) must comply with chapter 296-32 WAC."
- Subsection (3)(i): Replace language with the federal equivalent language. Also, add a clarifying statement at the end of this paragraph. This proposed language reads, "Powered industrial trucks (forklifts) except when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load. (Powered industrial trucks including their attachments do not need to be certified by an accredited certifier. Operators must follow the requirements in chapter 296-863 WAC, Forklifts and other powered industrial trucks and WAC 296-155-53300 of this chapter.)"
- Subsection (3)(l): Add this new exemption because there is no operator certification for these types of cranes. The proposed language reads, "Overhead/bridge cranes or hoists that travel or trolley manually."
- Subsection (3)(p): Renumber and add federal equivalent language. The proposed language reads, "Anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame."
- Subsection (3)(v): Add federal equivalent language that reads, "Permanently installed overhead/bridge, gantry cranes, semi-gantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics which are located in manufacturing facilities or powerhouses."

- Subsection (3)(w): Combined subdivisions (u) and (v) for clarity. This subdivision becomes (w) and reads, "Cranes and their operators used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work."
- Subsection (3)(x): Add federal equivalent language by adding "helicopter cranes" to the list of exemptions.
- Subsection (4): This subsection was renumbered to (5).
- Add a new subsection (4) for clarity that reads, "Digger derricks that do not meet the exemption criteria in subsection (3)(e) above must comply with WAC 296-155-529 (Crane certifier accreditation and crane certification) through 296-155-53300 (Operator qualifications and certification) after July 1, 2012."
- Add a new subsection (6) using federal equivalent language that reads, "Work covered by chapter 296-45 WAC, Safety standards for electrical workers is deemed in compliance with WAC 296-155-53408."
- Add a new subsection (7) using federal equivalent language that reads, "WAC 296-155-53400 (35) through (39) does not apply to cranes designed for use on railroad tracks, when used on railroad tracks that are used as part of the general railroad system of transportation that is regulated pursuant to the Federal Railroad Administration under 49 CFR, Part 213, and that comply with applicable Federal Railroad Administration requirements. See WAC 296-155-53400(39)."

WAC 296-155-52902 Definitions.

- Add the following definitions: A/D director (assembly/disassembly director), angle of loading, anti two-block device, assembly/disassembly, assist crane, attachments, basket hitch, below-the-hook lifting device, bird caging, blocking (also referred to as "cribbing"), boatswain's chair, braided wire rope, bridle wire rope sling, builder, cable laid endless sling-mechanical joint, cable laid grommet-hand tucked, center of gravity, certified welder, choker hitch, come-a-long, competent person, construction, controlled load lowering, controlling entity, crane level indicator, cross rod, dedicated channel, dedicated spotter, design factor, digger derrick, employer-made equipment, encroachment, fabric (metal mesh), fall restraint system, fall zone, free fall (of the load line), free surface effect, functional testing, gin pole derrick, ground conditions, ground crew, gudgeon pins, guy, hairpin anchors, hitch (hitched), hoisting equipment, hook latch, insulating link/device, intermediate rail, list, live boom, live load line, load ratings, marine worksite, master coupling link, master link, mechanical coupling link (alloy steel chain), moving point-to-point, multi-purpose machine, nonconductive, outriggers, personal fall arrest system, personnel lifting, personnel platform-boom attached, personnel platform-suspended, personnel platform suspension system, platform occupant, platform rating, portal crane, power

controlled lowering, procedures, proximity alarm, qualified evaluator (not a third party), qualified evaluator (third party), qualified rigger, qualified signal person, range control limit device, range control warning device, repetitive pickup points, rotation resistant rope, runway, section, side-boom crane, sling, special hazard warnings, spiral, stability (flotation device), stabilizer, standard method, standing wire rope, superstructure, supporting materials, tender, tilt up or tilt down operation, toe board, top rail, travel, trim, unavailable procedures, upperstructure, upperworks, up to, vertical hitch, wire rope, working load.

- Amend the definition of attachments to read as, "Attachments means any device that expands the range or tasks that can be done by the crane/derrick. Examples include, but are not limited to: An auger, drill, magnet, pile-driver, and boom-attached personnel platform."
- Amend the definition of overhead and gantry cranes to read as, "Overhead/bridge and gantry cranes includes overhead/bridge cranes, cranes on monorails, under hung cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, launching gantry cranes, and similar equipment, irrespective of whether it travels on tracks, wheels, or other means."
- Amend the definition of tower crane to read as, "Tower crane means a type of lifting structure which utilizes a vertical mast or tower to support a working boom (jib) in an elevated position. Loads are suspended from the working boom. While the working boom may be of the fixed type (horizontal or angled) or have luffing capability, it can always rotate to swing loads, either by rotating on the top of the tower (top slewing) or by the rotation of the tower (bottom slewing). The tower base may be fixed in one location or ballasted and moveable between locations. Mobile cranes that are configured with luffing jib and/or tower attachments are not considered tower cranes under this part."

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

- Add clarifying language to subsection (3), it now reads, "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 fifteen 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 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."

WAC 296-155-53114 Issuance of temporary and annual certificates of operation.

- Subsection (5): Delete the words "and crane component (component meaning: Luffing boom, swing away jibs, fly sections, jibs at variable offsets and boom section)." This subsection now reads, "The accredited crane certifier must attach an identification if not already attached and legible to each crane. The identification sticker number must be entered on the inspection worksheet submitted to the department. Identification stickers may only be removed by a department representative or an accredited crane certifier." The inspection criteria for components was placed in WAC 296-155-53402. This inspection will be done by the assembly/disassembly director.
- Delete the note after subsection (5).

WAC 296-155-53200 General inspection criteria, wire rope inspection and removal criteria, and preproof load test requirements for all cranes.

- Subsection (1)(b): Clarify language for consistency. It now reads, "Crane monthly and annual inspection documentation."
- Subsection (2) and (3): Updated references.
- Subsection (5)(d): Correct a typographical error.
- Subsection (7)(f): Add language for clarity. It now reads, "Proof load tests require the use of freely suspended certified weights, or scaled weights using a certified scale with a current certificate of calibration; however, line pull test can be accomplished using a static test."

WAC 296-155-53202 Additional inspection criteria and proof load testing—Mobile cranes.

- Subsection (4)(a): Remove the words "maximum line pull" in the first sentence and add the words "at least one hundred percent, but not to exceed one hundred and ten percent."
- Subsection (4)(b): Remove the words "and stability" for clarity. It now reads, "Annual proof load testing. After the crane has passed the visual and operational tests, a proof load test must be conducted in the as-configured condition and must be performed within the structural section of the manufacturer's load chart, as applicable. This test must be documented on the form or in the format approved by the department. A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination."

- Subsection (4)(c): Delete this item. The inspection criteria for components was placed in WAC 296-155-53402.

WAC 296-155-53204 Additional inspection criteria and proof load testing—Articulating boom cranes.

- Delete subsection (3) that relates to quadrennial proof load testing. The inspection criteria for components was placed in WAC 296-155-53402. This inspection will be done by the assembly/disassembly director.

WAC 296-155-53206 Additional inspection criteria and proof load testing—Tower cranes.

- Subsection (4)(b): Clarify language for consistency. It now reads, "Crane monthly and annual inspection documentation."

WAC 296-155-53210 Additional inspection criteria and proof load testing—Overhead and bridge cranes.

- Change the title of this section to "Additional inspection criteria and proof load testing—Overhead/bridge and gantry bridge cranes."

WAC 296-155-53212 Additional inspection criteria and proof load testing—Derricks.

- Subsection (2): Renumber the table.

WAC 296-155-53214 Crane decertification and reinstatement.

- Subsection (1): Add the words "and must be inspected by [by] an accredited crane certifier" for clarity. It now reads, "If any of the following occur, the certification becomes invalid and must be inspected by an accredited crane certifier:"
- Subsection (1)(c): Add the words "that affects the safe operation of the crane/derrick" for clarity. It now reads, "Any significant modifications or significant repairs of a load sustaining/bearing part that affects the safe operation of the crane/derrick."
- Add a new subsection (1)(d) for clarity. It reads, "Any deficiency that affects the safe operation of the crane or derrick that has been identified by a qualified person or through an inspection by the department of labor and industries."
- Subsection (2): Add department contact information.
- Subsection (3): Fix typographical errors and change "shall" to "must".

WAC 296-155-53300 Operator qualifications and certification.

- Subsection (1): Add clarifying language that now reads, "Prior to operating any crane/derrick covered under chapter 296-155 WAC, Part L, with the exception of the trainee/apprentice requirements outlined in subsection (2) of this section and those cranes exempt in WAC 296-155-52900(3), the employer must ensure that the operator meets the following requirements:"
- Subsection (1)(a): Renumber table.

- Add a new subsection (2)(b) [(1)(b)] using federal language. This language reads, "(b) A determination through a written test that:

- (i) The individual knows the information necessary for safe operation of the specific type of equipment the individual will operate, including all of the following:
 - (A) The controls and operational/performance characteristics.
 - (B) Use of, and the ability to calculate load/capacity information on a variety of configurations of the equipment.
 - (C) Procedures for preventing and responding to power line contact.
 - (D) Technical knowledge similar to the subject matter criteria listed in WAC 296-155-56420 of this part applicable to the specific type of equipment the individual will operate. Use of WAC 296-155-56420 criteria meets the requirements of this provision.
 - (E) Technical knowledge applicable to:
 - (I) The suitability of the supporting ground and surface to handle expected loads.
 - (II) Site hazards.
 - (III) Site access.
 - (F) This part, including applicable incorporated materials.
- (ii) The individual is able to read and locate relevant information in the equipment manual and other materials containing information referred to in subsection (1)(b) (i) of this section."

- Add a new subsection (1)(c) using federal language. This language reads, "A determination through a practical test that the individual has the skills necessary for safe operation of the equipment, including the following:

- (i) Ability to recognize, from visual and auditory observation, the items listed in WAC 296-155-53405(2).
- (ii) Operational and maneuvering skills.
- (iii) Application of load chart information.
- (iv) Application of safe shut-down and securing procedures."

- Add additional language to the note that reads, "An operator will be deemed qualified to operate a crane if the operator is certified under subsection (1)(a) of this section for the type and capacity of the cranes or for higher-capacity crane of the same type."

- Subsection (1)(e): Correct the table number.
- Table: Correct the number. Change the words "overhead cranes" to "overhead/bridge and gantry cranes" in the table for consistency. Change "signalman" to "signal person".

- Subsection (2)(d)(iii): Add clarifying language, it now reads, "In a multiple-crane or multiple load line lift situations; or"

- Subsection (3): Add a clarifying note that reads, "Note: The employer may accept a signed declaration from the crane operator attesting to actual hours of crane operator experience and crane related expe-

rience separated out by crane type and capacity. For sample declaration form see WAC 296-155-56425."

- Delete subsection (5): By adding the note to subsection (3) this subsection was no longer necessary.
- Subsection (6): Renumber to (5) and add clarifying language. It now reads, "Crane operator experience and crane related experience must be documented and separated out by crane type and capacity; this documentation need only show the minimum amount of hours as outlined in Table 3 above. If the employer is documenting crane operating and/or related crane experience hours, the employer must provide a copy of the hours to the operator as soon as practical, if requested."

WAC 296-155-605 Equipment.

- Subsection (1)(f) and (h): Update a reference.

WAC 296-155-680 General provisions.

- Move requirements from current WAC 296-155-330(11) to this section for better organization of information.

WAC 296-155-684 Requirements for cast in place concrete.

- Move requirements from current WAC 296-155-330(9) to this section for better organization of information.

WAC 296-155-704 Hoisting and rigging.

- Subsection (3)(b): Change "qualified rigger" to "qualified person" for consistency.
- Subsection (3)(b): Update the reference to the proposed rigging WACs.
- Subsection (4)(b): Add the following language for consistency with the proposed rigging rule, it reads, "Whenever workers are within the fall zone and hooking, unhooking, or guiding a load, or doing the initial connection of a load to a component or structure (WAC 296-155-53400 (43)(c))."

WAC 296-155-730 Tunnels and shafts.

- Subsection (20)(d): Update a reference.
- Subsection (22): Update a reference.
- Subsection (22)(c)(xix): Update a reference.

WAC 296-155-805 Removal of walls, floors, and material with equipment.

- Subsection (3): Update a reference.

WAC 296-155-820 Removal of steel construction.

- Subsection (2): Update a reference.

REPEALED SECTIONS:

WAC 296-155-330 Rigging equipment for material handling.

- WAC 296-155-34901 Table F-1.
- WAC 296-155-34902 Table F-2.
- WAC 296-155-34903 Table F-3.
- WAC 296-155-34904 Table F-4.
- WAC 296-155-34905 Table F-5.

- WAC 296-155-34906 Table F-6.
- WAC 296-155-34907 Table F-7.
- WAC 296-155-34908 Table F-8.
- WAC 296-155-34909 Table F-9.
- WAC 296-155-34910 Table F-10.
- WAC 296-155-34911 Table F-11.
- WAC 296-155-34912 Table F-12.
- WAC 296-155-34913 Table F-13.
- WAC 296-155-34914 Table F-14.
- WAC 296-155-34915 Table F-15.
- WAC 296-155-34916 Table F-16.
- WAC 296-155-34917 Table F-17.
- WAC 296-155-34918 Table F-18.
- WAC 296-155-34919 Table F-19.
- WAC 296-155-34920 Table F-20.

WAC 296-155-570 Rigging—Wire rope.

- Requirements relating to rigging have been moved to WAC 296-155-556 through 296-155-56220.

WAC 296-155-525 Cranes and derricks.

- Requirements relating to cranes and derricks have been moved to WAC 296-155-529 through 296-155-56435.
- Requirements relating to hoists, elevators and conveyors have been moved to Part R of this chapter.

WAC 296-155-527 Appendix A to WAC 296-155-525.

- Requirements relating to cranes and dericks have been moved to WAC 296-155-529 through 296-155-56435.

WAC 296-155-530 Material hoists, personnel hoists, and elevators.

- Requirements relating to material hoists, personnel hoists, and elevators have been moved to WAC 296-155-77105.

WAC 296-155-535 Base-mounted drum hoists.

- Requirements relating to base-mounted drum hoists have been moved to WAC 296-155-77110.

WAC 296-155-540 Overhead hoists.

- Requirements relating to overhead hoists have been moved to WAC 296-155-77115.

WAC 296-155-545 Conveyors.

- Requirements relating to conveyors have been moved to WAC 296-155-77120.

WAC 296-155-550 Aerial cableways.

- Requirements relating to aerial cableways have been moved to WAC 296-155-77125.

WAC 296-155-555 Gin poles.

- Requirements relating to gin poles have been moved to WAC 296-155-543.

WAC 296-155-560 Concrete bucket towers.

- Requirements relating to concrete bucket towers have been moved to WAC 296-155-77130.

WAC 296-155-565 Hoisting engines.

- Requirements relating to hoisting engines have been moved to WAC 296-155-77135.

WAC 296-155-59901 Table 1.

WAC 296-155-59902 Table 2.

WAC 296-155-59903 Table 3.
 WAC 296-155-59904 Table 4.
 WAC 296-155-59905 Table 5.
 WAC 296-155-59906 Table 6.
 WAC 296-155-59907 Table 7.
 WAC 296-155-59908 Table 8.
 WAC 296-155-59909 Table 9.
 WAC 296-155-59910 Table 10.
 WAC 296-155-59911 Table 11.
 WAC 296-155-59912 Table 12.
 WAC 296-155-59913 Table 13.
 WAC 296-155-59914 Table 14.
 WAC 296-155-59915 Table 15.
 WAC 296-155-59916 Table 16.
 WAC 296-155-59917 Table 17.
 WAC 296-155-59918 Table 18.
 WAC 296-155-59919 Table 19.
 WAC 296-155-59920 Table 20.

Reasons Supporting Proposal: This proposal was developed with the assistance of a stakeholder group from the industry representing business and labor.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.440, and 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW, RCW 49.17.400, 49.17.410, 49.17.420, 49.17.430, and 49.17.440.

Rule is necessary because of federal law, 29 C.F.R. 1926, Subpart CC.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Michael Silverstein, Tumwater, Washington, (360) 902-4805.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

The division of occupational safety and health (DOSH) of the Washington state department of labor and industries (L&I) is proposing new provisions under chapter 296-155 WAC, Part L, regarding the regulation of crane and derrick operations for construction work in the state of Washington.

The following small business economic impact statement (SBEIS) was prepared in compliance with the Regulatory Fairness Act (RFA), RCW 19.85.040, and it provided an analysis comparing the average costs imposed on small businesses and large businesses associated with implementation of WAC 296-155-53302 through 296-155-56435. In particular, the following provisions of the proposed rule, which have been identified as the components likely imposing increased compliance costs¹ on the affected businesses, were analyzed in this report: WAC 296-155-53302 Signal persons qualifications, 296-155-53306 Riggers qualifications, and 296-155-54100 Self-erecting tower cranes—General.

1. INTRODUCTION TO THE COST SURVEY

1.1 Survey methodology:

To estimate the economic impacts of the proposed Phase 2 crane rule on the affected businesses, L&I developed a survey in April 2011. L&I designed this survey in collaboration with the DOSH crane technical team, assistant attorney gen-

eral for DOSH, L&I internal survey review committee and other relevant parties. The survey was used to gauge all the probable new compliance costs that businesses would incur if the proposed portion of the crane rule was adopted and to determine whether there exists a disproportionate cost impact on affected small businesses.

1.1.1 Sampling frame:

The proposed crane rule applies to all construction and general businesses that own or use cranes and derricks for construction activities. The development of the sampling strategy for the cost survey for the proposed rule requires the identification of the set of businesses that will most likely be affected by the proposed rule changes. To sample the establishments that best represent the underlying population, L&I first obtained a list of crane owners from its crane certification database.

Next, L&I identified twenty-four industrial subsectors² that most likely would lease cranes from rental companies to perform construction work. Based on these 6-digit NAICS codes, the department extracted the most recent business information data from its administrative data warehouse. By doing this, L&I obtained the population of crane lessees in the construction industry. Together, these two lists constitute the targeted business population that would likely be affected by the proposed rule.

1.1.2 Sample size:

In determining the appropriate sample size that was needed to obtain valid cost estimates related to the compliance with the proposed Phase 2 crane and derrick rule, several factors including the desired confidence level, uncertainty in the cost estimates, and the expected response rate were considered.

First, the conventional level of ninety-five percent confidence and ± 5 percent uncertainty were chosen in order to ensure rigorous and statistically valid estimates. Next, approximately twenty-two thousand unique business accounts were pulled from the crane owner list and the crane lessee list as described in 1.1.1 and these businesses comprise the entire population. L&I also weighed in the fact that past rule-making related surveys often had a low response rate.

The final determination of the sample size for this survey was based on the following factors: (1) The population is approximately twenty-two thousand active employers who will most likely be affected by the proposed rule changes, (2) the desirable confidence level is ninety-five percent (with ± 5 percent sampling error), and (3) the response rate for a similar survey has been relatively low. The department finally chose a sample size of three thousand six hundred thirty-nine to sufficiently yield statistically significant cost estimates, assuming a ten percent response rate and conventional levels for statistical validity.

1.1.3 Sampling method:

In order to obtain reliable estimates of compliance costs on the affected businesses, an appropriate sampling method needs to be developed. L&I adopted proportionate stratified random sampling by subsectors for crane lessees and crane owners that don't rent cranes as their main revenue. This method allows the department to create strata at the subsector level that pattern the underlying population, thereby helping to reduce sampling variability. To implement this method,

L&I determined the sample size needed for each 6-digit NAICS code by multiplying its proportion of the sampling frame by the overall desired sample size (see Table A2 in the appendix). L&I also randomly selected a certain number of samples from the crane owner list. The final mailing list was obtained by combining the selected samples from the above steps and removing the duplicate records.

1.1.4 Survey development and response rate:

The survey was first designed by the regulatory economist in March 2011. The draft was then reviewed by the crane technical team and the AAG from DOSH. Per L&I internal policy, the survey was also submitted to the survey committee for their review. The survey was updated and finalized based on feedback from all the parties involved in April 2011, and it was sent out on May 6, 2011. The survey respondents were required to complete the survey and return it to L&I by the end of May 2011.

Between May 6 and May 31, 2011, L&I received seven hundred eighty-eight completed surveys from the businesses out of the three thousand six hundred thirty-nine surveys sent. Hence, the response rate for those presumed to have been contacted was 21.7 percent. Six hundred and thirty-five respondents reported that they did not have employees performing as riggers or signal persons, nor did they use any self-erecting tower crane. The remaining one hundred fifty-three employers indicated that at least one section applied to them. There may have been some unsuccessful deliveries due to possible errors in the preparation or the delivery process, so the actual response rate is likely to be higher. Given the short timeframe available to conduct the survey and the fact that no follow-up contacts were made, the response rate is higher than expected.

1.2 Survey contents:

The majority of this proposed crane rule is intended to clarify the most current OSHA crane standard or national industrial consensus standard and is not considered as increased requirements to the businesses involved. These components of the rule are not addressed by the survey questions. After comparing the proposed rule with the existing standards and discussing the findings with the AAG and technical team, L&I identified three major requirements that are above current standards and which will probably impose more than minor compliance costs on the businesses involved.

The survey was organized as follows: The first section of the survey was designed to obtain the background information of each employer including the number of employees, the primary business operations, and the work activities involved; the second through the last sections were designed to estimate the probable new compliance costs relating to each increased requirement. Specifically, the survey plans for the three major estimates required were as follows:

(1) Estimate the compliance costs relating to riggers qualification requirements.

The survey will first ask the respondents if they hire any employees to perform the tasks that would require qualified riggers under the proposed rule and if yes, how many of these employees they employ and how many of them are already qualified. The survey next asks them to estimate the costs of providing necessary training, mandatory written and practical

tests, along with the evaluation services from a qualified evaluator. The estimated total costs from each respondent will be used to derive the aggregated annual costs of this provision on the affected businesses as a whole.

(2) Estimate the compliance costs relating to crane signal persons qualification requirements.

The survey will first ask the respondents if they hire any workers designated as signal persons and if yes, how many of these employees they employ and how many of them are already qualified. The survey then ask[ed] them to estimate the costs of providing necessary training, mandatory oral or written test and practical test, along with the evaluation services from a qualified evaluator. The estimated total costs from each respondent will be used to derive the aggregated annual compliance costs of this provision on the entire affected businesses.

(3) Estimate the costs of new requirements employers should comply with when they use self-erecting tower cranes to perform construction work.

The survey will first ask the respondents if they use any self-erecting tower cranes to perform construction work. If yes, it will next ask them approximately how many crane jobs they complete with the use of the self-erecting tower cranes in a typical year. Finally, it will ask them whether they are already in compliance with these two requirements and if not, how much the estimated cost would be for each requirement respectively. The total costs from each respondent the question applies to will be used to derive the aggregated annual costs of this provision on the entire affected businesses.

2. ASSESSING ECONOMIC IMPACT BY EMPLOYMENT SIZE

The RFA, RCW 19.85.040(1) requires the department to determine whether a proposed rule will have a disproportionate cost impact on small businesses. The act directs the department to compare "the cost of compliance for small businesses with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rule." A convenient and easy way to make this comparison is to compare the compliance cost per employee for these two groups. For each rule component described in the survey, the unit cost for the small businesses will be compared to the unit cost for the largest ten percent of all businesses in the affected group.

This SBEIS compares the average cost per affected worker for each component that represents increased requirements. The purpose here is to best estimate the extent to which the disproportionate impact, if any, is on small businesses rather than to estimate the total costs to the affected businesses as a whole.

2.1 Cost per worker associated with riggers qualification requirements:

Section 2 in the survey asked respondents whether they have employees performing the tasks that require qualified riggers and if yes, how much the total cost would be if the proposed new qualification requirements were adopted. One hundred and forty-two respondents provided their responses indicating they were subject to this requirement ("YES" to question 2a). Of these one hundred forty-two respondents, seventy-five businesses are small businesses and the remaining are those with more than fifty employees.

Table 1 shows the costs estimated by each category. For small businesses, the average total cost is \$913 for the training fee and additional eight hours of travel time³, \$747 for the testing and additional eight hours of travel time, and \$577 for the evaluation service from a qualified evaluator. In contrast, the costs are \$830, \$513 and \$280 respectively for the top ten percent of the largest businesses. Since the proposed rule requires that a rigger qualification cannot exceed a five-year period and at a minimum, the renewal must include a documented written exam, a rigger needs to be qualified initially after the rule takes effect and this qualification needs to be renewed twice over an eleven-year time span. If we assume that twenty percent of riggers need to be retrained before retaking the written exam, each renewal would cost \$1,134 for small businesses and \$703 for the selected large businesses. In total, the annual average cost per rigger is \$341 and \$233 for these two categories in an eleven-year time span. In light of this, the cost per rigger for small businesses is estimated to be approximately 1.46 times the cost for the ten percent of the largest businesses.

Table 1. Unit cost relating to riggers qualification requirements

Cost Item/Business Size	Small Business	Ten Percent of Largest Business
Training hours	16.8 hrs	13.5 hrs
Total training cost (including 8 additional hours for travel time) ⁴	\$913	\$830
Exam fee	\$550	\$315
Total cost for exams (including 8 additional hours for travel time)	\$747	\$513
Evaluation fee	\$577	\$280
Total cost for initial qualification	\$2,237	\$1,623
Total cost for the first renewal in the 6th year ⁵	\$1,134	\$703
Total cost for the second renewal in the 11th year	\$1,134	\$703
Annual cost in 11-year period⁶	\$341	\$233

2.2 Cost per worker associated with signal persons qualification requirements:

Section 3 in the survey asked respondents whether they have employees performing the tasks that require qualified signal persons and if yes, how much the total cost would be if the proposed new qualification requirements were adopted. One hundred and thirty-two respondents provided their responses indicating they were subject to this requirement ("YES" to question 3a). Of these one hundred thirty-two respondents, seventy-five businesses are small businesses and the remaining are those with more than fifty employees.

Table 2 summarizes the costs estimated by each category. For small businesses, the average total cost is \$815 for

the training fee and additional eight hours of travel time, \$658 for the testing and additional eight hours of travel time, and \$503 for the evaluation service from a qualified evaluator. In contrast, the costs are \$597, \$408 and \$153 respectively for the top ten percent of the largest businesses. Since OSHA's new crane rule already requires signal persons to be qualified, the only requirement in this proposed rule beyond federal standard is that it requires a signal person's qualification to be renewed every five years. Therefore, the new compliance cost attributed to this rule is the renewal cost. As a signal person's qualification needs to be renewed twice over an eleven-year time span, the annual average cost per signaler is \$120 and \$58 for these two categories in an eleven-year time span. In light of this, the cost per signaler for small businesses is estimated to be approximately 2.1 times the cost for the ten percent of the largest businesses.

Table 2. Unit cost relating to signal persons qualification requirements

Cost Item/Business Size	Small Business	Ten Percent of Largest Business
Training hours	13.8 hrs	5.1 hrs
Total training cost (including 8 additional hours for travel time) ⁷	\$815	\$597
Exam fee	\$460	\$210
Total cost for exams (including 8 additional hours for travel time)	\$658	\$408
Evaluation fee	\$503	\$153
Total cost for the first renewal in the 6th year	\$995	\$476
Total cost for the second renewal in the 11th year	\$995	\$476
Annual cost in 11-year period	\$120	\$58

2.3 Cost per worker associated with general requirements for self-erecting tower cranes:

As of February 2011, there were a total of twenty-four certified tower cranes in Washington state⁸. A breakdown statistics by crane owners indicated that only four of them were certified self-erecting tower cranes. The population of this type of cranes is likely still very small even including those that have not yet certified with the department. On the survey sent to employers, Question 4d through 4f asked respondents how much the costs would be each year if the proposed increased requirements for the use of self-erecting tower cranes were adopted. Only nine respondents said they use self-erecting tower cranes to perform construction work ("YES" to question 4a), among which there was only one small business. Therefore, the department did not think it would make much sense to compare the unit cost for businesses with different size based solely on survey data and decided not to do so.

3. ACTIONS TAKEN TO REDUCE THE IMPACT OF THE PROPOSED RULES ON SMALL BUSINESS

The above analysis indicates that small businesses are likely to bear a moderately disproportionate share of regulatory burden from the proposed rule. The law requires L&I to mitigate the cost for small business if it is legal and feasible to do so. In response to this requirement, L&I believes the following rules and practices will help to reduce the disproportionate impact of the proposed crane rule on small businesses.

3.1 Reduce fines for small businesses:

RCW 49.17.180(7) requires the department give consideration in the penalty assessment to factors including the size of the employer's business. Table 5 in the section of WAC 296-900-14015 spells out the specific process for penalty adjustments including employment size. Based on these standards, employers with twenty-five or fewer employees can request up to a sixty percent reduction in penalties issued against them.

3.2 Enhance training and education opportunities for small businesses:

The department has made a concerted effort to focus its training and education campaign on small businesses. This includes providing employers with materials that will help develop their crane safety plan, free training courses, train-the-trainer meetings and other related services.

3.3 Prioritize consultation services for small businesses:

The department has developed a variety of on-site and off-site consultation services primarily for smaller employers and has prioritized establishments by size when receiving requests for these services. For example, the highest scheduled priority of consultation services will be given to employers who employ less than twenty-five employees at the worksite. Most of these services are provided at no cost to the employer through state and federal funds. These services can include, but are not limited to, opening and closing conferences, a walk-through of employer worksites, identification of hazards, correction assistance, follow-up visits to verify correction of serious hazards, assistance in the development or improvement of the employer's occupational safety and health management system, technical assistance by telephone or letter and client visits to a department office. No penalties will be proposed or citations issued for any safety and health problems identified by the consultants. Hence, these consultation services greatly benefit small businesses in establishing and maintaining a safe and healthful workplace.

3.4 Exempt recordkeeping and reporting requirements for small businesses:

According to WAC 296-27-00103, establishments with ten or fewer employees are not required to keep injury or illness records. Based on the survey results, about one-quarter of the total affected businesses would fall into this category, and therefore are exempt from this record-keeping requirement.

4. SMALL BUSINESS INVOLVEMENT IN THE RULE-MAKING PROCESS

The department has made a considerable effort to involve small businesses and their representatives at various points in the rule-making process. These efforts include:

(1) Since August 12, 2008, the department has held twenty stakeholder meetings in Tumwater and Tukwila to hear from the business community, including many small businesses. There was also a stakeholder comment period after each series of meetings. The representatives of small businesses, along with all the other attendees, have made a significant contribution to the development of the new crane rule.

(2) Representatives of many business and trade associations such as Associated General Contractors (AGC) of Washington, Independent Business Association (IBA), Associated Builders and Contractors of Western Washington (ABC), and International Brotherhood of Electrical Workers (IBEW) were invited and heavily involved in the entire rule-making process. Many members of these associations are small businesses and their involvement with this rule-making activity has been reflected by engagement of these associations and their representatives.

(3) The department developed the draft rule in February 2011, with the consideration of all the comments and concerns from the interested stakeholders across the state, including the small business community.

(4) The department has also scheduled three public hearings for these proposed provisions in Spokane, Seattle and Tumwater in late August 2011. These hearings are held for all the stakeholders, including small businesses, to provide their comments about the proposed rule and the preliminary economic analysis reports. The department will then make any necessary amendments to the rule and/or the supporting reports based on the comments collected from these hearings.

5. INDUSTRIES LIKELY TO BE REQUIRED TO COMPLY WITH THE RULE

All the industries included in the sampling frame for the cost survey are listed in Table A1 in the appendix of this report⁹. A vast proportion of these businesses are small businesses with fifty or fewer employees. The actual compliance cost varies among different businesses. In some cases, employers even indicated there was no cost for them because they have already been in compliance with the proposed requirements, or the union has provided the services for free to their workers.

6. NUMBER OF JOBS CREATED OR LOST

The department does not anticipate that a significant number of jobs would be created or lost as a result of compliance with these proposed crane rule changes. Normally these requirements are such that employers will be able to meet them using existing staff and without the need for new hires. Similarly, there is no solid reason to expect that employers would need to dismiss a significant number of employees as a result of the draft proposed rule changes. Nevertheless, there may be a possibility that employers would hire more workers as internal evaluators to assess and ensure the qualifications of riggers and signal persons, since this could be a more cost-effective option compared to the use of third-party evaluators for some employers. The department does not know the extent to which this proposed provision would impact employment in the construction industry.

7. CONCLUSIONS

As we have analyzed above, the proposed Phase 2 crane rule is likely to impose moderately disproportionate compli-

ance costs on small businesses. The extent of the disproportion varies among different rule components and the majority of this cost differential can be attributed to the cost relating to the use of a qualified evaluator to assess and document the qualifications. The primary reason for this difference is that large businesses likely have their own evaluators available for use, which is the lower-cost option allowed by the proposed rule, while most small businesses do not have this internal resource and therefore have to rely on a third-party qualified evaluator. From the benefit perspective, current research findings indicate that small businesses usually suffer significantly higher rates of injuries and fatalities than large businesses (Kaskutas, et al., 2009; Mendeloff, 2006; Ringen, 1995; Marsh, 1994; Toscano and Windau, 1994). Therefore, small businesses may benefit more in terms of the reduction in injuries and deaths if the proposed rule is adopted.

8. LIMITATIONS

Due to time and resource constraints, there are some limitations in this analysis, which can be summarized into the following categories.

8.1 Exclusion of construction activities in general industry:

While we included the majority of affected businesses in our analysis, we did not take the cases in which cranes are used by general industry to perform construction work into our consideration. This would affect our estimates on the total costs and average costs associated with the proposed provisions, but the effect is supposed to be limited. The limitation of the resources available to the department and the urgency of adopting this rule prevented us from conducting a more extensive analysis that includes both construction industry and general industry.

8.2 Nonresponse bias:

Although the number of completed surveys is larger than needed to ensure statistical validity, the number of respondents who are related to each survey section varies and it is likely there is some nonresponse bias, especially for the survey questions with low response rate. That is, some employers may be more inclined not to respond than others. For example, it is almost always the case that those with strong opinions about the survey topic or with more interest in the outcome are more likely to respond. In this survey, small businesses have more serious nonresponse bias than relatively larger businesses. This is evident in that the proportion of small businesses out of total businesses that have completed the survey is much smaller than their proportion in the population of entire affected businesses.

8.3 Inclination to overestimate costs:

In a similar manner, respondents naturally have an incentive to inflate their cost estimates, which may undermine the quality of the cost data we gathered. This incentive

stems from the discontent that prevails among construction businesses with the safety regulations, especially in tough economic times like those we are currently experiencing.

8.4 Missing or infeasible data:

A small number of respondents indicated that a certain question applied to them, but they didn't provide numerical values of the costs. A few of them simply did not answer the question when they were asked to estimate the costs. Others described the costs as "a lot," "huge," "don't know," etc. These missing or infeasible data reduced the total number of "quantitatively useable" surveys on which this analysis is based.

9. REFERENCES

Anthony, S., et al. (1999). Fatal injuries in the United States construction industry involving cranes 1984-1994. *Journal of Occupational and Environmental Medicine*, 41(12), 1052-1058.

Beavers, J. E., et al. (2006). Crane-related fatalities in the construction industry. *Journal of Construction Engineering and Management*, 132(9), 901-910.

CPWR (2009). Crane-related deaths in construction and recommendations for their prevention. Center for Construction Research and Training, Silver Spring, MD.

ESD (2010). Washington State employment and wages: Third quarter 2010 preliminary. Quarterly Census of Employment and Wages, Washington State Employment Security Department, Olympia, WA.

L&I (2011). Crane owners in Washington, [Table]. Retrieved from crane certification database, Washington Department of Labor and Industries, Olympia, WA.

Kaskutas, V., et al. (2009). Fall hazard control observed on residential construction sites. *American Journal of Industrial Medicine*, 52, 491-499.

Marsh, B. (1994). Workers at risk: chance of getting hurt is generally far higher at small companies. *Wall Street Journal*, February 3rd.

Mendeloff, J., et al. (2006). Are small businesses riskier than larger ones? Kauffman-RAND Center for the Study of Small Business and Regulation, Santa Monica, CA.

OSHA (2008). 29 CFR Part 1926: cranes and derricks in construction. *Federal Register*, 73(197), Washington, DC.

OSHA (2010). 29 CFR Part 1926: cranes and derricks in construction. *Federal Register*, 75(152), Washington, DC.

Ringen., K. (1995). A performance Goal for construction Safety and Health. The Center to Protect Workers' Rights, Washington, D.C.

Toscano, G., and Windau, J. (1994). The changing character of fatal work injuries. *Monthly Labor Review*, October, 17-28

10. APPENDIX

Table A1. Industries likely to be affected by this proposed rule

NAICS Code	Description	Total # of Businesses	Total Paid Employees	# of Small Businesses
236115	New single-family general contractors	2,874	10,236	2,862
236116	New multi-family housing construction (except operative builders)	112	1,617	104
236117	New housing operative builders	1,093	6,726	1,070

NAICS Code	Description	Total # of Businesses	Total Paid Employees	# of Small Businesses
236118	Residential remodelers	3,369	12,465	3,346
236210	Industrial building construction	80	2,556	71
236220	Commercial and institutional building construction	1,020	17,826	952
237110	Water and sewer line and related structures construction	394	5,750	373
237120	Oil and gas pipeline and related structures construction	30	1,857	27
237130	Power and communication line and related structures construction	138	2,337	130
237210	Land subdivision	346	1,472	344
237310	Highway, street, and bridge construction	335	9,318	289
237990	Other heavy and civil engineering construction	144	2,373	132
238110	Poured concrete foundation and structure contractors	892	6,707	871
238120	Structural steel and precast concrete contractors	89	2,387	73
238130	Framing contractors	867	5,380	845
238140	Masonry contractors	537	3,588	524
238150	Glass and glazing contractors	135	1,691	126
238160	Roofing contractors	708	6,559	689
238170	Siding contractors	449	2,579	440
238190	Other foundation, structure, and building exterior contractors	132	1,007	126
238210	Electrical contractors and other wiring installation contractors	2,086	21,935	2,013
238220	Plumbing, heating, and air conditioning contractors	1,995	23,124	1,922
238290	Other building equipment contractors	138	1,934	127
238310	Drywall and insulation contractors	859	12,828	803
238320	Painting and wall covering contractors	1,594	8,598	1,574
238330	Flooring contractors	681	2,671	677
238340	Tile and terrazzo contractors	419	1,547	418
238350	Finish carpentry contractors	1,134	4,942	1,128
238390	Other building finishing contractors	161	1,037	160
238910	Site preparation contractors	1,383	10,469	1,361
238990	All other specialty trade contractors	805	5,043	791
532412	Construction and mining and forest machine and equipment	125	1,319	124

Data source: 2008 County Business Patterns for Washington State, released by United States Census Bureau.

This table excludes the affected businesses in general industry other than those from real estate and rental and leasing industry.

Table A2. Stratified random samples of crane lessees and owners that don't rent cranes as their main revenue

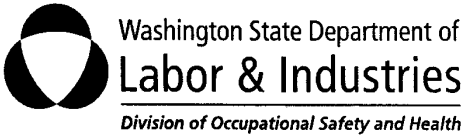
NAICS Code	Total Businesses	Affected Businesses	Percent of Total Affected Businesses	Proportionate Sample Size
236115	2,874	1437	27.59%	828
236116	112	56	1.08%	32
236117	1,093	547	10.49%	315
236118	3,369	337	6.47%	194
236210	80	80	1.54%	46
236220	1020	1020	19.59%	588

NAICS Code	Total Businesses	Affected Businesses	Percent of Total Affected Businesses	Proportionate Sample Size
237110	394	394	7.57%	227
237120	30	30	0.58%	17
237130	138	69	1.32%	40
237310	335	34	0.64%	19
237990	144	72	1.38%	41
238110	892	45	0.86%	26
238120	89	89	1.71%	51
238130	867	650	12.49%	375
238140	537	27	0.52%	15
238150	135	14	0.26%	8
238160	708	71	1.36%	41
238170	449	22	0.43%	13
238190	132	7	0.13%	4
238210	2,086	21	0.40%	12
238220	1,995	20	0.38%	11
238290	138	14	0.26%	8
238320	1,594	16	0.31%	9
238910	1,383	138	2.66%	80
Subtotal	20,594	5208	100%	3000

Table A3. Key survey response information

Sampling frame	22,000
Sample size	3,639
Returned total	798
Incomplete total	10
Completed total	788
Related to one or more sections in the survey	153

Survey Instrument



2011 Crane Rulemaking (Phase 2) Survey

Responses to this survey are anonymous and confidential

May 3, 2011

Dear Business Owner/Safety Manager:

The purpose of this survey is to determine any new costs your business may incur due to the increased requirements in the proposed crane rule (Phase 2). Your answers will also help us determine how the proposed rule could impact businesses of different types and sizes.

- Each section will ask you questions that will help us determine how these rules might affect your business.
- You may not need to fill out all sections. For example, if your company uses cranes but you do not employ employees as riggers, you can skip Section 2.
- The department specifically asked the labor organizations and the business associations in the state to select representatives to participate and attend meetings to assist the department with developing this proposal. To read the draft rules on the L&I website go to: www.Lni.wa.gov/Safety/Rules/WhatsNew/Proposed/ and click on Construction, Safety Standards for Chapter 296-155 WAC Cranes (Phase 2).

Completing the survey

There are four sections in this survey:

- Section 1: General questions about your business as a whole
- Section 2: Questions to answer if your business employs employees as riggers
- Section 3: Questions to answer if your business employs employees as crane signal persons
- Section 4: Questions to answer if your business owns or uses self-erecting tower cranes

Please answer the questions the best you can. If you do not have the exact information, use your best estimate, or leave the response blank. In order for your cost data to be included in the economic analysis of this rule, the survey must be filled out and returned in the included postage-paid envelope by **May 31, 2011**.

If you have any questions about the proposed rule, please contact Cindy Ireland.
If you have any questions about the survey, please contact Alex (Yuanlong) Ge.

Cindy Ireland
Administrative Regulatory Analyst
Division of Occupational Safety and Health
Department of Labor & Industries
360-902-5522

Alex (Yuanlong) Ge
Regulatory Economist
Research and Data Services
Department of Labor & Industries
360-902-5139

2011 Crane Rulemaking (Phase 2) Survey

SECTION 1: GENERAL QUESTIONS ABOUT YOUR BUSINESS

1a. During 2010, what was the maximum number of full-time workers your business employed?

_____ full-time workers (*if none, enter 0*)

1b. During 2010, how many total hours did your part-time and/or seasonal employees work?

_____ hours (*if none, or if you don't employ part-time or seasonal workers, enter 0*)

1c. Please check the **one** industry description that most closely identifies your business. If more than one of these descriptions fits your business, select the one that represents the largest part of your business:

<u>Construction</u>
<input type="checkbox"/> New Single-Family Housing Construction
<input type="checkbox"/> New Multifamily Housing Construction
<input type="checkbox"/> New Housing Operative Builders
<input type="checkbox"/> Residential Remodelers
<input type="checkbox"/> Industrial Building Construction
<input type="checkbox"/> Commercial and Institutional Building Construction
<input type="checkbox"/> Water and Sewer Line and Related Structures Construction
<input type="checkbox"/> Oil and Gas Pipeline and Related Structures Construction
<input type="checkbox"/> Power and Communication Line and Related Construction
<input type="checkbox"/> Highway, Street, and Bridge Construction
<input type="checkbox"/> Other Heavy and Civil Engineering Construction
<input type="checkbox"/> Poured Concrete Foundation and Structure Contractors
<input type="checkbox"/> Structural Steel and Precast Concrete Contractors
<input type="checkbox"/> Framing Contractors
<input type="checkbox"/> Masonry Contractors
<input type="checkbox"/> Other Building Equipment Contractors
<input type="checkbox"/> Roofing Contractors
<input type="checkbox"/> Electrical and Other Wiring Installation Contractors
<input type="checkbox"/> Plumbing, Heating, and Air-Conditioning Contractors
<input type="checkbox"/> Other Building Equipment Contractors
<input type="checkbox"/> Site Preparation Contractors
<input type="checkbox"/> All Other Specialty Trade Contractors
<u>Real estate and rental and leasing</u>
<input type="checkbox"/> Machinery and Equipment Rental and Leasing
<u>Others</u>
<input type="checkbox"/> Please specify: _____

2011 Crane Rulemaking (Phase 2) Survey

SECTION 1: GENERAL QUESTIONS ABOUT YOUR BUSINESS

1a. During 2010, what was the maximum number of full-time workers your business employed?

_____ full-time workers (*if none, enter 0*)

1b. During 2010, how many total hours did your part-time and/or seasonal employees work?

_____ hours (*if none, or if you don't employ part-time or seasonal workers, enter 0*)

1c. Please check the **one** industry description that most closely identifies your business. If more than one of these descriptions fits your business, select the one that represents the largest part of your business:

<u>Construction</u>	
<input type="checkbox"/>	New Single-Family Housing Construction
<input type="checkbox"/>	New Multifamily Housing Construction
<input type="checkbox"/>	New Housing Operative Builders
<input type="checkbox"/>	Residential Remodelers
<input type="checkbox"/>	Industrial Building Construction
<input type="checkbox"/>	Commercial and Institutional Building Construction
<input type="checkbox"/>	Water and Sewer Line and Related Structures Construction
<input type="checkbox"/>	Oil and Gas Pipeline and Related Structures Construction
<input type="checkbox"/>	Power and Communication Line and Related Construction
<input type="checkbox"/>	Highway, Street, and Bridge Construction
<input type="checkbox"/>	Other Heavy and Civil Engineering Construction
<input type="checkbox"/>	Poured Concrete Foundation and Structure Contractors
<input type="checkbox"/>	Structural Steel and Precast Concrete Contractors
<input type="checkbox"/>	Framing Contractors
<input type="checkbox"/>	Masonry Contractors
<input type="checkbox"/>	Other Building Equipment Contractors
<input type="checkbox"/>	Roofing Contractors
<input type="checkbox"/>	Electrical and Other Wiring Installation Contractors
<input type="checkbox"/>	Plumbing, Heating, and Air-Conditioning Contractors
<input type="checkbox"/>	Other Building Equipment Contractors
<input type="checkbox"/>	Site Preparation Contractors
<input type="checkbox"/>	All Other Specialty Trade Contractors
<u>Real estate and rental and leasing</u>	
<input type="checkbox"/>	Machinery and Equipment Rental and Leasing
<u>Others</u>	
<input type="checkbox"/>	Please specify: _____

2011 Crane Rulemaking (Phase 2) Survey

SECTION 2: RIGGER

Please read the text in the box below before answering the following questions.

Under the proposed rule (WAC 296-155-53400(43)(c)(iii) and WAC 296-155-53402(19)(a)), qualified riggers are required whenever workers are **within the fall zone** and hooking, unhooking, or guiding a load, or doing the initial connection of a load to a component or structure. Additionally, employers must use qualified riggers **during hoisting activities for assembly and disassembly work**.

Proposed qualification requirements (WAC 296-155-53306): Employees must pass a **written test** and a **practical test** in order to be qualified riggers and this qualification must be **renewed every five years**. Employers must use **either a third party qualified evaluator or their own qualified evaluator** to assess and ensure that a rigger is qualified.

2a. Do any of your employees perform these specific tasks? How many?

- Yes: _____ employees.
- No: please go to Section 3: Crane Signal Persons

2b. Are any of your workers performing these jobs already **qualified** riggers as outlined in the box above? How many?

- Yes: _____ **qualified** riggers.
- No.

2c. Please estimate the hours of training your employees will need to be provided to meet the requirements for qualified riggers.

_____ hours per qualified rigger

2d. Please estimate the costs of all the other necessary services your employees will need to be provided to meet the requirements for qualified riggers.

	Cost per qualified rigger
Written Test	\$
Practical Test	\$
Use of a qualified evaluator to assess and document the qualifications of the candidate	\$

2011 Crane Rulemaking (Phase 2) Survey

SECTION 3: CRANE SIGNAL PERSONS

Please read the text in the box below before answering the following questions.

Under the proposed rule (WAC 296-155-53406(1)), a **qualified signal person** must be provided in each of the following situations:

(a) **The point of operation**, meaning the load travel or the area near or at load placement, **is not in full view** of the operator.

(b) When the crane is traveling, **the view in the direction of travel is obstructed**.

(c) Due to **site-specific safety concerns**, either the operator or the person handling the load determines that it is necessary.

Proposed qualification requirements (WAC 296-155-53302): Employees must pass an **oral or written test** and a **practical test** in order to be qualified signal persons and this qualification must be **renewed every five years**. Employers must use **either a third party qualified evaluator or their own qualified evaluator** to assess and ensure that a signal person is qualified.

3a. Are any of your workers designated as signal persons? How many?

- Yes: _____ employees.
- No: please go to Section 4: General Requirements for Self-erecting Tower Cranes

3b. Are any of your workers designated as signal persons already **qualified** as outlined in the box above? How many?

- Yes: _____ **qualified** signal persons.
- No.

3c. Please estimate the hours of training your employees will need to be provided to meet the requirements for qualified signal persons.

_____ hours per qualified signal person

3d. Please estimate the costs of all the other necessary services your employees will need to be provided to meet the requirements for qualified signal persons.

	Cost per qualified signal person
Oral or Written Test	\$
Practical Test	\$
Use of a qualified evaluator to assess and document the qualifications of the candidate	\$

2011 Crane Rulemaking (Phase 2) Survey

SECTION 4: GENERAL REQUIREMENTS FOR SELF-ERECTING TOWER CRANES

4a. Do you use self-erecting tower cranes to perform any construction work?

- Yes: please read the text in the box below and continue with question 4b through 4f.
- No: Your survey is complete-please return it in the postage-paid envelope by May 31, 2011.

Under the proposed rule, there are two major new requirements employers should comply with when using self-erecting tower cranes to perform any construction work:

Requirement 1: When cranes are erected and after each reconfiguration, before placing the crane in service, all functional motions, motion limiting devices, brakes, and indicating devices must be tested for operation.

Requirement 2: Conditions that adversely affect the crane at the time of erection, reconfiguration, or dismantling must be a limiting factor that could require suspending the operation. These conditions include but are not limited to:

- (a) Support conditions;
- (b) Wind velocity or gusting winds;
- (c) Heavy rain;
- (d) Fog;
- (e) Extreme cold or heat;
- (f) Ice;
- (g) Artificial lighting.

4b. Approximately how many crane jobs are completed by your firm using the self-erecting tower cranes each year? _____ crane jobs

4c. Are you already in compliance with Requirement 1 as stated in the box above?

- Yes [Please go to Question 4e]
- No: [Please continue with Question 4d]

4d. Please estimate the amount of time needed to test all these devices each time self-erecting tower cranes are erected or reconfigured. _____ hours _____ minutes

4e. Please estimate the number of times that an operation would be suspended due to any of the conditions under Requirement 2 as stated in the box above in a year. _____ times per year

4f. Please estimate the cost of suspending the operation due to the occurrence of one of the conditions under Requirement 2. \$ _____ per suspended operation

Thank you for completing this survey. Please return it in the postage-paid envelope by May 31, 2011.

¹The department does not consider the requirements that are already addressed in OSHA's new crane rule or in most recent ASME/ANSI standards increased requirements. Therefore, these provisions are excluded from this analysis. In addition, the department does not include the proposed provisions that will only impose minimal or minor costs on the businesses.

²To control the survey cost, we only consider crane lessees that are in the construction industry. In reality, there may be some businesses in the general industry that would also use cranes to perform construction work.

³We use \$24.73 as the average hourly wage for riggers. This value was derived from the average weekly wage for all construction workers released by Washington employment security department Quarterly Census of Employment and Wages, 3rd quarter report, 2010.

⁴The average training class cost from all these providers is \$299 and we use this value as the fixed training fee.

⁵This cost is the sum of evaluation fee, half of total cost for exams and twenty percent of total training cost.

⁶We use five percent as the discount rate to annualize the costs.

⁷The average training class cost from all these providers is \$275 and we use this value as the fixed training fee.

⁸Crane certification database, Washington department of labor and industries. 2011.

⁹Due to data availability and resource limitation, the affected businesses from general industry other than real estate and rental and leasing industry are excluded from this analysis.

A copy of the statement may be obtained by contacting Alex (Yuanlong) Ge, P.O. Box 44320, Olympia, WA 98504, phone (360) 902-5139, fax (360) 902-4249, e-mail geay235@lni.wa.gov.

A cost-benefit analysis is required under RCW 34.05-.328. A preliminary cost-benefit analysis may be obtained by contacting Alex (Yuanlong) Ge, P.O. Box 44320, Olympia, WA 98504, phone (360) 902-5139, fax (360) 902-4249, e-mail geay235@lni.wa.gov.

July 26, 2011

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 05-17-038, filed 8/9/05, effective 10/1/05)

WAC 296-45-25510 Fall protection. (1) Personal fall arrest equipment shall meet the requirements of WAC 296-155-245.

(2) Specific requirements for lineman's belts, safety straps and lanyards.

(a) All fabric used for safety straps must withstand an A.C. dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes, without visible deterioration.

(b) All fabric and leather used must be tested for leakage current and must not exceed 1 milliampere when a potential of 3,000 volts is applied to the electrodes positioned 12 inches apart.

(c) Direct current tests may be permitted in lieu of alternating current tests.

(d) The cushion part of the body belt must:

(i) Contain no exposed rivets on the inside;

(ii) Be at least three (3) inches in width;

(iii) Be at least five thirty-seconds (5/32) inch thick, if made of leather; and

(iv) Have pocket tabs that extended at least 1 1/2 inches down and three (3) inches back of the inside of circle of each D ring for riveting on plier or tool pockets. On shifting D

belts, this measurement for pocket tabs must be taken when the D ring section is centered.

(e) A maximum of four (4) tool loops must be so situated on the body belt that four (4) inches of the body belt in the center of the back, measuring from D ring to D ring, must be free of tool loops, and any other attachments.

(f) Suitable copper, steel, or equivalent liners must be used around bar of D rings to prevent wear between these members and the leather or fabric enclosing them.

(g) All stitching must be of a minimum 42-pound weight nylon or equivalent thread and must be lock stitched. Stitching parallel to an edge must not be less than three-sixteenths (3/16) inch from edge of narrowest member caught by the thread. The use of cross stitching on leather is prohibited.

(h) The keeper of snaphooks must have a spring tension that will not allow the keeper to begin to open with a weight of 2 1/2 pounds or less, but the keeper of snaphooks must begin to open with a weight of four (4) pounds, when the weight is supported on the keeper against the end of the nose.

(i) Testing of lineman's safety straps, body belts and lanyards must be in accordance with the following procedure:

(i) Attach one end of the safety strap or lanyard to a rigid support, the other end must be attached to a 250-pound canvas bag of sand;

(ii) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test); in each case stopping the fall of the 250-pound bag;

(iii) Failure of the strap or lanyard must be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" must be tested using one D ring. A safety strap or lanyard must be used that is capable of passing the "impact loading test" and attached as required in (i)(i) of this subsection. The body belt must be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in (i)(ii) of this subsection. Failure of the body belt must be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

(3) Body belts, safety straps, lanyards, lifelines, and body harnesses shall be inspected before use each day to determine that the equipment is in safe working condition. Defective equipment may not be used.

(4) Employees shall not wear climbers while doing work where they are not required. Employees shall not continue to wear their climbers while working on the ground; except for momentary or short periods of time on the ground.

(5) Employees, when working from a hook ladder, must either belt themselves securely to the ladder, attach themselves to the structures by means of a safety line, or belt themselves to ladder safety equipment, which shall consist of a safety rope or belting threaded through the rungs or secured to the ladder at intervals of not more than three feet.

(6) Before an employee throws his/her weight on a belt, the employee shall determine that the snap or fasteners are properly engaged.

(7) Safety straps shall not be placed around poles above the cross-arm except where it is not possible for the strap to slide or be slipped over the top of the pole by inadvertence of the employee. Neither end of the strap shall be allowed to

hang loose or dangle while the employee is ascending or descending poles or other structures.

(8) Body belts and safety straps shall not be stored with sharp-edged tools or near sharp objects. When a body belt, safety strap and climbers are kept in the same container, they shall be stored in such a manner as to avoid cutting or puncturing the material of the body belt or safety strap with the gaffs or climbers.

(9) Employees shall not attach metal hooks or other metal devices to body belts. Leather straps or rawhide thongs shall have hardwood or fibre crossbars. Leather straps and rawhide thongs shall not have metal or other conductive crossbars on them.

(10) Climbing gaffs shall be kept properly sharpened and shall be at least 1-1/8 inches in length.

(11) Lifelines shall be protected against being cut or abraded.

(12) Fall arrest equipment, work positioning equipment, or travel restricting equipment shall be used by employees working at elevated locations more than 4 feet (1.2 m) above the ground on poles, towers, or similar structures if other fall protection has not been provided. Fall protection equipment is not required to be used by a qualified employee climbing or changing location on poles, towers, or similar structures, unless conditions, such as, but not limited to, ice, high winds, the design of the structure (for example, no provision for holding on with hands), or the presence of contaminants on the structure, could cause the employee to lose his or her grip or footing.

Note 1: This subsection applies to structures that support overhead electric power generation, transmission, and distribution lines and equipment. It does not apply to portions of buildings, such as loading docks, to electric equipment, such as transformers and capacitors, nor to aerial lifts. Requirements for fall protection associated with walking and working surfaces are contained in WAC 296-155-245; requirements for fall protection associated with aerial lifts are contained in chapter ((296-155-WAC, Part J-1)) 296-869 WAC. Elevating work platforms.

Note 2: Employees undergoing training are not considered "qualified employees" for the purposes of this provision. Unqualified employees (including trainees) are required to use fall protection any time they are more than 4 feet (1.2 m) above the ground.

(13) The following requirements apply to personal fall arrest systems:

(a) When stopping or arresting a fall, personal fall arrest systems shall limit the maximum arresting force on an employee to 1800 pounds (8 kN) if used with a body harness.

(b) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m) nor contact any lower level.

(14) If vertical lifelines or droplines are used, not more than one employee may be attached to any one lifeline.

(15) Snaphooks may not be connected to loops made in webbing-type lanyards.

(16) Snaphooks may not be connected to each other.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-54-51160 Leg protection. (1) The employer must provide, at no cost to the employee, and ensure that each employee who operates a chain saw wears leg protection constructed with cut-resistant material, such as ballistic nylon. The leg protection must cover the full length of the thigh to the top of the boot on each leg to protect against contact with a moving chain saw.

EXCEPTION: This requirement does not apply to an employee working aloft in trees when supported by climbing spurs and climbing belt, or when an employee is working from a vehicle-mounted elevating and rotating work platform meeting the requirements of chapter ((296-24-WAC, Part J-3, Vehicle-mounted elevating and rotating)) 296-869 WAC. Elevating work platforms.

(2) Leg protection must be maintained in serviceable condition.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-99-040 What practices must an employer follow for entry into grain storage structures? This section applies to employee entry into all grain storage structures.

(1) The employer must ensure that the practice of walking down grain is prohibited. "Walking down grain" means an employee walks on grain to make it flow within or out from a grain storage structure, or an employee is on moving grain.

(2) The employer must ensure that during the entry and occupation of a storage structure the employee uses:

- A body harness with a lifeline; or
- A boatswain's chair that meets the requirements of ((Part J-2 of chapter 296-24 WAC whenever)) chapter 296-874 WAC. Scaffolds:

(a) The employee is exposed to a fall hazard such as when entering from the top or above the level of the stored grain; or

(b) The employee is exposed to an engulfment hazard such as when entering at the level of the stored grain, or while walking or standing on the grain. The lifeline must be rigged so that its position and length will prevent the employee from sinking below waist level.

(3) The employer must ensure that during the occupation of storage structures, including walking or standing on grain, employees are protected from hazards related to:

- Mechanical;
- Electrical;
- Hydraulic; and
- Pneumatic equipment.

By using safeguards, lockout-tagout, or other equally effective means. All provisions for the control of hazardous energy (lockout/tagout) from chapter 296-803 WAC apply to this chapter.

(4) The employer must ensure that employees are prohibited from entering any storage structure where a build-up of grain overhead (bridging) or on the sides could fall and bury them.

(5) The employer must ensure, as minimum precautions, that employee entry and occupation of all grain storage structures including flat storage structures is done according to all applicable requirements of chapter 296-809 WAC, Confined spaces, when the storage structure:

- Has limited or restricted means of entry and exit; and
- Is not designed for continuous employee occupancy.

(6) The employer may allow an employee to perform confined space entry work in grain storage structures without a permit if the employer's representative personally monitors the work to prevent employee exposure to illness or injury from atmospheric hazards during the entire operation.

AMENDATORY SECTION (Amending WSR 02-12-098, filed 6/5/02, effective 8/1/02)

WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	((WAC 296-155-480 (1)(r)) WAC 296-155-480 (1)(s)) <u>Chapter 296-876 WAC</u>
Scaffolds	((WAC 296-155-483(7)) <u>Chapter 296-874 WAC</u>
Boom Supported Elevating Work Platforms	((WAC 296-155-489)) <u>Chapter 296-869 WAC</u>
Vehicle Mounted Elevated and Rotating Work Platforms	((WAC 296-155-490 (2)(b)(v)) <u>Chapter 296-869 WAC</u>
Crane and Derrick Supported Work Platforms	((WAC 296-155-528 (6)(e)) <u>WAC 296-155-553</u> ((WAC 296-155-528 (6)(d)) WAC 296-155-528 (7)(i) WAC 296-155-528 (7)(j) WAC 296-155-528 (7)(k) WAC 296-155-528 (10)(h))
Open Sided Floors	WAC 296-155-505 (6)(a) through (f)
Pile Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705 (2)(b)

AMENDATORY SECTION (Amending WSR 95-10-016, filed 4/25/95, effective 10/1/95)

WAC 296-155-325 General requirements for storage. (1) General.

(a) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(b) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.

(c) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.

(d) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.

(e) When necessary to store building material on public thoroughfares, care must be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.

(f) Material must be so located as not to interfere with, or present a hazard to employees, traffic, or the public.

(2) Material storage.

(a)(i) Material stored inside buildings under construction shall not be placed within six feet of any hoistway or inside floor openings, nor within ten feet of an exterior wall which does not extend above the top of the material stored.

(ii) Temporary floors, used in steel erection, concrete forms and shoring (i.e., stripped forms, shoring jacks, clamps, steel rods or pipes, base plates, etc.) placed within close proximity to an open-sided floor for movement to another tier for placement, shall be considered "in-process equipment and subject to the provisions contained in Parts "O" and "P" of this standard. When this type equipment is to be left overnight or for longer periods of time it shall be anchored and braced to prevent displacement in any direction. In addition this equipment shall be subject to the provisions of this subsection while in "interim storage."

(b) Each employee required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with personal fall arrest equipment meeting the requirements of chapter 296-155 WAC, Part C-1.

(c) Noncompatible materials shall be segregated in storage.

(d) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every ten bags high.

(i) When cement and lime is delivered in paper bags they shall be carefully handled to prevent the bags bursting.

(ii) Cement and lime bags shall not be piled more than ten bags high except when stored in bins or enclosures built for the purpose of storage.

(iii) When bags are removed from the pile, the length of the pile shall be kept at an even height, and the necessary step backs every five bags maintained.

(iv) Persons handling cement and lime bags shall wear eye protection which prevents contact between the substance and the worker's eyes (such as goggles or other sealed eye protection) and shall wear long sleeve shirts with close fitting collar and cuffs.

(v) Persons shall be warned against wearing clothing that has become hard and stiff with cement.

(vi) Persons shall be instructed to report any susceptibility of their skin to cement and lime burns.

(vii) A hand cream or vaseline and eye wash shall be provided and kept ready for use to prevent burns.

(viii) Lime shall be stored in a dry place to prevent a premature slacking action that may cause fire.

(e) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(f) Brick stacks shall not be more than seven feet in height. When a loose brick stack reaches a height of four feet, it shall be tapered back two inches in every foot of height above the four-foot level.

(i) Brick shall never be stacked, for storage purposes, on scaffolds or runways.

(ii) When delivering brick on scaffolds inside the wall lines in wheelbarrows, they shall be dumped toward the inside of the building and not toward the wall.

(iii) Blocks shall always be stacked and not thrown in a loose pile.

(g) When masonry blocks are stacked higher than six feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(i) When blocks are stacked inside a building, the piles shall be so distributed as not to overload the floor on which they stand.

(ii) Blocks shall not be dropped or thrown from an elevation or delivered through chutes.

(h) Lumber:

(i) Used lumber shall have all nails withdrawn before stacking.

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber stacks shall not exceed twenty feet in height provided that lumber to be handled manually shall not be stacked more than sixteen feet high.

(v) All stored lumber shall be stacked on timber sills to keep it off the ground. Sills shall be placed level on solid supports.

(vi) Cross strips shall be placed in the stacks when they are stacked more than four feet high.

(i) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

(i) Persons handling reinforcing steel shall wear heavy gloves.

(ii) When bending of reinforcing steel is done on the job, a strong bench shall be provided, set up on even dry ground or a floor for the persons to work on.

(iii) Structural steel shall be carefully piled to prevent danger of members rolling off or the pile toppling over.

(iv) Structural steel shall be kept in low piles, consideration being given to the sequence of use of the members.

(v) Corrugated and flat iron shall be stacked in flat piles, with the piles not more than four feet high and spacing strips shall be placed between each bundle.

(j) Sand, gravel and crushed stone.

(i) Stock piles shall be frequently inspected to prevent their becoming unsafe by continued adding to or withdrawing from the stock.

(ii) If material becomes frozen, it shall not be removed in a manner that would produce an overhang.

AMENDATORY SECTION (Amending WSR 98-13-069 [98-16-067], filed 8/4/98, effective 8/4/98)

WAC 296-155-329 Qualified person—Rigging.

~~((Qualified person—A person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter.~~

~~Also has authorization or authority by the nature of their position to take prompt corrective measures to eliminate them. The person shall be knowledgeable in the requirements of this part.)) Rigging requirements have been moved to WAC 296-155-556 through 296-155-562.~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 10-14-100, filed 7/6/10, effective 9/1/10)

WAC 296-155-52900 Scope. (1) Except as provided in subsection (3) of this section, this part applies to power-operated cranes and derricks used in construction that can hoist, lower and horizontally move a suspended load (with or without attachments). Such equipment includes, but is not limited to: Articulating boom cranes (such as knuckle-boom cranes); crawler cranes; floating cranes; cranes on barges; locomotive cranes; mobile cranes (such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes); multipurpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load; industrial cranes (such as carry-deck cranes); cranes being used as dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes (such as fixed jib ("hammerhead boom"), luffing boom and self-erecting); pedestal cranes; portal cranes; overhead and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment.

(2) Attachments. This standard applies to equipment included in subsection (1) of this section when used with attachments. Such attachments, whether crane-attached or suspended include, but are not limited to:

- Hooks;
- Magnets;
- Grapples;
- Clamshell buckets;
- Orange peel buckets;
- Concrete buckets;
- Draglines;
- Personnel platforms;
- Augers or drills; and
- Pile driving equipment.

(3) ~~((Exemptions.))~~ The equipment listed below are exempted from WAC 296-155-529 (Crane certifier accreditation and crane certification) through 296-155-53300 ((do not apply to the following)) (Operator qualifications and certification):

(a) Cranes having a maximum rated capacity of one ton or less are exempt from this rule for the purposes of crane cer-

tification and operator certification. See WAC 296-155-53414 for additional requirements.

(b) Equipment included in subsection (1) of this section while it has been converted or adapted for nonhoisting/lifting use. Such conversions/adaptations include, but are not limited to, power shovels, excavators and concrete pumps.

(c) Power shovels, excavators, wheel loaders, backhoes, loader backhoes, track loaders. This machinery is also excluded when used with chains, slings or other rigging to lift suspended loads. For rigging requirements see WAC 296-155-556 through 296-155-562.

(d) Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles.

~~(e) ((Service trucks with mobile lifting devices designed specifically for use in the power line and electric service industries or handling associated materials.))~~ Digger derricks when used for augering holes for poles carrying electric and telecommunications lines, placing and removing the poles, and for handling associated materials to be installed on or removed from the poles. Digger derricks used in work subject to chapter 296-45 WAC, Safety standards for electrical workers, must comply with chapter 296-45 WAC. Digger derricks used in work for telecommunications service (as defined in chapter 296-32 WAC, Safety standards for telecommunications) must comply with chapter 296-32 WAC.

(f) Equipment originally designed as vehicle-mounted aerial devices (for lifting personnel) and self-propelled elevating work platforms.

(g) Hydraulic jacking systems, including telescopic/hydraulic gantries.

(h) Stacker cranes.

~~(i) Powered industrial trucks (forklifts)((-))~~ except when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load. (Powered industrial trucks including their attachments do not need to be certified by an accredited certifier. Operators must follow the requirements in chapter 296-863 WAC, Forklifts and other powered industrial trucks and WAC 296-155-53300 of this chapter.)

(j) Mechanic's truck with a hoisting device when used in activities related to equipment maintenance and repair.

(k) Equipment that hoists by using a come-a-long or chainfall.

~~(l) Overhead/bridge cranes or hoists that travel or trolley manually.~~

~~(m) Dedicated drilling rigs.~~

~~((m))~~ (n) Gin poles used for the erection of communication towers.

~~((m))~~ (o) Tree trimming and tree removal work.

~~((m))~~ (p) Anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame.

~~((m))~~ (q) Roustabouts.

~~((m))~~ (r) Service cranes with booms that rotate manually.

~~((m))~~ (s) Machines equipped with a boom that is limited to up and down movement only and does not rotate.

~~((m))~~ (t) Conveyors.

~~((m))~~ (u) Pump hoists with booms that do not rotate.

~~((m))~~ (v) Permanently installed overhead/bridge, gantry cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental char-

acteristics which are located in manufacturing facilities or powerhouses.

~~(w) Cranes and their operators used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work((and~~

~~(v) Crane operators operating cranes on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work)).~~

~~(x) Helicopter cranes.~~

~~(4) Digger derricks that do not meet the exemption criteria in subsection (3)(e) of this section must comply with WAC 296-155-529 (Crane certifier accreditation and crane certification) through WAC 296-155-53300 (Operator qualifications and certification) after July 1, 2012.~~

~~(5) Where provisions of this standard direct an operator, crewmember, or other employee to take certain actions, the employer must establish, effectively communicate to the relevant persons, and enforce work rules, to ensure compliance with such provisions.~~

~~(6) Work covered by chapter 296-45 WAC, Safety standards for electrical workers is deemed in compliance with WAC 296-155-53408.~~

~~(7) WAC 296-155-53400 (35) through (39) does not apply to cranes designed for use on railroad tracks, when used on railroad tracks that are used as part of the general railroad system of transportation that is regulated pursuant to the Federal Railroad Administration under CFR 49, Part 213, and that comply with applicable Federal Railroad Administration requirements. See WAC 296-155-53400(39).~~

AMENDATORY SECTION (Amending WSR 10-14-100, filed 7/6/10, effective 9/1/10)

WAC 296-155-52902 Definitions. Accredited crane certifier means a crane inspector who has been accredited by the department.

A/D director (assembly/disassembly) director means an individual who meets the requirements in this part for an A/D director, irrespective of the person's formal job title or whether the person is nonmanagement or management personnel.

Angle of loading means the acute angle between horizontal and the leg of the rigging, often referred to as horizontal angle. See Figures 18 and 33.

Anti two-block device means a device that, when activated, disengages all crane functions whose movement can cause two-blocking.

Apprentice operator or trainee means a crane operator who has not met requirements established by the department under RCW 49.17.430.

Articulating boom crane means a crane whose boom consists of a series of folding, pin connected structural members, typically manipulated to extend or retract by power from hydraulic cylinders.

Assembly/disassembly means the assembly and/or disassembly of components or attachments covered under this part. With regard to tower cranes, "erecting and climbing" replaces the term "assembly," and "dismantling" replaces the term "disassembly." Regardless of whether the crane is ini-

tially erected to its full height or is climbed in stages, the process of increasing height of the crane is an erection process.

Assist crane means a crane used to assist in assembling or disassembling a crane.

Attachments means any device that expands the range or tasks that can be done by the crane/derrick. Examples include, but are not limited to: An auger, drill, magnet, pile-driver, and boom-attached personnel platform.

Audible signal means a signal made by a distinct sound or series of sounds. Examples include, but are not limited to, sounds made by a bell, horn, or whistle.

Basket hitch means a method of rigging a sling in which the sling is passed around the load and both loop eyes or end fittings are attached to the lifting device.

Below-the-hook lifting device means a device used for attaching loads to a hoist. The device may contain components such as slings, hooks, rigging hardware, and lifting attachments.

Bird caging means the twisting of fiber or wire rope in an isolated area of the rope in the opposite direction of the rope lay, thereby causing it to take on the appearance of a bird cage.

Blocking (also referred to as "cribbing") means wood or other material used to support equipment or a component and distribute loads to the ground. It is typically used to support latticed boom sections during assembly/disassembly and under outrigger and stabilizer floats.

Boatswain's chair means a single-point adjustable suspension scaffold consisting of a seat or sling (which may be incorporated into a full body harness) designed to support one employee in a sitting position.

Bogie. See "travel bogie."

Boom (equipment other than tower crane) means an inclined spar, strut, or other long structural member which supports the upper hoisting tackle on a crane or derrick. Typically, the length and vertical angle of the boom can be varied to achieve increased height or height and reach when lifting loads. Booms can usually be grouped into general categories of hydraulically extendible, cantilevered type, latticed section, cable supported type or articulating type.

Boom (tower cranes) on tower cranes: If the "boom" (i.e., principal horizontal structure) is fixed, it is referred to as a jib; if it is moveable up and down, it is referred to as a boom.

Boom angle indicator means a device which measures the angle of the boom relative to horizontal.

Boom hoist limiting device includes boom hoist disengaging device, boom hoist shut-off, boom hoist disconnect, boom hoist hydraulic relief, boom hoist kick-outs, automatic boom stop device, or derricking limiter. This type of device disengages boom hoist power when the boom reaches a predetermined operating angle. It also sets brakes or closes valves to prevent the boom from lowering after power is disengaged.

Boom length indicator indicates the length of the permanent part of the boom (such as ruled markings on the boom) or, as in some computerized systems, the length of the boom with extensions/attachments.

Boom stop includes boom stops (belly straps with struts/standoff), telescoping boom stops, attachment boom

stops, and backstops. These devices restrict the boom from moving above a certain maximum angle and toppling over backward.

Boom suspension systems means a system of pendants, running ropes, sheaves, and other hardware which supports the boom tip and controls the boom angle.

Braided wire rope means a wire rope formed by plaiting component wire ropes.

Bridle wire rope sling means a sling composed of multiple legs with the top ends gathered in a fitting that goes over the lifting hook.

Builder means the builder/constructor of derricks.

Cable laid endless sling-mechanical joint means a wire rope sling made endless from one continuous length of cable laid rope with the ends joined by one or more metallic fittings.

Cable laid grommet-hand tucked means an endless wire rope sling made from one continuous length of rope formed to make a body composed of six ropes around a rope core. The rope ends are tucked into the body, thus forming the core. No sleeves are used.

Center of gravity means the center of gravity of any object is the point in the object around which its weight is evenly distributed. If you could put a support under that point, you could balance the object on the support.

Certified crane inspector means a crane certifier accredited by the department.

Certified welder means a welder who meets nationally recognized certification requirements applicable to the task being performed.

Choker hitch means a method of rigging a sling in which the sling is passed around the load, then through one loop eye, end fitting, or other device, with the other loop eye or end fitting attached to the lifting device. This hitch can be done with a sliding choker hook or similar device.

Climbing means the process in which a tower crane is raised or lowered to a new working height, either by adding ((additional)) or removing tower sections to the top of the crane (top climbing), or by a system in which the entire crane is raised or lowered inside the structure (inside climbing).

Come-a-long means a mechanical device typically consisting of a chain or cable attached at each end that is used to facilitate movement of materials through leverage.

Competent person means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Construction work means (for the purposes of this part) all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling of buildings and other structures and all related operations; the excavation, construction, alteration, and repair of sewers, trenches, caissons, conduits, pipelines, roads, and all related operations; the moving of buildings and other structures, and the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments, or any other related construction, alteration, repair, or removal work. Construction work that involves the use of a crane/derrick includes the erection of new electric transmission and distri-

bution lines including telecommunications and equipment, and the alteration, conversion, and improvement of existing electric transmission and distribution lines including telecommunications and equipment. Construction work does not include the normal day-to-day activities at manufacturing facilities or powerhouses.

Controlled load lowering means lowering a load by means of a mechanical hoist drum device that allows a hoisted load to be lowered with maximum control using the gear train or hydraulic components of the hoist mechanism. Controlled load lowering requires the use of the hoist drive motor, rather than the load hoist brake, to lower the load.

Controlling entity means an employer that is a prime contractor, general contractor, construction manager or any other legal entity which has the overall responsibility for the construction of the projects, its planning, quality, and completion.

Counterjib (counterweight jib) means a horizontal member of the tower crane on which the counterweights and usually the hoisting machinery are mounted.

Counterweight means weight used to supplement the weight of equipment in providing stability for lifting loads by counterbalancing those loads.

Crane means power-operated equipment used in construction that can hoist, lower, and horizontally move a suspended load. "Crane" includes, but is not limited to: Articulating boom cranes, such as knuckle-boom cranes; crawler cranes; floating cranes; cranes on barges; locomotive cranes; mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck mounted, and boom truck cranes; multipurpose machines when configured to hoist and lower by means of a winch or hook and horizontally move a suspended load; industrial cranes, such as carry-deck cranes; dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes, such as fixed jib, hammerhead boom, luffing boom, and self-erecting; pedestal cranes; portal cranes; overhead and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment.

Crane/derrick type means cranes or derricks as established by American Society of Mechanical Engineers (ASME). Crane operator means an individual engaged in the operation of a crane.

Crane level indicator means a device for determining true horizontal (also see safety devices).

Crawler crane means equipment that has a type of base mounting which incorporates a continuous belt of sprocket driven track.

Critical lift means a lift that:

- Exceeds seventy-five percent of the crane or derrick rated load chart capacity; or
- Requires the use of more than one crane or derrick.

Cross rod means a wire used to join spirals of metal mesh to form a complete fabric. See Figure 22.

Crossover points means locations on a wire rope which is spooled on a drum where one layer of rope climbs up on and crosses over the previous layer. This takes place at each flange of the drum as the rope is spooled onto the drum, reaches the flange, and begins to wrap back in the opposite direction.

Dedicated channel means a line of communication assigned by the employer who controls the communication system to only one signal person and crane/derrick or to a coordinated group of cranes/derricks/signal persons.

Dedicated drilling rig means a machine which creates bore holes and/or shafts in the ground.

Dedicated pile-driver is a machine that is designed to function exclusively as a pile-driver. These machines typically have the ability to both hoist the material that will be pile-driven and to pile-drive that material.

Dedicated spotter (power lines): To be considered a dedicated spotter, the requirements of WAC 296-155-53302 (Signal person qualifications) must be met and his/her sole responsibility is to watch the separation between the power line and the equipment, the load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached.

Derrick is an apparatus consisting of a mast or equivalent member held at the end by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes.

Design factor means the ratio between nominal or minimum breaking strength and rated load.

Digger derrick means a multipurpose vehicle-mounted machine which is primarily designed to accommodate components that dig holes, set poles, and position materials and apparatus.

Directly under the load means a part or all of an employee is directly beneath the load.

Dismantling includes partial dismantling (such as dismantling to shorten a boom or substitute a different component).

Drum rotation indicator is a device on a crane or hoist which indicates in which direction and at what relative speed a particular hoist drum is turning.

Electrical contact means when a person, object, or equipment makes contact or comes close in proximity with an energized conductor or equipment that allows the passage of current.

Employer-made equipment means floating cranes/derricks designed and built by an employer for the employer's own use.

Encroachment is where any part of the crane, load line or load (including rigging and lifting accessories) breaches a minimum clearance distance that this part requires to be maintained from a power line.

Equipment means equipment covered by this part.

Equipment criteria means instructions, recommendations, limitations and specifications.

Fabric (metal mesh) means the flexible portion of the sling exclusive of end fittings consisting of a series of transverse spirals and cross rods.

Fall protection equipment means guardrail systems, safety net systems, personal fall arrest systems, positioning device systems or fall restraint systems.

Fall restraint system means a fall protection system that prevents the user from falling any distance. The system is comprised of either a body belt or body harness, along with an anchorage, connectors, and other necessary equipment.

The other components typically include a lanyard, and may also include a lifeline and other devices.

Fall zone means the area (including, but not limited to, the area directly beneath the load) in which it is reasonably foreseeable that partially or completely suspended materials could fall in the event of an accident.

Flange points means a point of contact between rope and drum flange where the rope changes layers.

Floating cranes/derricks means equipment designed by the manufacturer (or employer) for marine use by permanent attachment to a barge, pontoons, vessel or other means of flotation.

Free fall (of the load line) means when only the brake is used to regulate the descent of the load line (the drive mechanism is not used to drive the load down faster or retard its lowering).

Free rated load test means testing stability and operation of crane, carrier, wheels, tires, tracks, brakes, etc., under load, when lifting without outriggers and/or traveling with the load are permitted at the activity for the type of crane being tested.

Free surface effect is the uncontrolled transverse movement of liquids in compartments which reduce a vessel's transverse stability.

Functional testing means the testing of a crane, typically done with a light load or no load, to verify the proper operation of a crane's primary function, i.e., hoisting, braking, booming, swinging, etc. A functional test is contrasted to testing the crane's structural integrity with heavy loads.

Gin pole derrick means a boom without a mast which has guys arranged from its top to permit leaning the mast in one or more directions. The load is lifted and lowered by ropes reeved through sheaves or blocks at the top of the mast and the lower block.

Ground conditions means the ability of the ground to support the equipment (including slope, compaction, and firmness).

Ground crew means those individuals who are involved in the personnel lift, other than the hoisting equipment operator and the platform occupants. These individuals include riggers, signal persons, and supervision.

Gudgeon pins means a pin connecting the mast cap to the mast allowing rotation of the mast.

Guy means a rope used to steady or secure the mast, boom, or other member in the desired position.

Hairpin anchors means a hairpin-shaped, guy-supporting anchor that is placed in footings or walls before concrete is poured and held in place by the cured concrete.

Hitch (hitched) means a method of rigging (attaching) a sling temporarily to a load or object for the purpose of lifting.

Hoist means a mechanical device for lifting and lowering loads by winding rope onto or off a drum.

Hoisting means the act of raising, lowering or otherwise moving a load in the air with equipment covered by this standard. As used in this standard, "hoisting" can be done by means other than wire rope/hoist drum equipment.

Hoisting equipment means a machine for lifting and lowering a load and moving it horizontally. The machine may be fixed or mobile and be driven manually, by power, or by a combination of both.

Hook latch means a mechanical device used to close the throat opening of a hook.

Insulating link/device means an insulating device listed, labeled, or accepted by a nationally recognized testing laboratory in accordance with 29 CFR 1910.7.

Intermediate rail means the middle member of a barrier along the edges of a platform, located approximately one-half the distance between the platform floor and top rail.

Jib means an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom. For tower cranes, see boom (tower cranes).

Land crane/derrick means equipment not originally designed by the manufacturer for marine use by permanent attachment to barges, pontoons, vessels, or other means of flotation.

List means the angle of inclination about the longitudinal axis of a barge, pontoons, vessel, or other means of flotation.

Live boom means a boom whose lowering is controlled by a brake without the aid of other lowering retarding devices (free-fall capable).

Live load line means a load line whose lowering is controlled by a brake without the aid of other lowering retarding devices (free-fall capable).

Load is the weight of the object being lifted or lowered, including the weight of the load-attaching equipment such as the load block, ropes, slings, shackles, and any other auxiliary attachment.

Load moment (or rated capacity) indicator means a system which aids the equipment operator by sensing the overturning moment on the equipment, i.e., load X radius. It compares this lifting condition to the equipment's rated capacity, and indicates to the operator the percentage of capacity at which the equipment is working. Lights, bells, or buzzers may be incorporated as a warning of an approaching overload condition.

Load moment (or rated capacity) limiter means a system which aids the equipment operator by sensing the overturning moment on the equipment, i.e., load X radius. It compares this lifting condition to the equipment's rated capacity, and when the rated capacity is reached, it shuts off power to those equipment functions which can increase the severity of loading on the equipment, e.g., hoisting, telescoping out, or luffing out. Typically, those functions which decrease the severity of loading on the equipment remain operational, e.g., lowering, telescoping in, or luffing in.

~~(Locomotive crane means a crane mounted on a base or car equipped for travel on a railroad track.)~~

Load ratings means a set of rated loads for stipulated hoisting equipment configurations and operating conditions.

Load sustaining/bearing parts means those parts of a crane that support the crane or load and upon failure could cause dropping, uncontrolled shifting, or uncontrolled movement of the crane or load.

Locomotive crane means a crane mounted on a base or car equipped for travel on a railroad track.

Luffing boom is a member hinged to the rotating superstructure and used for supporting the hoisting tackle.

Luffing jib limiting device is similar to a boom hoist limiting device, except that it limits the movement of the luffing jib.

Marine worksite means a construction worksite located in, on or above the water.

Master coupling link means an alloy steel welded coupling link used as an intermediate link to join alloy steel chain to master links.

Master link means forged or welded steel link used to support all members (legs) of an alloy steel chain sling or wire rope sling.

Mechanical coupling link (alloy steel chain) means a nonwelded, mechanically closed link used primarily to attach fittings to alloy steel chain.

Mobile cranes means a lifting device incorporating a cable suspended latticed boom or hydraulic telescopic boom designed to be moved between operating locations by transport over the road. These are referred to in Europe as a crane mounted on a truck carrier.

Moving point-to-point means the times during which an employee is in the process of going to or from a work station.

Multipurpose machine means a machine that is designed to be configured in various ways, at least one of which allows it to hoist (by means of a winch or hook) and horizontally move a suspended load. For example, a machine that can rotate and can be configured with removable forks/tongs (for use as a forklift) or with a winch pack, jib (with a hook at the end) or jib used in conjunction with a winch. When configured with the forks/tongs, it is not covered by this part. When configured with a winch pack, jib (with a hook at the end) or jib used in conjunction with a winch, it is covered by this part.

Multiple lift rigging means a rigging assembly manufactured by wire rope rigging suppliers that facilitates the attachment of up to five independent loads to the hoist rigging of a crane.

Nationally recognized accrediting agency is an organization that, due to its independence and expertise, is widely recognized as competent to accredit testing organizations.

Nonconductive means that, because of the nature and condition of the materials used, and the conditions of use (including environmental conditions and condition of the material), the object in question has the property of not becoming energized (that is, it has high dielectric properties offering a high resistance to the passage of current under the conditions of use).

Nonstandard tower crane base means any deviation from the structural support or base configuration recommended by the crane manufacturer.

Occasional or routine maintenance and repair work means regular, customary and foreseeable work necessary to keep equipment in good repair and/or condition. This also includes regular, customary and foreseeable work necessary to return equipment to sound condition after damage.

Operational aid means an accessory that provides information to facilitate operation of a crane or that takes control of particular functions without action of the operator when a limiting condition is sensed. Examples of such devices include, but are not limited to, the following: Anti-two-block

device, rated capacity indicator, rated capacity (load) limiter, boom angle or radius indicator, lattice boom hoist disconnect device, boom length indicator, drum rotation indicator, load indicator, and wind speed indicator.

Operational controls means levers, switches, pedals and other devices for controlling equipment operation.

Operator is a person who is operating the equipment.

Outriggers means extendable or fixed members attached to the mounting base, which rests on supports at the outer ends, used to support the crane.

Overhead/bridge and gantry cranes includes overhead/bridge cranes, cranes on monorails, under hung cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, launching gantry cranes, and similar equipment, irrespective of whether it travels on tracks, wheels, or other means.

Pendants includes both wire and bar types. Wire type: A fixed length of wire rope with mechanical fittings at both ends for pinning segments of wire rope together. Bar type: Instead of wire rope, a bar is used. Pendants are typically used in a latticed boom crane system to easily change the length of the boom suspension system without completely changing the rope on the drum when the boom length is increased or decreased.

Personal fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, and a body harness and may include a lanyard, deceleration device, lifeline, or suitable combination of these.

Personnel lifting means raising, lowering, or transporting personnel using a crane/derrick.

Personnel platform - Boom attached means a platform attached to the boom of the crane.

Personnel platform - Suspended means a platform attached to a crane/derrick using wire rope, chain, or a jointed attachment and that has no installed motion controls for the platform itself.

Personnel platform suspension system means the rope or chain slings and other components, including fastening devices, used to connect the crane/derrick to the personnel platform.

Platform occupant means a person who is within the guardrail barrier while the personnel platform is in a hoisted position.

Platform rating means the maximum capacity of a personnel lifting platform, established by the platform manufacturer, in terms of total weight and the number of occupants allowed.

Portal crane is a type of crane consisting of a rotating upper structure, hoist machinery, and boom mounted on top of a structural gantry which may be fixed in one location or have travel capability. The gantry legs or columns usually have portal openings in between to allow passage of traffic beneath the gantry.

Power controlled lowering means a system or device in the power train, other than the load hoist brake, that can regulate the lowering rate of speed of the load hoist mechanism.

Powerhouse means a plant wherein electric energy is produced by conversion from some other form of energy (e.g., chemical, nuclear, solar, mechanical, or hydraulic) by

means of suitable apparatus. This includes all generating station auxiliaries and other associated equipment required for the operation of the plant. Not included are stations producing power exclusively for use with communication systems.

Power lines means electrical distribution and electrical transmission lines.

Procedures include, but are not limited to: Instructions, diagrams, recommendations, warnings, specifications, protocols, and limitations.

Proximity alarm is a device that provides a warning of proximity to a power line that has been listed, labeled or accepted by a nationally recognized testing laboratory in accordance with 29 CFR 1910.7.

Qualified crane operator means a crane operator who meets the requirements established by the department under RCW 49.17.430.

Qualified evaluator (not a third party) means a person employed by the signal person's or the rigger's employer (as applicable) who has demonstrated that he/she is competent in accurately assessing whether individuals meet the qualification requirements in this part for a signal person or a rigger.

Qualified evaluator (third party) means an entity that, due to its independence and expertise, has demonstrated that it is competent in accurately assessing whether individuals meet the qualification requirements in this part for a signal person or a rigger.

Qualified person means a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, successfully demonstrated the ability to solve/resolve problems relating to the subject matter, the work, or the project.

Qualified rigger is a rigger who meets the requirements in WAC 296-155-53306.

Qualified signal person is a signal person who meets the requirements in WAC 296-155-53302.

Range control limit device is a device that can be set by an equipment operator to limit movement of the boom or jib tip to a plane or multiple planes.

Range control warning device is a device that can be set by an equipment operator to warn that the boom or jib tip is at a plane or multiple planes.

Rated capacity means the maximum working load permitted by the manufacturer under specified working conditions. Such working conditions typically include a specific combination of factors such as equipment configuration, radii, boom length, and other parameters of use.

Rated capacity indicator, see load moment indicator.

Rated capacity limiter, see load moment limiter.

Repetitive pickup points refer to, when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rotation resistant rope means a type of wire rope construction which reduces the tendency of a rope to rotate about its axis under load. Usually, this consists of an inner system of core strands laid in one direction covered by an outer system of strands laid in the opposite direction.

RPE means a registered professional engineer licensed under RCW 18.43.040(1).

RPSE means a registered professional structural engineer licensed under RCW 18.43.040(1).

Running wire rope is a wire rope that moves over sheaves or drums.

Runway means a firm, level surface designed, prepared and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

Safety devices, examples of safety devices are, but are not limited to, the following: Horn, boom/jib or trolley stops, crane level indicator, hydraulic holding device/check valve, rail clamps, rail stops, brakes, deadman control or forced neutral return control, emergency stop switch, guards, handrails, audible and visual alarms, etc.

Safety or health standard means a standard adopted under this chapter.

Section means a section of this part, unless otherwise specified.

Side-boom crane means a track-type or wheel-type tractor having a boom mounted on the side of the tractor, used for lifting, lowering, or transporting a load suspended on the load hook. The boom or hook can be lifted or lowered in a vertical direction only.

Sling means an assembly to be used for lifting when connected to a lifting mechanism. The upper portion of the sling is connected to the lifting mechanism and the lower supports the load, as described in this part.

Special hazard warnings means warnings of site-specific hazards (for example, proximity of power lines).

Spiral means a single transverse coil that is the basic element from which metal mesh is fabricated.

Stability (flotation device) means the tendency of a barge, pontoons, vessel, or other means of flotation to return to an upright position after having been inclined by an external force.

Stabilizer means an extendable or fixed member attached to the mounting base to increase the stability of the crane, but that may not have the capability of relieving all of the weight from the wheels or tracks.

Standard method means the hand signals established in the applicable ASME B30 series and WAC 296-155-56400, Mobile crane hand signal chart.

Standing wire rope means a supporting wire rope which maintains a constant distance between the points of attachment to the two components connected by the wire rope.

Superstructure: See upperworks.

Supporting materials means blocking, mats, cribbing, marsh buggies (in marshes/wetlands), or similar supporting materials or devices.

Taglines means a rope (usually fiber) attached to a lifted load for purposes of controlling load spinning and pendular motions or used to stabilize a bucket or magnet during material handling operations.

Tender means an individual responsible for monitoring and communication with a diver.

Tilt up or tilt down operation means raising/lowering a load from the horizontal to vertical or vertical to horizontal.

Toe board means a vertical barrier at foot level, along the edges of the platform, to protect against material from falling over the edge.

Top rail means the top member of a barrier along the edges of a platform to protect against persons from falling off the platform.

Tower crane means a type of lifting structure which utilizes a vertical mast or tower to support a working boom (jib) in an elevated position. Loads are suspended from the working boom. While the working boom may be of the fixed ((horizontally)) type (horizontal or angled) or have luffing capability, it can always rotate ((about)) to swing loads, either by rotating on the top of the tower ((center to swing loads)) (top slewing) or by the rotation of the tower (bottom slewing). The tower base may be fixed in one location or ballasted and moveable between locations. Mobile cranes that are configured with a luffing jib and/or tower attachments are not considered tower cranes under this part.

Travel means the function of the hoisting equipment moving under its own power from one location to another.

Travel bogie (tower cranes) means an assembly of two or more axles arranged to permit vertical wheel displacement and equalize the loading on the wheels.

Trim means the angle of inclination about the transverse axis of a barge, pontoons, vessel or other means of flotation.

Two blocking means a condition in which a component that is uppermost on the hoist line such as the load block, hook block, overhaul ball, or similar component, comes in contact with the boom tip, fixed upper block or similar component. This binds the system and continued application of power can cause failure of the hoist rope or other component.

Unavailable procedures means procedures that are no longer available from the manufacturer, or have never been available from the manufacturer.

Upperstructure: See upperworks.

Upperworks means the revolving frame of equipment on which the operating machinery (and many cases the engine) are mounted along with the operator's cab. The counterweight is typically supported on the rear of the upperstructure and the boom or other front end attachment is mounted on the front.

Up to means "up to and including."

Vertical hitch means a method of rigging a sling in which the load is attached to the loop eye or end fitting at one end of the sling and the loop eye or end fitting at the other end is attached to the lifting device. Any hitch less than five degrees from the vertical may be considered a vertical hitch.

Wire rope means a flexible rope constructed by laying steel wires into various patterns of multiwired strands around a core system to produce a helically wound rope.

Working load means the external load applied to the hoisting equipment, including the personnel lifting platform, its contents, and the load attaching equipment, such as lowered load block, shackles, and slings.

AMENDATORY SECTION (Amending WSR 08-22-080, filed 11/4/08, effective 1/1/09)

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 fifteen 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 ((shall)) 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 required by the department are met or until otherwise ordered after resolution of the appeal.

AMENDATORY SECTION (Amending WSR 08-22-080, filed 11/4/08, effective 1/1/10)

WAC 296-155-53114 Issuance of temporary and annual certificates of operation. (1) Accredited crane certifiers will issue a temporary certificate of operation if upon inspection and load proof testing no deficiencies were found that would affect the safe operation of the crane.

(2) The accredited crane certifier will submit inspection worksheets and proof of load testing to the department within ten working days from the completion of the inspection and load proof test for consideration of the department for the issuance of a permanent certificate of operation.

(3) If the accredited crane certifier upon inspection of a crane identifies deficiencies that would affect the safe operation or load handling capabilities of the crane, the accredited crane certifier must notify the department within five working days from completion of the on-site inspection by submitting the worksheet that identifies the deficiencies. If deficiencies are found that affect the safe operation or load handling capabilities of the crane, no temporary certificate of operation will be issued until all identified deficiencies have been corrected and verified by an on-site visit by an accredited crane certifier.

(4) After the accredited crane certifier has verified that all deficiencies have been corrected and the crane has successfully passed a load proof test, the accredited crane certifier will issue a temporary certificate of operation. The accredited crane certifier will submit inspection worksheets and proof of load testing to the owner or lessee and within ten days of completion of the inspection to the department for consideration of the department for the issuance of an annual certificate of operation.

(5) The accredited crane certifier must attach an identification sticker if not already attached and legible to each crane (~~(and crane component (component meaning: Luffing boom, swing-away jibs, fly sections, jibs at variable offsets and boom sections))~~). The identification sticker number must be entered on the inspection worksheet submitted to the department. Identification stickers may only be removed by a department representative or an accredited crane certifier.

~~(Note: Certified components may be installed without voiding the annual proof load test, providing the component was proof load tested within the prior four-year period.)~~

(6) Certificates of operation issued by the department under the crane certification program established in this section are valid for one year from the effective date of the temporary operating certificate issued by the certified crane inspector.

(7) The temporary or annual certificate of operation must be posted in the operator's cab or with the operator's manual.

(8) Maintaining required records. Accredited crane certifiers are required to maintain complete and accurate records pertaining to each crane of all inspections, tests and other work performed as well as copies of all notices of crane safety deficiencies, verifications of correction of crane safety

deficiencies, and crane certifications issued for the previous five years and provide these records to the department upon request. Failure by an accredited crane certifier to maintain required records may result in accreditation suspension or revocation.

AMENDATORY SECTION (Amending WSR 10-14-100, filed 7/6/10, effective 9/1/10)

WAC 296-155-53200 General inspection criteria, wire rope inspection and removal criteria, and preproof load test requirements for all cranes. (1) The accredited crane certifier must review the following documents as part of the crane certification process:

(a) Crane maintenance records of critical components to ensure maintenance of these components has been performed in accordance with the manufacturer's recommendations.

(b) Crane (~~periodic~~) monthly and (~~frequent~~) annual inspection documentation.

(2) Safety devices. Make sure all safety devices are installed on equipment in accordance with the requirements located in (~~chapter 296-155 WAC, Part L~~) WAC 296-155-53410.

(3) Operational aids. Operations must not begin unless operational aids are in proper working order, except where the owner or lessee meets the specified temporary alternative measures. See (~~chapter 296-155 WAC, Part L~~) WAC 296-155-53412 for the list of operational aids.

Note: All accredited crane certifiers must meet and follow the requirements relating to fall protection, located in chapter 296-155 WAC, Part C-1, Fall restraint and fall arrest.

(4) General.

(a) The accredited crane certifier must determine that the configurations of the crane are in accordance with the manufacturer's equipment criteria.

(b) Where the manufacturer equipment criteria are unavailable, a registered professional engineer (RPE), familiar with the type of equipment involved, must ensure criteria are developed for the equipment configuration.

(5) Wire rope.

(a) Wire ropes must meet the crane or wire rope manufacturer's specifications for size, type and inspection requirements. In the absence of the manufacturer's specifications, follow the requirements for removal criteria located in this section, including Table 1.

Table 1 - Wire Rope Inspection/Removal Criteria

(See also Figure 1 - Wire Rope)

Category of Crane Types	Running Ropes* # of broken wires in		Rotation Resistant* # of broken wires in		Standing Ropes* # of broken wires	
	1 rope lay	1 strand in 1 lay	Specified diameters		In 1 lay beyond end connection	At end connection
Mobile	6	3	2 (in 6xd)	4 (in 30xd)	3	2
Articulating	6	3	Consult rope mfg.	Consult rope mfg.	3	2
Tower	12	4	2 (in 6xd)	4 (in 30xd)	3	3
Self-Erector	6	3	2 (in 6xd)	4 (in 30xd)	3	2
Overhead & Bridge	12	4	2 (in 6xd)	4 (in 30xd)	—	—
Derricks	6	3	Consult rope mfg.	Consult rope mfg.	3	2

*Also remove if you detect 1 wire broken at the contact point with the core or adjacent strand; so called valley breaks or evidence from any heat damage from any cause.

Note: xd means times the "diameter."

(b) The accredited crane certifier must perform a complete and thorough inspection covering the surface of the working range plus three additional wraps on the drum of the wire ropes.

(c) If a deficiency is identified, an immediate determination must be made by the accredited crane certifier as to whether the deficiency constitutes a safety hazard. If the deficiency is determined to constitute a safety hazard, the crane must not be certified until:

(i) The wire rope is replaced and verified by the accredited crane certifier; or

(ii) If the deficiency is localized, the problem is corrected by severing the wire rope; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited.

(d) Remove wire rope from service if reduction from nominal diameter is greater than five percent.

(e) Replacement rope must be of a compatible size and have a strength rating at least as great as the original rope furnished or recommended by the crane manufacturer.

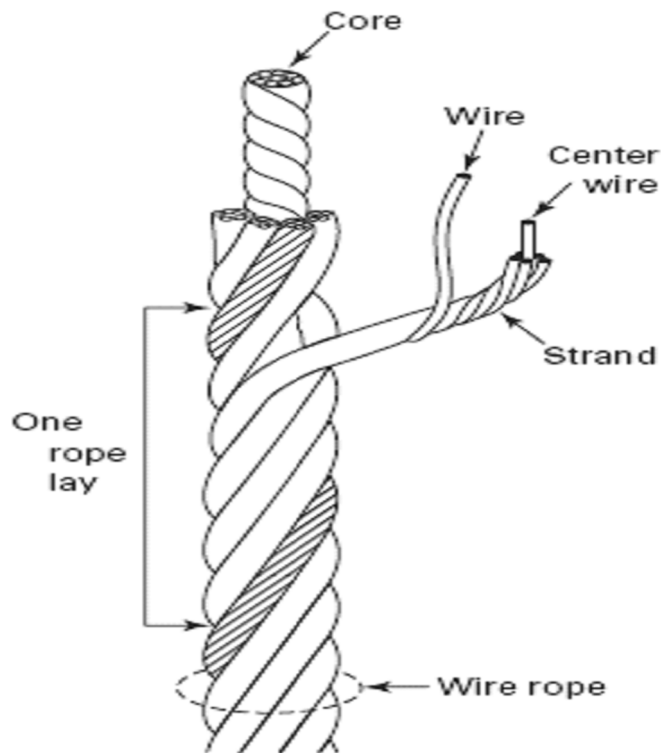


Figure 1 - Wire Rope

(6) Sheaves.

(a) Sheave grooves must be free from surface defects that could damage the rope. The cross-sectional radius at the bottom of the groove should be such as to form a close fitting saddle for the size of rope used. The sides of the groove must be tapered outward and rounded at the rim to facilitate entrance of the rope into the groove. Flange rims must run true about the axis of rotation.

(b) Sheave guards must be in place to:

(i) Guide the rope back into the sheave groove, when using ropes that can be momentarily unloaded.

(ii) Prevent ropes from becoming fouled when the block is lying on the ground with loose ropes.

(c) Sheave bearings, except for permanently lubricated ones, must have a means of lubrication.

(7) Prior to performing a proof load test:

(a) A safe test area must be selected and all traffic and unauthorized personnel and equipment must be cleared from test area. This test area must be roped off or otherwise secured to prevent entry of unauthorized personnel and equipment;

(b) Rigging gear must be inspected by a qualified person prior to using for load test of crane;

(c) The employer must ensure all load test personnel understand the safety procedures of the test;

(d) Proof load tests, with the exception of tower cranes, are overload tests and extreme caution must be observed at all times. Personnel must remain clear of suspended loads and areas where they could be struck in the event of boom failure. The test load must be raised only to a height sufficient to perform the test;

(e) During tests, safe operating speeds must be employed. Rated speeds in accordance with manufacturer's specifications need not be attained. Emphasis must be placed on the ability to safely control loads through all motions at normal speeds;

(f) Proof load tests require the use of freely suspended certified weights, or scaled weights using a certified scale with a current certificate of calibration; however, line pull test can be accomplished using a static test:

(g) Proof load tests must not exceed the manufacturer's specifications. Where these specifications are unavailable, a registered professional engineer familiar with the type of equipment involved must develop written specifications.

AMENDATORY SECTION (Amending WSR 10-14-100, filed 7/6/10, effective 9/1/10)

WAC 296-155-53202 Additional inspection criteria and proof load testing—Mobile cranes. (1) After it is determined that the crane configurations meet the criteria in WAC 296-155-53200, the accredited crane certifier must conduct a visual inspection of the following components, if applicable, which can be visually inspected without disassembly (not including removal of inspection covers):

(a) All control and drive mechanisms for adjustments interfering with proper operation and for excessive wear or contamination by lubricants or other foreign matter;

(b) Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation;

(c) Hydraulic system for proper fluid level;

(d) Safety latches on hooks for damage;

(e) Hooks for deformation, cracks, excessive wear, or damage such as from chemicals or heat;

(f) A legible and applicable operator's manual and load chart is in the operator's cab or station;

(g) A portable fire extinguisher, with a basic minimum extinguishing rating of ten BC must be installed in the cab or at the machinery housing;

(h) Crane cleanliness and housekeeping. Inspect for trash, oil, grease, debris or excessive dirt on crane components and catwalks, if applicable;

(i) Wire rope reeving for compliance with the manufacturer's specifications;

(j) Wire rope, in accordance with WAC 296-155-53200(5);

(k) Electrical apparatus for malfunctioning, signs of apparent excessive deterioration, dirt or moisture accumulation;

(l) Tires (when in use) for proper inflation and condition;

(m) Ground conditions around the equipment for proper support, including ground settling under and around outriggers and supporting foundations, groundwater accumulation, or similar conditions;

(n) The equipment for level position;

(o) Operator cab windows for significant cracks, breaks, or other deficiencies that would hamper the operator's view;

(p) Rails, rail stops, rail clamps and supporting surfaces when the equipment has rail traveling;

(q) Equipment structure (including the boom and, if equipped, the jib):

(i) Structural members: Deformed, cracked, or significantly corroded.

(ii) Bolts, rivets and other fasteners: Loose, failed or significantly corroded.

(iii) Welds for cracks.

(r) Sheaves and drums for cracks or significant wear;

(s) Parts such as pins, bearings, shafts, gears, rollers and locking devices for distortion, cracks or significant wear;

(t) Brake and clutch system parts, linings, pawls and ratchets for excessive wear;

(u) Safety devices and operational aids for proper operation (including significant inaccuracies);

(v) Gasoline, diesel, electric, or other power plants for safety-related problems (such as leaking exhaust and emergency shut-down feature), condition and operation;

(w) Chains and chain drive sprockets for excessive wear of sprockets and excessive chain stretch;

(x) Travel steering, brakes, and locking devices, for proper operation;

(y) Tires for damage or excessive wear;

(z) Hydraulic, pneumatic and other pressurized hoses, fittings and tubing, as follows:

(i) Flexible hose or its junction with the fittings for indications of leaks.

(ii) Threaded or clamped joints for leaks.

(iii) Outer covering of the hose for blistering, abnormal deformation or other signs of failure/impending failure.

(iv) Outer surface of a hose, rigid tube, or fitting for indications of excessive abrasion or scrubbing.

(aa) Hydraulic and pneumatic pumps and motors, as follows:

(i) Performance indicators: Unusual noises or vibration, low operating speed.

(ii) Loose bolts or fasteners.

(iii) Shaft seals and joints between pump sections for leaks.

(bb) Hydraulic and pneumatic cylinders, as follows:

(i) Drifting.

(ii) Rod seals and welded joints for leaks.

(iii) Cylinder rods for scores, nicks and dents.

(iv) Case (barrel) for significant dents.

- (v) Rod eyes and connecting joints: Loose or deformed.
- (cc) Outrigger pads/floats and slider pads for excessive wear or cracks; cribbing/dunnage for proper installation;
- (dd) Electrical components and wiring for cracked or split insulation and loose or corroded terminations;
- (ee) Legible warning labels and decals as required by the manufacturer;
- (ff) Operator seat: Missing or unusable;
- (gg) Equipped with original, or the equivalent, steps, ladders, handrails, guards;
- (hh) Steps, ladders, handrails, and guards are in safe and usable condition;

(2) Crane deficiencies. If the accredited crane certifier determines other findings need to be monitored, the accredited crane certifier must provide written notification to the owner or lessee.

(3) Operational testing. An operational test must be made without a load applied to the hook of the following items if they are applicable to the crane to ensure they function correctly:

- (a) Load lifting/hoisting and lowering mechanisms;
- (b) Boom lifting/hoisting and lowering mechanisms;
- (c) Boom extension and retraction mechanism;
- (d) Swing mechanism;
- (e) Travel mechanism;
- (f) Brakes and clutches;
- (g) Limit, locking, and safety devices;
- (h) Suspension systems for cranes that work on rubber (tires); and

(i) During the operational testing, special attention must be paid to hydraulic and pneumatic valves: Spools (sticking, improper return to neutral, and leaks); leaks; valve housing cracks; relief valves.

(4) Annual and quadrennial proof load testing.

(a) Proof load tests must be completed on all hoist lines to ~~((maximum line pull))~~ at least one hundred percent but not to exceed one hundred and ten percent as configured. Any hoist line not proof load tested is not considered certified. The test load must be at least one hundred percent but not to exceed one hundred and ten percent of rated capacity (i.e., for the crane's configuration of reeving, boom length, etc.). The rated capacity must be the capacity shown on the posted load chart or as limited by other factors such as hook block capacity or wire rope line pull if the crane is not fully reeved. The test load includes the weight of (or deduction values for) the hook, block, slings, and auxiliary lifting devices (and for some cranes hoist wire rope not accounted for in load charts), and the combined weight deduction values must be subtracted from the nominal test load in order to determine the amount of test weights to be used. Follow original equipment manufacturer (OEM) load chart instructions for weight deduction values. Check accuracy of load indicators where installed. Test procedures for these cranes must follow OEM procedures and recommendations.

(b) Annual proof load testing. After the crane has passed the visual and operational tests, a proof load test must be conducted in the as-configured condition and must be performed within the structural ~~((and stability))~~ section of the manufacturer's load chart, as applicable. This test must be documented on the form or in the format approved by the department.

A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination.

~~(c) ((Quadrennial proof load testing. No major component (luffing boom, swing away jibs, fly sections, jibs at variable offsets, boom sections, and back masts) may be used unless it has been proof load tested within the prior four-year period. For jibs with variable offset angles, tests at the maximum offset used and maximum extension of all boom sections. All major components are to be proof load tested to a minimum of one hundred percent, not to exceed one hundred ten percent of each component's charted structural capacity. Hoist line pull or rigging is not to be a limiting factor for structural proof load tests.~~

~~(i) This test must be performed in accordance with this section and documented on the form or in the format approved by the department.~~

~~(ii) A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the inspection.~~

~~(d))~~ Free rated load test ("on rubber"). Check the stability and operation of crane, carrier, wheels, tires, tracks, brakes, etc., under load by performing the following tests, when lifting without outriggers and/or traveling with the load are permitted at the activity for the type of crane being tested.

Note: Ensure all free rated load tests "on rubber" lifting requirements established by the OEM are complied with. Attach taglines to the load to control oscillation. For cranes with outriggers, extend outriggers and maintain minimal clearance (three to four inches) above ground. Test personnel must stand clear of tires during load tests. This test is only required if the owner/lessee wants an "on rubber" certification. If the crane has "on rubber" capabilities and the owner does not desire this certification, the crane certifier must document it on the certification document.

(i) Maximum free rated load. Hoist maximum free rated test load at minimum possible radius over the rear (or over the front as required by the OEM). Slowly boom down to the maximum radius for the load, with boom and load hoist pawls (dogs) engaged where applicable, complete (d)(i)(A) and (B) of this subsection.

(A) Rotate through the appropriate working arc;

(B) Travel a minimum of fifty feet with test load over the rear (or front as required by the OEM) with the boom parallel to the longitudinal axis of the crane carrier.

(ii) Stability test. Repeat the step in (d)(i) of this subsection with a test load corresponding to the radii determined as follows: For telescoping boom cranes, test with the boom approximately halfway between fully retracted and fully extended but do not exceed OEM's boom length limitation for lifting on rubber. If no ratings are governed by stability, no stability test is required.

Note: When lifting test loads, always lift the load well within the maximum radius and slowly boom down to a premeasured radius. Lift the test load only high enough to perform the required tests.

AMENDATORY SECTION (Amending WSR 08-22-080, filed 11/4/08, effective 1/1/10)

WAC 296-155-53204 Additional inspection criteria and proof load testing—Articulating boom cranes. (1)

After it is determined that the crane configurations meet the criteria in WAC 296-155-53200, the accredited crane certifier must visually inspect the following items, if applicable, on cranes for sound physical condition and that they are functional within the manufacturer's recommendations (not including removal of inspection covers):

- (a) All control and drive mechanisms for adjustments interfering with proper operation and for excessive wear or contamination by lubricants or other foreign matter;
- (b) Safety devices for malfunction;
- (c) All hydraulic hoses, particularly those which flex in normal operation of crane functions;
- (d) Hooks and latches for deformation, chemical damage, cracks, and wear;
- (e) Rope reeving for compliance with crane manufacturer's specifications;
- (f) Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, and moisture accumulation;
- (g) Hydraulic system for proper oil level and leaks;
- (h) Excessively worn or damaged tires. Recommended inflation pressure, cuts, and loose wheel nuts;
- (i) Connecting pins and locking device for wear and damage;
- (j) Deformed, cracked, or corroded members in the crane structure and carrier;
- (k) Loose bolts, particularly mounting bolts;
- (l) Cracked or worn sheaves and drums;
- (m) Worn, cracked, or distorted parts such as pins, bearings, shafts, gears, rollers, and locking devices;
- (n) Excessive wear on brake and clutch system parts and lining;
- (o) Travel steering, braking, and locking devices, for malfunction;
- (p) Hydraulic, pneumatic and other pressurized hoses, fittings and tubing, as follows:
 - (i) Flexible hose or its junction with the fittings for indications of leaks.
 - (ii) Threaded or clamped joints for leaks.
 - (iii) Outer covering of the hose for blistering, abnormal deformation or other signs of failure/impending failure.
 - (iv) Outer surface of a hose, rigid tube, or fitting for indications of excessive abrasion or scrubbing;
- (q) Hydraulic and pneumatic pumps and motors, as follows:
 - (i) Performance indicators: Unusual noises or vibration, low operating speed.
 - (ii) Loose bolts or fasteners.
 - (iii) Shaft seals and joints between pump sections for leaks;
 - (r) Hydraulic and pneumatic cylinders, as follows:
 - (i) Drifting.
 - (ii) Rod seals and welded joints for leaks.
 - (iii) Cylinder rods for scores, nicks and dents.
 - (iv) Case (barrel) for significant dents;
 - (s) Crane cleanliness and housekeeping. Inspect for trash, oil, grease, debris or excessive dirt on crane components and catwalks, if applicable;
 - (t) Legible warning labels and decals as required by the manufacturer;

(u) A portable fire extinguisher, with a basic minimum extinguishing rating of ten BC must be installed in the cab or at the machinery housing;

(v) A legible and applicable operator's manual and load chart is in the operator's cab or station.

(2) Annual proof load testing of articulating boom cranes.

(a) Annual proof load testing. After the crane has passed the visual and operational tests, the accredited crane certifier must ensure a proof load test is conducted and must be performed within the structural and stability section of the manufacturer's load chart, as applicable. This test must be documented on the form or in the format approved by the department. A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination.

(b) Test loads must not be less than one hundred percent or more than one hundred and ten percent of the rated load, unless otherwise recommended by the manufacturer.

(c) Hoist the test load to assure that the load is supported by the crane and held by the hoist brake(s).

(d) Swing the crane, if applicable, the full range of its swing.

(e) Boom the crane up and down within allowable working radius for the test load.

(f) Lower the test load, stop and hold the load with the brake(s).

~~((3) Quadrennial proof load testing. If the articulating boom crane has a jib or boom extension, these components may not be used unless it has been proof load tested within the prior four-year period.))~~

AMENDATORY SECTION (Amending WSR 10-14-100, filed 7/6/10, effective 9/1/10)

WAC 296-155-53206 Additional inspection criteria and proof load testing—Tower cranes. (1) Tower cranes and tower crane assembly parts must be inspected by a crane certifier both prior to assembly, following erection of the tower crane, after each climbing operation, or reconfiguring the boom, jib, or counterjib before placing the crane in service.

(2) The accredited crane certifier must verify a registered professional structural engineer, licensed under chapter 18.43 RCW, has certified that the crane foundations/structural supports and underlying soil are adequate support for the tower crane with its maximum overturning moment.

(3) Prior to erecting a tower crane on a nonstandard tower crane base, the accredited crane certifier must verify that the engineering configuration of this base has been reviewed and acknowledged as acceptable by an independent registered professional structural engineer, licensed under chapter 18.43 RCW.

(4) The accredited crane certifier must review the following documents as part of the crane certification process for the current location and inspection period:

(a) Crane maintenance records of critical components to ensure maintenance of these components has been performed in accordance with the manufacturer's recommendations;

(b) Crane (~~(periodic)~~ monthly and (~~(frequent)~~ annual inspection documentation.

(5) After it is determined that the crane configurations meet the criteria in WAC 296-155-53200, the accredited crane certifier must visually inspect the following items, if applicable, on tower cranes for sound physical condition and that they are functional within the manufacturer's recommendations (not including removal of inspection covers):

(a) All control and drive mechanisms for interfering with proper operation and for excessive wear or contamination by lubricants or other foreign matter;

(b) Motion limiting devices for proper operation with the crane unloaded; each motion should be inched into its limiting device by carefully running at slow speed;

(c) Load limiting devices for proper operation and accuracy of settings;

(d) Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation;

(e) Hydraulic system for proper fluid level;

(f) Hydraulic, pneumatic and other pressurized hoses, fittings and tubing, as follows:

(i) Flexible hose or its junction with the fittings for indications of leaks.

(ii) Threaded or clamped joints for leaks.

(iii) Outer covering of the hose for blistering, abnormal deformation or other signs of failure/impending failure.

(iv) Outer surface of a hose, rigid tube, or fitting for indications of excessive abrasion or scrubbing;

(g) Hydraulic and pneumatic pumps and motors, as follows:

(i) Performance indicators: Unusual noises or vibration, low operating speed.

(ii) Loose bolts or fasteners.

(iii) Shaft seals and joints between pump sections for leaks;

(h) Hydraulic and pneumatic cylinders, as follows:

(i) Drifting.

(ii) Rod seals and welded joints for leaks.

(iii) Cylinder rods for scores, nicks and dents.

(iv) Case (barrel) for significant dents;

(i) Electrical components for malfunctioning, signs of apparent excessive deterioration, dirt or moisture accumulation, wiring for cracked or split insulation, and loose or corroded terminations;

(j) Stationary cranes for manufacturer's recommended grounding of structure and power supply. Rail traveling cranes for grounding of each rail and the power supply per the manufacturer's recommendations;

(k) Runway rail and clamps. Inspect for loose, broken or missing clamps;

(l) Hooks and safety latches for deformation, cracks, excessive wear, or damage such as from chemicals or heat;

(m) Wedges and supports of climbing cranes for looseness or dislocation;

(n) Braces or guys supporting cranes' masts (towers) and anchor bolt base connections for looseness;

(o) Crane structure (including the boom, jib and counter jib):

(i) Structural members: Deformed, cracked, or significantly corroded.

(ii) Bolts, rivets and other fasteners: Loose, failed or significantly corroded.

(iii) Welds for cracks.

(p) Cracked or worn sheaves and drums;

(q) Worn, cracked, or distorted parts such as pins, bearings, shafts, gears, rollers, locking and clamping devices, sprockets, and drive chains or belts;

(r) Excessive wear on brake and clutch system parts, linings, pawls, and ratchets;

(s) Load, wind, and other indicators for inaccuracies outside the tolerances recommended by the manufacturer;

(t) Travel mechanisms for malfunction, excessive wear or damage;

(u) A legible and applicable operator's manual and load chart is in the operator's cab;

(v) Crane cleanliness and housekeeping. Inspect for trash, oil, grease, debris or excessive dirt on crane components and catwalks, if applicable;

(w) A portable fire extinguisher, with a basic minimum extinguishing rating of ten BC must be installed in the cab or at the machinery housing;

(x) When applicable, tower tie-in collars, struts, and connections to building structure are structurally sound, free of cracks, distortion, excessive wear or corrosion. Pins and structural bolts are tight and installed per the manufacturer's specification;

(y) Ballast blocks in place and secured per manufacturer's recommendations;

(z) For cranes that telescope, the raising mechanism operates within the manufacturer's specifications;

(aa) For cranes that top climb, the climbing frame operates within the manufacturer's specifications;

(bb) A means to prevent traveling tower cranes running into stops while under power;

(cc) A functional audible warning alarm that automatically sounds whenever the traveling tower crane travels;

(dd) Wire rope reeving for compliance with the manufacturer's specifications;

(ee) Wire rope, in accordance with WAC 296-155-53200 (5);

(ff) Safety devices and operational aids for proper operation (including significant inaccuracies);

(gg) Legible warning labels and decals as required by the manufacturer;

(hh) Steps, ladders, handrails and guards are in safe and usable condition.

(6) Additional requirements for tower cranes prior to performing a proof load test.

Note: General requirements relating to preproof load tests for all cranes are located in WAC 296-155-53200.

(a) When tower cranes are erected, and before placing in service, all functional motions, motion limiting, load limiting devices, locking and safety devices, brakes and clutches must be tested for operation and be within the manufacturer's specification prior to placing the crane in operation.

(b) Proof load tests require the use of certified weights, or scaled weights using a certified scale with a current certificate of calibration.

(c) Functional motion test must be at crane manufacturer's rated load. Each test must include:

- (i) Load hoisting and lowering;
- (ii) Jib (boom) hoisting and lowering, or trolley travel;
- (iii) Slewing motion;
- (iv) Travel motion when rail mounted;
- (v) Brakes and clutches; and
- (vi) Limit, locking, and safety devices.

Note: Functional motion tests made after climbing or telescoping may be performed without a load.

(d) The functional motion test listed in (c) of this subsection must continue until all controls, drives, and braking systems have been engaged and have functioned per the crane manufacturer's specifications.

(e) Order in which tests of tower cranes are to be performed is as follows:

- (i) Functional motion test without rated load;
- (ii) Functional motion test at crane manufacturer's rated load. For other than traveling cranes, these tests may be combined with test of base structural support or foundation system given in (c) of this subsection;
- (iii) Test of base structural support or foundation under (f) of this subsection.

(f) During functional motion tests, the crane's base structural support or foundation system must be visually checked by the accredited crane certifier. If any part of the crane's base structural support or foundation system shows excessive visual displacement, visual distress, or audible distress, then the lifted load must be lowered at hoist creep speed and all crane operations are to cease. An evaluation must then be made by the accredited crane certifier.

(7) Proof load testing of tower cranes. Setting hoist load limits for tower cranes.

(a) Annual proof load testing. After the crane has passed the visual and operational tests, the accredited crane certifier must ensure a proof load test is conducted and must be performed according to the manufacturer's recommendations. This test must be documented on the form or in the format approved by the department. A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination.

(b) Tower crane hoist load limit switches must be set in accordance with the manufacturer's specifications using specified certified weights. Procedure is to be verified by the accredited crane certifier. In the absence of the manufacturer's specifications, hoist load limit switches must be verified by means of a static test using test loads of one hundred and two and one-half percent to one hundred and ten percent of the applicable ratings. Test loads are to be lifted at creep speed until just clear of the ground.

(c) Setting of hoist load limits must be documented on the form provided by the department. A copy of the completed form and inspection worksheets must be sent to the department within ten days upon completion of the examination.

(d) After erection of fixed freestanding tower cranes, the base structural support or foundation system on which the crane is supported must be tested before placing the crane in service. The test must be conducted with the crane manufacturer's rated load placed at maximum radius permitted by site

conditions. When the base structural support or foundation is symmetrical, the crane's jib (boom) must be rotated through ninety degrees with ten minute stops at the starting position and at each forty-five degree position. When the support is asymmetrical, the crane's jib (boom) must be rotated through three hundred and sixty degrees with ten minute stops at the starting position and at each forty-five degree position.

(e) After erection of rail traveling tower cranes, the base structural support or foundation system to which the rail is attached must be tested before placing the crane in service. The test must be conducted with the crane manufacturer's rated load placed at maximum radius permitted by site conditions. The jib (boom) must be located over the bogie. The crane must travel the entire length of runway, returning with the same load over the bogie on the opposite rail.

AMENDATORY SECTION (Amending WSR 08-22-080, filed 11/4/08, effective 1/1/10)

WAC 296-155-53210 Additional inspection criteria and proof load testing—Overhead/bridge and gantry bridge cranes. (1) After it is determined that the crane configurations meet the criteria in WAC 296-155-53200, the accredited crane certifier must visually inspect, without disassembly, and if applicable, the following items on overhead and bridge cranes for sound physical condition and that they are functional within the manufacturer's recommendations (not including removal of inspection covers):

(a) Controllers. Control mechanisms for interfering with proper operation. Control and drive mechanisms for apparent excessive wear of components and contamination by lubricants, water or other foreign matter;

(b) Load hooks. Inspect for damage wear to hook nuts, safety latch and hook swivel. Check for deformation, cracks, excessive wear, or damage such as from chemicals or heat. Inspect blocks for wear to sheaves, check plates, and pins. Check for loose pins, bolts and guards;

(c) Sheaves and bearings. Check all sheaves and bearings for lubrication and excessive wear. Ensure sheaves turn freely. Check sheave pin locking device;

(d) Structural supports. Inspect for damage or bent girders, girder seat top plate, diaphragms and structural column connections. Check for loose bolts or rivets, and cracks;

(e) Bridge inspection.

(i) Check complete structure for broken, cracked, damaged, missing, or corroded parts and members.

(ii) Handrails, walkways, and ladders. Inspect for loose, missing, bent, deteriorated or misaligned members, loose bolts, rivets, broken welds and hangers;

(f) Brackets. Check for cracked or corroded welds, missing or loose bolts, bent or cracked brackets;

(g) End stops. Inspect for damaged wheels, broken welds, loose or missing bolts, damaged bumpers, missing pins or damaged plates;

(h) Runway rail and clamps. Inspect for loose, broken or missing clamps. Check the condition of railhead and side wear, rail splice plates and/or welds, rail gaps and associated bolts, wedges, connectors and rail switches;

(i) Crane alignment. Inspect for proper bridge end float while crane travels in both directions on runway. Check all

corner connections for rust, shear marks, loose or missing bolts, nuts and washers. Inspect square marks and legibility of dimension;

(j) Wheels and bearings. Inspect wheels for wear, flat spots, chips, flange wear, cracks, loose axle pins, or securing devices. Check bearing clearance, chatter, loose bearing caps and lubrication;

(k) Trolley. Check for loose, missing, broken or bent members. Inspect for loose, faulty or missing coupling guards. Check for broken, loose or missing axle pins. Inspect for axle pins displaying excessive wear;

(l) Trolley rail. Inspect for bent or damaged members, loose bolts, rivets, guards, trolley rail clamps, end stops and broken welds. Check condition of rail head and side wear, rail splice plates and/or welds and rail gaps;

(m) Trolley conductors. Inspect insulators and clamps, loose connectors, bent, pitted or damaged wires or collectors;

(n) Shafts, couplings, and bearings. Inspect shafts for vibration, cuts and nicks, loose or worn keyways and misalignment. Check coupling for wear, loose bolts or keys and misalignment. Inspect bearing for clearance, chatter, loose bearing caps and proper lubrication;

(o) Gearing. Inspect gears for worn teeth, cracked teeth, superficial root cracks, pitting, unusual indentation or wear marks, full contact or end loading, loose set screws and keys. Check guards and covers. Inspect gear cases for excessive noise and vibration, proper lubrication and leaking;

(p) Wire rope and drum. Inspect wire rope for damage. Check rope clip fittings and associated mounting hardware for wear and damage. Inspect drum grooves for excessive wear. Inspect drum pedestal and bearing condition. Check for cracks in drum;

(q) Electrical items. Check all contacts for proper alignment and evidence of excess heating or unusual arcing. Inspect all coils, contact leads, shunts and wires, fuses or overload devices for loose connections and evidence of overheating. Inspect panel board and arc shields for cracks, loose bolts, dirt and moisture. Check panel marking for legibility. Inspect speed control resistors for damaged insulation, cracked or broken grids, loose connections, bolts and brackets;

(r) Motor. Inspect for damage, bearing noise, vibration and lubrication, spark and cleanliness of commutator and brush wear, loose hold down bolts and motor brackets. Inspect commutator or slip rings for evidence of overheating and brush sparking. Inspect motor leads and insulators, damaged or deteriorated insulation and loose connections. Inspect brush holder for proper clearance to commutator or slip rings, and freedom of brushes;

(s) Brakes. Inspect for wear in linkage, pins and cams, weakness of springs, wear and condition of lining, smoothness of the drum, heat check crack and clearance between drum or disk. Inspect for improper solenoid air gap; evidence of overheating; damaged brass, and loose core laminations; delay or restriction in opening of brakes;

(t) Hoist brakes. Inspect for wear in linkage, pins and cams, weakness of springs, wear and condition of lining, smoothness of drum, heat check cracks and clearance between drum or disk. Inspect for improper solenoid air gap;

evidence of overheating; damaged brass, and loose core laminations; delay or restriction in opening of brakes;

(u) Limit switches. Remove covers and inspect all electrical and mechanical components for malfunction including contacts, springs, ratchets, pins, arm and insulators, rollers, cams and dogs. Inspect cover gaskets, counterweight guides. Check all securing bolts and guards. Check for weather or moisture damage. Check for proper operation;

(v) Crane cleanliness and housekeeping. Inspect for trash, oil, grease, debris or excessive dirt on crane components and catwalks, if applicable;

(w) Operation of crane controls. Operate all crane controls and check for proper operation. Check for smooth and regular motions without abnormal sensations, hesitations, binding, vibrations, shimmy, or irregularity;

(x) Warning device/fire protection. Inspect for proper operation of sirens, horns, bells and lights. Check switches and inspect wiring and connections;

(y) A legible and applicable operator's manual and load chart is in the operator's cab or station;

(z) A portable fire extinguisher, with a basic minimum extinguishing rating of ten BC must be installed in the cab or at the machinery housing.

(2) Annual proof load testing of bridge/overhead cranes.

(a) Annual proof load testing. After the crane has passed the visual and operational tests, the accredited crane certifier must ensure a proof load test is conducted and must be performed according to the manufacturer's recommendations or a registered professional structural engineer (RPSE). This test must be documented on the form or in the format approved by the department. A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination.

(b) The proof load test must be at least one hundred percent but not to exceed one hundred twenty-five percent of the rated capacity.

(c) This test must be documented on the form or in the format approved by the department. A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination.

(d) Hoist the test load a distance to assure that the load is supported by the crane and held by the hoist brake(s).

(e) Transport the test load by means of the trolley for the full length of the bridge, as practical.

(f) Transport the test load by means of the bridge for the full length of the runway in one direction with the trolley as close to the extreme right-hand end of the crane as practical, and in the other direction with the trolley as close to the left-hand end of the crane as practical.

(g) Lower the test load, and stop and hold the test load with the brake(s).

(h) Mechanical load brake tests. Hoist test load and hold for five minutes.

Release the holding brake, either mechanically or electrically to verify mechanical load brake function or hoist the rated load then lower, monitoring the hoist for any speed control issues.

AMENDATORY SECTION (Amending WSR 08-22-080, filed 11/4/08, effective 1/1/10)

WAC 296-155-53212 Additional inspection criteria and proof load testing—Derricks. (1) After it is determined that the derrick configurations meet the criteria in WAC 296-155-53200, the accredited derrick certifier must visually inspect the following items, if applicable, on derricks for sound physical condition and that they are functional within the manufacturer's recommendations (not including removal of inspection covers):

(a) All control and drive mechanisms for adjustments interfering with proper operation and for excessive wear or contamination by lubricants or other foreign matter;

(b) All chords and lacing, tension in guys, plumb of the mast, external indication of deterioration or leakage in air or hydraulic systems;

(c) Derrick hooks for deformation or cracks, distortion causing an increase in throat opening of five percent not to exceed one-quarter inch or as recommended by the manufacturer. Any wear exceeding ten percent (or as recommended by the manufacturer) of the original section dimension of the hook;

(d) Rope reeving for noncompliance with derrick manufacturer's specifications;

(e) Hoist brakes, clutches, and operating levers;

(f) Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt and moisture accumulation;

(g) Structural members for deformation, cracks, and corrosion;

(h) Crane cleanliness and housekeeping. Inspect for trash, oil, grease, debris or excessive dirt on crane components and catwalks, if applicable;

(i) Bolts and rivets for tightness;

(j) Parts such as pins, bearings, shafts, gears, sheaves, drums, rollers, locking and clamping devices, for wear, cracks, and distortion;

(k) Gudgeon pin for cracks, wear and distortion;

(l) Foundation or supports for continued ability to sustain the imposed loads;

(m) A legible and applicable operator's manual and load chart is in the operator's cab or station;

(n) A portable fire extinguisher, with a basic minimum extinguishing rating of ten BC must be installed in the cab or at the machinery housing.

(2) Annual proof load testing of derricks.

(a) Annual proof load testing. After the derrick has passed the visual and operational tests, the accredited derrick certifier must ensure a proof load test is conducted and must be performed at the maximum and minimum boom angles or radii or as close to these as practical and at such intermediate radii as the derrick manufacturer or RPSE may deem necessary. This test must be documented on the form or in the format approved by the department. A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination.

(b) Proof load tests and safe working load ratings must be based on the designed load ratings at the ranges of boom angle or operating radii. Proof loads must be as per the manufacturer's recommendations. When the manufacturer rec-

ommendations are not available follow the requirements in Table ((3)) 2 below:

Table ((3)) 2 - Derrick Load Test

Safe Working Load SWL	Proof Load
Up to 20 tons	25 percent in excess
20-50 tons	5 tons in excess
Over 50 tons	10 percent in excess

(c) Hoist the test load a few inches and hold to verify that the load is supported by the derrick and held by the hoist brake(s).

(d) Swing the derrick, if applicable, the full range of its swing, at the maximum allowable working radius for the test load.

(e) Boom the derrick up and down within the allowable working radius for the test load.

(f) Lower the test load, stop and hold the load with the brake(s).

(g) After satisfactory completion of a proof load test, the derrick and all component parts thereof shall be carefully examined in all applicable requirements in this section.

(h) This test must be documented on the form or in the format approved by the department. A copy of this completed form and inspection worksheets must be sent to the department within ten working days upon completion of the examination.

AMENDATORY SECTION (Amending WSR 08-22-080, filed 11/4/08, effective 1/1/10)

WAC 296-155-53214 Crane decertification and reinstatement. (1) If any of the following occur, the certification becomes invalid and must be inspected by an accredited crane certifier:

(a) Contact with an energized power line;

(b) Any overload, other than proof load testing, or one that has been approved in writing in advance by the crane manufacturer or a RPE;

(c) Any significant modifications or significant repairs of a load sustaining/bearing part that affects the safe operation of the crane/derrick.

(d) Any deficiency that affects the safe operation of the crane or derrick that has been identified by a qualified person or through an inspection by the department of labor and industries.

Note: Replacement of hoisting rope does not constitute decertification.

(2) The owner or lessee must notify the crane certification section by phone, 360-902-4943, or fax 360-902-5438 or e-mail at lnicranes@lni.wa.gov within twenty-four hours if any of the above occurs.

(3) The certification may be reinstated only after affected components have been reinspected by an accredited crane certifier. If the accredited crane certifier identifies any deficiencies during the reinspection, the deficiencies must be corrected before the certification can be reinstated. If the accredited crane certifier believes proof load testing should

be conducted prior to reinstatement of the certification, proof load testing (~~shall~~) must be conducted. In the case of major modifications or repairs to important load sustaining/bearing parts, proof load testing (~~shall~~) must be performed prior to reinstatement. The accredited crane certifier must notify the department that the certification has been reinstated.

AMENDATORY SECTION (Amending WSR 10-14-100, filed 7/6/10, effective 9/1/10)

WAC 296-155-53300 Operator qualifications and certification. (1) Prior to operating any crane covered under chapter 296-155 WAC, Part L, with the exception of the trainee/apprentice requirements outlined in subsection (2) of this section and those cranes exempt in WAC 296-155-52900(3), the employer must ensure that the (~~crane~~) operator meets the following requirements:

(a) Has a valid crane operator certificate, for the type of crane to be operated, issued by a crane operator testing organization accredited by a nationally recognized accrediting agency. The operator certification must include a successful passing of a written and practical examination for each crane category listed in Table ((2)) 3 and by crane type for mobile cranes.

(b) A determination through a written test that:

(i) The individual knows the information necessary for safe operation of the specific type of crane/derrick the individual will operate, including all of the following:

(A) The controls and operational/performance characteristics.

(B) Use of, and the ability to calculate, load/capacity information on a variety of configurations of the crane/derrick.

(C) Procedures for preventing and responding to power line contact.

(D) Technical knowledge similar to the subject matter criteria listed in WAC 296-155-56420 of this part applicable to the specific type of crane/derrick the individual will operate. Use of WAC 296-155-56420 criteria meets the requirements of this provision.

(E) Technical knowledge applicable to:

(I) The suitability of the supporting ground and surface to handle expected loads.

(II) Site hazards.

(III) Site access.

(F) This part, including applicable incorporated materials.

(ii) The individual is able to read and locate relevant information in the equipment manual and other materials containing information referred to in (i) of this subsection.

(c) A determination through a practical test that the individual has the skills necessary for safe operation of the crane/derrick, including the following:

(i) Ability to recognize, from visual and auditory observation, the items listed in WAC 296-155-53405(2).

(ii) Operational and maneuvering skills.

(iii) Application of load chart information.

(iv) Application of safe shut-down and securing procedures.

Notes:

- An operator's certificate issued by the accredited testing agency is valid for a five-year period, and must be renewed to ensure operators maintain qualified operator status.
- For self-erecting tower cranes, the department will accept a tower crane certification issued by a nationally accrediting testing agency.
- For derricks, the department will accept, at a minimum, a lattice boom truck or crawler mobile crane operator's certificate.
- ((If there is no accredited written or practical test for operator certification available, the employer must ensure the operator has been completely trained, evaluated and tested by the employer on the operating procedures for the piece of equipment in use as recommended by the crane equipment manufacturer. This process must be documented and made available upon request.)) An operator will be deemed qualified to operate a crane if the operator is certified under (a) of this subsection for the type and capacity of the crane or for higher-capacity crane of the same type.

(d) If there is no accredited written or practical test for operator certification available, the employer must ensure the operator has been completely trained, evaluated and tested by the employer on the operating procedures for the piece of equipment in use as recommended by the crane equipment manufacturer. This process must be documented and made available upon request.

((b)) (e) Has crane hours of experience as shown in Table ((2)) 3; and

((e)) (f) Pass a substance abuse test conducted by a recognized laboratory.

Exemption:

When it is necessary in the performance of their duties, manufacture representatives, factory representatives and maintenance personnel are not required to be certified crane operators.

Crane Operator Experience for Cranes Used in the Construction Industry
Table ((2)) 3

The 5 Categories of Cranes and their Types	Number of Hours of Actual Crane Operating Experience	Number of Hours of Crane Related Experience
(1) Mobile Cranes		
(a) Lattice Boom Crawler Cranes (LBC)	300 tons and above 1000 Hours	300 tons and above 1000 Hours
	Under 300 tons 500 Hours	Under 300 tons 500 Hours

The 5 Categories of Cranes and their Types	Number of Hours of Actual Crane Operating Experience	Number of Hours of Crane Related Experience
(b) Lattice Boom Truck Cranes (LBT)	300 tons and above 1000 Hours	300 tons and above 1000 Hours
	Under 300 tons 500 Hours	Under 300 tons 500 Hours
(c) Large Telescopic Boom Cranes (Swing Cab) (TLL)	Over 130 tons 750 Hours	Over 130 tons 750 Hours
	Over 40 tons to 130 tons 250 Hours	Over 40 tons to 130 tons 250 Hours
	40 tons and under 40 Hours	40 tons and under 40 Hours
(d) Small Telescopic Boom Cranes (Fixed Cab) (TSS)	15 tons and above 40 Hours	15 tons and above 40 Hours
	Over 5 tons and under 15 tons 20 Hours	Over 5 tons and under 15 tons 20 Hours
	5 tons and under 8 hours	5 tons and under 16 hours
(2) Articulating Boom Cranes	20 Hours	20 Hours
(3) Tower Cranes		
(a) Hammerhead	500 Hours	500 Hours
(b) Luffer	500 Hours	500 Hours
(c) Self-Erecting	50 Hours	50 Hours
(4) Overhead/Bridge and Gantry Cranes		
(a) Cab Operated	40 Hours	40 Hours
(b) Pendant/Remote	40 Hours	40 Hours
(5) Derricks	20 Hours	500 Hours
<p>Hours of actual crane operating experience. For all cranes: Time while the operator is at the controls of the crane; and/or has direct control of that crane; and/or a combination of operating hours within the same crane type. For mobile cranes: It also includes time while installing/removing boom sections, luffing boom, jib, extending and retracting outriggers/stabilizers, leveling crane, and replacing hoisting rope. For tower cranes: It includes time while jumping (increasing the height of the tower/mast).</p> <p>Note: Additional actual crane operator experience may account for crane related experience.</p> <p>Hours of crane related experience: Time as a ((signalman) signalperson) signalperson/bellman, oiler, crane mechanic, crane inspector, formal classroom training, crane simulator operation, and a combination of operating hours on other categories of cranes.</p>		

Note: Cranes and other lifting machines that are exempt can be found in WAC 296-155-52900(3).

(2) Prequalification/certification training period. An employee who is not a qualified crane operator as outlined in subsection (1) of this section is permitted to operate the crane as part of his/her training providing the following requirements are met:

(a) The employee ("trainee/apprentice") must be provided with sufficient training prior to operating the crane to enable the trainee to operate the crane safely under limitations established by this section (including continuous supervision) and any additional limitations established by the employer.

(b) The tasks performed by the trainee/apprentice while operating the crane must be within the trainee's ability, as determined by the supervising qualified crane operator.

(c) Qualified crane operator. While operating the equipment, the trainee/apprentice must be continuously supervised

by a qualified crane operator who meets the following requirements:

(i) The qualified crane operator is an employee or agent of the trainee's/apprentice's employer.

(ii) The qualified crane operator under this section is familiar with the proper use of the equipment's controls.

(iii) While supervising the trainee/apprentice, the qualified crane operator performs no tasks that detract from the qualified crane operator's ability to supervise the trainee/apprentice.

(iv) For cranes other than tower cranes: The qualified crane operator and the trainee/apprentice must be in direct line of sight of each other. In addition, they must communicate verbally or by hand signal.

(v) For tower cranes: The qualified crane operator and the trainee/apprentice must be in direct communication with each other.

(d) The trainee/apprentice must not operate the crane in any of the following circumstances:

(i) If any part of the crane, load line or load (including rigging and lifting accessories), if operated up to the crane's maximum working radius in the work zone, could get within twenty feet of a power line that is up to three hundred fifty kV, or within fifty feet of a power line that is over three hundred fifty kV;

(ii) If the crane is used to hoist personnel;

(iii) In a multiple-crane or multiple load line lift situations; or

(iv) Multiple-lift rigging, as defined in WAC 296-155-52902, can only be accomplished by the trainee/apprentice when the qualified crane operator determines that the trainee's/apprentice's skills are sufficient for this high-skill work.

(v) Critical lifts, as defined in WAC 296-155-52902, can only be accomplished by the trainee/apprentice when the qualified crane operator determines that the trainee's/apprentice's skills are sufficient for this high-skill work.

(3) The employer must obtain documentation showing hours of crane operator experience and crane related experience separated out by crane type and capacity.

Note: The employer may accept a signed declaration from the crane operator attesting to actual hours of crane operator experience and crane related experience separated out by crane type and capacity. For sample declaration form see WAC 296-155-56425.

(4) The department may recognize crane operator certification from another state or territory of the United States as equivalent to qualified crane operator requirements if the department determines that the other jurisdiction's credentialing standards are substantially similar to the qualified crane requirements.

~~(5) ((For experience obtained prior to January 1, 2010, the employer may accept a signed declaration from the crane operator attesting to actual hours of crane operator experience and crane related experience separated out by crane type and capacity. Hours documented prior to 2010 will count towards the hour requirements of actual crane operating experience and crane related experience.~~

~~**Note:** For experience obtained while working outside of the department's jurisdiction, the employer may accept a signed declaration from the crane operator attesting to actual hours of crane operator experience and crane related experience separated out by crane type and capacity.~~

~~(6) Beginning January 1, 2010,)) Crane operator experience and crane related experience must be documented and separated out by crane type and capacity; this documentation need only show the minimum amount of hours as outlined in Table 3 above. If the employer is documenting crane operating and/or related crane experience hours, the employer must provide a copy of the hours to the operator as soon as practical, if requested.~~

NEW SECTION

WAC 296-155-53302 Signal person qualifications.

(1) The signal person must meet the qualification requirements (subsection (3) of this section) prior to giving any sig-

nals to a crane/derrick operator. This requirement must be met by using either Option (1) or Option (2).

(a) Option (1) - Third-party qualified evaluator. The signal person has documentation from a third-party qualified evaluator showing that the signal person meets the qualification requirements listed in subsection (3) of this section.

(b) Option (2) - Employer's qualified evaluator. The employer has its qualified evaluator assess the individual and determine that the individual meets the qualification requirements listed in subsection (3) of this section and provides documentation of that determination. An assessment by an employer's qualified evaluator under this option is not portable meaning other employers are not permitted to use this qualification to meet the requirements of this section.

(c) The employer must make the documentation for whichever option is used available at the site while the signal person is employed by the employer. The documentation must specify each type of signaling (e.g., hand signals, radio signals, etc.) for which the signal person meets the requirements of subsection (3) of this section.

(2) If subsequent actions by the signal person indicate that the individual may not meet the qualification requirements listed in subsection (3) of this section, the employer must not allow the individual to continue working as a signal person until retraining is provided and a reassessment is made in accordance with subsection (1) of this section that confirms that the individual meets the qualification requirements.

(3) Qualification requirements. Each signal person must:

(a) Know and understand the type of signals used. For example, if hand signals are used, the signal person must know and understand the standard method for hand signals.

(b) Be competent in the application of the type of signals used.

(c) Have a basic understanding of crane/derrick operation and limitations, including the crane dynamics involved in swinging and stopping loads and boom deflection from hoisting loads.

(d) Know and understand the relevant requirements of WAC 296-155-53406 and this section.

(e) Demonstrate that they meet the requirements in (a) through (d) of this subsection through an oral or written test, and through a practical test. All tests must be documented.

(4) Qualification period. A signal person qualification cannot exceed a five-year period; this qualification must be renewed every five years to ensure signal persons maintain qualified status. At a minimum, this renewal must include a documented written or oral or practical exam.

NEW SECTION

WAC 296-155-53304 Repair, inspection, and maintenance employee qualifications. (1) Repair, inspection, and maintenance personnel are permitted to operate the crane/derrick only where all of the following requirements are met:

(a) The operation is limited to those functions necessary to perform maintenance, inspect or verify the performance of the crane/derrick.

(b) The personnel either:

(i) Operate the crane/derrick under the direct supervision of an operator who meets the requirements of WAC 296-155-53300, Operator qualification and certification; or

(ii) Are familiar with the operation, safe limitations, characteristics and hazards associated with the type of crane/derrick.

(2) Maintenance and repair personnel must meet the definition of a qualified person with respect to the crane/derrick and maintenance/repair tasks performed.

NEW SECTION

WAC 296-155-53306 Rigger qualifications. (1) The rigger must meet the qualification requirements (subsection (3) of this section) prior to performing hoisting activities for assembly and disassembly work (WAC 296-155-53402 (19)(a)). A qualified rigger is required whenever workers are within the fall zone and hooking, unhooking, or guiding a load, or doing the initial connection of a load to a component or structure (WAC 296-155-53400 (43)(c)). This requirement must be met by using either Option (1) or Option (2).

(a) Option (1) - Third-party qualified evaluator. The rigger has documentation from a third-party qualified evaluator showing that the rigger meets the qualification requirements listed in subsection (3) of this section.

(b) Option (2) - Employer's qualified evaluator. The employer has its qualified evaluator assess the individual and determine that the individual meets the qualification requirements listed in subsection (3) of this section and provides documentation of that determination. An assessment by an employer's qualified evaluator under this option is not portable meaning other employers are not permitted to use this qualification to meet the requirements of this section.

(c) The employer must make the documentation for whichever option is used available at the site while the rigger is employed by the employer. The documentation must specify each type of rigging for which the rigger meets the requirements of subsection (3) of this section.

(2) If subsequent actions by the rigger indicate that the individual may not meet the qualification requirements listed in subsection (3) of this section, the employer must not allow the individual to continue working as a rigger until retraining is provided and a reassessment is made in accordance with subsection (1) of this section that confirms that the individual meets the qualification requirements.

(3) Qualification requirements. Each rigger must:

(a) Know and understand the requirements located in ASME B30.7-2006, Base-Mounted Drum Hoists, B30.9-2010, Slings, B30.10-2009, Hooks, B30.16-2007, Overhead Hoists (Underhung), B30.20-2010, Below-the-Hook Lifting Devices, B30.21-2005, Manually Lever Operated Hoists and B30.26-2004, Rigging Hardware, as applicable.

(b) Know and understand the type of sling and hitch used. For example, if synthetic web slings are used, the rigger must know and understand the removal criteria for this type of sling and how to properly use the sling.

(c) Be competent in the application of the type of hitches used.

(d) Have a basic understanding of slings, rigging hardware and below-the-hook lifting devices (as applicable); their limitations, rigging practices, associated hazards and inspection requirements.

(e) Know and understand load weight estimation, center of gravity, effect of angles on rigging components, load turning, knots/tag lines, chain hoist/come-a-long usage, winch and block usage, and basic hand signals, as applicable.

(f) Know and understand the relevant requirements of WAC 296-155-556 through 296-155-56220 and this section.

(g) Demonstrate that they meet the requirements in (a) through (e) of this subsection through a written test and through a practical test. All tests must be documented.

Note: The provisions of subsection (3)(g) of this section are applicable one hundred eighty days after the effective date of this section.

(4) Qualification period. A rigger qualification cannot exceed a five-year period; this qualification must be renewed every five years to ensure riggers maintain qualified status. At a minimum, this renewal must include a documented written exam.

NEW SECTION

WAC 296-155-534 General requirements for all cranes and derricks.

NEW SECTION

WAC 296-155-53400 General requirements. (1) All cranes and derricks, except for those exempted in WAC 296-155-52900, must be certified annually by an accredited certifier recognized by the department, for detailed information about this certification see WAC 296-155-532.

(2) All crane and derrick operators, except for those exempted in WAC 296-155-52900, must be qualified as required by WAC 296-155-533.

(3)(a) Cranes must meet the requirements for design, construction, installation and testing as prescribed in the applicable ASME standard at the time the crane or derrick was manufactured.

(b) Where manufacturer's specifications are not available the limitations assigned to the crane must be based on the determinations of a registered professional engineer (RPE), competent in this field and such determinations must be appropriately documented and recorded.

(c) Attachments used with cranes must not exceed the capacity, rating, or scope recommended by the manufacturer or RPE.

(4) Unavailable operation procedures.

(a) Where the manufacturer procedures are unavailable, the employer must provide all procedures necessary for the safe operation of the crane/derrick and attachments.

(b) Procedures for the operational controls must be developed by a qualified person.

(c) Procedures related to the capacity of the crane/derrick must be developed and signed by a registered professional engineer familiar with this equipment.

(5) Warning decals and placards must be installed and legible as prescribed by this part and the crane manufacturer.

(6) The procedures applicable to the operation of the crane/derrick including a legible and applicable operator's manual and load rating chart, written in the English language with customary grammar and punctuation, must be in the operator's cab or station when the crane is in operation. Where rated capacities are available in the cab only in electronic form: In the event of a failure which makes the rated capacities inaccessible, the operator must immediately cease operations or follow safe shut-down procedures until the rated capacities (in electronic or other form) are available.

(7) Rated capacity and related information. The information available in the operator's cab or station (see WAC 296-155-53400(6)) regarding "rated capacity" and related information must include, at a minimum, the following information:

(a) A complete range of the manufacturer's rated capacities, as follows:

(i) At all manufacturer approved operating radii, boom angles, work areas, boom lengths and configurations, jib lengths and angles (or offset).

(ii) Alternate ratings for use and nonuse of optional equipment which affects rated capacities, such as outriggers, stabilizers, and extra counterweights.

(iii) When available from the manufacturer load ratings where structural competence governs lifting performance must be identified.

(b) A work area chart for which capacities are listed in the load chart.

Note: An example of this type of chart for mobile cranes is in WAC 296-155-56435.

(c) The work area figure and load chart must clearly indicate the areas where no load is to be handled.

(d) Recommended reeving for the hoist lines must be shown.

(e) Recommended parts of hoist reeving, size, and type of wire rope for various crane loads.

(f) Recommended boom hoist reeving diagram, where applicable; size, type, and length of wire rope.

(g) Tire pressure (where applicable).

(h) Caution or warnings relative to limitations on cranes and operating procedures, including an indication of the least stable direction.

(i) Position of the gantry and requirements for intermediate boom suspension (where applicable).

(j) Instructions for boom erection and conditions under which the boom, or boom and jib combinations, may be raised or lowered.

(k) Whether the hoist holding mechanism is automatically or manually controlled, whether free fall is available, or any combination of these.

(l) The maximum telescopic travel length of each boom telescopic section.

(m) Whether sections are telescoped manually or with power.

(n) The sequence and procedure for extending and retracting the telescopic boom section.

(o) Maximum loads permitted during the boom extending operation, and any limiting conditions or cautions.

(p) Hydraulic relief valve settings specified by the manufacturer.

(8) All manufacturer procedures applicable to the operational functions of cranes/derricks, including its use with attachments must be complied with.

(9) The operator must not engage in any practice or activity that diverts his/her attention while actually engaged in operating the crane/derrick, such as the use of cellular phones (other than when used for signal communications).

(10) A portable fire extinguisher, with a basic minimum extinguisher rating of 10 BC, must be installed in the cab or at the machinery housing. Additional requirements relating to portable fire extinguishers can be found in WAC 296-800-300.

(11) Cabs. Cranes/derricks with cabs must meet the following requirements:

(a) Cabs must be designed with a form of adjustable ventilation and method for clearing the windshield for maintaining visibility and air circulation. Examples of means for adjustable ventilation include air conditioner or window that can be opened (for ventilation and air circulation); examples of means for maintaining visibility include heater (for preventing windshield icing), defroster, fan, windshield wiper.

(b) Cab doors (swinging, sliding) must be designed to prevent inadvertent opening or closing while traveling or operating the machine. Swinging doors adjacent to the operator must open outward. Sliding operator doors must open rearward.

(c) Windows.

(i) The cab must have windows in front and on both sides of the operator. Forward vertical visibility must be sufficient to give the operator a view of the boom point at all times.

(ii) Windows may have sections designed to be opened or readily removed. Windows with sections designed to be opened must be designed so that they can be secured to prevent inadvertent closure.

(iii) Windows must be of safety glass or material with similar optical and safety properties that introduce no visible distortion or otherwise obscure visibility that interferes with the safe operation of the equipment.

(d) A clear passageway must be provided from the operator's station to an exit door on the operator's side.

(e) Areas of the cab roof that serve as a workstation for rigging, maintenance, or other equipment-related tasks must be capable of supporting two hundred fifty pounds without permanent distortion.

(12) Personal belongings must be stored in such a manner as to not interfere with access or operation of the crane.

(13) Rigging gear, tools, oil cans, waste, and other articles must be stored in the toolbox or another appropriate location, and must not be permitted to lie loose in or about the cab or operator's work station.

(14) Operating controls must be properly marked to indicate the function of the controls in each position.

(15) The employer must designate a competent person who must inspect the cranes and components daily when used, and periodically during use to make sure it is in safe operating condition. Any deficiencies that effect the safe operation of the crane must be repaired, or defective parts replaced, before continued use.

Note: For additional requirements relating to inspections see WAC 296-155-53405.

(16) Before starting the engine, the operator must verify that all controls are in the proper starting position and that all personnel are in the clear.

(17) While in operation, belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment must be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding must meet the requirements of chapter 296-806 WAC, Machine safety.

(18) Neither the load nor the boom is allowed to be lowered below the point where less than two full wraps of rope remain on their respective drums.

(19) All exhaust pipes, turbochargers, and charge air coolers must be guarded or insulated in areas where contact by employees is possible in the performance of normal duties and are discharged in a direction away from the operator.

(20) Hydraulic and pneumatic lines must be protected from damage to the extent feasible.

(21) Friction mechanisms. Where friction mechanisms (such as brakes and clutches) are used to control the boom hoist or load line hoist, they must be:

(a) Of a size and thermal capacity sufficient to control all rated loads with the minimum recommended reeving.

(b) Adjustable to permit compensation for lining wear to maintain proper operation.

(22) Hydraulic load hoists. Hydraulic drums must have an integrally mounted holding device or internal static brake to prevent load hoist movement in the event of hydraulic failure.

(23) Whenever internal combustion engine powered crane/derrick exhausts in enclosed spaces, tests must be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, General occupational health standards and chapter 296-841 WAC, Airborne contaminants.)

(24) If access to the cab roof is necessary, a ladder or steps must be provided to give access to a cab roof.

(25) All steps, running boards, and ladders must be of substantial construction and in good repair at all times.

(26) Guardrails, handholds, and steps must be provided on cranes for easy access to the cab in accordance with Parts C-1 and J of this chapter.

(27) Platforms and walkways must have antiskid surfaces.

(28) Cranes/derricks fuel tank filler pipe must be located in such a position, or protected in such a manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any crane being fueled. In addition, cranes/derricks must be refueled as follows:

(a) Make sure the engine is turned off before refueling.

(b) When refueling with gasoline using portable containers, make sure only an approved safety-type can with an automatic closing cap and flame arrester is used.

(c) Smoking or open flames is prohibited in the refueling area.

(29) Crane hook ball assemblies and load blocks.

(a) All crane hook ball assemblies and load blocks must be labeled with their rated capacity and their weight.

(b) Crane hooks must be equipped with latches or self-locking devices unless a qualified person determines that it is safer to hoist and place the load without latches (or with the latches removed/tied back). The latch or self-locking device must bridge the throat opening of the hook for the purpose of retaining slings or other lifting devices under slack conditions.

(30) Repair or replace a hook when it shows:

(a) Any cracks, nicks, or gouges.

(b) Wear of more than ten percent of the original sectional dimension, or as recommended by the manufacturer.

(c) Any visibly apparent bend or twist from the plane of the unbent hook.

(d) Any distortion causing an increase in the throat opening of five percent, not to exceed one-fourth inch or as recommended by the manufacturer.

(e) Repair or replace hook latches or self-locking devices when they become inoperative.

(31) A qualified person must determine if a damaged hook needs to be replaced or can be repaired.

(32) When repairing a hook, the requirements below must be followed:

(a) Unless otherwise recommended by the manufacturer, only a qualified person can repair cracks, nicks and gouges by grinding longitudinally, following the contour of the hook.

Note: The dimension of the hook cannot be reduced more than ten percent of its original value, unless otherwise recommended by the manufacturer.

(b) All other repairs must be performed by the hook manufacturer or the qualified person.

(c) Weld repairs or reshaping must not be performed on hooks, unless approved by the manufacturer.

(33) Replacement parts, such as load pins for clevis hooks must be at least equal to the original manufacturer's specifications.

Note: For requirements relating to wedge sockets, see WAC 296-155-56115(2).

(34) Before traveling a crane with a load, it must be determined that this practice is not prohibited by the manufacturer. If not, a qualified person must be responsible for the operation. Decisions such as the necessity to reduce crane ratings, load position, boom location, ground support, travel route, and speed of movement must be in accordance with that person's determination. Specified tire pressure must be maintained. The boom should be carried in line with the direction of travel. Sudden starts and stops should be avoided.

(35) The crane/derrick must not be assembled or used unless ground conditions are firm, drained, and graded to a sufficient extent as determined by a competent person, so that, in conjunction (if necessary) with the use of supporting materials, the crane/derrick manufacturer's specifications for adequate support and degree of level of the crane/derrick are met. The requirement for the ground to be drained does not apply to marshes/wetlands. For additional requirements for self-erecting tower cranes, see WAC 296-155-54100.

(36) The controlling entity must:

(a) Ensure that ground preparations necessary to meet the requirements in subsection (35) of this section are provided.

(b) Inform the user of the crane/derrick and the operator of the location of hazards beneath the crane/derrick set-up area (such as voids, tanks, utilities) if those hazards are identified in documents (such as site drawings, as-built drawings, and soil analyses) if they are available to the controlling entity that are in the possession of the controlling entity (whether at the site or off-site) or the hazards are otherwise known to that controlling entity.

(37) If there is no controlling entity for the project, the requirement in subsection (36)(a) of this section must be met by the employer that has authority at the site to make or arrange for ground preparations needed to meet subsection (35) of this section.

(38) If the assembly/disassembly director or the operator determines that ground conditions do not meet the requirements in subsection (35) of this section, that person's employer must have a discussion with the controlling entity regarding the ground preparations that are needed so that, with the use of suitable supporting materials/devices (if necessary), the requirements in subsection (35) of this section can be met.

(39) This section does not apply to cranes designed for use on railroad tracks when used on railroad tracks that are part of the general railroad system of transportation that is regulated pursuant to the Federal Railroad Administration under 49 CFR Part 213, and that comply with applicable Federal Railroad Administration requirements.

(40) Multiple crane/derrick coordination. Where any part of a crane/derrick is within the working radius of another crane/derrick, the controlling entity must institute a system to coordinate operations. If there is no controlling entity, the employer (if there is only one employer operating the multiple pieces of equipment), or employers, must institute such a system.

(41) Multiple crane or multiple load line lifts.

(a) Plan development. Before beginning a crane/derrick operation in which more than one crane/derrick will be supporting the load or multiple load lines on one crane will be supporting the load, the operation must be planned. The planning must meet the following requirements:

(i) The plan must be developed by a qualified person.

(ii) The plan must be designed to ensure that the requirements of this part are met.

(iii) Where the qualified person determines that engineering expertise is needed for the planning, the employer must ensure that it is provided.

(b) Plan implementation.

(i) The multiple-crane/derrick lift or multiple load line lifts must be directed by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons (lift director).

(ii) The lift director must review the plan in a meeting with all workers who will be involved with the operation.

(42) Work area control. Swing radius hazards.

(a) The requirements in (b) of this subsection apply where there are accessible areas in which the crane's rotating superstructure (whether permanently or temporarily mounted) poses a reasonably foreseeable risk of:

(i) Striking and injuring an employee; or

(ii) Pinching/crushing an employee against another part of the crane or another object.

(b) To prevent employees from entering these hazard areas, the employer must:

(i) Train each employee assigned to work on or near the crane (authorized personnel) in how to recognize struck-by and pinch/crush hazard areas posed by the rotating superstructure.

(ii) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas.

Exception: When the employer can demonstrate that it is neither feasible to erect such barriers on the ground nor on the crane, the hazard areas must be clearly marked by a combination of warning signs (such as Danger-Swing/Crush Zone) and high visibility markings on the crane that identify the hazard areas. In addition, the employer must train each employee to understand what these markings signify.

(c) Protecting employees in the hazard area.

(i) Before an employee goes to a location in the hazard area that is out of view of the operator, the employee (or someone instructed by the employee) must ensure that the operator is informed that he/she is going to that location.

(ii) Where the operator knows that an employee went to a location covered by subsection (43)(c)(i) of this section, the operator must not rotate the superstructure until the operator is informed in accordance with a prearranged system of communication that the employee is in a safe position.

(d) Where any part of a crane/derrick is within the working radius of another crane/derrick, the controlling entity must institute a system to coordinate operations. If there is no controlling entity, the employer (if there is only one employer operating the multiple pieces of equipment), or employers, must institute such a system.

(43) Keeping clear of the load.

(a) Where available, hoisting routes that minimize the exposure of employees to hoisted loads must be used.

(b) While the operator is not moving a suspended load, no employee is allowed to be within the fall zone, except for employees:

(i) Engaged in hooking, unhooking or guiding a load; or

(ii) Engaged in the initial attachment of the load to a component structure; or

(iii) Operating a concrete hopper or concrete bucket.

(c) When employees are engaged in hooking, unhooking, or guiding the load, or in the initial connection of a load to a component or structure and are within the fall zone, all of the following criteria must be met:

(i) The materials being hoisted must be rigged to prevent unintentional displacement.

(ii) Hooks with self-closing latches or their equivalent must be used. "J" hooks are permitted to be used for setting wooden trusses.

(iii) The materials must be rigged by a qualified rigger.

(d) Receiving a load. Only employees needed to receive a load are permitted to be within the fall zone when a load is being landed.

(e) During a tilt-up or tilt-down operation:

(i) Employees are not allowed to be directly under the load.

(ii) Only employees' essential to the operation are allowed to be in the fall zone (but not directly under the suspended load).

Note: An employee is essential to the operation if the employee is conducting one of the following operations and the employer can demonstrate it is infeasible for the employee to perform that operation from outside the fall zone:

- Physically guide the load;
- Closely monitor and give instructions regarding the load's movement; or
- Either detach it from or initially attach it to another component or structure (such as, but not limited to, making an initial connection or installing bracing).

(f) Boom free fall is prohibited when an employee is in the fall zone of the boom or load, and load line free fall is prohibited when an employee is directly under the load. See subsections (44) through (47) of this section.

(44) Boom free fall prohibitions.

(a) The use of cranes in which the boom is designed to free fall (live boom) is prohibited in each of the following circumstances:

(i) An employee is in the fall zone of the boom or load.

(ii) An employee is being hoisted.

(iii) The load or boom is directly over a power line, or over any part of the area listed in Table 4 located in WAC 296-155-53408, clearance distance to each side of the power line; or any part of the area extending the Table 4 clearance distance to each side of the power line is within the radius of vertical travel of the boom or the load.

(iv) The load is over a shaft, except where there are no employees in the shaft.

(v) The load is over a cofferdam, except where there are no employees in the fall zone of the boom or the load.

(vi) Lifting operations are taking place in a refinery or tank farm.

(b) The use of cranes in which the boom is designed to free fall (live boom) is permitted only where none of the circumstances listed in (a) of this subsection are present and:

(i) The crane was manufactured prior to October 31, 1984; or

(ii) The crane is a floating crane or a land crane on a vessel/flotation device.

(45) Preventing boom free fall. Where the use of a crane with a boom that is designed to free fall (live boom) is prohibited (see subsection (44)(a) of this section), the boom hoist must have a secondary mechanism or device designed to prevent the boom from falling in the event the primary system used to hold or regulate the boom hoist fails, as follows:

(a) Friction drums must have:

(i) A friction clutch and, in addition, a braking device, to allow for controlled boom lowering.

(ii) A secondary braking or locking device, which is manually or automatically engaged, to back-up the primary brake while the boom is held (such as a secondary friction brake or a ratchet and pawl device).

(b) Hydraulic drums must have an integrally mounted holding device or internal static brake to prevent boom hoist movement in the event of hydraulic failure.

(c) Neither clutches nor hydraulic motors must be considered brake or locking devices for purposes of this part.

(d) Hydraulic boom cylinders must have an integrally mounted holding device.

(46) Preventing uncontrolled retraction. Hydraulic telescoping booms must have an integrally mounted holding device to prevent the boom from retracting in the event of hydraulic failure.

(47) Load line free fall. In each of the following circumstances, controlled load lowering is required and free fall of the load line hoist is prohibited:

(a) An employee is directly under the load.

(b) An employee is being hoisted.

(c) The load is directly over a power line, or over any part of the area listed in Table 4, located in WAC 296-155-53408, clearance distance to each side of the power line; or any part of the area extending the Table 4 of WAC 296-155-53408, clearance distance to each side of the power line is within the radius of vertical travel of the load.

(d) The load is over a shaft.

(e) The load is over a cofferdam, except where there are no employees in the fall zone of the load.

(48) Employees must not be allowed to ride on the hook or load.

(49) The hoist rope must not be wrapped around the load.

(50) All loads must be attached to the hook by means of suitable slings or other devices of sufficient lifting capacity.

(51) When moving a load it must be well secured and balanced in the sling or lifting device before it is lifted more than a few inches.

(52) Leaving the crane/derrick unattended. The operator must not leave the controls while the load is suspended, except where all of the following are met:

(a) The operator remains adjacent to the crane/derrick and is not engaged in any other duties.

(b) The load is to be held suspended for a period of time exceeding normal lifting operations.

(c) The competent person determines that it is safe to do so and implements measures necessary to restrain the boom hoist and telescoping, load, swing, and outrigger or stabilizer functions.

(d) Barricades or caution lines, and notices, are erected to prevent all employees from entering the fall zone. No employees, including those listed in subsection (43)(b), (d), and (e) of this section, are permitted in the fall zone.

Exemption: The provisions in this section do not apply to working gear (such as slings, spreader bars, ladders, and welding machines) where the weight of the working gear is negligible relative to the lifting capacity of the equipment as positioned, and the working gear is suspended over an area other than an entrance or exit.

Note: For additional requirements relating to leaving the crane unattended for tower, self-erecting, overhead/bridge and derricks see:

- WAC 296-155-53915, Tower cranes—Operations;
- WAC 296-155-54115, Self-erecting tower cranes—Operations;
- WAC 296-155-54215, Overhead/bridge cranes and gantry cranes—Operations;

• WAC 296-155-54320, Derricks—Operations.

(53) While moving the load the lift and swing path must be clear of obstructions.

(54) Before starting to lift the following conditions must be met:

(a) The hoist rope must not be kinked.

(b) Multiple-part lines must not be twisted around each other.

(c) The hook must be brought over the load in such a manner as to minimize swinging.

(d) If there is slack rope condition, it must be determined that the rope is seated on the drum and in the sheaves as the slack is removed.

(e) The competent person must adjust the crane/derrick and/or operations to address the effect of wind, ice, and snow on equipment stability and rated capacity.

(f) If possible, the load must be free to be lifted; it is neither caught nor attached to other objects.

(55) During lifting operations, care must be taken that there is no sudden acceleration or deceleration of the moving load and that the load boom or other parts of the crane do not contact any obstruction. Rotational speed of the crane/derrick must be such that the load does not swing out beyond the radius at which it can be controlled.

(56) Side loading of booms (jibs) must be limited to freely suspended loads. Cranes must not be used for dragging loads sideways.

(57) The operator must test the brakes each time a load that is ninety percent or more of the maximum line pull is handled by lifting the load a few inches and applying the brakes. In duty cycle and repetitive lifts where each lift is ninety percent or more of the maximum line pull, this requirement applies to the first lift but not to successive lifts.

(58) Modifications or additions which affect the capacity or safe operation of the crane/derrick are prohibited except where the requirements of (a) or (b) of this subsection are met. For recertification requirements see WAC 296-155-53214 (1)(c).

(a) Manufacturer review and approval.

(i) The manufacturer approves the modifications/additions in writing.

(ii) The load charts, procedures, instruction manuals and instruction plates/tags/decals are modified as necessary to accord with the modification/addition.

(iii) The original safety factor of the crane/derrick is not reduced.

(b) Where manufacturer is unavailable or has refused to review a request. The manufacturer is provided a detailed description of the proposed modification/addition, is asked to approve the modification/addition, but it declines to review the technical merits of the proposal or fails, within thirty days, to acknowledge the request or initiate the review, and all of the following are met:

(i) A registered professional engineer who is a qualified person with respect to the crane/derrick involved:

(A) Approves the modification/addition and specifies the crane/derrick configurations to which that approval applies; and

(B) Modifies load charts, procedures, instruction manuals and instruction plates/tags/decals as necessary to accord with the modification/addition.

(ii) The original safety factor of the crane/derrick is not reduced.

(c) Manufacturer does not complete the review within one hundred twenty days of the request. The manufacturer is provided a detailed description of the proposed modification/addition, is asked to approve the modification/addition, agrees to review the technical merits of the proposal, but fails to complete the review of the proposal within one hundred twenty days of the date it was provided the detailed description of the proposed modification/addition, and the requirements of subsection (58)(b)(i) and (ii) of this section are met.

(d) Multiple manufacturers of equipment designed for use on marine worksites. The equipment is designed for marine worksites, contains major structural components from more than one manufacturer, and the requirements of subsection (58)(b)(i) and (ii) of this section are met.

(59) No modifications or additions which affect the capacity or safe operation of the crane can be made by the employer without the manufacturers' written approval. If components of more than one crane manufacturer are being combined, the employer must obtain written approval from all manufacturers prior to use. If the manufacturer(s) is/are not available a registered professional structural engineer's (RPSE) written approval must be obtained. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, must be changed accordingly. In no case must the original safety factor of the crane be reduced.

Note: The provisions in subsections (58) and (59) of this section do not apply to modifications made or approved by the U.S. military.

(60) All applicable controls must be tested by the operator at the start of a new shift, if possible. If any controls fail to operate properly, they must be adjusted or repaired before operations are initiated.

(61) Except for proof load testing required under WAC 296-155-53202 through 296-155-53212, no crane is permitted to be loaded beyond the specifications of the load rating chart, unless authorized by the crane manufacturer.

(62) Load weight. The operator must verify that the load is within the rated capacity of the crane/derrick by at least one of the following methods:

(a) The weight of the load must be determined from a reliable source recognized by the industry (such as the load's manufacturer), or by a reliable calculation method recognized by the industry (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. In addition, when requested by the operator, this information must be provided to the operator prior to the lift; or

(b) The operator must begin hoisting the load to determine, using a load weighing device, load moment indicator, rated capacity indicator, or rated capacity limiter. If the load exceeds seventy-five percent of the maximum rated capacity at the longest radius that will be used during the lift operation, the operator must not proceed with the lift until it is verified

that the weight of the load is in accordance with (a) of this subsection.

(63) Tag lines or restraint lines must be used when rotation or swinging of the load is hazardous or if the load needs guidance. Tag lines are not required when all of the following criteria are met:

- The suspended load can be expected to remain still when in a static (nonmoving) condition or does not swing or rotate in a hazardous manner;
- The movement of the crane or boom cannot be expected to cause the load to swing or rotate in an uncontrolled manner that may create a hazard;
- The operator is in control of the movement of the load and a hazardous condition is not created.

(64) Safety devices and/or operational aids must not be used as a substitute for the exercise of professional judgment by the operator.

(65) Storm warning. When a local storm warning has been issued, the competent person must determine whether it is necessary to implement manufacturer recommendations for securing the crane/derrick.

(66) Whenever there is a concern as to safety, the operator has the authority to stop and refuse to handle loads until a qualified person has determined that safety has been assured.

(67) Tag-out.

(a) Tagging out of service. Where the employer has taken the crane/derrick out of service, a tag must be placed in the cab or at the operator station stating that the equipment is out of service and is not to be used. Where the employer has taken a function(s) out of service, a tag must be placed in a conspicuous position stating that the function is out of service and is not to be used.

(b) Response to do not operate/tag-out signs.

(i) If there is a warning (tag-out or maintenance/do not operate) sign on the crane/derrick or starting control, the operator must not activate the switch or start the crane/derrick until the sign has been removed by a person authorized to remove it, or until the operator has verified that:

(A) No one is servicing, working on or otherwise in a dangerous position around the machine.

(B) The crane/derrick has been repaired and is working properly.

(ii) If there is a warning (tag-out or maintenance/do not operate) sign on any other switch or control, the operator must not activate that switch or control until the sign has been removed by a person authorized to remove it, or until the operator has verified that the requirements in (b)(i)(A) and (B) of this subsection have been met.

Note: For additional lockout/tagout procedures for electrical circuits, see WAC 296-155-429.

(68) If crane/derrick adjustments or repairs are necessary:

(a) The operator must, in writing, promptly inform the person designated by the employer to receive such information and, where there are successive shifts, to the next operator; and

(b) The employer must notify all affected employees, at the beginning of each shift, of the necessary adjustments or repairs and all alternative measures.

(69) All cranes and derricks mounted on barges or other floating structures must meet the requirements as outlined in ASME B30.8-2004 for construction, installation, inspection, maintenance and operation.

(70) Swinging locomotive cranes. A locomotive crane must not be swung into a position where railway cars on an adjacent track could strike it, until it is determined that cars are not being moved on the adjacent track and that proper flag protection has been established.

(71) Remote control cranes/derricks. Before an operator leaves the crane/derrick to operate remotely, the operator must ensure that the crane/derrick will be used in accordance with the manufacturer's recommendations. Provisions must be made to prevent simultaneous activation of controls when more than one control station (remote control) is provided.

(72) Remote-operated cranes/derricks must function so that if the control signal for any crane/derrick motion becomes ineffective, the crane/derrick motion must stop.

(73) Remote-operated cranes/derricks must be equipped with an "emergency stop" system, located at the operator's remote station to provide the means to remove power from the crane in the event of a malfunction.

(74) A preventative maintenance program must be established based on the recommendation of the crane/derrick manufacturer. If manufacturer's recommendations are not available, then those of a qualified person must be followed. Dated records must be kept available.

(75) Working with a diver. The employer must meet the following additional requirements when working with a diver in the water:

(a) If a crane/derrick is used to get a diver into and out of the water, it must not be used for any other purpose until the diver is removed from the water. When used for more than one diver, it must not be used for any other purpose until all divers are all out of the water.

(b) The operator must remain at the controls of the crane/derrick at all times.

(c) In addition to the requirements in WAC 296-155-53406, Signals, either:

(i) A clear line of sight must be maintained between the operator and dive tender; or

(ii) The signals between the operator and dive tender must be transmitted electronically.

NEW SECTION

WAC 296-155-53401 Duties of assigned personnel.

(1) While the organizational structure of various construction activities may differ, the following duties are described here for purposes of assignment. All assignments listed below must be assigned in the worksite organization. (A single individual may perform one or more of these assignments concurrently.)

• Crane owner: Has custodial control of a crane by virtue of lease or ownership.

• Crane user: Arranges the crane's presence on a worksite and controls its use there.

• Site supervisor: Exercises supervisory control over the worksite on which a crane is being used and over the work that is being performed on that site.

- Lift director: Directly oversees the work being performed by a crane and the associated rigging crew.

- Crane operator: Directly controls the crane's functions.

(2) Duties of the crane owner and crane user. In some situations the owner and the user may be the same entity and therefore would have the same duties assigned. In other cases, the user may lease or rent a crane from the owner without supervisory, operational, maintenance, support personnel, or services from the owner. In these situations, subsection (3)(c) and (d) of this section apply.

(3) The crane owner's duties would include the following:

(a) Providing a crane that meets the requirements of Part L of this chapter as well as specific job requirements defined by the user.

(b) Providing a crane and all necessary components, specified by the manufacturer, that meets the user's requested configuration and capacity.

(c) Providing all applicable load/capacity chart(s) and diagrams.

(d) Providing additional technical information pertaining to the crane, necessary for crane operation, when requested by the crane user.

(e) Providing field assembly, disassembly, operation, maintenance information, and warning decals and placards installed as prescribed by the crane manufacturer.

(f) Ensuring that inspection, testing, and maintenance is performed in accordance with Part L of this chapter and informing the crane user of these requirements.

(g) Using personnel that meet the requirements for a competent and/or qualified person as defined in WAC 296-155-52902 for the purposes of inspections, maintenance, repair, transport, assembly, and disassembly.

(4) The crane user's duties would include the following:

(a) Complying with the requirements of Part L of this chapter, manufacturer's requirements, and those regulations applicable at the worksite.

(b) Using supervisors for crane activities that meet the requirements for a qualified person as defined in WAC 296-155-52902.

(c) Ensuring that the crane is in proper operating condition prior to initial use at the worksite by:

(i) Verifying that the crane owner has provided documentation that the crane meets the requirements of Part L of this chapter.

(ii) Verifying that inspections have been performed as prescribed in WAC 296-155-53405.

(d) Verifying that the crane has the necessary lifting capacity to perform the proposed lifting operations in the planned configuration.

(e) Using crane operators that meet the requirements of WAC 296-155-53300 and are qualified to perform the tasks that will be required with the crane to which they are assigned to operate.

(f) Ensuring the assigned operator(s) has been notified of adjustments or repairs that have not been completed, prior to commencing crane operations.

(g) Using personnel that meet the requirements for a competent and/or qualified person as defined in WAC 296-

155-52902 for the purposes of inspections, maintenance, repair, transport, assembly, and disassembly.

(h) Ensuring that all personnel involved in maintenance, repair, transport, assembly, disassembly, and inspection are aware of their assigned duties, and the associated hazards.

(i) Ensuring that the inspection, testing, and maintenance as required by this part are followed and any other related requirements specified by the crane owner.

(5) The site supervisor's duties would include the following:

(a) Ensuring that the crane meets the requirements of Part L of this chapter prior to initial site usage.

(b) Determining if additional regulations are applicable to crane operations.

(c) Ensuring that a qualified person is designated as the lift director.

(d) Ensuring that crane operations are coordinated with other job site activities that will be affected by or will affect lift operations.

(e) Ensuring that the area for the crane is adequately prepared. The preparation includes, but is not limited to, the following:

(i) Access roads for the crane and associated equipment;

(ii) Sufficient room to assemble and disassemble the crane;

(iii) An operating area that is suitable for the crane with respect to levelness, surface conditions, support capability, proximity to power lines, excavations, slopes, underground utilities, subsurface construction, and obstructions to crane operation;

(iv) Traffic control as necessary to restrict unauthorized access to the crane's working area.

(f) Ensuring that work involving the assembly and disassembly of a crane is supervised by an assembly/disassembly director. See WAC 296-155-53402.

(g) Ensuring that crane operators meet the requirements of WAC 296-155-53300.

(h) Ensuring that conditions which may adversely affect crane operations are addressed. Such conditions include, but are not limited to, the following:

(i) Poor soil conditions;

(ii) Wind velocity or gusting winds;

(iii) Heavy rain;

(iv) Fog;

(v) Extreme cold;

(vi) Artificial lighting.

(i) Allowing crane operation near electric power lines only when the requirements of WAC 296-155-53408 have been met.

(j) Permitting special lifting operations only when equipment and procedures required by this part, the crane manufacturer, or a qualified person, are employed. Such operations include, but are not limited to, the following:

(i) Multiple crane lifts;

(ii) Multiple load line lifts;

(iii) Lifting personnel;

(iv) Pick and carry operations;

(v) Mobile/articulating cranes operating on barges.

(k) Ensuring that work performed by the rigging crew is supervised by a qualified rigger. See WAC 296-155-53406.

(l) Ensuring that crane maintenance is performed by a qualified person. See WAC 296-155-53404.

(6) The lift director's duties would include the following:

(a) Being present at the job site and overseeing the lifting operations;

(b) Stopping crane operations if alerted to an unsafe condition affecting those operations;

(c) Ensuring that the preparation of the area needed to support crane operations has been completed before crane operations commence;

(d) Ensuring necessary traffic controls are in place to restrict unauthorized access to the crane's work area;

(e) Ensuring that personnel involved in crane operations understand their assigned duties, and the associated hazards;

(f) Addressing safety concerns raised by the operator or other personnel and deciding if it is necessary to overrule those concerns and directs crane operations to continue. In all cases, the manufacturer's criteria for safe operation and the requirements of this chapter and any other applicable safety and health standards must be adhered to;

(g) Assigning qualified signal person(s) and conveying that information to the crane operator;

(h) Ensuring that signal persons assigned meet the qualification requirements located in WAC 296-155-53302;

(i) Allowing crane operation near electric power lines only when the requirements of WAC 296-155-53408 and any additional requirements determined by the site supervisor have been met;

(j) Ensuring precautions are implemented when hazards associated with special lifting operations are present. Such operations include, but are not limited to, the following:

(i) Multiple crane lifts;

(ii) Multiple load line lifts;

(iii) Lifting personnel;

(iv) Pick and carry operations;

(v) Mobile/articulating cranes operating on barges.

(k) Ensuring that the applicable requirements of WAC 296-155-547 through 296-155-55405 are met when lifting personnel;

(l) Informing the crane operator of the weight of loads to be lifted, as well as the lifting, moving, and placing locations for these loads;

(m) Obtaining the crane operator's verification that this weight does not exceed the crane's rated capacity;

(n) Ensuring that a crane's load rigging is performed by a qualified rigger as defined in WAC 296-155-53306;

(o) Ensuring that the load is properly rigged and balanced before it is lifted more than a few inches.

(7) Whenever the crane operator has doubt or concerns as to the safety of crane operations, the operator must stop the crane's functions in a controlled manner. Lift operations can only resume after safety concerns have been resolved or the continuation of crane operations is directed by the lift director as outlined in subsection (6) of this section. The crane operator's duties would include the following:

(a) Reviewing the requirements for the crane with the lift director before operations;

(b) Knowing what types of site conditions could adversely affect the operation of the crane and consulting

with the lift director concerning the possible presence of those conditions;

(c) Understanding and applying the information contained in the crane manufacturer's operating manual;

(d) Understanding the crane functions and limitations as well as its particular operating characteristics;

(e) Using the crane's load/capacity chart(s) and diagrams and applying all notes and warnings related to the charts to confirm the correct crane configuration to suit the load, site, and lift conditions;

(f) Refusing to operate the crane when any portion of the load or crane would enter the prohibited zone of energized power lines except as defined in WAC 296-155-53408;

(g) Performing a daily inspection as specified in WAC 296-155-53405;

(h) Promptly reporting the need for any adjustments or repairs to the appropriate person;

(i) Following applicable lockout/tagout procedures. See WAC 296-155-53400(67);

(j) Not operating the crane when physically or mentally unfit;

(k) Ensuring that all controls are in the off or neutral position and that all personnel are in the clear before energizing the crane or starting the engine;

(l) Not engaging in any practice that will divert their attention while actually operating the crane controls;

(m) Testing the crane function controls that will be used and operating the crane only if those function controls respond properly;

(n) Operating the crane's functions, under normal operating conditions, in a smooth and controlled manner;

(o) Knowing and following the procedures specified by the manufacturer or approved by a qualified person, for assembly, disassembly, setting up, and reeving the crane;

(p) Knowing how to travel the crane;

(q) Observing each outrigger during extension, setting, and retraction or using another worker to observe each outrigger during extension, setting, or retraction;

(r) Ensuring that the load and rigging weight(s) have been provided;

(s) Calculating or determining the net capacity for all configurations that will be used and verifying, using the load/capacity chart(s), that the crane has sufficient net capacity for the proposed lift;

(t) Considering all factors known that might affect the crane capacity and informing the lift director of the need to make appropriate adjustments;

(u) Knowing the standard and special signals as specified in WAC 296-155-53406 and responding to such signals from the person who is directing the lift or a qualified signal person;

(v) If power fails during operations:

(i) Setting all brakes and locking devices.

(ii) Moving all clutches or other power controls to the off or neutral position.

(iii) Landing any load suspended below the hook under brake control if practical.

(w) Before leaving the crane unattended:

(i) Landing any load suspended below the hook, unless the requirements of WAC 296-155-53400(52) are met.

- (ii) Disengaging the master clutch.
- (iii) Setting travel, swing, boom brakes, and other locking devices.
- (iv) Putting controls in the off or neutral position.
- (v) Stopping the engine. An exception to this may exist when crane operation is frequently interrupted during a shift and the operator must leave the crane. Under these circumstances, the engine may remain running and (w)(i) and (iv) of this subsection must apply. The operator must be situated where any entry to the crane can be observed.
- (vi) Considering the recommendations of the manufacturer for securing the crane, when a local weather storm warning exists.

NEW SECTION

WAC 296-155-53402 Assembly/disassembly. (1)

When assembling and disassembling crane/derrick (or attachments), the employer must comply with all applicable manufacturer prohibitions and must comply with either:

- (a) Manufacturer procedures applicable to assembly and disassembly; or
- (b) Employer procedures for assembly and disassembly. Employer procedures may be used only where the employer can demonstrate that the procedures used meet the requirements in subsection (17) of this section.
 - (2) Supervision - Competent/qualified person.
 - (a) Assembly/disassembly must be directed by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons (assembly/disassembly director).
 - (b) Where the assembly/disassembly is being performed by only one person, that person must meet the criteria for both a competent person and a qualified person. For purposes of this part, that person is considered the assembly/disassembly director.
 - (3) Knowledge of procedures. The assembly/disassembly director must understand the applicable assembly/disassembly procedures.
 - (4) Review of procedures. The assembly/disassembly director must review the applicable assembly/disassembly procedures immediately prior to the commencement of assembly/disassembly unless the assembly/disassembly director has applied them to the same type and configuration of crane/derrick (including accessories, if any).
 - (5) Preassembly inspection.
 - (a) Prior to assembling crane/derrick components or attachments the assembly/disassembly director must inspect these components and attachments to ensure that they meet the manufacturer's recommendations. This inspection must include a visual inspection to ensure that the components and attachments are of sound physical condition and functional within the manufacturer's recommendations.
 - (b) Documentation of this inspection must remain at the job site while the crane/derrick is in use.
 - (6) Crew instructions.
 - (a) Before commencing assembly/disassembly operations, the assembly/disassembly director must ensure that the crew members understand the following:

- (i) Their tasks;
- (ii) The hazards associated with their tasks;
- (iii) The hazardous positions/locations that they need to avoid.
- (b) During assembly/disassembly operations, before a crew member takes on a different task, or when adding new personnel during the operations, the requirements in (a)(i) through (iii) of this subsection must be met.
- (7) Protecting assembly/disassembly crew members out of operator view.
 - (a) Before a crew member goes to a location that is out of view of the operator and is either: In, on, under, or near the crane/derrick (or load) where the crew member could be injured by movement of the crane/derrick (or load), the crew member must inform the operator that they are going to that location.
 - (b) Where the operator knows that a crew member went to a location covered by (a) of this subsection, the operator must not move any part of the crane/derrick (or load) until the operator is informed in accordance with a prearranged system of communication that the crew member is in a safe position.
- (8) Working under the boom, jib or other components.
 - (a) When pins (or similar devices) are being removed, employees must not be under the boom, jib, or other components, except where the requirements in (b) of this subsection are met.
 - (b) Exception. Where the employer demonstrates that site constraints require one or more employees to be under the boom, jib, or other components when pins (or similar devices) are being removed, the assembly/disassembly director must implement procedures that minimize the risk of unintended dangerous movement and minimize the duration and extent of exposure under the boom. (See WAC 296-155-56430, Assembly/disassembly—Working under the boom, jib or other components—Sample procedures for minimizing the risk of unintended dangerous boom movement.)
- (9) Capacity limits. During all phases of assembly/disassembly, rated capacity limits for loads imposed on the crane/derrick, components (including rigging), lifting lugs and crane/derrick accessories must not be exceeded.
- (10) Addressing specific hazards. The assembly/disassembly director supervising the assembly/disassembly operation must address the hazards associated with the operation, which include:
 - (a) Site and ground bearing conditions. Site and ground conditions must be adequate for safe assembly/disassembly operations and to support the crane/derrick during assembly/disassembly (see WAC 296-155-53400 (34) through (38) for ground condition requirements).
 - (b) Blocking material. The size, amount, condition and method of stacking blocking must be sufficient to sustain the loads and maintain stability.
 - (c) Proper location of blocking. When used to support lattice booms or components, blocking must be appropriately placed to:
 - (i) Protect the structural integrity of the crane/derrick; and
 - (ii) Prevent dangerous movement and collapse.
 - (d) Verifying assist crane loads. When using an assist crane, the loads that will be imposed on the assist crane at

each phase of assembly/disassembly must be verified in accordance with WAC 296-155-53400(61) before assembly/disassembly begins.

(e) Boom and jib pick points. The point(s) of attachment of rigging to a boom (or boom sections or jib or jib sections) must be suitable for preventing structural damage and facilitating safe handling of these components.

(f) Center of gravity.

(i) The center of gravity of the load must be identified if it is necessary for the method used for maintaining stability.

(ii) Where there is insufficient information to accurately identify the center of gravity, measures designed to prevent unintended dangerous movement resulting from an inaccurate identification of the center of gravity must be used. (See WAC 296-155-56430, Assembly/disassembly—Working under the boom, jib or other components—Sample procedures for minimizing the risk of unintended dangerous boom movement.)

(g) Stability upon pin removal. The boom sections, boom suspension systems (such as gantry A-frames and jib

struts), and components must be rigged or supported to maintain stability upon the removal of the pins.

(h) Snagging. Suspension ropes and pendants must not be allowed to catch on the boom or jib connection pins or cotter pins (including keepers and locking pins).

(i) Struck by counterweights. The potential for unexpected movement from inadequately supported counterweights and from hoisting counterweights.

(j) Boom hoist brake failure. Each time reliance is to be placed on the boom hoist brake to prevent boom movement during assembly/disassembly, the brake must be tested prior to such reliance to determine if it is sufficient to prevent boom movement. If it is not sufficient, a boom hoist pawl, other locking device/back-up braking device, or another method of preventing dangerous movement of the boom (such as blocking or using an assist crane) from a boom hoist brake failure must be used.

(k) Loss of backward stability. Backward stability before swinging the upperworks, travel, and when attaching or removing crane/derrick components.

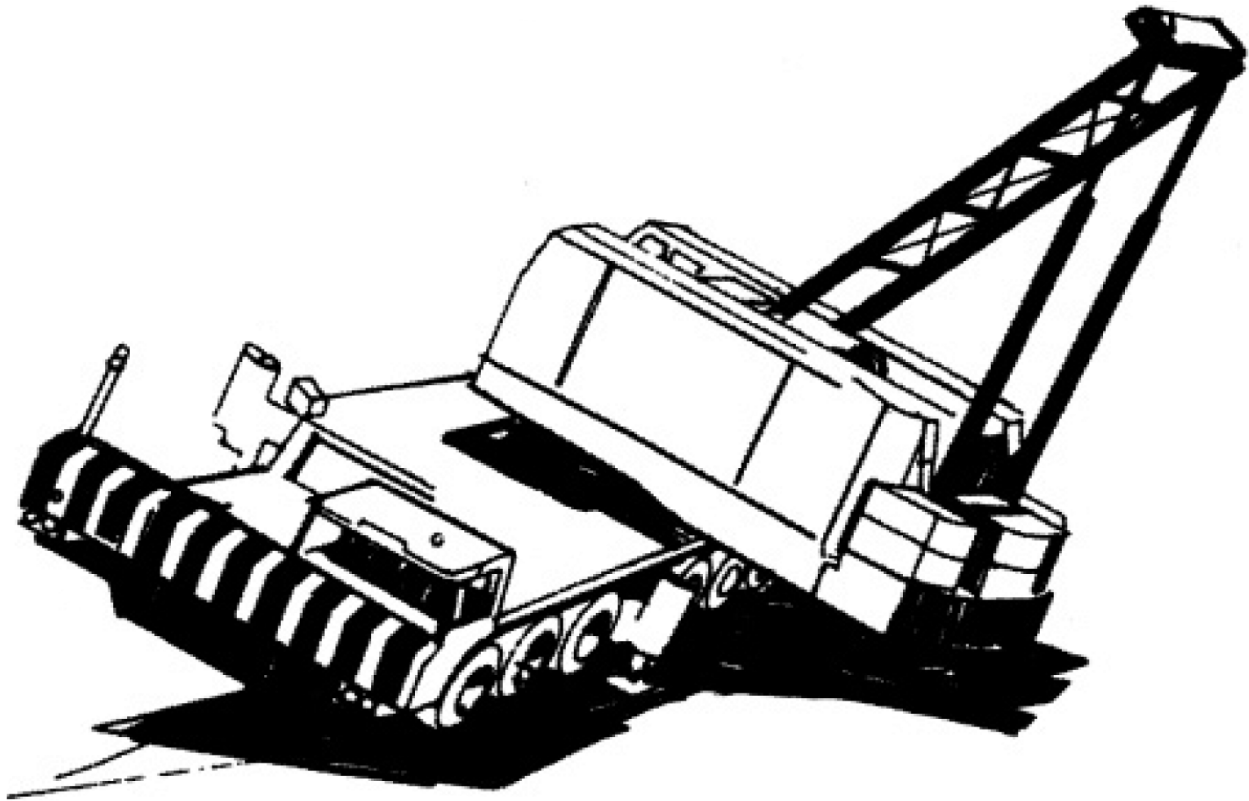


Figure 2. Lack of backward stability results in superstructure toppling.

(l) Wind speed and weather. The effect of wind speed and weather on the crane/derrick.

(11) Cantilevered boom sections. Manufacturer limitations on the maximum amount of boom supported only by cantilevering must not be exceeded. Where these are unavailable, a registered professional engineer familiar with the type of crane/derrick involved must determine this limitation in writing, which must not be exceeded.

(12) Weight of components. The weight of each of the components must be readily available.

(13) Components and configuration.

(a) The selection of components and configuration of the crane/derrick that affect the capacity or safe operation of this equipment must be in accordance with:

(i) Manufacturer's instructions, prohibitions, limitations, and specifications. Where these are unavailable, a registered professional engineer familiar with the type of crane/derrick involved must approve, in writing, the selection and configuration of components; or

(ii) Approved modifications that meet the requirements of WAC 296-155-53400 (58) and (59) (crane/derrick modifications).

(b) Post-assembly inspection. Upon completion of assembly, the crane/derrick must be inspected by the assembly/disassembly director to ensure compliance with (a) of this subsection and as follows:

(i) Upon completion of assembly, the crane/derrick must be inspected by a qualified person to assure that it is configured in accordance with manufacturer's criteria. For tower cranes, this inspection must be done by an accredited crane certifier.

(ii) Where manufacturer's criteria is unavailable, a qualified person must determine if a registered professional engineer (RPE) familiar with the type of crane/derrick involved is needed to develop criteria for the configuration. If an RPE is not needed, the employer must ensure that the criteria are developed by the qualified person. If an RPE is needed, the employer must ensure that they are developed by an RPE.

(c) Crane/derrick must not be used until an inspection demonstrates that it is configured in accordance with the applicable criteria.

(d) Documentation of this inspection must remain at the job site while the crane/derrick is in use.

(14) Shipping pins. Reusable shipping pins, straps, links, and similar equipment must be removed. Once they are removed they must either be stowed or otherwise stored so that they do not present a falling object hazard.

(15) Pile driving. Cranes used for pile driving must not have a jib attached during pile driving operations.

(16) The following are additional requirements for dismantling of booms and jibs, including dismantling for changing the length of booms and jibs (applies to both the use of manufacturer procedures and employer procedures):

(a) None of the pins in the pendants are to be removed (partly or completely) when the pendants are in tension. See, for example, Figure 3.

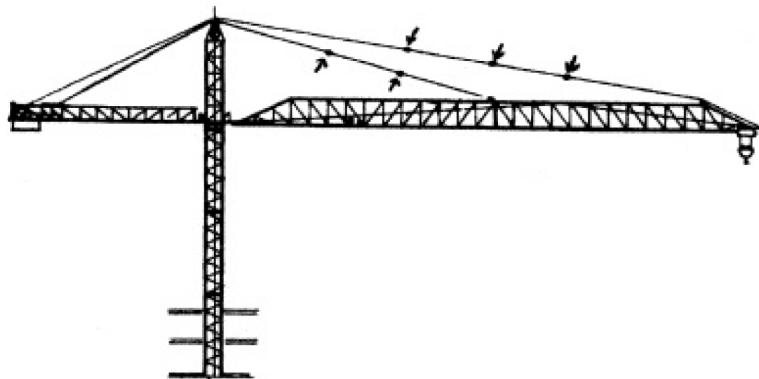


Figure 3. Pins (indicated by arrows) are not to be removed while pendants remain in tension.

(b) None of the pins (top and bottom) on boom sections located between the pendant attachment points and the crane/derrick body are to be removed (partly or completely) when the pendants are in tension. See, for example, Figures 4 and 5.

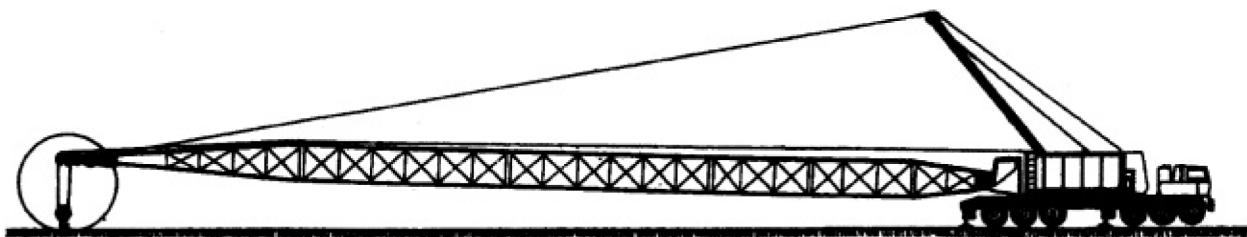


Figure 4. Pendant is in tension while connected to uppermost boom section, and no pins are to be removed.

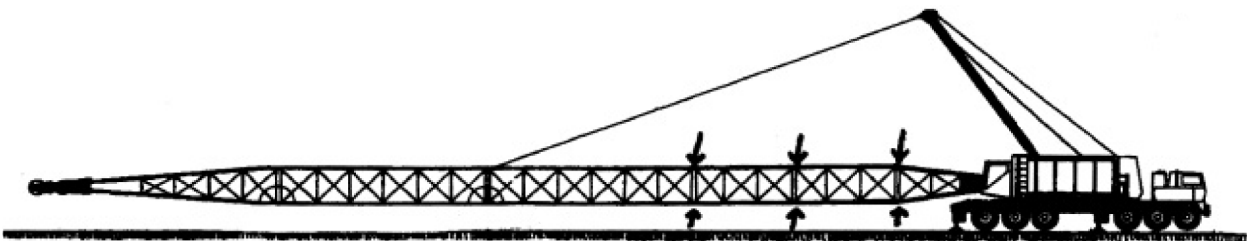


Figure 5. Pendant is in tension, and pins between pendant attachment point and crane body (indicated by arrows) are not to be removed. Note that, because the cantilevered portion of the boom is not supported, only the bottom pins ahead of the pendant may be removed. See Figure 8.

(c) None of the pins (top and bottom) on boom sections located between the uppermost boom section and the crane/derrick body are to be removed (partly or completely) when the boom is being supported by the uppermost boom section resting on the ground (or other support). See, for example, Figure 6.

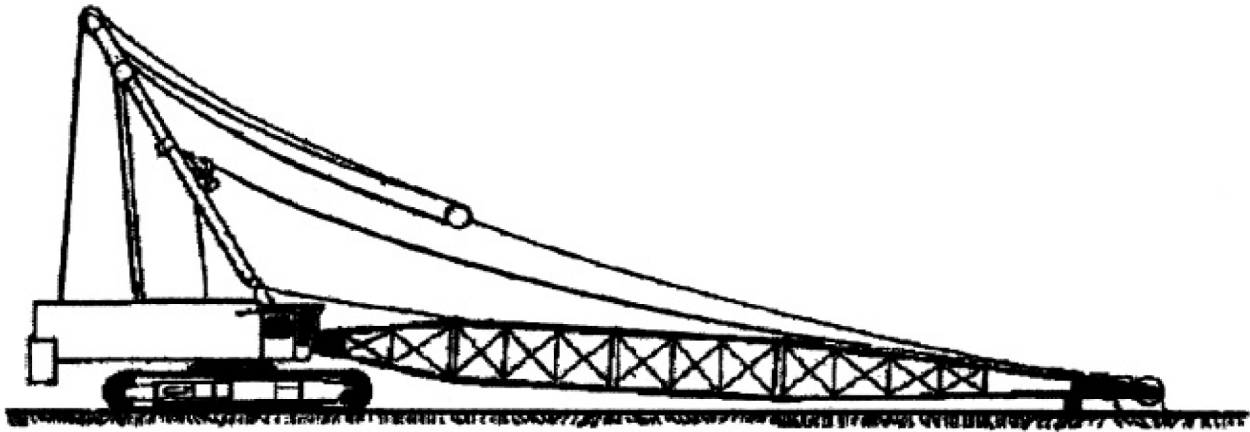


Figure 6. Uppermost boom section is resting on ground, and no pins between uppermost boom section and crane body are to be removed.

(d) None of the top pins on boom sections located on the cantilevered portion of the boom being removed (the portion being removed ahead of the pendant attachment points) are to be removed (partly or completely) until the cantilevered section to be removed is fully supported. See, for example, Figures 7 and 8.

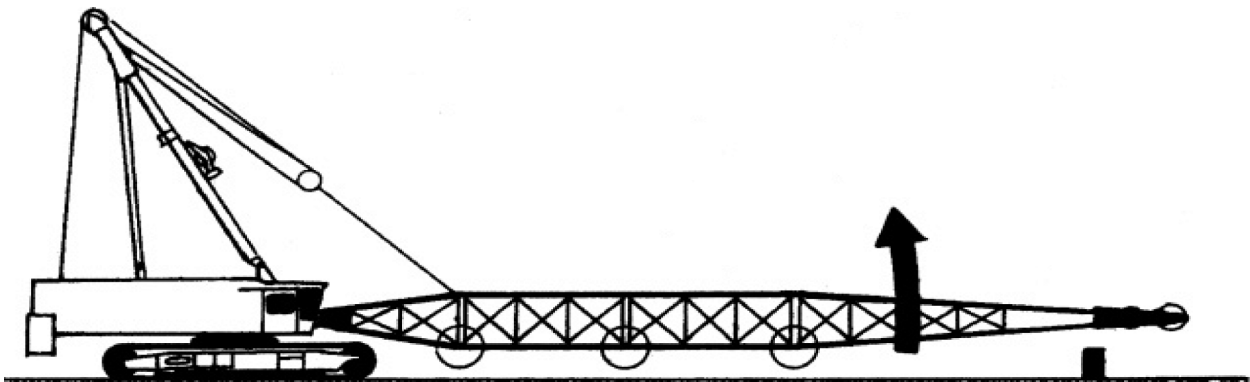


Figure 7. Cantilevered portion of boom is not supported, and top pins therefore are not to be removed. Bottom pins (circled) may be removed.

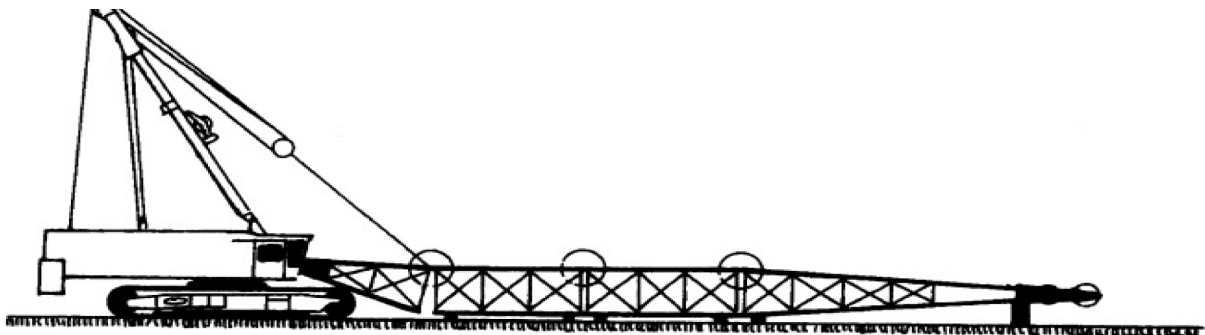


Figure 8. Cantilevered portion of boom is supported, and top pins (circled) may therefore be removed.

(17) When using employer procedures instead of manufacturer procedures for assembling or disassembling, the employer must ensure that the procedures are designed to:

(a) Prevent unintended dangerous movement, and to prevent collapse, of any parts of the crane/derrick.

(b) Provide adequate support and stability of all parts of the crane/derrick during the assembly/disassembly process.

(c) Position employees involved in the assembly/disassembly operation so that their exposure to movement or collapse is minimized.

(d) Qualified person. Employer procedures must be developed by a qualified person.

(18) Outriggers and stabilizers. When the load to be handled and the operating radius require the use of outriggers or stabilizers, or at any time when outriggers or stabilizers are used, the following requirements must be met:

(a) The outriggers or stabilizers must be either fully extended or, if manufacturer procedures permit, deployed as specified in the load chart.

(b) The outriggers must be set to remove the crane weight from the wheels. This provision does not apply to stabilizers.

(c) When outrigger floats are used, they must be attached to the outriggers. When stabilizer floats are used they must be attached to the stabilizers.

(d) Each outrigger or stabilizer must be visible to the operator or to a signal person during extension and setting.

(e) Outrigger and stabilizer blocking must:

(i) Meet the requirements in subsection (9)(b) and (c) of this section.

(ii) Be placed only under the outrigger or stabilizer float/pad of the jack or, where the outrigger or stabilizer is designed without a jack, under the outer bearing surface of the extended outrigger or stabilizer beam.

(19) Rigging. In addition to the following requirements in WAC 296-155-556, 296-155-558, 296-155-560 and 296-155-562 and other requirements in this and other standards applicable to rigging, when rigging is used for assembly/disassembly, the employer must ensure that:

(a) The rigging work is done by a qualified rigger. See WAC 296-155-53306.

(b) Synthetic slings are protected from: Abrasive, sharp or acute edges, and configurations that could cause a reduction of the sling's rated capacity, such as distortion or localized compression. See WAC 296-155-55815(6), 296-155-55820(6) and 296-155-55825(6).

Note: Requirements for the protection of wire rope slings are contained in WAC 296-155-55805.

(c) When synthetic slings are used, the synthetic sling manufacturer's instructions, limitations, specifications and recommendations must be followed.

NEW SECTION

WAC 296-155-53403 Fall protection. (1) Application.

(a) Subsections (2), (3)(b), (5) and (6) of this section apply to all cranes/derricks covered by this part except tower cranes.

(b) Subsections (3)(a), (4), (7), (10) and (11) of this section apply to all cranes/derricks covered by this part.

(c) Subsections (3)(c) and (9) of this section apply only to tower cranes.

(2) Boom walkways.

(a) Cranes/derricks manufactured after the effective date of this section with lattice booms must be equipped with walkways on the boom(s) if the vertical profile of the boom (from cord centerline to cord centerline) is six or more feet.

(b) Boom walkway criteria must meet manufacturer's specifications after the effective date of this section.

(3) Steps, handholds, ladders, grabrails, guardrails and railings.

(a) All steps, handholds, ladders and guardrails/railings/grabrails must be maintained in good condition.

(b) Cranes manufactured after the effective date of this section must be equipped so as to provide safe access and egress between the ground and the operator work station(s), including the forward and rear positions, by the provision of devices such as steps, handholds, ladders, and guardrails/railings/grabrails. These devices must meet the following criteria:

(i) Steps, handholds, ladders and guardrails/railings/grabrails must meet the criteria of SAE J185 (May 2003) or ISO 11660-2:1994(E) except where infeasible.

(ii) Walking/stepping surfaces, except for crawler treads, must have slip-resistant features/properties (such as diamond plate metal, strategically placed grip tape, expanded metal, or slip-resistant paint).

(c) Tower cranes manufactured after the effective date of this section must be equipped so as to provide safe access and egress between the ground and the cab, machinery platforms, and tower (mast), by the provision of devices such as steps, handholds, ladders, and guardrails/railings/grabrails. These devices must meet the following criteria:

(i) Steps, handholds, ladders, and guardrails/railings/grabrails must meet the criteria of ISO 11660-1:2008(E) and ISO 11660-3:2008(E) or SAE J185 (May 2003) except where infeasible.

(ii) Walking/stepping surfaces must have slip-resistant features/properties (such as diamond plate metal, strategically placed grip tape, expanded metal, or slip-resistant paint).

(4) Personal fall arrest and fall restraint systems must conform to the criteria in WAC 296-155-24510. Body harnesses must be used in personal fall arrest and fall restraint systems.

(5) For nonassembly/disassembly work, the employer must provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than six feet above a lower level as follows:

(a) When moving point-to-point:

(i) On nonlattice booms (whether horizontal or not horizontal).

(ii) On lattice booms that are not horizontal.

(iii) On horizontal lattice booms where the fall distance is ten feet or more.

(b) While at a work station on any part of the crane (including the boom, of any type).

(6) For assembly/disassembly work, the employer must provide and ensure the use of fall protection equipment for

employees who are on a walking/working surface with an unprotected side or edge more than ten feet above a lower level.

(7) Anchorage criteria.

(a) Anchorages used for attachment of personal fall arrest equipment must be independent of any anchorage being used to support or suspend platforms and capable of supporting at least five thousand pounds (22.2 kN) per employee attached, or must be designed, installed, and used as follows:

(i) As part of a complete personal fall arrest system which maintains a safety factor of at least two; and

(ii) Under the supervision of a qualified person.

(b) Positioning devices must be secured to an anchorage capable of supporting at least twice the potential impact load of an employee's fall or three thousand pounds (13.3 kN), whichever is greater.

(c) Anchorages for personal fall arrest and positioning device systems.

(i) Personal fall arrest systems must be anchored to any apparently substantial part of the equipment unless a competent person, from a visual inspection, without an engineering analysis, would conclude that the criteria in (a) of this subsection would not be met.

(ii) Positioning device systems must be anchored to any apparently substantial part of the crane unless a competent person, from a visual inspection, without an engineering analysis, would conclude that the criteria in (b) of this subsection would not be met.

(iii) Attachable anchor devices (portable anchor devices that are attached to the crane) must meet the anchorage criteria in (a) of this subsection for personal fall arrest systems and (b) of this subsection for positioning device systems.

(8) Anchorages for fall restraint systems. Fall restraint systems must be anchored to any part of the crane that is capable of withstanding twice the maximum load that an employee may impose on it during reasonably anticipated conditions of use.

(9) Tower cranes.

(a) For work other than erecting, climbing, and dismantling, the employer must provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than six feet above a lower level.

(b) For erecting, climbing, and dismantling work, the employer must provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than ten feet above a lower level.

(10) Anchoring to the load line. A personal fall arrest system is permitted to be anchored to the crane/derrick's hook (or other part of the load line) where all of the following requirements are met:

(a) A qualified person has determined that the set-up and rated capacity of the crane/derrick (including the hook, load line and rigging) meets or exceeds the requirements in subsection (7)(a) of this section.

(b) The crane operator must be at the worksite and informed that the crane is being used for this purpose.

(c) No load is suspended from the load line when the personal fall arrest system is anchored to the crane/derrick's hook (or other part of the load line).

(11) Training. The employer must train each employee who may be exposed to fall hazards while on, or hoisted by, cranes/derricks covered by this section on all of the following:

(a) The requirements in this part that address fall protection.

(b) The applicable requirements in Parts C-1 and K of this chapter.

NEW SECTION

WAC 296-155-53404 Wire rope. (1) Selection and installation criteria.

(a) Original crane/derrick wire rope and replacement wire rope must be selected and installed in accordance with the requirements of this section. Selection of replacement wire rope must be in accordance with the recommendations of the wire rope manufacturer, the crane/derrick manufacturer, or a qualified person.

(b) Wire rope design criteria: Wire rope (other than rotation resistant rope) must comply with either Option (1) or Option (2) of this section, as follows:

(i) Option (1). Wire rope must comply with Section 5-1.7.1 of ASME B30.5-2007 except that section's paragraph (c) must not apply.

(ii) Option (2). Wire rope must be designed to have, in relation to the crane's/derrick's rated capacity, a sufficient minimum breaking force and design factor so that compliance with the applicable inspection provisions in this section will be an effective means of preventing sudden rope failure.

(c) Wire rope must be compatible with the safe functioning of the crane/derrick.

(d) Boom hoist reeving.

(i) Fiber core ropes must not be used for boom hoist or luffing attachment reeving, except for derricks.

(ii) Rotation resistant ropes must be used for boom hoist reeving only where the requirements of (e) of this subsection are met.

(e) Rotation resistant ropes.

(i) Definitions.

(A) Type I rotation resistant wire rope (Type I). Type I rotation resistant rope is stranded rope constructed to have little or no tendency to rotate or, if guided, transmits little or no torque. It has at least fifteen outer strands and comprises an assembly of at least three layers of strands laid helically over a center in two operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(B) Type II rotation resistant wire rope (Type II). Type II rotation resistant rope is stranded rope constructed to have resistance to rotation. It has at least ten outer strands and comprises an assembly of two or more layers of strands laid helically over a center in two or three operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(C) Type III rotation resistant wire rope (Type III). Type III rotation resistant rope is stranded rope constructed to have limited resistance to rotation. It has no more than nine outer

strands, and comprises an assembly of two layers of strands laid helically over a center in two operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(ii) Requirements.

(A) Types II and III with an operation design factor of less than five must not be used for duty cycle or repetitive lifts.

(B) Rotation resistant ropes (including Types I, II and III) must have an operating design factor of no less than 3.5.

(C) Type I must have an operating design factor of no less than five, except where the wire rope manufacturer and the crane/derrick manufacturer approves the design factor, in writing.

(D) Types II and III must have an operating design factor of no less than five, except where the requirements of (e)(iii) of this subsection are met.

(iii) When Types II and III with an operation design factor of less than five are used (for nonduty cycle, nonrepetitive lifts), the following requirements must be met for each lifting operation:

(A) A qualified person must inspect the rope in accordance with subsection (2)(a) of this section. The rope must be used only if the qualified person determines that there are no deficiencies constituting a hazard. In making this determination, more than one broken wire in any one rope lay must be considered a hazard.

(B) Operations must be conducted in such a manner and at such speeds as to minimize dynamic effects.

(C) Each lift made under these provisions must be recorded in the monthly and annual inspection documents. Such prior uses must be considered by the qualified person in determining whether to use the rope again.

(iv) Additional requirements for rotation resistant ropes for boom hoist reeving.

(A) Rotation resistant ropes must not be used for boom hoist reeving, except where the requirements of (e)(iv)(B) of this subsection are met.

(B) Rotation resistant ropes may be used as boom hoist reeving when load hoists are used as boom hoists for attachments such as luffing attachments or boom and mast attachment systems. Under these conditions, all of the following requirements must be met:

(I) The drum must provide a first layer rope pitch diameter of not less than eighteen times the nominal diameter of the rope used.

(II) The requirements in WAC 296-155-53400(44) (irrespective of the date of manufacture of the crane/derrick), and WAC 296-155-53400(45).

(III) The requirements of ANSI/ASME B30.5-2007, Section 5-1.3.2(a), (a)(2) through (a)(4), (b) and (d), except that the minimum pitch diameter for sheaves used in multiple rope reeving is eighteen times the nominal diameter of the rope used instead of the value of sixteen specified in Section 5-1.3.2(d).

(IV) All sheaves used in the boom hoist reeving system must have a rope pitch diameter of not less than eighteen times the nominal diameter of the rope used.

(V) The operating design factor for the boom hoist reeving system must be not less than five.

(VI) The operating design factor for these ropes must be the total minimum breaking force of all parts of rope in the system divided by the load imposed on the rope system when supporting the static weights of the structure and the load within the crane's/derrick's rated capacity.

(VII) When provided, a power-controlled lowering system must be capable of handling rated capacities and speeds as specified by the manufacturer.

(f) Wire rope clips used in conjunction with wedge sockets must be attached to the unloaded dead end of the rope only, except that the use of devices specifically designed for dead-ending rope in a wedge socket is permitted.

(g) Socketing must be done in the manner specified by the manufacturer of the wire rope or fitting.

(h) Prior to cutting a wire rope, seizings must be placed on each side of the point to be cut. The length and number of seizings must be in accordance with the wire rope manufacturer's instructions.

(2) Inspection of wire ropes.

(a) Shift inspection.

(i) A competent person must begin a visual inspection prior to each shift the crane/derrick is used, which must be completed before or during that shift. The inspection must consist of observation of accessible wire ropes (running and standing) that are likely to be in use during the shift for apparent deficiencies, including those listed in (a)(ii) of this subsection. Untwisting (opening) of wire rope or booming down is not required as part of this inspection.

(A) Category I. Apparent deficiencies in this category include the following:

(I) Distortion of the wire rope structure such as kinking, crushing, unstranding, birdcaging, signs of core failure or steel core protrusion between the outer strands.

(II) Corrosion.

(III) Electric arc damage (from a source other than power lines) or heat damage.

(IV) Improperly applied end connections.

(V) Corroded, cracked, bent, or worn end connections (such as from severe service).

(B) Category II. Apparent deficiencies in this category are:

(I) Visibly broken wires in running wire ropes: Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay, where a rope lay is the length along the rope in which one strand makes a complete revolution around the rope;

(II) Visibly broken wires in rotation resistant ropes: Two randomly distributed broken wires in six rope diameters or four randomly distributed broken wires in thirty rope diameters;

(III) Visibly broken wires in pendants or standing wire ropes: More than two broken wires in one rope lay located in rope beyond end connections and/or more than one broken wire at an end connection; and

(IV) A diameter reduction of more than five percent from nominal diameter.

(C) Category III. Apparent deficiencies in this category include the following:

(I) In rotation resistant wire rope, core protrusion or other distortion indicating core failure.

(II) Prior electrical contact with a power line.

(III) A broken strand.

(ii) Critical review items. The competent person must give particular attention to all of the following:

(A) Rotation resistant wire rope in use.

(B) Wire rope being used for boom hoists and luffing hoists, particularly at reverse bends.

(C) Wire rope at flange points, crossover points and repetitive pickup points on drums.

(D) Wire rope at or near terminal ends.

(E) Wire rope in contact with saddles, equalizer sheaves or other sheaves where rope travel is limited.

(iii) Removal from service.

(A) If a deficiency in Category I is identified, an immediate determination must be made by the competent person as to whether the deficiency constitutes a safety hazard. If the deficiency is determined to constitute a safety hazard, operations involving use of the wire rope in question must be prohibited until:

(I) The wire rope is replaced; or

(II) If the deficiency is localized, the problem is corrected by removing the damaged section of the wire rope; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position.

(B) If a deficiency in Category II is identified, operations involving use of the wire rope in question must be prohibited until:

(I) The employer complies with the wire rope manufacturer's established criterion for removal from service or a different criterion that the wire rope manufacturer has approved in writing for that specific wire rope;

(II) The wire rope is replaced.

(C) If the deficiency is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position. If a deficiency in category III is identified, operations involving use of the wire rope in question must be prohibited until:

(I) The wire rope is replaced; or

(II) If the deficiency (other than power line contact) is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. Repair of wire rope that contacted an energized power line is also prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position.

(D) Where a wire rope is required to be removed from service under this section, either the crane/derrick (as a whole) or the hoist with that wire rope must be tagged-out, in accordance with WAC 296-155-53400(67), until the wire rope is repaired or replaced.

(b) Monthly inspection.

(i) Each month an inspection must be conducted in accordance with (a) of this subsection (shift inspection).

(ii) The inspection must include any deficiencies that the qualified person who conducts the annual inspection determines under (c)(iii) of this subsection must be monitored.

(iii) Wire ropes on a crane/derrick must not be used until an inspection under this subsection demonstrates that no corrective action under (a)(iii) of this subsection is required.

(iv) This inspection must be documented and be kept and made available upon request. Electronic records are acceptable.

(c) Annual/comprehensive, for cranes and derricks not covered by WAC 296-155-529 through 296-155-53214.

(i) At least every twelve months, wire ropes in use on the crane/derrick must be inspected by a qualified person in accordance with (a) of this subsection (shift inspection).

(ii) In addition, at least every twelve months, the wire ropes in use on the crane/derrick must be inspected by a qualified person, as follows:

(A) The inspection must be for deficiencies of the types listed in (a)(i)(B) of this subsection.

(B) The inspection must be complete and thorough, covering the surface of the entire length of the wire ropes, with particular attention given to all of the following:

(I) Critical review items listed in (a)(ii) of this subsection.

(II) Those sections that are normally hidden during shift and monthly inspections.

(III) Wire rope in contact with saddles, equalizer sheaves or other sheaves where rope travel is limited.

(IV) Wire rope subject to reverse bends.

(V) Wire rope passing over sheaves.

(VI) Wire rope at or near terminal ends.

(C) Exception: In the event an inspection under (c)(ii) of this subsection is not feasible due to existing set-up and configuration of the crane/derrick (such as where an assist crane is needed) or due to site conditions (such as a dense urban setting). The inspection must consist of observation of the working range plus three additional wraps (running and standing) prior to use.

(iii) If a deficiency is identified, an immediate determination must be made by the qualified person as to whether the deficiency constitutes a safety hazard.

(A) If the deficiency is determined to constitute a safety hazard, operations involving the use of the wire rope in question is prohibited until:

(I) The wire rope is replaced; or

(II) If the deficiency is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. If a rope is shortened under this subsection, the employer must ensure that the drum will still have two wraps of wire when the load and/or boom is in its lowest position.

(B) If the qualified person determines that, though not presently a safety hazard, the deficiency needs to be monitored, the employer must ensure that the deficiency is checked in the monthly inspections.

(iv) This inspection must be documented and be kept and made available upon request. Electronic records are acceptable.

(d) Rope lubricants that are of the type that hinder inspection must not be used.

(3) All documents produced under this section must be available, during the applicable document retention period, to all persons who conduct inspections under this section.

NEW SECTION

WAC 296-155-53405 Inspections. (1) Cranes that have had modifications or additions as defined in WAC 296-155-53214 must be inspected by an accredited crane certifier after such modifications/additions have been completed, prior to initial use.

(2) Repaired/adjusted equipment.

(a) Cranes that have had significant repairs as defined in WAC 296-155-53214 must be inspected by an accredited crane certifier after such repairs have been completed, prior to initial use.

(b) Cranes that have had a repair or adjustment not defined in WAC 296-155-53214, that relates to safe operation (such as: A repair or adjustment to a safety device or operator aid, or to a critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism), must be inspected by a qualified person after such a repair or adjustment has been completed, prior to initial use. The inspection must meet all of the following requirements:

(i) The qualified person must determine if the repair/adjustment meets manufacturer equipment criteria (where applicable and available).

(ii) Where manufacturer equipment criteria are unavailable or inapplicable, the qualified person must:

(A) Determine if a registered professional engineer (RPE) is needed to develop criteria for the repair/adjustment. If an RPE is not needed, the employer must ensure that the criteria are developed by the qualified person. If an RPE is needed, the employer must ensure that they are developed by an RPE.

(B) Determine if the repair/adjustment meets the criteria developed in accordance with (b)(ii)(A) of this subsection.

(iii) The inspection must include functional testing of the repaired/adjusted parts and other components that may be affected by the repair/adjustment.

(c) Equipment must not be used until an inspection under this section demonstrates that the repair/adjustment meets the requirements of (b)(i) of this subsection (or, where applicable, in (b)(ii) of this subsection).

(3) A competent person must begin a visual inspection prior to each shift the crane will be used, which must be completed before or during that shift. The inspection must consist of observation for apparent deficiencies. Taking apart equipment components and booming down is not required as part of this inspection unless the results of the visual inspection or trial operation indicate that further investigation necessitating taking apart crane components or booming down is needed. Determinations made in conducting the inspection must be reassessed in light of observations made

during operation. At a minimum, the inspection must include all of the following:

(a) Control mechanisms for maladjustments interfering with proper operation;

(b) Control and drive mechanisms for apparent excessive wear of components and contamination by lubricants, water or other foreign matter;

(c) Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation;

(d) Hydraulic system for proper fluid level;

(e) Hooks and latches for deformation, cracks, excessive wear, or damage such as from chemicals or heat;

(f) Wire rope reeving for compliance with the manufacturer's specifications;

(g) Wire rope, in accordance with WAC 296-155-53404;

(h) Electrical apparatus for malfunctioning, signs of apparent excessive deterioration, dirt or moisture accumulation;

(i) Tires (when in use) for proper inflation and condition;

(j) Ground conditions around the equipment for proper support, including ground settling under and around outriggers/stabilizers and supporting foundations, groundwater accumulation, or similar conditions. This subsection does not apply to the inspection of ground conditions for railroad tracks and their underlying support when the railroad tracks are part of the general railroad system of transportation that is regulated pursuant to the Federal Railroad Administration under 49 CFR, Part 213;

(k) The crane for level position within the tolerances specified by the crane manufacturer's recommendations, both before each shift and after each move and setup;

(l) Operator cab windows for significant cracks, breaks, or other deficiencies that would hamper the operator's view;

(m) Rails, rail stops, rail clamps and supporting surfaces when the crane has rail traveling. This subsection does not apply to the inspection of rails, rail stops, rail clamps and supporting surfaces when the railroad tracks are part of the general railroad system of transportation that is regulated pursuant to the Federal Railroad Administration under 49 CFR, Part 213;

(n) Safety devices and operational aids for proper operation;

(o) Derricks must have guys inspected for proper tension.

(4) The employer must keep monthly inspection records (see items listed in subsection (3) of this section). These inspection records must be kept for at least three months. This report must contain the following information:

(a) The items checked and the results of the inspection;

(b) The name and signature of the person who conducted the inspection and the date.

(5) If any deficiency is found during the inspection, an immediate determination must be made by the competent person as to whether the deficiency constitutes a safety hazard. If the deficiency is determined to constitute a safety hazard, the equipment must be taken out of service until it has been corrected and approved by a qualified person.

(6) If any deficiency in safety devices/operational aids is identified, the action specified in WAC 296-155-53410 and 296-155-53412 must be taken prior to using the equipment.

(7) If any deficiency is identified, an immediate determination must be made by a qualified person as to whether the deficiency constitutes a safety hazard.

(a) If a qualified person determines that a deficiency is a safety hazard, the crane must be taken out of service until it has been corrected, evaluated, and approved by a qualified person, except when temporary alternative measures are implemented as allowed in WAC 296-155-53412 and for tower cranes see WAC 296-155-54100(61).

(b) If a qualified person determines that, though not presently a safety hazard, the deficiency needs to be monitored, the employer must ensure that the deficiency is checked in the monthly inspections.

(8) Severe service. Where the severity of use/conditions is such that there is a reasonable probability of damage or excessive wear (such as loading that may have exceeded rated capacity, shock loading that may have exceeded rated capacity, prolonged exposure to a corrosive atmosphere), the employer must stop using the crane and a qualified person must:

(a) Inspect the crane for structural damage to determine if the crane can continue to be used safely.

(b) In light of the use/conditions determine whether any items/conditions listed in subsection (7) of this section need to be inspected; if so, the qualified person must inspect those items/conditions.

(c) If a deficiency is found, the employer must follow the requirements in subsection (7)(a) of this section.

(9) Cranes not in regular use. Cranes that have been idle for three months or more must be inspected by a qualified person in accordance with the requirements of subsection (3) of this section before initial use.

(10) Any part of a manufacturer's procedures regarding inspections that relate to safe operation (such as to a safety device or operational aid, critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism) that is more comprehensive or has a more frequent schedule of inspection than the requirements of this section must be followed.

(11) All documents produced under this section must be available, during the applicable document retention period, to all persons who conduct inspections under this section.

NEW SECTION

WAC 296-155-53406 Signals. (1) A qualified signal person that meets the requirements in WAC 296-155-53302 must be provided in each of the following situations:

(a) The point of operation, meaning the load travel or the area near or at load placement, is not in full view of the crane/derrick operator.

(b) When the crane is traveling, the view in the direction of travel is obstructed.

(c) Due to site specific safety concerns, either the crane/derrick operator or the person handling the load determines that it is necessary.

(2) Types of signals. Signals to crane/derrick operators must be by hand, voice, audible, or other means at least as effective.

(3) Hand signals.

(a) When using hand signals, the standard method as established in the applicable ASME B30 standards must be used. Where use of the standard method for hand signals is infeasible, or where an operation or use of an attachment is not covered in the standard method, nonstandard hand signals may be used in accordance with (b) of this subsection.

(b) Nonstandard hand signals. When using nonstandard hand signals, the signal person, operator, and lift director must contact each other prior to the operation and agree on the nonstandard hand signals that will be used.

(4) Signals other than hand, voice or audible signals may be used where the employer demonstrates that the signals provided are at least equally effective communications as voice, audible, or standard method hand signals.

(5) Use and suitability.

(a) Prior to beginning operations, the operator, signal person, and lift director, must contact each other and agree on the voice signals that will be used. Once the voice signals are agreed upon, these employees need not meet again to discuss voice signals unless another employee is added or substituted, there is confusion about the voice signals, or a voice signal is to be changed.

(b) Each voice signal must contain the following three elements, given in the following order: Function (such as hoist, boom, etc.) and direction; distance and/or speed; function stop.

(c) The operator, signal person and lift director, must be able to effectively communicate in the language used.

(d) The signals used (hand, voice, audible, or other effective means), and means of transmitting the signals to the operator (such as direct line of sight, video, radio, etc.) must be appropriate for the site conditions.

(e) Signals must be discernible or audible at all times. The crane operator must not respond unless signals are clearly understood.

(6) During operations requiring signals, the ability to transmit signals between the operator and signal person must be maintained. If that ability is interrupted at any time, the operator must safely stop operations requiring signals until it is reestablished and a proper signal is given and understood.

(7) If the operator becomes aware of a safety problem and needs to communicate with the signal person, the operator must safely stop operations. Operations must not resume until the operator and signal person agree that the problem has been resolved.

(8) Only one person gives signals to a crane/derrick at a time, except in circumstances covered by subsection (9) of this section.

(9) Anyone who becomes aware of a safety problem must alert the operator or signal person by giving the stop or emergency stop signal. The operator must obey a stop (or emergency stop) signal, irrespective of who gives it.

(10) All directions given to the operator by the signal person must be given from the operator's direction perspective.

(11) Communication with multiple cranes/derricks. Where a signal person(s) is in communication with more than one crane/derrick, a system for identifying the crane/derrick for which each signal is intended must be used, as follows:

(a) For each signal, prior to giving the function/direction, the signal person must identify the crane/derrick for which the signal is intended; or

(b) An equally effective method of identifying which crane/derrick the signal is intended for must be used.

(12) Hand signal chart. Hand signal charts must be either posted on the crane/derrick or conspicuously posted in the vicinity of the hoisting operations.

(13) Radio, telephone or other electronic transmission of signals.

(a) The device(s) used to transmit signals must be tested on site before beginning operations to ensure that the signal transmission is effective, clear, and reliable.

(b) Signal transmission must be through a dedicated channel except:

(i) Multiple cranes/derricks and one or more signal persons may share a dedicated channel for the purpose of coordinating operations.

(ii) Where a crane is being operated on or adjacent to railroad tracks, and the actions of the crane operator need to be coordinated with the movement of other equipment or trains on the same or adjacent tracks.

(c) The operator's reception of signals must be made by a hands-free system.

NEW SECTION

WAC 296-155-53408 Power line safety. (1) Assembly and disassembly of crane/derrick.

(a) Before assembling or disassembling crane/derrick, the employer must determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories) could get, in the direction or area of assembly, closer than twenty feet of a power line that is up to 350 kV or closer than fifty feet of a power line that exceeds 350 kV during the assembly/disassembly process. If so, the employer must meet the requirements in Option (1), Option (2), or Option (3), as follows:

(i) Option (1) - Deenergize and ground. Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the worksite.

(ii) Option (2) - Clearance. Ensure that no part of the crane/derrick, load line or load (including rigging and lifting accessories), gets closer than twenty feet of a power line that is up to 350 kV or closer than fifty feet of a power line that exceeds 350 kV by implementing the measures specified in (b) of this subsection.

(iii) Option (3) - Table 4 clearance.

(A) Determine the line's voltage and the minimum approach distance permitted under Table 4 of this section.

(B) Determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories), could get closer than the minimum approach distance of the power line permitted under Table 4 of this section. If so, then the employer must follow the requirements in (b) of this subsection to ensure that no part of the crane/derrick, load line, or

load (including rigging and lifting accessories), gets closer to the line than the minimum approach distance.

(b) Preventing encroachment/electrocution. Where encroachment precautions are required under Option (2), or Option (3), all of the following requirements must be met:

(i) Conduct a planning meeting with the assembly/disassembly director, operator, assembly/disassembly crew and the other workers who will be in the assembly/disassembly area to review the location of the power line(s) and the steps that will be implemented to prevent encroachment/electrocution.

(ii) If tag lines are used, they must be nonconductive.

(iii) At least one of the following additional measures must be in place. The measure selected from this list must be effective in preventing encroachment. The additional measures are:

(A) Use a dedicated spotter who is in continuous contact with the crane/derrick operator, plus an elevated warning line, barricade, or line of signs, in view of the spotter, equipped with flags or similar high-visibility markings. The dedicated spotter must:

(I) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include: A clearly visible line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter).

(II) Be positioned to effectively gauge the clearance distance.

(III) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator, in accordance with WAC 296-155-53406(13) (radio, telephone, or other electronic transmission of signals).

(IV) Give timely information to the operator so that the required clearance distance can be maintained.

(B) A proximity alarm set to give the operator sufficient warning to prevent encroachment.

(C) A device that automatically warns the operator when to stop movement, such as a range control warning device. Such a device must be set to give the operator sufficient warning to prevent encroachment.

(D) A device that automatically limits range of movement, set to prevent encroachment.

(c) Assembly/disassembly below power lines is prohibited. No part of a crane/derrick, load line or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed below a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line.

(d) Assembly/disassembly inside Table 4 clearance is prohibited. No part of a crane/derrick, load line or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed closer than the minimum approach distance under Table 4 of a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line.

(e) Voltage information. Where Option (3) is used, the utility owner/operator of power lines must provide the

requested voltage information prior to commencement of work or within two working days of the employer's request.

(f) Power lines presumed energized. The employer must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the worksite.

(g) Posting of electrocution warnings. There must be at least one electrocution hazard warning conspicuously posted in the cab so that it is in view of the operator and (except for overhead gantry and tower cranes) at least two on the outside of the crane/derrick.

(2) Operation of crane/derrick.

(a) Hazard assessments and precautions inside the work zone. Before beginning crane/derrick operations, the employer must:

(i) Identify the work zone.

(A) Define a work zone by demarcating boundaries (such as with flags, or a device such as a range limit device or range control warning device) and prohibiting the operator from operating the crane/derrick past those boundaries; or

(B) Define the work zone as the area three hundred sixty degrees around the crane/derrick, up to its maximum working radius.

(ii) Determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories), if operated up to its maximum working radius in the work zone, could get closer than twenty feet of a power line that is up to 350 kV or closer than fifty feet of a power line that exceeds 350 kV. If so, the employer must meet the requirements in Option (1), Option (2), or Option (3) as follows:

(A) Option (1) - Deenergize and ground. Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the worksite.

(B) Option (2) - Twenty-foot clearance. Ensure that no part of the crane/derrick, load line, or load (including rigging and lifting accessories), gets closer than twenty feet to the power line by implementing the measures specified in (b) of this subsection.

(C) Option (3) - Table 4 clearance.

(I) Determine the line's voltage and the minimum approach distance permitted under Table 4 of this section.

(II) Determine if any part of the crane/derrick, load line or load (including rigging and lifting accessories), while operating up to its maximum working radius in the work zone, could get closer than the minimum approach distance of the power line permitted under Table 4 of this section. If so, then the employer must follow the requirements in (b) of this subsection to ensure that no part of the crane/derrick, load line, or load (including rigging and lifting accessories), gets closer to the line than the minimum approach distance.

(b) Preventing encroachment/electrocution. Where encroachment precautions are required under Option (2) or Option (3), all of the following requirements must be met:

(i) Conduct a planning meeting with the operator and the other workers who will be in the area of the crane/derrick or load to review the location of the power line(s), and the steps that will be implemented to prevent encroachment/electrocution.

(ii) If tag lines are used, they must be nonconductive.

(ii) Erect and maintain an elevated warning line, barricade, or line of signs, in view of the operator, equipped with flags or similar high-visibility markings, at twenty feet from a power line that is up to 350 kV or fifty feet from a power line that exceeds 350 kV (if using Option (2)) or at the minimum approach distance under Table 4 of this section (if using Option (3)). If the operator is unable to see the elevated warning line, a dedicated spotter must be used as described in (iv)(B) of this subsection in addition to implementing one of the measures described in (b)(i), (iii) through (v) of this subsection.

(iv) Implement at least one of the following measures:

(A) A proximity alarm set to give the operator sufficient warning to prevent encroachment.

(B) Use a dedicated spotter who is in continuous contact with the crane/derrick operator, plus an elevated warning line, barricade, or line of signs, in view of the spotter, equipped with flags or similar high-visibility markings. The dedicated spotter must:

(I) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include: A clearly visible line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter).

(II) Be positioned to effectively gauge the clearance distance.

(III) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator.

(IV) Give timely information to the operator so that the required clearance distance can be maintained.

(C) A device that automatically warns the operator when to stop movement, such as a range control warning device. Such a device must be set to give the operator sufficient warning to prevent encroachment.

(D) A device that automatically limits range of movement, set to prevent encroachment.

(E) An insulating link/device, as defined in WAC 296-155-52902, installed at a point between the end of the load line (or below) and the load.

(v) The requirements of (b)(iv) of this subsection do not apply to work covered by chapter 296-45 WAC.

(c) Voltage information. Where Option (3) is used, operators of power lines must provide the requested voltage information prior to commencement of work or within two working days of the employer's request.

(d) Operations below power lines.

(i) No part of the crane/derrick, load line or load (including rigging and lifting accessories) is allowed below a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line, except where one of the exceptions in (d)(ii) of this subsection apply.

(ii) Exceptions. (d)(i) of this subsection is inapplicable where the employer demonstrates that one of the following applies:

(A) The work is covered by chapter 296-45 WAC.

(B) For cranes/derricks with nonextensible booms: The uppermost part of the crane/derrick, with the boom at true vertical, would be more than twenty feet below the plane of a

power line that is up to 350 kV, fifty feet below the plane of a power line that exceeds 350 kV or more than the Table 4 minimum clearance distance below the plane of the power line.

(C) For cranes with articulating or extensible booms: The uppermost part of the crane, with the boom in the fully extended position, at true vertical, would be more than twenty feet below the plane of a power line that is up to 350 kV, fifty feet below the plane of a power line that exceeds 350 kV or more than the Table 4 minimum clearance distance below the plane of the power line.

(D) The employer demonstrates that compliance with (d)(i) of this subsection is infeasible and meets the requirements of subsection (3) of this section.

(e) Power lines presumed energized. The employer must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the worksite.

(f) Training.

(i) The employer must train each operator and crew member assigned to work with the crane/derrick on all the following:

(A) The procedures to be followed in the event of electrical contact with a power line. Such training must include:

(I) Information regarding the danger of electrocution from the operator simultaneously touching the crane/derrick and the ground.

(II) The importance to the operator's safety of remaining inside the cab except where there is an imminent danger of fire, explosion, or other emergency that necessitates leaving the cab.

(III) The safest means of evacuating from the crane/derrick that may be energized.

(IV) The danger of the potentially energized zone around the crane/derrick (step potential).

(V) The need for crew in the area to avoid approaching or touching the crane/derrick and the load.

(VI) Safe clearance distance from power lines.

(B) Power lines are presumed to be energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized, and visibly grounded at the worksite.

(C) Power lines are presumed to be uninsulated unless the utility owner/operator or a registered engineer who is a qualified person with respect to electrical power transmission and distribution confirms that a power line is insulated.

(D) The limitations of an insulating link/device, proximity alarm, and range control (and similar) device, if used.

(E) The procedures to be followed to properly ground equipment and the limitations of grounding.

(ii) Employees working as dedicated spotters must be trained to enable them to effectively perform their task, including training on the applicable requirements of this section.

(iii) Training under this section must be administered in accordance with WAC 296-155-53409(2).

(g) Devices originally designed by the manufacturer for use as: A safety device (see WAC 296-155-53410), operational aid (see WAC 296-155-53412), or a means to prevent

power line contact or electrocution, when used to comply with this section, must meet the manufacturer's procedures for use and conditions of use.

(3) Prior to working near a transmitter/communication tower where an electrical charge can be induced in the crane/derrick or materials being handled, the transmitter must be deenergized or the following precautions must be taken:

(a) The crane/derrick must be provided with an electrical ground directly to the crane/derrick frame;

(b) Ground jumper cables must be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews must be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load;

(c) Combustible and flammable materials must be removed from the immediate area prior to operations; and

(d) If tag lines are used, they must be nonconductive.

(4) Operation of the crane/derrick inside the Table 4 zone. Operations in which any part of the crane/derrick, load line or load (including rigging and lifting accessories) is either closer than the minimum approach distance under Table 4 of an energized power line or the power line voltage is undetermined and the crane/derrick load line or load is within twenty feet from the power line is prohibited, except where the employer demonstrates that all of the following requirements are met:

(a) Notify the crane safety program within the department of labor and industries.

(b) The employer determines that it is infeasible to do the work without breaching the minimum approach distance under Table 4 of this section.

(c) The employer determines that, after consultation with the utility owner/operator, it is infeasible to deenergize and ground the power line or relocate the power line.

(d) Minimum clearance distance.

(i) The power line owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution determines the minimum clearance distance that must be maintained to prevent electrical contact in light of the on-site conditions. The factors that must be considered in making this determination include: Conditions affecting atmospheric conductivity; time necessary to bring the crane/derrick, load line and load (including rigging and lifting accessories) to a complete stop; wind conditions; degree of sway in the power line; lighting conditions, and other conditions affecting the ability to prevent electrical contact.

(ii) Subsection (4)(d)(i) of this section does not apply to work covered by chapter 296-45 WAC; instead, for such work, the minimum clearance distances specified in chapter 296-45 WAC, Table 1 apply. Employers covered by chapter 296-45 WAC are permitted to work closer than the distances in chapter 296-45 WAC, Table 1, where both the requirements of this rule and WAC 296-45-375(10) are met.

(e) A planning meeting with the employer and power line operator (or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution) is held to determine the procedures that will

be followed to prevent electrical contact and electrocution. At a minimum these procedures must include:

(i) If the power line is equipped with a device that automatically reenergizes the circuit in the event of a power line contact, before the work begins, the automatic reclosing feature of the circuit interrupting device must be made inoperative if the design of the device permits.

(ii) A dedicated spotter who is in continuous contact with the operator. The dedicated spotter must:

(A) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include: A clearly visible line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the dedicated spotter and a building corner ahead of the dedicated spotter).

(B) Be positioned to effectively gauge the clearance distance.

(C) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator.

(D) Give timely information to the operator so that the required clearance distance can be maintained.

(iii) An elevated warning line, or barricade (not attached to the crane), in view of the operator (either directly or through video equipment), equipped with flags or similar high-visibility markings, to prevent electrical contact. However, this provision does not apply to work covered by chapter 296-45 WAC.

(iv) Insulating link/device.

(A) An insulating link/device installed at a point between the end of the load line (or below) and the load.

(B) For work covered by chapter 296-45 WAC, the requirement in (e)(iv)(A) of this subsection applies only when working inside the clearance distances of Table 1 in chapter 296-45 WAC.

(C) For work covered by chapter 296-45 WAC, electrical workers, involving operations where use of an insulating link/device is infeasible, the requirements of WAC 296-45-375 (10)(c)(ii) or (iii) may be substituted for the requirement in (e)(iv)(A) of this subsection.

(v) Until one year after the effective date of this part, the following procedure may be substituted for the requirement in (e)(iv)(A) of this subsection: All employees, excluding equipment operators located on the equipment, who may come in contact with the equipment, the load line, or the load must be insulated or guarded from the equipment, the load line, and the load. Insulating gloves rated for the voltage involved are adequate insulation for the purposes of this section.

(vi) Until three years after the effective date of this part the following procedure may be substituted for the requirement in (e)(iv)(A) of this subsection:

(A) The employer must use a link/device manufactured on or before one year after the effective date of this part that meets the definition of an insulating link/device, except that it has not been approved by a nationally recognized testing laboratory, and that is maintained and used in accordance with manufacturer requirements and recommendations, and is installed at a point between the end of the load line (or below) and the load; and

(B) All employees, excluding equipment operators located on the equipment, who may come in contact with the equipment, the load line, or the load must be insulated or guarded from the equipment, the load line, and the load through an additional means other than the device described in (e)(vi)(A) of this subsection. Insulating gloves rated for the voltage involved are adequate additional means of protection for the purposes of this section.

(vii) Use nonconductive rigging if the rigging may be within the Table 4 distance during the operation.

(viii) If the crane/derrick is equipped with a device that automatically limits range of movement, it must be used and set to prevent any part of the crane/derrick, load line or load (including rigging and lifting accessories) from breaching the minimum approach distance established under (d) of this subsection.

(ix) If a tag line is used, it must be of the nonconductive type.

(x) Barricades forming a perimeter at least ten feet away from the crane/derrick to prevent unauthorized personnel from entering the work area. In areas where obstacles prevent the barricade from being at least ten feet away, the barricade must be as far from the crane/derrick as feasible.

(xi) Workers other than the operator must be prohibited from touching the load line above the insulating link/device and crane. Operators remotely operating the equipment from the ground must use either wireless controls that isolate the operator from the equipment or insulating mats that insulate the operator from the ground.

(xii) Only personnel essential to the operation are permitted to be in the area of the crane and load.

(xiii) The crane/derrick must be properly grounded.

(xiv) Insulating line hose or cover-up must be installed by the utility owner/operator except where such devices are unavailable for the line voltages involved.

(f) The procedures developed to comply with (e) of this subsection are documented and immediately available on-site.

(g) The crane/derrick user and utility owner/operator (or registered professional engineer) meet with the operator and the other workers who will be in the area of the crane/derrick or load to review the procedures that will be implemented to prevent breaching the minimum approach distance established in (d) of this subsection and prevent electrocution.

(h) The procedures developed to comply with (e) of this subsection are implemented.

(i) The utility owner/operator (or registered professional engineer) and all employers of employees involved in the work must identify one person who will direct the implementation of the procedures. The person identified in accordance with this section must direct the implementation of the procedures and must have the authority to stop work at any time to ensure safety.

(j) If a problem occurs implementing the procedures being used to comply with (e) of this subsection, or indicating that those procedures are inadequate to prevent electrocution, the employer must safely stop operations and either develop new procedures to comply with (e) of this subsection or have the utility owner/operator deenergize and visibly ground or relocate the power line before resuming work.

(k) Devices originally designed by the manufacturer for use as: Safety devices (see WAC 296-155-53410), operational aids (see WAC 296-155-53412), or a means to prevent power line contact or electrocution, when used to comply with this section, must meet the manufacturer's procedures for use and conditions of use.

(l) The employer must train each operator and crew member assigned to work with the equipment in accordance with subsection (2)(f) of this section.

(5) Cranes while traveling.

(a) This section establishes procedures and criteria that must be met for cranes traveling under a power line on the construction site with no load. Equipment traveling on a construction site with a load is governed by subsections (2), (4), (6), and (7) of this section, whichever is appropriate, and WAC 296-155-53400(35).

(b) The employer must ensure that:

(i) The boom/mast and boom/mast support system are lowered sufficiently to meet the requirements of this section.

(ii) The clearances specified in Table 5 of this section are maintained.

(iii) The effects of speed and terrain on crane movement (including movement of the boom/mast) are considered so that those effects do not cause the minimum clearance distances specified in Table 5 of this section to be breached.

(iv) Dedicated spotter. If any part of the crane while traveling will get closer than twenty feet of the power line, the employer must ensure that a dedicated spotter who is in continuous contact with the driver/operator is used. The dedicated spotter must:

(A) Be positioned to effectively gauge the clearance distance.

(B) Where necessary, use equipment that enables the dedicated spotter to communicate directly with the operator.

(C) Give timely information to the operator so that the required clearance distance can be maintained.

(v) Additional precautions for traveling in poor visibility. When traveling at night, or in conditions of poor visibility, in addition to the measures specified in (b)(i) through (iv) of this subsection, the employer must ensure that:

(A) The power lines are illuminated or another means of identifying the location of the lines must be used.

(B) A safe path of travel is identified and used.

(6) The requirements of subsections (1) and (2) of this section apply to power lines over 350 kV, and below 1000 kV except that wherever the distance "twenty feet" is specified, the distance "fifty feet" must be substituted.

(7) For power lines over 1000 kV, the minimum clearance distance must be established by the utility owner/operator or a registered professional engineer who is a qualified person with respect to power transmission and distribution.

Table 4—Minimum Clearance Distances

Voltage (nominal, kV)	Minimum clearance distance (feet)
up to 50	10
over 50 to 200	15
over 200 to 345	20
over 345 to 500	25
over 500 to 750	35

Voltage (nominal, kV)	Minimum clearance distance (feet)
over 750 to 1,000	45
over 1,000	(as established by the utility owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution).

Note: The value that follows "to" is up to and includes that value.

Table 5—Minimum Clearance Distances While Traveling With No Load and Boom/Mast Lowered

Voltage (nominal, kV)	While traveling—Minimum clearance distance (feet)
up to 0.75	4 (while traveling/boom lowered)
over 0.75 to 50	6 (while traveling/boom lowered)
over 50 to 345	10 (while traveling/boom lowered)
over 345 to 750	16 (while traveling/boom lowered)
over 750 to 1,000	20 (while traveling/boom lowered)
over 1,000	(as established by the utility owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution).

NEW SECTION

WAC 296-155-53409 Training. (1) The employer must provide training as follows:

(a) Overhead power lines. The employer must ensure that each employee is trained in accordance with WAC 296-155-53408 (2)(g) and 296-155-53408 (4)(k) in the topics listed in WAC 296-155-53408 (2)(f).

(b) Qualified signal persons. The employer must ensure that each employee is trained who will be assigned to work as a signal person in accordance with the requirements of WAC 296-155-53302(3).

(c) Qualified rigger. The employer must ensure that each employee is trained who will be assigned to work as a rigger in accordance with the requirements of WAC 296-155-53306(3).

(d) Operators.

(i) Trainee/apprentice operator. The employer must ensure that each trainee/apprentice operator is trained in the areas addressed in WAC 296-155-53300 and 296-155-56420.

(ii) Operator. Operators who have met the requirements in WAC 296-155-53300 and 296-155-56420 will be considered trained.

(iii) For operators using equipment that are exempt in WAC 296-155-52900(3), the employer must ensure that each operator is trained on the safe operation of the equipment the operator will be using.

(e) Competent persons and qualified persons. The employer must ensure that each competent person and each

qualified person is trained regarding the requirements of this part applicable to their respective roles.

(f) Crush/pinch points. The employer must ensure that each employee is trained who works with the equipment to keep clear of holes, and crush/pinch points and the hazards addressed in WAC 296-155-53400(42) (work area control).

(g) Tag-out. The employer must ensure that each operator and each additional employee authorized to start/energize equipment or operate equipment controls (such as maintenance and repair employees) is trained, in the tag-out and start-up procedures in WAC 296-155-53400 (16) and (67).

(2) Training administration.

(a) The employer must evaluate each employee required to be trained under this part to confirm that the employee understands the information provided in the training.

(b) The employer must ensure that refresher training is provided in relevant topics for each employee when, based on the conduct of the employee or an evaluation of the employee's knowledge, there is an indication that retraining is necessary.

NEW SECTION

WAC 296-155-53410 Safety devices. (1) Safety devices. The following safety devices are required on all cranes/derricks, except tower cranes and self-erecting tower cranes, covered by this part, unless otherwise specified. For requirements relating to operational aids and safety devices for tower cranes, see WAC 296-155-53900 (60) and (61), for self-erecting tower cranes see WAC 296-155-54100 (42) and (43).

(a) Crane level indicator.

(i) The crane must have a level indicator that is either built into the crane or is available on the crane.

(ii) If a built-in crane level indicator is not working properly, it must be tagged-out or removed. If a removable crane level indicator is not working properly, it must be removed.

(iii) This requirement does not apply to articulating cranes, portal cranes, derricks, floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation.

(b) Boom stops, except for derricks and hydraulic booms.

(c) Jib stops (if a jib is attached), except for derricks.

(d) Cranes with foot pedal brakes must have locks, except for portal cranes and floating cranes.

(e) Hydraulic outrigger jacks and hydraulic stabilizer jacks must have an integral holding device/check valve.

(f) Cranes on rails must have rail clamps and rail stops, except for portal cranes.

(g) Horn.

(i) The crane/derrick, as defined in ASME B30.5, must have a built-in horn or a removable horn that is available to the operator.

(ii) If a built-in horn is not working properly, it must be tagged-out or removed. If a removable horn is not working properly, it must be removed.

(2) Proper operation required. Operations must not begin unless the devices listed in this section are in proper working order. If a device stops working properly during

operations, the operator must safely stop operations. If any of the devices listed in this section are not in proper working order, the equipment must be taken out of service and operations must not resume until the device is again working properly. Alternative measures are not permitted to be used.

NEW SECTION

WAC 296-155-53412 Operational aids. (1) The devices listed in this section (listed operational aids) are required on all cranes/derricks, except tower cranes and self-erecting tower cranes, covered by this part, unless otherwise specified. For requirements relating to operational aids and safety devices for tower cranes, see WAC 296-155-53900 (60) and (61), for self-erecting tower cranes see WAC 296-155-54100 (42) and (43).

Notes: The requirements in subsection (3)(e), (f) and (g) of this section do not apply to articulating cranes.

The requirements in subsection (3)(d), (e) and (h) of this section only apply to those digger derricks manufactured after the effective date of this section.

(2) Operations must not begin unless the listed operational aids are in proper working order, except where an operational aid is being repaired the employer uses the specified temporary alternative measures. More protective alternative measures specified by the crane/derrick manufacturer, if any, must be followed.

(3) When operational aids are inoperative or malfunctioning, the crane and/or device manufacturer's recommendations for continued operation or shutdown of the crane must be followed until the problems are corrected. Without such recommendations and any prohibitions from the manufacturer against further operation, the following requirements apply:

Note: If a replacement part is no longer available, the use of a substitute device that performs the same type of function is permitted and is not considered a modification under WAC 296-155-53400 (58) and (59) (crane/derrick modifications).

(a) Recalibration or repair of the operational aid must be accomplished as soon as is reasonably possible, as determined by a qualified person.

(b) Boom hoist limiting device (except for derricks with base mounted drums).

(i) For cranes manufactured after December 16, 1969, a boom hoist limiting device is required. Temporary alternative measures: One or more of the following methods must be used:

(A) Use a boom angle indicator.

(B) Clearly mark the boom hoist rope (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to keep the boom within the minimum allowable radius. In addition, install mirrors or remote video cameras and displays if necessary for the operator to see the mark.

(C) Clearly mark the boom hoist rope (so that it can easily be seen by a spotter) at a point that will give the spotter sufficient time to signal the operator and have the operator stop the hoist to keep the boom within the minimum allowable radius.

(ii) If the crane was manufactured on or before December 16, 1969, and is not equipped with a boom hoist limiting device, at least one of the measures in (b)(i)(A) through (C) of this subsection must be used.

(c) Luffing jib limiting device. Cranes with a luffing jib must have a luffing jib limiting device. Temporary alternative measures are the same as in (b)(i) of this subsection, except to limit the movement of the luffing jib rather than the boom hoist.

(d) Anti two-blocking device. (This does not apply to dedicated pile drivers.)

(i) Telescopic boom cranes manufactured after February 28, 1992, must be equipped with a device which automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device(s) must prevent such damage at all points where two-blocking could occur.

(A) Temporary alternative measures: Clearly mark the hoist rope (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking; and

(B) Use a spotter when extending the boom.

(ii) Lattice boom cranes.

(A) Lattice boom cranes manufactured after February 28, 1992, must be equipped with a device that either automatically prevents damage and load failure from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component), or warns the operator in time for the operator to prevent two-blocking. The device(s) must prevent such damage/failure or provide adequate warning for all points where two-blocking could occur.

(B) Lattice boom cranes, and derricks, manufactured after the effective date of this standard must be equipped with a device which automatically prevents damage and load failure from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device(s) must prevent such damage/failure at all points where two-blocking could occur.

Exception: The requirements in subsection (4)(d)(ii)(A) and (B) of this section do not apply to such lattice boom cranes when used for dragline, clamshell (grapple), magnet, drop ball (wrecking ball), container handling, concrete bucket, marine operations that do not involve hoisting personnel, and pile driving work.

(C) Temporary alternative measures: Clearly mark the hoist rope (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, or use a spotter.

(iii) Articulating cranes manufactured after December 31, 1999, that are equipped with a load hoist must be equipped with a device that automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device must prevent such damage at all points where two-blocking could occur. Temporary alternative measures: When two-blocking could only occur with movement of the load hoist, clearly mark the hoist rope (so that it can easily be seen by the operator) at a point that will

give the operator sufficient time to stop the hoist to prevent two-blocking, or use a spotter. When two-blocking could occur without movement of the load hoist, clearly mark the hoist rope (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, and use a spotter when extending the boom.

(e) Boom angle or radius indicator (except for derricks with base mounted drum hoists). The crane must have a boom angle or radius indicator readable from the operator's station. Temporary alternative measures: Radii or boom angle must be determined by measuring the radii or boom angle with a measuring device.

(f) Jib angle indicator if the crane has a luffing jib. Temporary alternative measures: Radii or jib angle must be determined by ascertaining the main boom angle and then measuring the radii or jib angle with a measuring device.

(g) Boom length indicator if the crane has a telescopic boom, except where the rated capacity is independent of the boom length. Temporary alternative measures: One or more of the following methods must be used:

(i) Mark the boom with measured marks to calculate boom length; or

(ii) Calculate boom length from boom angle and radius measurements; or

(iii) Measure the boom with a measuring device.

(h) Load weighing and similar devices (this also applies to dedicated pile drivers manufactured more than one year after the effective date of this section). Cranes (other than derricks and articulating cranes) manufactured after March 29, 2003, with a rated capacity over six thousand pounds must have at least one of the following: Load weighing device, load moment (or rated capacity) indicator, or load moment (or rated capacity) limiter.

(i) Temporary alternative measures: The weight of the load must be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information must be provided to the operator prior to the lift.

(ii) Articulating cranes manufactured after the effective date of this section must have at least one of the following: Automatic overload prevention device, load weighing device, load moment (or rated capacity) indicator, or load moment (rated capacity) limiter. Temporary alternative measures: The weight of the load must be determined from a source recognized by the industry (such as the load's manufacturer) or by a calculation method recognized by the industry (such as calculating a steel beam from measured dimensions and a known per foot weight). This information must be provided to the operator prior to the lift.

(i) Reserved.

(j) The following devices are required on cranes manufactured after the effective date of this section:

(i) Outrigger/stabilizer position (horizontal beam extension) sensor/monitor if the crane has outriggers or stabilizers. Temporary alternative measures: The operator must verify that the position of the outriggers or stabilizers is correct (in

accordance with manufacturer procedures) before beginning operations requiring outrigger or stabilizer deployment.

(ii) Hoist drum rotation indicator if the crane/derrick has a hoist drum is not visible from the operator's station. Temporary alternative measures: Mark the drum to indicate the rotation of the drum. In addition, install mirrors or remote video cameras and displays if necessary for the operator to see the mark.

NEW SECTION

WAC 296-155-53414 Cranes/derricks with a rated hoisting/lifting capacity of two thousand pounds or less. For cranes/derricks with a maximum manufacturer-rated hoisting/lifting capacity of two thousand pounds or less:

(1) The following sections apply: WAC 296-155-52900, Scope; WAC 296-155-52902, Definitions; WAC 296-155-53400 (34), (36) through (38), (45), (46), (59) and (67), General requirements; WAC 296-155-53404, Wire rope; WAC 296-155-53406, Signals; WAC 296-155-53408, Power line safety; WAC 296-155-53700(7), Mobile cranes—General; WAC 296-155-53715(5), Mobile cranes—Operations; WAC 296-155-539, Tower cranes; WAC 296-155-542, Overhead/bridge and gantry cranes; WAC 296-155-543, Derricks.

Note to subsection (1) of this section: Under subsection (2)(a) of this section, WAC 296-155-53402, (Assembly/disassembly) also apply.

(2) Assembly/disassembly.

(a) WAC 296-155-53402 (Assembly/disassembly) applies.

(b) Components and configuration. The employer must ensure that:

(i) The selection of components and the configuration of the crane/derrick which affects the capacity or safe operation of the crane/derrick complies with either the:

(A) Manufacturer instructions, recommendations, limitations, and specifications. When these documents and information are unavailable, a registered professional engineer familiar with the type of crane/derrick involved must approve, in writing, the selection and configuration of components; or

(B) Approved modifications that meet the requirements of WAC 296-155-53400 (58) and (59).

(ii) Post-assembly inspection. Upon completion of assembly, the crane/derrick is inspected to ensure that it is in compliance with subsection (2)(b)(i) of this section.

(c) Manufacturer prohibitions. The employer must comply with applicable manufacturer prohibitions.

(3) Operation - Procedures.

(a) The employer must comply with all manufacturer procedures applicable to the operational functions of the crane/derrick, including its use with attachments.

(b) Unavailable operation procedures. The employer must:

(i) Where the manufacturer procedures are unavailable, the employer must develop and ensure compliance with all procedures necessary for the safe operation of the crane/derrick and attachments.

(ii) Ensure that procedures for the operational controls are developed by a qualified person.

(ii) Ensure that procedures related to the capacity of the crane/derrick are developed and signed by a registered professional engineer.

(c) Accessibility. The employer must ensure that:

(i) The load chart must be available to the operator at the control station.

(ii) Procedures applicable to the operation of the crane/derrick, recommended operating speeds, special hazard warnings, instructions and operator's manual, are readily available for use by the operator.

(iii) Where rated capacities are available at the control station only in electronic form and failure occurs that makes the rated capacities inaccessible, the operator must immediately cease operations or follow safe shut-down procedures until the rated capacities (in electronic or other form) are available.

(4) Safety devices and operational aids.

(a) The employer must ensure that safety devices and operational aids that are part of the original equipment are maintained in accordance with manufacturer procedures.

(b) Anti two-blocking. The employer must ensure that cranes covered by this section manufactured after the effective date of this standard must have either an anti two-block device that meets the requirements of WAC 296-155-53412 (3)(d), or is designed so that, in the event of a two-block situation, no damage or load failure will occur (for example, by using a power unit that stalls in response to a two-block situation).

(5) Operator qualifications. The employer must train each operator, ensure that, prior to operating the crane/derrick, the operator is trained on the safe operation of the type of crane/derrick the operator will be using.

(6) Signal person qualifications. The employer must train each signal person, in the proper use of signals applicable to the use of the crane/derrick.

(7) Keeping clear of the load. WAC 296-155-53400(43) applies, except for WAC 296-155-53400 (43)(c)(iii) (qualified rigger).

(8) Inspections. The employer must ensure that the crane/derrick is inspected in accordance with manufacturer procedures.

(9) Hoisting personnel. The employer must ensure that equipment covered by this section is not used to hoist personnel.

(10) Design. The employer must ensure that the crane/derrick is designed by a qualified engineer.

NEW SECTION

WAC 296-155-537 Mobile cranes.

NEW SECTION

WAC 296-155-53700 Mobile cranes—General. (1) All crawler or truck cranes (greater than two thousand pounds capacity) in use must meet the applicable requirements for design, construction, testing, inspection, maintenance, and operation as prescribed in the ASME B30.5-2007, Safety Standard for Mobile and Locomotive Cranes. It is not the intent of this rule to require retrofitting of existing cranes. However, when an item is being modified, its performance

needs to be reviewed by a qualified person and compared to the applicable sections of this rule. For modification requirements see WAC 296-155-53400 (58) and (59). For cranes manufactured prior to the effective date of this rule the design, construction and testing criteria must meet at a minimum, ASME B30.5-1989.

(2) Mobile cranes must have boom stops to provide resistance from backward overturning. Such as:

- A fixed or telescoping bumper;
- A shock absorbing bumper;
- Hydraulic boom elevation cylinder(s).

(3) Restraints must be provided that will keep the jibs from backward overturning.

(4) Boom angle or radius indicators readable from the operator's station must be provided.

(5) A means must be provided that automatically stops the hoisting of the boom when the boom reaches a predetermined high angle. This can be either:

- A boom hoist disconnect;
- A shutoff;

or

- Hydraulic relief.

(6) A boom length indicator that is readable from the operator's station must be provided for telescopic booms, unless the load rating is independent of the boom length.

(7) Where the ground is soft or uneven, timber, planking, or other suitable material must be used to provide firm foundation and distribute the load.

(8) All welding procedures and welding operator qualifications must be in accordance with ANSI/AWS D14.3 when welding is to be performed on load-sustaining members.

NEW SECTION

WAC 296-155-53715 Mobile cranes—Operations.

(1) Where applicable, if the load hoist mechanism is not equipped with an automatic brake and the load must remain suspended for any considerable length of time, the operator must hold the drum from rotating in the lowering direction by activating a manually operated brake. The boom hoist brakes must be set, and on rope boom support cranes, a braking mechanism and a ratchet and pawl or other locking device must be engaged to prevent inadvertent lowering of the boom.

(2) On wheel-mounted cranes, loads must not be lifted over the front area, except as permitted by the crane manufacturer.

(3) Rolling outriggers. Mobile cranes using rolling outriggers must use load charts from the crane manufacturer or an RPE that specifically address this configuration. If the crane manufacturer does not address the use of rolling outriggers while some of the crane's weight is on its wheels, then the user must use the "on rubber" chart.

(4) While in transit, the following additional precautions must be exercised:

(a) The boom should be carried in line with the direction of motion.

(b) The superstructure must be secured against rotation (or the boom placed in a boom rack mounted on the carrier),

except when negotiating turns when there is an operator in the cab or the boom is supported on a dolly.

(5) A crane with or without a load must be traveled in the configuration recommended by the crane manufacturer. In the event a configuration is not specified, then travel must not be attempted with the boom so high that it may bounce back over the cab.

(6) When rotating the crane, sudden starts and stops must be avoided. Rotational speed must be such that the load does not swing out beyond the radius at which it can be controlled. A tag or restraint line must be used when rotation of the load is hazardous.

(7) Cranes must not be operated without the ballast or counterweight being in place as specified by the crane manufacturer. Under specific conditions, such as during crane assembly or unusual boom configurations, the crane manufacturer's recommendations for the amount of ballast or counterweight must be adhered to.

(8) The crane must be leveled per the crane manufacturer's recommendation; in the event that these recommendations are not available an RPE's recommendation must be followed.

NEW SECTION

WAC 296-155-538 Articulating boom cranes.

NEW SECTION

WAC 296-155-53800 Articulating boom cranes—

General. (1) All articulating boom cranes in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ASME B30.22-2010, Safety Standard for Articulating Boom Cranes. It is not the intent of this rule to require retrofitting of existing cranes. However, when an item is being modified, its performance needs to be reviewed by a qualified person and compared to the applicable sections of this rule. For modification requirements see WAC 296-155-53400 (58) and (59). For cranes manufactured prior to the effective date of this rule the design and construction criteria must meet at a minimum, ASME B30.22-1987.

(2) All articulating boom cranes with a winch must have a two-blocking damage prevention feature.

(3) All welding and welding operator qualifications for load sustaining members must be in accordance with ANSI/AWS D14.3.

NEW SECTION

WAC 296-155-53815 Articulating boom cranes—

Operations. (1) The operator must not engage in any practice that diverts their attention while actually engaged in operating the crane.

(2) Stabilizers/outriggers must be visible to the operator or to a signal person during extension or setting.

(3) When the crane is equipped with stabilizers/outriggers, they must be extended and set per manufacturer's recommendations. When applicable, cribbing under the stabilizers/outriggers must meet the following requirements:

- (a) Strong enough to prevent crushing;

(b) Of such thickness, width, and length as to completely support the pad.

(4) Crane supports for individual stabilizer/outrigger pads must be level to the manufacturer's specifications or those of a qualified person. Supports may be timbers, cribbing, or other structural members to distribute the load so as not to exceed the allowable bearing capacity of the underlying material.

(5) In transit the boom must be carried in stowed position, as recommended by the manufacturer.

(6) The crane must not travel with a load on the hook unless allowed by the manufacturer.

(7) Articulating boom cranes must not be used with suspended work platforms (baskets).

(8) The use of attached work platforms to the boom must be approved by the crane manufacturer.

Note: Requirements for personnel lifting are located in WAC 296-155-547.

NEW SECTION

WAC 296-155-539 Tower cranes.

NEW SECTION

WAC 296-155-53900 Tower cranes—General. (1)

This section contains supplemental requirements for tower cranes; all sections of this part apply to tower cranes unless specified otherwise. In addition, the requirements in WAC 296-155-53402 apply unless otherwise specified, except that the term "assembly/disassembly" is replaced by "erecting, climbing and dismantling," and the term "disassembly" is replaced by "dismantling."

(2) All tower cranes in use must meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer. If the manufacturer's recommendations are not available, follow the requirements in ASME B30.3-2009. It is not the intent of this rule to require retrofitting of existing cranes. However, when an item is being modified, its performance needs to be reviewed by a qualified person and compared to the applicable sections of this rule. For modification requirements see WAC 296-155-53400 (58) and (59). For cranes manufactured prior to the effective date of this rule the design and construction criteria must meet at a minimum, ASME B30.3-1990.

(3) The manufacturer's recommendations must be followed when installing, erecting, and dismantling tower cranes. If the manufacturer's recommendations are not available, follow the requirements in ASME B30.3-2009.

(4) When cranes are erected/dismantled, written instructions by the manufacturer or qualified person and a list of the weights of each subassembly to be erected/dismantled must be at the site.

(5) A qualified person must supervise the erection, jumping and dismantling of the crane.

(6) Procedures must be established before beginning crane erection/dismantling work to implement the instructions and adapt them to the particular needs of the site.

(7) Tower cranes and tower crane assembly parts/components must be inspected by an accredited certifier, prior to

assembly, following erection of the tower crane, after each climbing operation, or reconfiguring the boom, jib, or counterjib, before placing the crane in service. (See WAC 296-155-53206.) Only inspected and preapproved components must be used in the assembly of a tower crane.

(8) Tower masts must be erected plumb to a tolerance of 1:500 (approximately one inch in forty feet) unless the manufacturer specifies otherwise and verified by a qualified person.

(9) Cranes that are required to weathervane when out-of-service must be installed with clearance for the boom (jib) and the superstructure to swing through a full three hundred sixty degree arc. Clearances recommended by the crane manufacturer must be maintained between other weathervaning cranes and fixed objects.

(10) When the crane is out of operation, the jib or boom must be pointed downwind and the slewing brake must be released so as to permit the jib or boom to weathervane, provided the jib or boom has a clear three hundred sixty degree rotation.

(11) When the crane is out of operation and a three hundred sixty degree rotation is not feasible, the employer must follow the manufacturer's or RPE's written procedures for restraining the jib or boom from rotation.

(12) Foundations and structural supports. Tower crane foundations and structural supports (including both the portions of the structure used for support and the means of attachment) must be designed by the manufacturer or a registered professional engineer.

(13) Prior to erecting a tower crane on a nonstandard tower crane base/structural support, the employer must ensure that the engineering configuration of this base/structural support has been reviewed and acknowledged as acceptable by an independent registered professional structural engineer (RPSE), licensed under chapter 18.43 RCW.

(14) An RPSE must certify that the crane foundation, structural supports and underlying soil provide adequate support for the tower crane with its applied torsional and overturning moments and the horizontal and vertical forces.

(15) The controlling entity that installed the tower crane foundations and structural supports must provide a written statement/documentation to the A/D director stating that they were installed in accordance with their design and requirements the RPE, and the engineer of record if applicable.

(16) The engineer of record must be consulted to verify that the host structure is capable of safely resisting the applied crane forces, if this engineer is not available an RSPE must perform this verification. When inside climbing cranes are used, the integrity of the host structure must be reviewed and approved by an RPSE, for the effects of the crane, load, and wind forces at each level of the structure.

(17) Prior to installing a tower crane that will be attached to an existing building, new construction, or structure, an RPSE must certify that the structural attachment to the building is designed to withstand the torsional and overturning moments and the horizontal and vertical forces created by the crane to be installed.

(18) The assembly/disassembly director must address backward stability before slewing, traveling or freestanding tower cranes on ballasted bases.

(19) The top of the support/foundation must be accessible and free of debris, materials and standing water. No materials can be stored on the support unless approved by a qualified person. Tower crane's foundation and fasteners must remain accessible and visible for inspection at all times.

(20) Tower cranes must not be climbed in concrete structures until the concrete at the levels at which horizontal and vertical supports are to be placed has reached sufficient strength to resist the crane reactions. It may be necessary to test concrete cylinders or cores or to use on-site testing techniques for this purpose.

(21) Climbing jack systems used for raising a tower crane must be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent the jack from retracting should a hydraulic line or fitting rupture or fail.

(22) Before climbing or erecting/dismantling, cranes must be balanced in accordance with the manufacturer's or a qualified person's instructions. If no such limit has been set, wind velocity must not exceed the limit set by the manufacturer, or twenty miles per hour as indicated by a wind velocity device mounted near the top of the crane. The crane operator must be present during climbing or erecting/dismantling operations.

(23) Climbing operations must not be commenced until all crane support provisions at the new support level are in place as per the manufacturer's recommendations or as specified by an RPSE.

(24) Crane superstructures and counterjibs (counterweight jib) must be arranged to receive counterweights, made in accordance with the manufacturer's specifications for the specified jib or boom length, and to hold them in position. Means must be provided to guard against shifting or dislodgement during crane operation. Manufacturer's specified counterweight weights are not to be exceeded.

(25) Moveable counterweights, if provided, must either move automatically or must be equipped with a position indicator with read out at the operator's station(s).

(26) When counterweight position is controlled by wire ropes, means must be provided to prevent uncontrolled movement in the event of wire rope or wire rope termination failure.

(27) When counterweight position is controlled by wire ropes and/or linkages between the counterweight and the boom, provision must be made to avert structural damage if the boom is moved beyond its normal limits.

(28) For cranes utilizing ballast, bases must include provisions to support and position the ballast. Means must be provided to guard against shifting or dislodgement of ballast during crane operation.

(29) All electrical equipment must be properly grounded and protection must be provided against lightning per the manufacturer's recommendation or if not available, a registered professional electrical engineer.

(30) Each electrically powered crane must have a main disconnect switch at or near the initial base of the crane. This switch must have provisions for locking in the "off" position.

(31) Electrical equipment must be so located or guarded that live parts are not exposed to inadvertent contact by personnel and equipment under normal operating conditions.

(32) Electrical equipment must be protected from dirt, grease, oil, and moisture. Fixtures, wiring, and connections exposed to the weather must be of weather resistant type.

(33) Wiring must conform to the provisions of ANSI/NFPA 70 for temporary wiring. Motors, controls, switches, and other electrical equipment must meet the applicable requirements of ANSI/NFPA 70. Hoists, slewing, trolley, and travel controllers must conform to ISO 7752-1, 2010.

(34) Provisions must be made to guard against reversing of each motor due to reversed phase connections.

(35) Electrical circuits between the fixed and rotating portions of the crane must pass through a slip ring assembly that will permit continuous rotation of the upper crane structure in either direction, unless other means are provided to prevent damage to the electrical conductors.

(36) Individual overload protection must be provided for each motor.

(37) Crane trucks must be fitted with sweeps extending below the top of the rail, unless the construction of the rail foundation prohibits such extension, and placed in front of the leading wheels in either direction. Truck wheels/bogies must be guarded.

(38) A means must be provided to limit the drop of truck frames in case of wheel or axle breakage to a distance that will not cause a crane to overturn.

(39) Multiple tower crane job sites. On job sites where more than one tower crane is installed, the cranes must be located such that no crane may come in contact with the structure of another crane. Crane's jibs or booms are permitted to pass over one another.

(40) Tower cranes, in service, must be positioned whereby they can slew three hundred sixty degrees without either the counterjib or jib/boom striking any building, structure, or other object, unless:

(a) Suitable anticollision devices are installed which will prohibit contact with such objects or;

(b) Direct voice communications are established between any operator of the tower crane(s) involved and a signal person so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(i) A secondary means of positive communications must be established as a back-up for possible direct voice communication failure.

(ii) Radio communication systems without tone coded squelch are prohibited. Citizens band radios must not be used as a means of communications for tower cranes.

(41) Limit switches must be installed and must be kept properly adjusted. They must be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches must provide the following functions:

(a) Limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(b) Limit the upward travel of the load block to prevent two-blocking.

(c) Lower over travel limiting devices must be provided for all load hoists where the hook area is not visible to the operator.

(d) In the absence of the crane manufacturer's specifications, limit the load being lifted in a manner whereby no more than one hundred ten percent of the maximum rated load can be lifted or moved.

(e) Cranes mounted on rail tracks must be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(42) All tower cranes manufactured after July 27, 2010, must be equipped with a safety device (also referred to as a limit device) that provides deceleration before the top position of the crane hook is reached.

(43) The load must be free when lifted; it must not be caught on nor attached to other objects. Side loading of jibs must be limited to freely suspended loads. Cranes must not be used for dragging loads.

(44) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station must have adequate overhead protection.

(45) A safe means must be provided for access to the tower, operator's cab and machinery platform.

(46) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices must be provided.

(47) All crane brakes must automatically set in event of power failure. Slewing brakes must also function in this manner or be capable of being set manually.

(48) Each tower crane must be provided with a slewing brake capable of holding in both directions preventing the superstructure from rotating during operation and must be capable of being set in the holding position and remaining so without further action on the part of the operator.

(49) The trolley must be provided with an operating brake capable of stopping the trolley in either direction. The system must include a means for holding the trolley without further action on the part of the operator, and must engage automatically if power or pressure to the brake is lost.

(50) In addition to the operating brake, the trolley must be equipped with an automatic braking device capable of stopping trolley in either direction in the event of trolley drive rope breakage, if such ropes are used.

(51) The body or frame of the trolley must be fitted with a means to restrain the trolley from becoming detached from its guide rail(s) in the event of trolley wheel or axle breakage or side loading.

(52) The jib point sheave, if provided, must have at least one broad stripe of bright, contrasting color painted on each side so it can be determined whether or not the sheave is turning.

(53) Employees required to perform duties on the boom/jib of tower cranes must be protected against falling in accordance with Part C-1 of this chapter.

(54) An audible signal must automatically sound whenever the crane travels in order to warn persons in the vicinity.

(55) A wind velocity indicating device must be mounted at or near the top of the crane. A velocity readout must be provided at the operator's station in the cab, and a visible or

audible alarm must be triggered in the cab and at remote control stations when a preset wind velocity has been exceeded.

(56) When the wind velocity indicating device is not functioning, crane operations may continue if another crane on the site is equipped with a functioning wind velocity indicator or if a qualified person determines that ambient wind velocity is within permitted limits.

(57) Indicating devices must be provided to:

(a) Display the magnitude of the load on the hook;

(b) Display the boom angle or operating radius, as appropriate. On hammerhead booms (jibs), radius indication may be by means of flags or markers along the length of the boom (jib) so as to be visible to the operator;

(c) Display ambient wind velocity.

(58) Limiting devices must be provided to:

(a) Decelerate the trolley travel at both ends of the jib prior to the final limit activation;

(b) Decelerate the luffing boom travel at upper and lower ends prior to final limit activation;

(c) Limit trolley travel at both ends of the jib;

(d) Stop boom luffing at lower and upper limits of boom movement;

(e) Decelerate the hoist up hook travel prior to final limit activation;

(f) Stop load block upper motion before two-blocking occurs;

(g) Stop load block downward motion to prevent the last two wraps of wire rope from spooling off the hoist drum;

(h) Limit crane travel at both ends of the runway tracks;

(i) Limit lifted load;

(j) Limit operating radius in accordance with lifted load, i.e., limit movement; and

(k) Limit pressures in hydraulic or pneumatic circuits.

(59) Load limiting devices and acceleration/deceleration limiters must be locked or sealed when provided with a method to inhibit tampering and unauthorized adjustment.

(60) Safety devices.

(a) The following safety devices are required on all tower cranes unless otherwise specified:

(i) Boom stops on luffing boom type tower cranes;

(ii) Jib stops on luffing boom type tower cranes if equipped with a jib attachment;

(iii) Travel rail end stops at both ends of travel rail;

(iv) Travel rail clamps on all travel bogies;

(v) Integrally mounted check valves on all load supporting hydraulic cylinders;

(vi) Hydraulic system pressure limiting device;

(vii) The following brakes, which must automatically set in the event of pressure loss or power failure, are required:

(A) A hoist brake on all hoists;

(B) Slewing brake;

(C) Trolley brake;

(D) Rail travel brake.

(viii) Deadman control or forced neutral return control (hand) levers;

(ix) Emergency stop switch at the operator's station;

(x) Trolley end stops must be provided at both ends of travel of the trolley.

(b) Proper operation required. Operations must not begin unless the devices listed in this subsection are in proper

working order. If a device stops working properly during operations, the operator must safely stop operations. The crane must be taken out of service, and operations must not resume until the device is again working properly. Alternative measures are not permitted to be used.

(61) Operational aids.

(a) The devices listed in this subsection (operational aids) are required on all tower cranes covered by this part, unless otherwise specified.

(b) Crane operations must not begin unless the operational aids are in proper working order, except where the employer meets the specified temporary alternative measures. More protective alternative measures specified by the tower crane manufacturer, if any, must be followed.

(c) When operational aids are inoperative or malfunctioning, the crane and/or device manufacturer's recommendations for operation or shutdown of the crane must be followed until the problems are corrected. Without such recommendations and any prohibitions from the manufacturer against further operation, the following requirements apply:

Note: If a replacement part is no longer available, the use of a substitute device that performs the same type of function is permitted and is not considered a modification under WAC 296-155-53400 (58) and (59).

(i) Recalibration or repair of the operational aid must be accomplished as soon as is reasonably possible, as determined by a qualified person.

(ii) Trolley travel limiting device. The travel of the trolley must be restricted at both ends of the jib by a trolley travel limiting device to prevent the trolley from running into the trolley end stops. Temporary alternative measures:

(A) Option A. The trolley rope must be marked (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the trolley prior to the end stops.

(B) Option B. A spotter who is in direct communication with the operator must be used when operations are conducted within ten feet of the outer or inner trolley end stops.

(iii) Boom hoist limiting device. The range of the boom must be limited at the minimum and maximum radius. Temporary alternative measures: Clearly mark the hoist rope (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the boom hoist within the minimum and maximum boom radius, or use a spotter who is in direct communication with the operator to inform the operator when this point is reached.

(iv) Anti two-blocking device. The tower crane must be equipped with a device which automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device(s) must prevent such damage at all points where two-blocking could occur. Temporary alternative measures: Clearly mark the hoist rope (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, or use a spotter who is in direct communication with the operator to inform the operator when this point is reached.

Note: This temporary alternative measure cannot be used if lifting personnel in a suspended platform.

(v) Hoist drum lower limiting device. Tower cranes manufactured after the effective date of this section must be equipped with a device that prevents the last two wraps of hoist cable from being spooled off the drum. Temporary alternative measures: Mark the hoist rope (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the hoist prior to last two wraps of hoist cable being spooled off the drum, or use a spotter who is in direct communication with the operator to inform the operator when this point is reached.

(vi) Load moment limiting device. The tower crane must have a device that prevents moment overloading. Temporary alternative measures: A radius indicating device must be used (if the tower crane is not equipped with a radius indicating device, the radius must be measured to ensure the load is within the rated capacity of the crane). In addition, the weight of the load must be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information must be provided to the operator prior to the lift.

(vii) Hoist line pull limiting device. The capacity of the hoist must be limited to prevent overloading, including each individual gear ratio if equipped with a multiple speed hoist transmission. Temporary alternative measures: The operator must ensure that the weight of the load does not exceed the capacity of the hoist (including for each individual gear ratio if equipped with a multiple speed hoist transmission).

(viii) Rail travel limiting device. The travel distance in each direction must be limited to prevent the travel bogies from running into the end stops or buffers. Temporary alternative measures: A spotter who is in direct communication with the operator must be used when operations are conducted within ten feet of either end of the travel rail end stops; the spotter must inform the operator of the distance of the travel bogies from the end stops or buffers.

(ix) Boom hoist drum positive locking device and control. The boom hoist drum must be equipped with a control that will enable the operator to positively lock the boom hoist drum from the cab. Temporary alternative measures: The device must be manually set when required if an electric, hydraulic or automatic type is not functioning.

(x) Boom angle or hook radius indicator.

(A) Luffing boom tower cranes must have a boom angle indicator readable from the operator's station.

(B) Hammerhead tower cranes manufactured after the effective date of this section must have a hook radius indicator readable from the operator's station. Temporary alternative measures: Hook radii or boom angle must be determined by measuring the hook radii or boom angle with a measuring device.

(xi) Trolley travel deceleration device. The trolley speed must be automatically reduced prior to the trolley reaching the end limit in both directions. Temporary alternative measures: The employer must post a notice in the cab of the crane notifying the operator that the trolley travel deceleration device is malfunctioning and instructing the operator to take special care to reduce the trolley speed when approaching the trolley end limits.

(xii) Boom hoist deceleration device. The boom speed must be automatically reduced prior to the boom reaching the minimum or maximum radius limit. Temporary alternative measures: The employer must post a notice in the cab of the crane notifying the operator that the boom hoist deceleration device is malfunctioning and instructing the operator to take special care to reduce the boom speed when approaching the boom maximum or minimum end limits.

(xiii) Load hoist deceleration device. The load speed must be automatically reduced prior to the hoist reaching the upper limit. Temporary alternative measures: The employer must post a notice in the cab of the crane notifying the operator that the load hoist deceleration device is malfunctioning and instructing the operator to take special care to reduce the hoist speed when approaching the upper limit.

(xiv) Wind speed indicator. A device must be provided to display the wind speed and must be mounted at or near the top of the crane structure. Temporary alternative measures: Use of wind speed information from a properly functioning indicating device on another tower crane on the same site, or a qualified person estimates the wind speed.

(xv) Load indicating device. Cranes manufactured after the effective date of this section, must have a device that displays the magnitude of the load on the hook. Displays that are part of load moment limiting devices that display the load on the hook meet this requirement. Temporary alternative measures: The weight of the load must be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information must be provided to the operator prior to the lift.

(62) Advertising signs or similar panels must not be installed on the crane or tower unless size, design, and positioning satisfy the manufacturer's recommendations, in the absence of the manufacturer's recommendations, an RPE's written approval must be obtained.

(63) For night operations, lighting must be adequate to illuminate the working areas while not interfering with the operator's vision.

(64) All welding procedures and welding operator qualifications for use in repair or alteration of load sustaining members must be in accordance with ANSI/AWS D14.3 or ANSI/AWS D1.1. Where special steels or other materials are used, the manufacturer or a qualified person must provide welding procedure instructions. The type of metal used for load sustaining members must be identified by the manufacturer. In the absence of the manufacturer an RPSE must be used.

NEW SECTION

WAC 296-155-53905 Tower cranes—Additional inspection criteria. (1) In addition to the requirements in WAC 296-155-53405, the following additional items must be included:

(a) Tower (mast) bolts and other structural bolts (for loose or dislodged condition) from the base of the tower crane up or, if the crane is tied to or braced by the structure, those above the upper-most brace support.

(b) The upper-most tie-in, braces, floor supports and floor wedges where the tower crane is supported by the structure, for loose or dislodged components.

(2) Annual. In addition to the items that must be inspected under WAC 296-155-53405(5), all turntable and tower bolts must be inspected for proper condition and torque.

NEW SECTION

WAC 296-155-53915 Tower cranes—Operations. (1) The operator must not engage in any practice that diverts their attention while actually engaged in operating the crane.

(2) The operator must do the following before leaving the crane unattended:

(a) Set down the load, rigging gear, bucket, lifting magnet, or other devices.

(b) Position trolley in accordance with the manufacturer's recommendations unless the site specific application drawing requires a different position.

(c) Leave the superstructure free to weathervane unless provisions for nonweathervaning have been specified by the manufacturer or by a qualified person.

(d) Disconnect power to operating controls or disengage the master clutch, as applicable.

(e) Place all controls in the "off" or "neutral" position.

(f) Secure the crane against accidental travel.

(g) Stop the internal combustion engine, when provided.

Exemption: If crane operation is frequently interrupted during a shift, the crane may remain running while the operator remains on the crane superstructure.

(h) Restrain the crane from travel with rail clamps, or other means provided, when a wind alarm is given or on leaving the crane overnight.

Note: Additional information relating to cranes being unattended are located in WAC 296-155-53400(52) of this part.

(3) If power fails during operation, the operator must:

(a) Set trolley, hoist, and travel brakes and locking devices, as applicable;

(b) Move all clutch or other power controls to the "off" or "neutral" position;

(c) If practical, the suspended load must be landed under brake control.

(4) Cranes must not be climbed to a new operating level nor operated when wind speeds exceed the maximum velocity recommended by the manufacturer. Where the manufacturer does not specify this information, an RPE must determine the maximum allowable wind velocity. Climbing operations are not allowed until tie-ins at the new support level as specified by a qualified person are in place.

(5) Prior to daily operation, operator aids must be checked to determine if they are working properly as required in WAC 296-155-53405 and 296-155-53905.

(6) During adverse weather conditions which reduce visibility, operations must be performed according to the manufacturer's specifications, when not available in accordance with an RPE's written instructions.

(7) The load must not be lowered below the point where less than two full wraps of rope remain on the drum.

(8) When slewing the boom (jib), trolleying a load, or traveling the crane, sudden starts and stops must be avoided. Slew and travel speeds must be such that the load does not swing out beyond the radius at which it can be controlled. A tag or restraint line must be used when swinging of the load is hazardous.

(9) Cranes must not be operated without the ballast or counterweight in place as specified by the manufacturer. Under specific conditions, such as during crane assembly or disassembly, the manufacturer's recommendations for the amount of partial ballast or counterweight must be adhered to. The maximum ballast or counterweight approved by the manufacturer or an RPE for use on a given crane must not be exceeded.

NEW SECTION

WAC 296-155-541 Self-erecting tower cranes.

NEW SECTION

WAC 296-155-54100 Self-erecting tower cranes—

General. (1) All self-erecting tower cranes in use must meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer. For modification requirements see WAC 296-155-53400 (58) and (59).

(2) In addition to the requirements in WAC 296-155-53402(6), employees must not be in or under the tower, jib, or rotating portion of the crane during erecting, climbing and dismantling operations until the crane is secured in a locked position and the competent person in charge indicates it is safe to enter this area, unless the manufacturer's instructions direct otherwise and only the necessary personnel are permitted in this area.

(3) When cranes are erected, reconfigured, or dismantled, written instructions by the manufacturer must be followed. If circumstances do not permit the normal manufacturer's written instructions from being followed, alternative written instructions from the manufacturer or an RPE must be followed.

(4) Erection, reconfiguration, and dismantling must be performed under the supervision of a qualified person.

(5) The area in which a crane is to be set up must be carefully assessed to ensure that it is suitable before the crane is taken to site and put into service. The area chosen must be of a sufficient size to enable the crane to be maneuvered into position, set up, operated and dismantled, with sufficient clearances between the crane and surrounding structures, as detailed by application drawings and in the manufacturer's operation and instruction manual.

(6) When setting up a crane, care must be taken to ensure that the crane will not contact or approach overhead hazards such as power lines, communications cables or overhead structures.

(7) The assembly/disassembly director must address backward stability before slewing self-erecting tower cranes.

(8) Crane supports for individual outrigger pads must be level to the manufacturer's specifications or those of a qualified person. Supports may be timbers, cribbing, or other

structural members to distribute the load so as not to exceed the allowable bearing capacity of the underlying material.

(9) All load bearing foundations, supports, and rail tracks must be constructed or installed to support the crane loads and to transmit them to the soil or other support medium. In addition to supporting vertical load, foundations and supports, rail supports excepted, must be designed to provide a moment resisting overturning equal to a minimum of one hundred fifty percent of the maximum crane overturning moment. This requirement may be met by means of structural anchors or ballast weights.

(10) In addition to the requirements in WAC 296-155-53400 (36) and (37), a qualified person must ensure that the underlying soil is adequate support for the crane with its maximum forces recommended by the manufacturer.

(11) Cranes required to weathervane when out-of-service must be installed with clearance for jib and superstructure to slew a full three hundred sixty degree arc unobstructed without encroaching any power line "Danger-Swing/Crush Zone." Clearances recommended by the crane manufacturer must be maintained between weathervaning cranes, fixed objects and other cranes.

(12) When the crane is out of operation and a three hundred sixty degree rotation is not provided, follow the manufacturer's or RPE's written procedures.

(13) Advertising signs or similar panels must not be installed on the crane or tower unless size, design, and positioning satisfy the manufacturer's recommendations. In the absence of the manufacturer's recommendations, an RPE's written approval must be obtained.

(14) Prior to installing a self-erecting tower crane on a building or structure the engineer of record must be consulted to verify that the host structure is capable of safely resisting the applied crane forces, if this engineer is not available an RSPE must perform this verification.

(15) When cranes are erected and after each reconfiguration, before placing the crane in service, all functional motions, motion limiting devices, brakes, and indicating devices must be tested for operation.

(a) The order in which tests of a newly erected or reconfigured crane are to be performed is as follows:

(i) Functional motion tests without load. Each test must include:

- (A) Load hoisting and lowering;
- (B) Jib elevating and lowering, or traversing the trolley;
- (C) Slew motion;
- (D) Brakes and clutches;
- (E) Operational aids and motion limiting devices;
- (F) Remote control, if provided.

(ii) Functional load tests at rated load. Each test must include:

- (A) Load hoisting and lowering;
- (B) Jib elevating and lowering, or traversing the trolley;
- (C) Slew motion;
- (D) Brakes and clutches;
- (E) Operational aids and load limiting devices;
- (F) Remote control, if provided.

(b) During the test, the crane supports must be checked.

Any observed displacement is reason to suspend testing until an evaluation is made by a qualified person.

(16) Conditions that adversely affect the crane at the time of erection, reconfiguration, or dismantling must be a limiting factor that could require suspending the operation. These conditions include but are not limited to:

- (a) Support conditions;
- (b) Wind velocity or gusting winds;
- (c) Heavy rain;
- (d) Fog;
- (e) Extreme cold or heat;
- (f) Ice;
- (g) Artificial lighting.

(17) For night operations, lighting must be adequate to illuminate the working areas while not interfering with the operator's vision.

(18) For cranes utilizing ballast, bases must include provisions to support and position the ballast. Means must be provided to guard against shifting or dislodgement during crane operation.

(19) Superstructures must be arranged to receive counterweights, made in accordance with the crane manufacturer's specifications, and to hold them in position. Means must be provided to guard against shifting or dislodgement during crane operation.

(20) Counterweights must be securely fastened in place and must be at the location and within the weight tolerance as recommended by the manufacturer.

(21) Limiting devices must be provided to:

- (a) Decelerate the trolley and hoist hook prior to activating the motion stop limit;
- (b) Limit trolley travel at both ends of the jib;
- (c) Limit jib telescoping at inner and outer position;
- (d) Stop load block upward motion before two-blocking occurs;
- (e) Stop load block downward motion to prevent the last two wraps of wire rope from spooling off the hoist drum;
- (f) Limit crane travel at both ends of the runway tracks;
- (g) Limit lifted load;
- (h) Limit operating radius in accordance with lifted load, i.e., limit moment; and
- (i) Limit pressures in hydraulic or pneumatic circuits, i.e., pressure relief valves.

(22) Load limiting devices and acceleration/deceleration limiters must be locked or sealed when provided with a method to inhibit tampering and unauthorized adjustment.

(23) All crane brakes must automatically set in event of power failure. Slew brakes must also function in this manner or be capable of being set manually.

(24) Each crane must be provided with a slewing brake capable of holding in both directions preventing the superstructure from rotating during operation and must be capable of being set in the holding position and remaining so without further action on the part of the operator.

(25) The trolley must be provided with an operating brake capable of stopping the trolley in either direction. The system must include a means for holding the trolley without further action on the part of the operator, and must engage automatically if power or pressure to the brake is lost.

(26) In addition to the operating brake, the trolley must be equipped with an automatic braking device capable of

stopping the movement of the load trolley in the event of trolley drive rope breakage, if such ropes are used.

(27) The body or frame of the trolley must be fitted with a means to restrain the trolley from becoming detached from its guide rail(s) in the event of trolley wheel or axle breakage or side loading.

(28) All electrical equipment must be properly grounded and protection must be provided against lightning per the manufacturer's recommendations or if not available, a registered professional electrical engineer.

(29) Each electrically powered crane must have an over-current protected main disconnect switch mounted at or near the initial base of the crane. This switch must have provisions for locking in the off position.

(30) Electrical equipment must be so located or guarded that live parts are not exposed to inadvertent contact by personnel and equipment under normal operating conditions.

(31) Electrical equipment must be protected from dirt, grease, oil, and moisture. Fixtures, wiring, and connections exposed to the weather must be of weather resistant type.

(32) Wiring must conform to the provisions of ANSI/NFPA 70 for temporary wiring. Motors, controls, switches, and other electrical equipment must meet the applicable requirements of ANSI/NFPA 70. Hoists, slewing, trolley, and travel controllers must conform to ISO 7752-1, 2010.

(33) Provision must be made to guard against any crane function operating in the opposite intended direction due to reversed phase connections.

(34) Electrical circuits between the fixed and rotating portions of the crane must pass through a slip ring assembly that will permit continuous rotation of the upper crane structure in either direction unless other means are provided to prevent damage to the electrical conductors.

(35) Individual overload protection must be provided for each motor.

(36) For traveling cranes, both ends of all tracks must be provided with stops or buffers adjusted for simultaneous contact with both sides of the travel base. Stops attached to rails must be mounted not less than three feet (1 m) inboard of the last rail support. Cranes must be equipped with means to prevent running into the buffers or stops while under power.

(37) An audible signal device must be provided with the control located within reach of the operator.

(38) An audible signal must automatically sound whenever the crane travels in order to warn persons in the vicinity.

(39) Bogies must be fitted with sweeps extending below the top of the rail, unless the construction of the rail foundation prohibits such extension, and placed in front of the leading wheels in either direction. Bogie wheels must be guarded.

(40) A means must be provided to limit the drop of bogie frames in case of wheel or axle breakage to a distance that will not cause the crane to overturn.

(41) A wind velocity indicating device must be mounted at or near the top of the crane. A velocity readout must be provided at the operator's station or in the cab. Temporary alternative measures: Use of wind speed information from a properly functioning indicating device on another tower crane on the same site, or a qualified person estimates the wind speed.

(42) Safety devices.

(a) The following safety devices are required on all self-erecting tower cranes unless otherwise specified:

- (i) Boom stops on luffing boom type self-erecting tower cranes;
- (ii) Jib stops on luffing boom type self-erecting tower cranes if equipped with a jib attachment;
- (iii) Travel rail end stops at both ends of travel rail;
- (iv) Travel rail clamps on all travel bogies;
- (v) Integrally mounted check valves on all load supporting hydraulic cylinders;
- (vi) Hydraulic system pressure limiting device;
- (vii) The following brakes, which must automatically set in the event of pressure loss or power failure, are required:
 - (A) A hoist brake on all hoists;
 - (B) Slewing brake;
 - (C) Trolley brake;
 - (D) Rail travel brake.
- (viii) Deadman control or forced neutral return control (hand) levers;
- (ix) Emergency stop switch at the operator's station;
- (x) Trolley end stops must be provided at both ends of travel of the trolley.

(b) Proper operation required. Operations must not begin unless the devices listed in this subsection are in proper working order. If a device stops working properly during operations, the operator must safely stop operations. The crane must be taken out of service, and operations must not resume until the device is again working properly. Alternative measures are not permitted to be used.

(43) Operational aids.

(a) The devices listed in this subsection (operational aids) are required on all self-erecting tower cranes covered by this part, unless otherwise specified.

(b) Crane operations must not begin unless the operational aids are in proper working order, except where the employer meets the specified temporary alternative measures. More protective alternative measures specified by the self-erecting tower crane manufacturer, if any, must be followed.

(c) When operational aids are inoperative or malfunctioning, the crane and/or device manufacturer's recommendations for operation or shutdown of the crane must be followed until the problems are corrected. Without such recommendations and any prohibitions from the manufacturer against further operation, the following requirements apply:

Note: If a replacement part is no longer available, the use of a substitute device that performs the same type of function is permitted and is not considered a modification under WAC 296-155-53400 (58) and (59).

(i) Recalibration or repair of the operational aid must be accomplished as soon as is reasonably possible, as determined by a qualified person.

(ii) Trolley travel limiting device. The travel of the trolley must be restricted at both ends of the jib by a trolley travel limiting device to prevent the trolley from running into the trolley end stops. Temporary alternative measures:

(A) Option A. The trolley rope must be marked (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the trolley prior to the end stops.

(B) Option B. A spotter who is in direct communication with the operator must be used when operations are conducted within ten feet of the outer or inner trolley end stops.

(iii) Boom hoist limiting device. The range of the boom must be limited at the minimum and maximum radius. Temporary alternative measures: Clearly mark the hoist rope (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the boom hoist within the minimum and maximum boom radius, or use a spotter who is in direct communication with the operator to inform the operator when this point is reached.

(iv) Anti two-blocking device. The self-erecting tower crane must be equipped with a device which automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device(s) must prevent such damage at all points where two-blocking could occur. Temporary alternative measures: Clearly mark the hoist rope (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, or use a spotter who is in direct communication with the operator to inform the operator when this point is reached.

Note: This temporary alternative measure cannot be used if lifting personnel in a suspended platform.

(v) Hoist drum lower limiting device. Self-erecting tower cranes manufactured after the effective date of this section must be equipped with a device that prevents the last two wraps of hoist cable from being spooled off the drum. Temporary alternative measures: Mark the hoist rope (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the hoist prior to last two wraps of hoist cable being spooled off the drum, or use a spotter who is in direct communication with the operator to inform the operator when this point is reached.

(vi) Load moment limiting device. The self-erecting tower crane must have a device that prevents moment overloading. Temporary alternative measures: A radius indicating device must be used (if the tower crane is not equipped with a radius indicating device, the radius must be measured to ensure the load is within the rated capacity of the crane). In addition, the weight of the load must be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information must be provided to the operator prior to the lift.

(vii) Hoist line pull limiting device. The capacity of the hoist must be limited to prevent overloading, including each individual gear ratio if equipped with a multiple speed hoist transmission. Temporary alternative measures: The operator must ensure that the weight of the load does not exceed the capacity of the hoist (including for each individual gear ratio if equipped with a multiple speed hoist transmission).

(viii) Rail travel limiting device. The travel distance in each direction must be limited to prevent the travel bogies from running into the end stops or buffers. Temporary alternative measures: A spotter who is in direct communication with the operator must be used when operations are conducted within ten feet of either end of the travel rail end stops;

the spotter must inform the operator of the distance of the travel bogies from the end stops or buffers.

(ix) Boom hoist drum positive locking device and control. The boom hoist drum must be equipped with a control that will enable the operator to positively lock the boom hoist drum from the cab. Temporary alternative measures: The device must be manually set when required if an electric, hydraulic or automatic type is not functioning.

(x) Boom angle or hook radius indicator.

(A) Luffing boom self-erecting tower cranes must have a boom angle indicator readable from the operator's station.

(B) Self-erecting hammerhead cranes manufactured after the effective date of this section must have a hook radius indicator readable from the operator's station. Temporary alternative measures: Hook radii or boom angle must be determined by measuring the hook radii or boom angle with a measuring device.

(xi) Trolley travel deceleration device. The trolley speed must be automatically reduced prior to the trolley reaching the end limit in both directions. Temporary alternative measures: The employer must post a notice in the cab of the crane notifying the operator that the trolley travel deceleration device is malfunctioning and instructing the operator to take special care to reduce the trolley speed when approaching the trolley end limits.

(xii) Boom hoist deceleration device. The boom speed must be automatically reduced prior to the boom reaching the minimum or maximum radius limit. Temporary alternative measures: The employer must post a notice in the cab of the crane notifying the operator that the boom hoist deceleration device is malfunctioning and instructing the operator to take special care to reduce the boom speed when approaching the boom maximum or minimum end limits.

(xiii) Load hoist deceleration device. The load speed must be automatically reduced prior to the hoist reaching the upper limit. Temporary alternative measures: The employer must post a notice in the cab of the crane notifying the operator that the load hoist deceleration device is malfunctioning and instructing the operator to take special care to reduce the hoist speed when approaching the upper limit.

(xiv) Wind speed indicator. A device must be provided to display the wind speed and must be mounted at or near the top of the crane structure. Temporary alternative measures: Use of wind speed information from a properly functioning indicating device on another crane on the same site, or a qualified person estimates the wind speed.

(xv) Load indicating device. Cranes manufactured after the effective date of this section, must have a device that displays the magnitude of the load on the hook. Displays that are part of load moment limiting devices that display the load on the hook meet this requirement. Temporary alternative measures: The weight of the load must be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information must be provided to the operator prior to the lift.

(44) All welding procedures and welding operator qualifications for use in repair or alteration of load sustaining members must be in accordance with ANSI/AWS D14.3 or

ANSI/AWS D1.1. Where special steels or other materials are used, the manufacturer or a qualified person must provide welding procedure instructions. The type of metal used for load sustaining members must be identified by the manufacturer. In the absence of the manufacturer an RPSE must be used.

NEW SECTION

WAC 296-155-54115 Self-erecting tower cranes—Operations. (1) The operator must not engage in any practice that diverts their attention while actually engaged in operating the crane.

(2) Before leaving the crane unattended the operator must:

(a) Set down the load, rigging gear, bucket, lifting magnet, or other devices;

(b) Land any load suspended below the hook;

(c) Put controls in the off or neutral position;

(d) Set brakes and other locking devices;

(e) Disengage the main control circuit;

(f) Stop the engine: An exception to this may exist when crane operation is frequently interrupted during a shift and the operator must leave the crane. Under these circumstances, the engine may remain running and (a) through (e) of this subsection must apply. The operator must be situated where any entry to the crane can be observed.

(g) Leave the superstructure free to weathervane unless provisions for nonweathervaning have been specified by the manufacturer or by a qualified person.

Note: Additional information relating to cranes being unattended are located in WAC 296-155-53400(52) of this part.

(3) If power fails during operation, the operator must:

(a) Set all brakes and locking devices;

(b) Move all clutch or other power controls to the "off" or "neutral" position;

(c) If practical, the suspended load must be landed under brake control, according to the manufacturer's procedures.

(4) The operator must be familiar with the crane and its proper care. If adjustments or repairs are necessary, the operator must report the condition to the competent person. The next operator must be notified of the condition.

(5) All controls must be tested by the operator at the start of a new shift, if possible. If any controls fail to operate properly, they must be adjusted or repaired before operations are initiated.

(6) Cranes must not be operated when wind speeds exceed the maximum velocity recommended by the manufacturer. Where the manufacturer does not specify this information, an RPE must determine the maximum allowable velocity.

(7) Prior to daily operation, operator aids must be checked to determine if they are working properly as required in WAC 296-155-53405(3).

(8) During adverse weather conditions which reduce visibility, operations must be performed in accordance with the manufacturer's specifications, when not available follow RPE's recommendations for reduced function speeds and with signaling means appropriate to the situation.

(9) No less than two full wraps of rope must remain on the load hoist drum(s) at any time during operation.

(10) When slewing the boom (jib), trolleying a load, or traveling the crane, sudden starts and stops must be avoided. Slew and travel speeds must be such that the load does not swing out beyond the radius at which it can be controlled. A tag or restraint line must be used when uncontrolled rotation of the load is hazardous.

(11) Cranes must not be operated without the ballast or counterweight in place as specified by the manufacturer. Under specific conditions, such as during crane assembly or disassembly, the manufacturer's recommendations for the amount of partial ballast or counterweight must be adhered to. The maximum ballast or counterweight approved by the manufacturer for use on a given crane must not be exceeded.

(12) The load must be free when lifted; it must not be caught on nor attached to other objects. Side loading of jibs must be limited to freely suspended loads. Cranes must not be used for dragging loads.

NEW SECTION

WAC 296-155-542 Overhead/bridge and gantry cranes.

NEW SECTION

WAC 296-155-54200 Overhead/bridge and gantry cranes—General. (1) Permanently installed overhead/bridge and gantry cranes which are located in a manufacturing facility or powerhouse must follow the requirements of WAC 296-24-235 (General safety and health standards), even when a construction activity is being performed. This requirement applies to overhead, bridge, gantry cranes, including semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics.

(2) Overhead and gantry cranes that are not permanently installed in a manufacturing facility or a powerhouse must follow the applicable requirements in chapter 296-155 WAC Part L.

(3) Cranes included in this section must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in:

(a) ASME B30.2-2005, Safety Standard for Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist).

(b) ASME B30.11-2010, Safety Standards for Monorails and Underhung Cranes.

(c) ASME B30.17-2006, Safety Standards for Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist).

(d) It is not the intent of this rule to require retrofitting of existing cranes. However, when an item is being modified, its performance needs to be reviewed by a qualified person and compared to the applicable sections of this rule. For modification requirements see WAC 296-155-53400 (58) and (59). For cranes manufactured prior to the effective date of this rule the design and construction criteria must meet at a minimum, ASME B30.2.0-1990.

(4) The rated load of the crane must be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist must have its rated load marked on it or its load block, and this marking must be clearly legible from the ground or floor.

(5) The crane or surrounding structure must be marked to provide operating directions that match and are visible from the crane's operating controls, i.e., north/south, east/west or forward/back, left/right.

(6) Overhead and gantry cranes with bridge trucks must be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(7) Except for floor-operated cranes, an effective warning device must be provided for each crane equipped with a power traveling mechanism.

(8) A wind-indicating device must be provided for all outdoor overhead and gantry cranes. The device must be mounted on the crane runway structure and must give a visible and audible alarm to the crane operator at a predetermined wind velocity. A single wind-indicating device may serve as an alarm for more than one crane.

(9) Electrical.

(a) Wiring and equipment must comply with Article 610 of ANSI/NFPA No. 70, National Electrical Code and chapter 296-155 WAC Part I.

(b) The control circuit voltage must not exceed 600 volts for AC or DC.

(c) The voltage at pendant pushbuttons must not exceed 150 volts for AC and 300 volts for DC.

(d) Where multiple conductor cable is used with a suspended pushbutton station, the station must be supported in a manner that will protect the electrical conductors against strain.

(e) Pendant control stations must be constructed to prevent electrical shock. The pushbutton enclosure must be at ground potential and marked for identification of functions.

(10) All welding procedures and welding operator qualifications to be used on load sustaining members must be in accordance with ANSI/AWS D1.1, except as modified by ANSI/AWS D14.1.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-330	Rigging equipment for material handling.
WAC 296-155-34901	Table F-1.
WAC 296-155-34902	Table F-2.
WAC 296-155-34903	Table F-3.
WAC 296-155-34904	Table F-4.
WAC 296-155-34905	Table F-5.
WAC 296-155-34906	Table F-6.
WAC 296-155-34907	Table F-7.
WAC 296-155-34908	Table F-8.

WAC 296-155-34909	Table F-9.
WAC 296-155-34910	Table F-10.
WAC 296-155-34911	Table F-11.
WAC 296-155-34912	Table F-12.
WAC 296-155-34913	Table F-13.
WAC 296-155-34914	Table F-14.
WAC 296-155-34915	Table F-15.
WAC 296-155-34916	Table F-16.
WAC 296-155-34917	Table F-17.
WAC 296-155-34918	Table F-18.
WAC 296-155-34919	Table F-19.
WAC 296-155-34920	Table F-20.
WAC 296-155-525	Cranes and derricks.
WAC 296-155-527	Appendix A to WAC 296-155-525.
WAC 296-155-530	Material hoists, personnel hoists, and elevators.
WAC 296-155-535	Base-mounted drum hoists.
WAC 296-155-540	Overhead hoists.
WAC 296-155-545	Conveyors.
WAC 296-155-550	Aerial cableways.
WAC 296-155-555	Gin poles.
WAC 296-155-560	Concrete bucket towers.
WAC 296-155-565	Hoisting engines.
WAC 296-155-570	Rigging—Wire rope.
WAC 296-155-59901	Table 1.
WAC 296-155-59902	Table 2.
WAC 296-155-59903	Table 3.
WAC 296-155-59904	Table 4.
WAC 296-155-59905	Table 5.
WAC 296-155-59906	Table 6.
WAC 296-155-59907	Table 7.
WAC 296-155-59908	Table 8.
WAC 296-155-59909	Table 9.
WAC 296-155-59910	Table 10.
WAC 296-155-59911	Table 11.
WAC 296-155-59912	Table 12.
WAC 296-155-59913	Table 13.
WAC 296-155-59914	Table 14.
WAC 296-155-59915	Table 15.

WAC 296-155-59916	Table 16.
WAC 296-155-59917	Table 17.
WAC 296-155-59918	Table 18.
WAC 296-155-59919	Table 19.
WAC 296-155-59920	Table 20.

NEW SECTION

WAC 296-155-54215 Overhead/bridge and gantry cranes—Operations. (1) The operator must not engage in any practice that diverts their attention while actually engaged in operating the crane.

(2) The operator must do the following before leaving a cab-operated crane or a cab-operated carrier unattended:

(a) Remove any attached load and raise the hook to the highest allowable position.

(b) Place controllers or master switches in the "off" position and deenergize the main switch (crane disconnect) of the specific crane.

Note: Additional information relating to cranes being unattended is located in WAC 296-155-53400(52) of this part.

(3) If power fails during operation, the operator must:

(a) Move all clutch or other power controls to the "off" position;

(b) Prior to reuse of the crane operating motions must be checked for proper direction.

(4) The operator must be familiar with the crane and its proper care. If adjustments or repairs are necessary, the operator must report the condition to the competent person. The next operator must be notified of the condition.

(5) The load must not be lowered below the point where less than two full wraps of wire rope remain on the drum.

(6) When two or more cranes are used to lift a load, one qualified person must be in charge of the operation. This person must analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

(7) The operator must not leave the position at the controls while the load is suspended over an area accessible to people.

(8) For cab and remote operated cranes, when the load or hook approaches near or over personnel, a warning signal must be sounded.

(9) Hoist limit switch.

(a) At the beginning of each operator's shift, the upper limit switch of each hoist must be tested under no load.

(b) The hoist limit switch which controls the upper limit of travel of the load block must never be used as an operating control.

NEW SECTION

WAC 296-155-543 Derricks.

NEW SECTION

WAC 296-155-54300 Derricks—General. (1) This section contains supplemental requirements for derricks,

whether temporarily or permanently mounted; all sections of this part apply to derricks unless specified otherwise. A derrick is powered equipment consisting of a mast or equivalent member that is held at or near the end by guys or braces, with or without a boom, and its hoisting mechanism. The mast/equivalent member and/or the load is moved by the hoisting mechanism (typically base-mounted) and operating ropes. Derricks include: A-frame, basket, breast, Chicago boom, gin pole (except gin poles used for erection of communication towers), guy, shearleg, stiffleg, and variations of such equipment.

(2) Derricks. All derricks in use must meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-2010, Safety Standard for Derricks. It is not the intent of this rule to require retrofitting of existing derricks. However, when an item is being modified, its performance needs to be reviewed by a qualified person and compared to the applicable sections of this rule. For modification requirements see WAC 296-155-53400 (58) and (59). For derricks manufactured prior to the effective date of this rule the design and construction criteria must meet at a minimum, ASME B30.6-1990.

(3) Derricks must be constructed to meet all stresses imposed on members and components when installed and operated in accordance with the manufacturer's/builder's procedures and within its rated capacity.

(4) The manufacturer's recommendations must be followed when installing, erecting, operating, maintenance and dismantling derricks. If the manufacturer's recommendations are not available, follow the requirements in ASME B30.6-2010.

(5) When derricks are erected/dismantled, written instructions by the manufacturer or qualified person and a list of the weights of each subassembly to be erected/dismantled must be at the site.

(6) Procedures must be established before beginning derrick erection/dismantling work to implement the instructions and adapt them to the particular needs of the site.

(7) A qualified person must supervise the erection and dismantling of the derrick.

(8) Derricks and their crane assembly parts/components must be inspected by an accredited certifier, prior to assembly and following erection of the derrick before placing the crane in service (see WAC 296-155-53212). Only inspected and preapproved components are allowed to be used in the assembly of a derrick.

(9) Prior to erecting a derrick on a nonstandard base/structural support, the employer must ensure that the engineering configuration of this base/structural support has been reviewed and acknowledged as acceptable by an independent registered professional structural engineer (RPSE), licensed under chapter 18.43 RCW.

(10) An RPSE must certify that the derrick foundation, structural supports and underlying soil provide adequate support for the derrick with its applied torsional and overturning moments and the horizontal and vertical forces.

(11) Derricks must be attached to bases/structural supports in compliance with the manufacturer's or an RPSE's instructions.

(12) Prior to installing a derrick that will be attached to an existing building, new construction, or structure, an RPSE must certify that the structural attachments to the building are designed to withstand the torsional and overturning moments and the horizontal and vertical forces created by the derrick to be installed.

(13) The engineer of record must be consulted to verify that the host structure is capable of safely resisting the applied derrick forces, if this engineer is not available an RPSE must perform this verification.

(14) Derrick superstructures and machine deck (counterweight jib/counter-jibs) must be arranged to receive counterweights, made in accordance with the manufacturer's specifications for the specified jib or boom length, and to hold them in position. Means must be provided to guard against shifting or dislodgement during derrick operation. Manufacturer's specified counterweight weights are not to be exceeded.

(15) For derricks utilizing ballast, bases must include provisions to support and position the ballast. Means must be provided to guard against shifting or dislodgement of ballast during derrick operation.

(16) All electrical equipment must be properly grounded and protection must be provided against lightning per the manufacturer's recommendations or if not available, a registered professional electrical engineer.

(17) Each electrically powered derrick must have a main disconnect switch at or near the initial base of the derrick. This switch must have provisions for locking in the "off" position.

(18) Electrical equipment must be so located or guarded that live parts are not exposed to inadvertent contact by personnel and equipment under normal operating conditions.

(19) Electrical equipment must be protected from dirt, grease, oil, and moisture. Fixtures, wiring, and connections exposed to the weather must be of weather resistant type.

(20) Wiring must conform to the provisions of ANSI/NFPA 70 for temporary wiring. Motors, controls, switches, and other electrical equipment must meet applicable requirements of ANSI/NFPA 70. Hoists, slewing, trolley, and travel controllers must conform to ISO 7752-1, 2010.

(21) Provisions must be made to guard against reversing of each motor due to reversed phase connections.

(22) Electrical circuits between the fixed and rotating portions of the derrick must pass through a slip ring assembly that will permit continuous rotation of the upper derrick structure in either direction, unless other means are provided to prevent damage to the electrical conductors.

(23) Individual overload protection must be provided for each motor.

(24) Employees required to perform duties on the boom/jib of derricks must be protected against falling in accordance with Part C-1 of this chapter.

(25) Advertising signs or similar panels must not be installed on the derrick unless size, design, and positioning satisfy the manufacturer's recommendations, in the absence of the manufacturer's recommendations, an RPE's written approval must be obtained.

(26) For night operations, lighting must be adequate to illuminate the working radius while not interfering with the operator's vision.

(27) All welding procedures and welding operator qualifications for use in repair or alteration of load sustaining members must be in accordance with ANSI/AWS D14.3 or ANSI/AWS D1.1. Where special steels or other materials are used, the manufacturer or a qualified person must provide welding procedure instructions. The type of metal used for load sustaining members must be identified by the manufacturer. In the absence of the manufacturer an RPSE must be used.

NEW SECTION

WAC 296-155-54305 Derricks—Construction. (1)

Guy derricks.

(a) The minimum number of guys must be six, with equal spacing, except where a qualified person or derrick manufacturer approves variations from these requirements and revises the rated capacity to compensate for such variations.

(b) Guy derricks must not be used unless the employer has the following guy information from the manufacturer or a qualified person, when not available from the manufacturer:

- (i) The number of guys.
- (ii) The spacing around the mast.
- (iii) The size, grade, and construction of rope to be used for each guy.

(c) For guy derricks manufactured after December 18, 1970, in addition to the information required in subsection (b) of this section, the employer must have the following guy information from the manufacturer or a qualified person, when not available from the manufacturer:

- (i) The amount of initial sag or tension.
- (ii) The amount of tension in guy line rope at anchor.

(d) The mast base must permit the mast to rotate freely with allowance for slight tilting of the mast caused by guy slack.

(e) The mast cap must:

- (i) Permit the mast to rotate freely.
- (ii) Withstand tilting and cramping caused by the guy loads.

(iii) Be secured to the mast to prevent disengagement during erection.

(iv) Be provided with means for attaching guy ropes.

(2) Stiffleg derricks.

(a) The mast must be supported in the vertical position by at least two stifflegs; one end of each must be connected to the top of the mast and the other end securely anchored.

(b) The stifflegs must be capable of withstanding the loads imposed at any point of operation within the load chart range.

(c) The mast base must:

- (i) Permit the mast to rotate freely (when necessary).
- (ii) Permit deflection of the mast without binding.

(d) The mast must be prevented from lifting out of its socket when the mast is in tension.

(e) The stiffleg connecting member at the top of the mast must:

- (i) Permit the mast to rotate freely (when necessary).
- (ii) Withstand the loads imposed by the action of the stifflegs.

(ii) Be secured so as to oppose separating forces.

(3) Gin pole derricks.

(a) Guy lines must be sized and spaced so as to make the gin pole stable in both boomed and vertical positions.

Exception: Where the size and/or spacing of guy lines do not result in the gin pole being stable in both boomed and vertical positions, the employer must ensure that the derrick is not used in an unstable position.

(b) The base of the gin pole must permit movement of the pole (when necessary).

(c) The gin pole must be anchored at the base against horizontal forces (when such forces are present).

(4) Chicago boom derricks. The fittings for stepping the boom and for attaching the topping lift must be arranged to:

(a) Permit the derrick to swing at all permitted operating radii and mounting heights between fittings.

(b) Accommodate attachment to the upright member of the host structure.

(c) Withstand the forces applied when configured and operated in accordance with the manufacturer's/builder's procedures and within its rated capacity.

(d) Prevent the boom or topping lift from lifting out under tensile forces.

(5) Anchoring and guying.

(a) Load anchoring data developed by the manufacturer or a registered professional engineer must be used.

(b) Guy derricks.

(i) The mast base must be anchored per the manufacturer's recommendations. In the absence of the manufacturer's recommendations an RPSE must be used.

(ii) The guys must be secured to the ground or other firm anchorage.

(iii) The anchorage and guying must be designed to withstand maximum horizontal and vertical forces encountered when operating within rated capacity with the particular guy slope and spacing specified for the application.

(c) Stiffleg derricks.

(i) The mast base and stifflegs must be anchored per the manufacturer's recommendations. In the absence of the manufacturer's recommendations an RPSE must be used.

(ii) The mast base and stifflegs must be designed to withstand maximum horizontal and vertical forces encountered when operating within rated capacity with the particular stiffleg spacing and slope specified for the application.

(d) Gin pole derricks.

(i) Side guys must be located so that they do not usurp the topping-lifted load;

(ii) Side guys must be evenly played out or in depending on their position relative to the boom foot pivot.

(6) Swingers and hoists.

(a) The boom, slewing mechanism, and hoists must be suitable for the derrick work intended and must be anchored to prevent displacement from the imposed loads.

(b) Base-mounted drum hoists. Base-mounted drum hoists must meet the requirements of ASME B30.7-2006, including the following:

(i) Load ratings must be the manufacturer's recommended single rope pull in pounds (kilograms), at a specified rate of speed, on a given size drum, and prescribed number of layers of rope.

(ii) Markings. Hoists are to be marked with the following identification for each drum:

- (A) Load rating;
- (B) Drum size consisting of barrel diameter, barrel length, and flange diameter;
- (C) Rope size(s);
- (D) Rope speed in feet per minute (meters per second);
- (E) Rated power supply.

(iii) Attachments and anchorages for hoist bases must provide mounting of the hoist and must be capable of withstanding loads imposed by the hoist under operating conditions. The weight of the hoist and loads imposed by the load ropes must be provided for.

(iv) Location of drum hoists. Drum hoists must be located in a manner that provides proper rope spooling on the drums.

NEW SECTION

WAC 296-155-54320 Derricks—Operations. (1) The operator must not engage in any practice that diverts their attention while actually engaged in operating the derrick.

(2) The operator must do the following before leaving the derrick unattended:

- (a) Set down any attached load.
- (b) Disengage clutches.
- (c) Put the handles of controls in the "off" position.
- (d) Open main switch or stop the engine.
- (e) Engage the manual locking devices in the absence of automatic holding equipment.

Note: Additional information relating to cranes being unattended is located in WAC 296-155-53400(52) of this part.

(3) If power fails during operation, the derrick hoist operator must:

(a) If practical, the suspended load must be landed under brake control, according to the manufacturer's procedures or an RPE;

- (b) Set all brakes or locking devices;
- (c) Move all clutch or other power controls to the "off" position.

(4) The operator must be familiar with the derrick and its proper care. If adjustments or repairs are necessary, the operator must report the condition to the competent person, and must also notify the next operator.

(5) The operator must test all controls at the start of a new shift. If any controls do not operate properly, they must be adjusted or repaired before operations are begun.

(6) The load must not be lowered below the point where less than two full wraps of rope remain on the drum.

(7) When slewing a derrick, sudden starts and stops must be avoided. Slewing speed must be such that the load does not swing out beyond the radius at which it can be controlled. A tag or restraint line must be used when slewing of the load is hazardous.

- (8) Use of winch heads.
 - (a) Ropes must not be handled on a winch head without the knowledge of the operator.
 - (b) While a winch head is being used, the operator must be within reach of the power unit control lever.

(9) Securing the derrick.

(a) When the boom is being held in a fixed position, dogs, pawls, or other positive holding mechanisms on the boom hoist must be engaged.

(b) When taken out of service for thirty days or more, the derrick must be secured according to the manufacturer's recommendations. In the absence of the manufacturer's recommendations an RPE must be used.

NEW SECTION

WAC 296-155-544 Additional requirements for other types of cranes/derricks.

NEW SECTION

WAC 296-155-54400 Floating cranes/derricks and land cranes/derricks on barges.

(1) This section contains supplemental requirements for floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation (i.e., vessel/flotation device). The sections of this part apply to floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation, unless specified otherwise. The requirements of this section do not apply when using jacked barges when the jacks are deployed to the river, lake, or sea bed and the barge is fully supported by the jacks.

(2) General requirements. The requirements in subsections (3) through (10) of this section apply to both floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation.

(3) Work area control.

(a) The requirements of WAC 296-155-53400(42) (work area control) apply, except for WAC 296-155-53400 (42)(b) (ii).

(b) The employer must either:

(i) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas; or

(ii) Clearly mark the hazard areas by a combination of warning signs (such as, "Danger - Swing/Crush Zone") and high visibility markings on the equipment that identify the hazard areas. In addition, the employer must train each employee to understand what these markings signify.

(4) Keeping clear of the load. WAC 296-155-53400(43) does not apply.

(5) Additional safety devices. In addition to the safety devices listed in WAC 296-155-53410, the following safety devices are required:

(a) Barge, pontoon, vessel or other means of flotation list and trim indicator. The safety device must be located in the cab or, when there is no cab, at the operator's station.

(b) Positive equipment house lock.

(c) Wind speed and direction indicator. A competent person must determine if wind is a factor that needs to be considered; if wind needs to be considered, a wind speed and direction indicator must be used.

(6) Operational aids.

(a) An anti two-block device is required only when hoisting personnel or hoisting over an occupied cofferdam or shaft.

(b) WAC 296-155-53412 (3)(h) (Load weighing and similar devices) does not apply to dragline, clamshell (grapple), magnet, drop ball, container handling, concrete bucket, and pile driving work performed under this section.

(7) Accessibility of procedures applicable to equipment operation. If the crane/derrick has a cab, the requirements of WAC 296-155-53400(6) apply. If the crane/derrick does not have a cab, the employer must ensure that:

(a) Rated capacities (load charts) are posted at the operator's station. If the operator's station is moveable (such as with pendant-controlled equipment), the load charts are posted on the equipment.

(b) Procedures applicable to the operation of the equipment (other than load charts), recommended operating speeds, special hazard warnings, instructions and operators manual, must be readily available on board the vessel/flotation device.

(8) Inspections. In addition to meeting the requirements of WAC 296-155-53405 for inspecting the crane/derrick, the barge, pontoons, vessel or other means of flotation used to support a floating crane/derrick or land crane/derrick must be inspected, to ensure that:

(a) Shift. For each shift inspection, the means used to secure/attach the equipment to the vessel/flotation device is in proper condition, including wear, corrosion, loose or missing fasteners, defective welds, and (when applicable) insufficient tension.

(b) Monthly. For each monthly inspection:

(i) The means used to secure/attach the equipment to the vessel/flotation device is in proper condition, including inspection for wear, corrosion, and (when applicable) insufficient tension.

(ii) The vessel/flotation device is not taking on water.

(iii) The deck load is properly secured.

(iv) The vessel/flotation device is watertight based on the condition of the chain lockers, storage, fuel compartments, and hatches.

(v) The firefighting and lifesaving equipment is in place and functional.

(c) The shift and monthly inspections are conducted by a competent person, and:

(i) If any deficiency is identified, an immediate determination is made by a qualified person whether the deficiency constitutes a hazard.

(ii) If the deficiency is determined to constitute a hazard, the vessel/flotation device is removed from service until the deficiency has been corrected.

(d) Annual: External vessel/flotation device inspection. For each annual inspection:

(i) The external portion of the barge, pontoons, vessel or other means of flotation used is inspected annually by a qualified person who has expertise with respect to vessels/flotation devices and that the inspection includes the following items:

(A) The items identified in this subsection.

(B) Cleats, bits, chocks, fenders, capstans, ladders, and stanchions, for significant corrosion, wear, deterioration, or deformation that could impair the function of these items.

(C) External evidence of leaks and structural damage; evidence of leaks and damage below the waterline may be

determined through internal inspection of the vessel/flotation device.

(D) Four-corner draft readings.

(E) Firefighting equipment for serviceability.

(ii) Rescue skiffs, lifelines, work vests, life preservers and ring buoys are inspected for proper condition.

(iii) If any deficiency is identified, an immediate determination is made by the qualified person whether the deficiency constitutes a hazard or, though not yet a hazard, needs to be monitored in the monthly inspections.

(A) If the qualified person determines that the deficiency constitutes a hazard, the vessel/flotation device is removed from service until it has been corrected. See requirements in WAC 296-155-53400(68).

(B) If the qualified person determines that, though not presently a hazard, the deficiency needs to be monitored, the deficiency is checked in the monthly inspections.

(e) Four-year: Internal vessel/flotation device inspection. For each four-year inspection:

(i) A marine engineer, marine architect, licensed surveyor, or other qualified person who has expertise with respect to vessels/flotation devices surveys the internal portion of the barge, pontoons, vessel, or other means of flotation.

(ii) If the surveyor identifies a deficiency, an immediate determination is made by the surveyor as to whether the deficiency constitutes a hazard or, though not yet a hazard, needs to be monitored in the monthly or annual inspections, as appropriate.

(A) If the surveyor determines that the deficiency constitutes a hazard, the vessel/flotation device is removed from service until it has been corrected.

(B) If the surveyor determines that, though not presently a hazard, the deficiency needs to be monitored, the deficiency is checked in the monthly or annual inspections, as appropriate.

(f) Documentation. The monthly and annual inspections required in (b) and (d) of this subsection are documented in accordance with WAC 296-155-53405, respectively, and that the four-year inspection required in this section is documented, except that the documentation for that inspection must be retained for a minimum of four years. All such documents must be made available, during the applicable document retention period, to all persons who conduct inspections in accordance with WAC 296-155-53405.

(9) Working with a diver. The employer must meet the following additional requirements when working with a diver in the water:

(a) If a crane/derrick is used to get a diver into and out of the water, it must not be used for any other purpose until the diver is back on board. When used for more than one diver, it must not be used for any other purpose until all divers are back on board.

(b) The operator must remain at the controls of the crane/derrick at all times.

(c) In addition to the requirements in WAC 296-155-53406 (Signals), either:

(i) A clear line of sight must be maintained between the operator and dive tender; or

(ii) The signals between the operator and dive tender must be transmitted electronically.

(d) The means used to secure the crane/derrick to the vessel/flotation device (see subsection (12)(e) of this section) must not allow any amount of shifting in any direction.

(10) Barge, pontoons, vessel or other flotation manufacturer's specifications and limitations.

(a) The employer must ensure that the barge, pontoons, vessel, or other means of flotation must be capable of withstanding imposed environmental, operational and in-transit loads when used in accordance with the manufacturer's specifications and limitations.

(b) The employer must ensure that the manufacturer's specifications and limitations with respect to environmental, operational, and in-transit loads for a barge, pontoon, vessel, or other means of flotation are not exceeded or violated.

(c) When the manufacturer's specifications and limitations are unavailable, the employer must ensure that the specifications and limitations established by a marine engineer, marine architect, licensed surveyor, or other qualified person who has expertise with respect to environmental, operational and in-transit loads for the barge, pontoons, vessel, or other means of flotation are not exceeded or violated.

(11) Floating cranes/derricks. For equipment designed by the manufacturer (or employer) for marine use by permanent attachment to barges, pontoons, vessels or other means of flotation:

(a) Load charts.

(i) The employer must not exceed the manufacturer load charts applicable to operations on water. When using these charts, the employer must comply with all parameters and limitations (such as dynamic and environmental parameters) applicable to the use of the charts.

(ii) The employer must ensure that load charts take into consideration a minimum wind speed of forty miles per hour.

(b) The employer must ensure that the requirements for maximum allowable list and maximum allowable trim as specified in Table 6 of this section are met.

Table 6

Equipment designed for marine use by permanent attachment (other than derricks):		
Rated Capacity	Maximum Allowable List	Maximum Allowable Trim
25 tons or less	5 degrees	5 degrees
Over 25 tons	7 degrees	7 degrees
Derricks designed for marine use by permanent attachment:		
Any rated capacity	10 degrees	10 degrees

(c) The employer must ensure that the equipment is stable under the conditions specified in Tables 7 and 8 of this section. (Note: Freeboard is the vertical distance between the water line and the main deck of the vessel.)

Table 7

Operated at	Wind speed	Minimum freeboard
Rated capacity	60 mph	2 ft
Rated capacity plus 25%	60 mph	2 ft
High boom, no load	60 mph	2 ft

Table 8

For backward stability of the boom:	
Operated at	Wind speed
High boom, no load, full back list (least stable condition)	90 mph

(d) If the equipment is employer-made, it must not be used unless the employer has documents demonstrating that the load charts and applicable parameters for use meet the requirements of (a) through (c) of this subsection. Such documents must be signed by a registered professional engineer who is a qualified person with respect to the design of this type of equipment (including the means of flotation).

(e) The employer must ensure that the barge, pontoons, vessel or other means of flotation used:

(i) Are structurally sufficient to withstand the static and dynamic loads of the crane/derrick when operating at the crane/derrick's maximum rated capacity with all planned and actual deck loads and ballasted compartments.

(ii) Have a subdivided hull with one or more longitudinal watertight bulkheads for reducing the free-surface effect.

(iii) Have access to void compartments to allow for inspection and pumping.

(12) Land cranes/derricks. For land cranes/derricks used on barges, pontoons, vessels or other means of flotation, the employer must ensure that:

(a) The rated capacity of the equipment (including, but not limited to, modification of load charts) applicable for use on land is reduced to:

(i) Account for increased loading from list, trim, wave action, and wind.

(ii) Be applicable to a specified location(s) on the specific barge, pontoons, vessel or other means of flotation that will be used, under the environmental conditions expected and encountered.

(iii) The conditions required in (c) and (d) of this subsection are met.

(b) The rated capacity modification required in (a) of this subsection is performed by the equipment manufacturer, or a qualified person who has expertise with respect to both land crane/derrick capacity and the stability of vessels/flotation devices.

(c) For list and trim.

(i) The maximum allowable list and the maximum allowable trim for the barge, pontoon, vessel or other means of flotation must not exceed the amount necessary to ensure that the conditions in (d) of this subsection are met. In addition,

the maximum allowable list and the maximum allowable trim does not exceed the least of the following: Five degrees, the amount specified by the crane/derrick manufacturer, or, when, an amount is not so specified, the amount specified by the qualified person.

(ii) The maximum allowable list and the maximum allowable trim for the land crane/derrick does not exceed the amount specified by the crane/derrick manufacturer, or, when, an amount is not so specified, the amount specified by the qualified person.

(d) For the following conditions:

(i) All deck surfaces of the barge, pontoons, vessel or other means of flotation used are above water.

(ii) The entire bottom area of the barge, pontoons, vessel or other means of flotation used is submerged.

(e) Physical attachment, corraling, rails system and centerline cable system meet the requirements in Option (1), Option (2), Option (3), or Option (4) of this section, and that whichever option is used also meets the requirements of (e)(v) of this subsection.

(i) Option (1) - Physical attachment. The crane/derrick is physically attached to the barge, pontoons, vessel or other means of flotation. Methods of physical attachment include crossed-cable systems attached to the crane/derrick and vessel/flotation device, bolting or welding the crane/derrick to the vessel/flotation device, strapping the crane/derrick to the vessel/flotation device with chains, or other methods of physical attachment.

(ii) Option (2) - Corraling. The crane/derrick is prevented from shifting by installing barricade restraints (i.e., a corraling system). Employers must ensure that corraling systems do not allow the equipment to shift by any amount of shifting in any direction.

(iii) Option (3) - Rails. The crane/derrick must be prevented from shifting by being mounted on a rail system. Employers must ensure that rail clamps and rail stops are used unless the system is designed to prevent movement during operation by other means.

(iv) Option (4) - Centerline cable system. The crane/derrick is prevented from shifting by being mounted to a wire rope system. The employer must ensure that the wire rope system meets the following requirements:

(A) The wire rope and attachments are of sufficient size and strength to support the side load of crane/derrick.

(B) The wire rope is attached physically to the vessel/flotation device.

(C) The wire rope is attached to the crane/derrick by appropriate attachment methods (such as shackles or sheaves) on the undercarriage, and that the method used will allow the crew to secure the crane/derrick from movement during operation and to move the crane/derrick longitudinally along the vessel/flotation device for repositioning.

(D) Means are installed to prevent the crane/derrick from passing the forward or aft end of the wire rope attachments.

(E) The crane/derrick is secured from movement during operation.

(v) The systems/means used to comply with Option (1), Option (2), Option (3), or Option (4) of this section are designed by a marine engineer, registered professional engi-

neer familiar with floating crane/derrick design, or qualified person familiar with floating crane/derrick design.

(f) Exception. For mobile auxiliary cranes used on the deck of a floating crane/derrick, the requirement specified by (e) of this subsection to use Option (1), Option (2), Option (3), or Option (4) does not apply when the employer demonstrates implementation of a plan and procedures that meet the following requirements:

(i) A marine engineer or registered professional engineer familiar with floating crane/derrick design develops and signs a written plan for the use of the mobile auxiliary crane.

(ii) The plan is designed so that the applicable requirements of this section are met despite the position, travel, operation, and lack of physical attachment (or corraling, use of rails or cable system) of the mobile auxiliary crane.

(iii) The plan specifies the areas of the deck where the mobile auxiliary crane is permitted to be positioned, travel, and operate, and the parameters and limitations of such movements and operation.

(iv) The deck is marked to identify the permitted areas for positioning, travel, and operation.

(v) The plan specifies the dynamic and environmental conditions that must be present for use of the plan.

(vi) If the dynamic and environmental conditions in (f)(v) of this subsection are exceeded, the mobile auxiliary crane is attached physically or corralled in accordance with Option (1), Option (2) or Option (4) of (e) of this subsection.

(g) The barge, pontoons, vessel or other means of flotation used:

(i) Are structurally sufficient to withstand the static and dynamic loads of the crane/derrick when operating at the crane/derrick's maximum rated capacity with all anticipated deck loads and ballasted compartments.

(ii) Have a subdivided hull with one or more longitudinal watertight bulkheads for reducing the free surface effect.

(iii) Have access to void compartments to allow for inspection and pumping.

NEW SECTION

WAC 296-155-54405 Dedicated pile drivers. (1) The provisions of Part L of this chapter apply to dedicated pile drivers, except as specified in this section.

(2) WAC 296-155-53412 (3)(d) (Anti two-blocking device) does not apply.

(3) WAC 296-155-53412 (3)(h) (Load weighing and similar devices) applies only to dedicated pile drivers manufactured after the effective date of this section.

NEW SECTION

WAC 296-155-54410 Sideboom cranes. (1) The provisions of this standard apply, except WAC 296-155-53400(34) (Ground conditions), WAC 296-155-53410 (Safety devices), WAC 296-155-53412 (Operational aids), WAC 296-155-52900 through 296-155-53214 (crane certifier accreditation and crane certification) and WAC 296-155-53300 (Operator qualifications and certification).

(2) Sideboom cranes manufactured prior to the effective date of this section must meet the requirements of SAE J743a-1964. Sideboom cranes mounted on wheel or crawler

tractors manufactured after the effective date of this section must meet the requirements of ASME B30.14-2010.

NEW SECTION

WAC 296-155-547 Personnel lifting platforms (attached and suspended)—Scope. (1) This rule applies to the lifting, lowering, and transporting of personnel using personnel platforms connected to cranes or derricks that are designed under ASME B30 series. Personnel platforms can be suspended from the crane or derrick by wire rope, or attached to the boom of the crane or derrick. Using articulating boom cranes with suspended platforms is not allowed. The use of attached work platforms to the articulating boom crane must be approved by the crane manufacturer. Cranes and derricks are designed and intended for material handling, and are not required to meet the same design standards as manlifts, aerial lifts, bucket trucks, and other conventional personnel-lifting equipment. The lifting or lowering of personnel using material handling cranes and derricks is prohibited unless all of the applicable requirements of WAC 296-155-547 through 296-155-55405 are met. Digger derricks must follow the requirements in ANSI/ASSE A10.31-2006 when hoisting personnel. Machines that are designed to both ASME B30 series and ANSI/SIA A92.2, Vehicle Mounted Elevating and Rotating Aerial Devices must follow the requirements in ANSI/SIA A92.2-2009 when hoisting personnel.

(2) The use of cranes or derricks to hoist employees is prohibited except where the employer demonstrates that the erection, use, and dismantling of conventional means of reaching the work area, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform, or scaffold, would be more hazardous, or is not possible because of the project's structural design or worksite conditions.

NEW SECTION

WAC 296-155-548 Design and installation requirements for personnel lifting systems.

NEW SECTION

WAC 296-155-54800 Design of platforms and suspension systems. (1) Employers that manufacture personnel platforms and/or their suspension systems must be designed, constructed and tested according to ASME B30.23-2005, Personnel Lifting Systems. The design and manufacturer's specifications must be made by a registered professional engineer. Personnel platforms manufactured prior to the effective of this section must comply with ASME B30.23-1998.

(2) Only the crane/derrick manufacturer may approve the design and installation procedures for platform mounting attachment points on lattice type boom cranes and lattice type boom extensions. The design and installation procedures, for platform mounting attachment points on other types of cranes/derricks must be approved by their manufacturer or an RPE. All approvals must be in writing.

(3) Platform mounting attachments on the crane/derrick must be designed to protect against disengagement during lifting operation.

(4) The system used to connect the personnel platform to the equipment must allow the platform to remain within ten degrees of level, regardless of boom angle.

(5) The suspension system must be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(6) The personnel platform itself (excluding the guard-rail system and personal fall arrest system anchorages), must be capable of supporting, without failure, its own weight and at least five times the maximum intended load.

(7) The personnel platform must be equipped with a guardrail system which meets the requirements of Part K of this chapter, and must be enclosed at least from the toeboard to mid-rail with either solid construction material or expanded metal having openings no greater than one-half inch (1.27 cm). Points to which personal fall arrest systems are attached must meet the anchorage requirements in Part K of this chapter.

(8) A grab rail must be installed inside the entire perimeter of the personnel platform except for access gates/doors.

(9) Access gates/doors. If installed, access gates/doors of all types (including swinging, sliding, folding, or other types) must:

(a) Not swing outward. If due to the size of the personnel platform, such as a one-person platform, it is infeasible for the door to swing inward and allow safe entry for the platform occupant, then the access gate/door may swing outward.

(b) Be equipped with a device that prevents accidental opening.

(10) Headroom must be sufficient to allow employees to stand upright in the platform.

(11) In addition to the use of hard hats, employees must be protected by overhead protection on the personnel platform when employees are exposed to falling objects. The platform overhead protection must not obscure the view of the operator or platform occupants (such as wire mesh that has up to one-half inch openings), unless full protection is necessary.

(12) All edges exposed to employee contact must be smooth enough to prevent injury.

(13) An identification plate must be located on the platform. The location must protect against damage and allow easy viewing from both interior (while hoisted) and exterior (while not hoisted) of the platform.

(14) The inspection plate must display the following information:

(a) Manufacturer's name and address;

(b) Platform rating in terms of weight and personnel;

(c) Platform identification number;

(d) Suspension system description for suspended platforms, or the intended crane/derrick manufacturer and model for boom attached platforms;

(e) Weight of the empty platform and its suspension system;

(f) Date the platform was manufactured;

(g) Certification of compliance to the design, construction, and testing requirements of ASME B30.23-2005, Personnel Lifting Systems;

(h) Listing of any unique operational environments for which the platform has been designed.

(15) For suspended platforms, the suspension system must be sized by the platform manufacturer, and its installed sling angle established, so as not to cause damage to the platform. Suspension systems must comply with the following:

(a) Hooks and other detachable devices.

(i) Hooks used in the connection between the hoist line and the personnel platform (including hooks on overhaul ball assemblies, lower load blocks, bridle legs, or other attachment assemblies or components) must be:

(A) Of a type that can be closed and locked, eliminating the throat opening.

(B) Closed and locked when attached.

(ii) Shackles used in place of hooks must be of the alloy anchor type, with either:

(A) A bolt, nut and retaining pin, in place; or

(B) Of the screw type, with the screw pin secured from accidental removal.

(iii) Where other detachable devices are used, they must be of the type that can be closed and locked to the same extent as the devices addressed in subsection (a) of this section. Such devices must be closed and locked when attached.

(b) When a rope bridle is used to suspend the personnel platform, each bridle leg must be connected to a master link or shackle (see (a) of this subsection) in a manner that ensures that the load is evenly divided among the bridle legs.

(c) Eyes in wire rope slings shall be fabricated with thimbles.

(d) Wire rope sling suspension systems with pored socket end connections, if used, must be designed in accordance with the manufacturer's or qualified person's application instructions.

(e) All sling suspension systems must utilize a master link for attachment to the crane/derrick hook or bolt type shackle with cotter pin.

(f) Synthetic webbing or natural or synthetic fiber rope slings must not be used for suspension systems.

(g) Suspension system legs must be designed and sized according to ASME B30.23-2005.

(h) Wire rope sling suspension systems must have each leg of the system permanently marked with the rated load of the leg. The master link in the system must be permanently marked with the suspension system's rated load and identification as a personnel lifting platform suspension component.

(i) Rigging hardware (including wire rope, shackles, rings, master links, and other rigging hardware) and hooks must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. A sling made from rotation resistant rope is prohibited.

(j) Bridles and associated rigging for suspending the personnel platform must be used only for the platform and the necessary employees, their tools and materials necessary to do their work, and must not be used for any other purpose when not hoisting personnel.

(16) Overhead protection, when provided for a platform, must allow for a clear view of the crane/derrick components directly overhead, from any position in the platform. Any openings designed in the overhead protection must not allow a sphere of greater than 0.5 in (13 mm) to pass through.

(17) All welding of the personnel platform and its components must be performed by a certified welder familiar with the weld grades, types and material specified in the platform design.

(18) Bolted connections of load sustaining members or components of the platform must be in accordance with the AISC Specification for Structural Joints Using ASTM A 325 or A 490 Bolts.

(19) The incorporation of a weatherproof compartment suitable for storage of the operator's manual and assorted other documents, or a weatherproof placard displaying the operator's manual, and readable from the platform, when motion controls that are operational from the platform are installed must be provided.

(20) Motion controls, if installed on the platform, must:

(a) Be clearly identified as to their function;

(b) Be protected from inadvertent actuation;

(c) Be inside the platform and readily accessible to the operator;

(d) When possible be oriented and move in the approximate direction of the function that they control;

(e) Return to their neutral position and stop all motion when released.

(21) Boom motion controls, if provided, must additionally:

(a) Include a control that must be continuously activated for controls to be operational;

(b) Include an emergency stop control that does not require continuous actuation for a stop condition;

(c) Have motion controls, accessible at ground level, that can override platform controls.

NEW SECTION

WAC 296-155-549 Personnel lifting hoisting equipment.

NEW SECTION

WAC 296-155-54900 Crane or derrick requirements for personnel lifting. (1) Cranes and derricks must meet the requirements in this part and the applicable crane/derrick ASME B30 volume in addition to the following requirements in this section.

(2) The following cranes/derricks must **not** be used to lift personnel:

(a) Articulating boom cranes, unless approved by the manufacturer;

(b) Cranes or derricks with pendant supported, jib type boom extensions without positive stops.

(3) The crane or derrick being used to hoist the personnel platform must meet the following requirements:

(a) Live boom or live load capabilities allowing free fall are removed for the period of personnel lifting;

(b) An operational anti two-block device or upper travel limit switch is installed on the hoisting systems;

(c) On cranes and derricks with variable angle booms there is a boom angle indicator that is clearly visible to the operator;

(d) Equipped with a boom hoist limiting device;

(e) Cranes with a luffing jib must be equipped with:

(i) A jib angle indicator, readily visible to the operator.

(ii) A jib hoist limiting device.

(f) Cranes with telescoping booms must have a boom length indicator, readable from the operator's station;

(g) Articulating cranes must be equipped with a properly functioning automatic overload protection device. Using articulating boom cranes with suspended platforms is **not** allowed. The use of attached work platforms to the articulating boom crane must be approved by the crane manufacturer;

(h) Has automatic brakes on the crane/derrick, so motions stop when the operating controls are released;

(i) Has a holding device, such as a load hold check valve, that will prevent uncontrolled movement of the crane/derrick if a system fails, on hydraulic or pneumatic systems;

(j) Has a way to prevent hydraulic or pneumatic outriggers or stabilizers, if these are a part of the crane/derrick, from retracting if the hydraulic or pneumatic line fails;

(k) The load line hoist drum must have a system, other than the load line hoist brake, which regulates the lowering rate of speed of the hoist mechanism. This system or device must be used when hoisting personnel;

(l) Proper operation required. Personnel hoisting operations must not begin unless the devices listed in this section are in proper working order. If a device stops working properly during such operations, the operator must safely stop operations. Personnel hoisting operations must not resume until the device is again working properly. Alternative measures are not permitted.

(4) Direct attachment of a personnel platform to a luffing jib is prohibited.

(5) The base of the crane must be level in accordance with manufacturer's recommendations and in no case greater than one percent of level. The crane must be located on firm footing and a qualified person must determine that the footing is sufficiently firm and stable. Outriggers or stabilizers must be extended, blocked and locked according to manufacturer's recommendations, if the crane is equipped with them, the amount of the extension must be the same for all outriggers or stabilizers.

(6) The total weight of the lifted load, including rigging, platform, personnel, tools, and material must not exceed fifty percent of the crane's rated capacity for the radius and configuration, under the planned conditions of operations (except during testing as outlined in WAC 296-155-551).

(7) When the occupied personnel platform is in a stationary working position, the load and boom hoist brakes, swing brakes, and operator actuated secondary braking and locking features (such as pawls or dogs) or automatic secondary brakes must be engaged.

(8) The area must be inspected where the crane/derrick will be set up and look for:

(a) Overhead obstructions;

(b) Electrical lines;

(c) Hazardous locations;

(d) Inadequate surface area;

(e) Inadequate support to withstand all force imposed, wind, weather, and unstable conditions; and

(f) Other potentially hazardous conditions.

(9) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies must be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used.

NEW SECTION

WAC 296-155-551 Inspections, maintenance and testing.

NEW SECTION

WAC 296-155-55100 Inspections on cranes and personnel platforms. (1) A qualified person must inspect personnel platforms before use and at each new job site to make sure the requirements of WAC 296-155-548 through 296-155-55305 are met.

(2) A qualified person must inspect all items in Table 9 at least once each day, before use.

(3) Any hazardous conditions must be corrected before using the platform.

(4) As applicable, perform a frequent inspection on the crane/derrick in accordance with WAC 296-155-53405.

(5) Dated inspection records for the crane and the personnel platform must be made and kept on file for the duration of the personnel lift operation.

**Table 9
Inspection Checklist for Personnel Lifting Platforms**

Items to check	How Often
Markings (all information legible) <ul style="list-style-type: none"> • Platform • Suspension system 	Once each day, before use.
Structure <ul style="list-style-type: none"> • Load supporting welds/bolts • Load supporting members • Barrier from toe board to intermediate rail • Hand rail • Fall protection device anchorage points • Gate locking mechanisms • Platform flooring • Suspension attachment points 	
Attachment mechanisms <ul style="list-style-type: none"> • Pins/ears/bolt-ups/eyes • Wire rope/chain/rigid leg • Master links 	
Special purpose items (overhead protection, flotation, platform controls)	

(6) The platform must not be used until safety deficiencies identified during the inspection have been evaluated, corrected, and approved by a qualified person.

NEW SECTION

WAC 296-155-55105 Adjustments and repairs on personnel platforms. (1) Any adjustments or repairs to the platform must be done by a qualified person.

(2) Adjustments or repairs to the suspension system must be done by a qualified person.

(3) Replacement parts and repairs must be equal to or exceed the original equipment specifications.

(4) The manufacturer or a qualified person must approve any modifications, in writing, before they are made.

(5) Records of any repairs to the structural components of the platform must be maintained and kept.

(6) All welding of the personnel platform and its components must be performed by a certified welder familiar with the weld grades, types and material specified in the platform design.

NEW SECTION

WAC 296-155-55110 Proof load test platforms and rigging. (1) The platform and rigging must be proof load tested at each new location before lifting personnel. This may be done at the same time as the trial lift.

(a) Test as follows:

(i) Test to one hundred twenty-five percent of the platform's rated capacity.

(ii) The platform must be hoisted, then lowered, and held in a suspended position for a minimum of five minutes with the test load evenly distributed on the platform.

(b) Do the following after proof load testing:

(i) A qualified person must inspect the platform and rigging to determine if the test has passed.

(ii) Any deficiencies that pose a safety hazard must be corrected prior to lifting personnel.

(iii) Another test must be performed after any deficiencies are corrected.

(c) Keep the most recent proof load testing records available at the job site.

(d) Personnel hoisting must not be conducted until a qualified person determines that the platform and rigging has successfully passed the proof load test.

(2) The platform and rigging must be proof load tested after any structural repair or modification, before lifting personnel.

(a) Test suspended platforms in the following order:

(i) Test to one hundred fifty percent of the platform's rated capacity;

(ii) The loaded platform must be raised, then lower it at a speed of at least one hundred ft/min;

(iii) Bring the platform to a stop by using the crane/derrick brakes;

(iv) The platform must hang for at least five minutes;

(v) A qualified person must inspect the platform and rigging;

(vi) Any deficiencies must be corrected;

(vii) Another test must be performed after any deficiencies are corrected.

(b) Test attached platforms in the following order:

(i) Test to one hundred twenty-five percent of the platform's rated capacity;

(ii) Hold the platform suspended for five minutes with the test load evenly distributed on the platform;

(iii) A qualified person must inspect the platform and rigging;

(iv) Any deficiencies must be corrected;

(v) Another test must be performed after any deficiencies are corrected.

(c) The most recent proof load testing records must be kept and available at the job site.

NEW SECTION

WAC 296-155-55115 Trial lift. (1) A trial lift must be performed with the personnel platform, on each shift before lifting personnel, to check the following:

(a) Crane/derrick setup and configuration is correct;

(b) Load capacities are adequate;

(c) No hazardous interferences exist;

(d) The operator's operational competence.

(2) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lift-weight must be made from ground level, or any other location where employees will enter the platform, to each location at which the platform is to be hoisted and positioned. Where there is more than one location to be reached from a single set-up position, either individual trial lifts for each location, or a single trial lift, in which the platform is moved sequentially to each location, must be performed; the method selected must be the same as the method that will be used to hoist the personnel.

(3) The trial lift must be repeated before lifting personnel whenever:

(a) The crane or derrick is moved and set up in a different location or returned to a previously used location;

(b) The crane or derrick is reconfigured;

(c) The operator is changed;

(d) The lift route has changed, unless the competent person determines that the new route presents no new factors affecting safety.

(4) A competent person must determine that:

(a) Safety devices and operational aids required by this section are activated and functioning properly. Other safety devices and operational aids must meet the requirements of WAC 296-155-53410 and 296-155-53412.

(b) Nothing interferes with the crane/derrick or the personnel platform in the course of the trial lift.

(c) The lift will not exceed fifty percent of the crane/derrick's rated capacity at any time during the lift.

(d) The load radius to be used during the lift has been accurately determined.

(5) Immediately after the trial lift, a competent person must:

(a) Conduct a visual inspection of the crane/derrick, base support or ground, and personnel platform, to determine whether the trial lift has exposed any defect or problem or produced any adverse effect.

(b) Confirm that, upon the completion of the trial lift process, the test weight has been removed.

(6) Immediately prior to each lift:

(a) The platform must be hoisted a few inches and inspected by a competent person to ensure that it is secure and properly balanced.

(b) The following conditions must be determined by a competent person to exist before the lift of personnel proceeds:

(i) Hoist ropes must be free of deficiencies in accordance with WAC 296-155-53404.

(ii) Multiple part lines must not be twisted around each other.

(iii) The primary attachment must be centered over the platform.

(iv) If the load rope is slack, the hoisting system must be inspected to ensure that all ropes are properly seated on drums and in sheaves.

(7) Any condition found during the trial lift and subsequent inspection(s) that fails to meet a requirement of this standard or otherwise creates a safety hazard must be corrected before hoisting personnel.

NEW SECTION

WAC 296-155-552 Employer responsibilities.

NEW SECTION

WAC 296-155-55200 Employer responsibilities for lifting personnel. (1) The employer must require that the provisions of this part are understood and applied at the operational levels and that the appropriate portions of this part are included in the prelift briefing information.

(2) The employer must:

(a) Assign an employee to function as the lift supervisor, see WAC 296-155-55205;

(b) Prepare a personnel lift plan containing at least the information shown in WAC 296-155-56410. This plan must be retained as part of the job site records;

(c) Verify the need for a personnel lift;

(d) Verify the crane/derrick to be used for the personnel lift;

(e) Authorize the personnel lift operation;

(f) Require the personnel lift be accomplished in accordance with the provisions of this part;

(g) Hold the prelift meeting prior to the trial lift at each new work location;

(h) Verify qualified persons are assigned to perform the functions of the personnel lift supervisor, operator, signal persons, riggers and tagline handlers, as applicable;

(i) Accomplish other tasks that may be needed to enhance the safety of the personnel lift;

(j) Require that all personnel associated with the lift receive the briefings and safety indoctrinations specified in this part. This prelift meeting must be attended by the crane/derrick operator, signal person (if used for the lift), employees to be hoisted, personnel lift supervisor and the person responsible for the task to be performed.

(3) The prelift meeting must cover, as a minimum:

(a) The requirements of the applicable portions of Part L in this chapter;

(b) Assignment and responsibilities of each person involved in the lift operation;

(c) The procedures to be followed;

(d) Guidance on general and specific safety precautions;

(e) Special signals for the operation;

(f) Unique considerations of the lift;

(g) Work to be accomplished during lift;

(h) If applicable, the responsibilities and assignments when lifting personnel near electrical power lines.

(4) If individuals are changed during a series of personnel lifts, each new person must be appropriately briefed by the employer.

(5) The employer must not allow or require any operator to lift personnel under the following conditions:

(a) The operator does not feel physically or mentally fit to perform the operation;

(b) The operator has been working for more than ten hours prior to the start of the lift, or the lift will not be completed before the operator has been working for twelve hours;

(c) The operator did not have at least eight hours off, immediately prior to the work shift containing the personnel lift operation.

(6) The employer must verify there are no less hazardous alternatives to performing the work or providing access to the area. The personnel lift must not be authorized when less hazardous means are feasible.

(7) The employer can only authorize personnel lifting over, under, or in the vicinity of power lines in accordance with the requirements of Figures 9, 10 and 11 and Table 10 in WAC 296-155-55305.

NEW SECTION

WAC 296-155-55205 Responsibilities of the personnel lift supervisor. (1) The personnel lift supervisor must:

(a) Supervise the personnel lift operation;

(b) Verify all crane/derrick and platform inspections have been accomplished as outlined in this part;

(c) Inspect the area for potential hazards, any hazards found during this inspection must be reported to the employer prior to performing the personnel lift. This inspection must include, but not limited to:

(i) Excessive load and/or radius;

(ii) Overhead obstructions and electrical transmission lines;

(iii) Hazardous locations;

(iv) Inadequate surface and support to withstand all forces imposed;

(v) Wind, weather, and unstable conditions;

(vi) Any potentially hazardous conditions.

(d) Verify the base of the crane is level in accordance with manufacturer's recommendations and in no case greater than one percent of level;

(e) For crane/derrick with a boom-attached platform, verify that the platform is attached as specified by the platform manufacturer and crane/derrick manufacturer or qualified person;

(f) Not allow the total weight of the lifted load, including rigging, platform, personnel, tools, and material, to exceed fifty percent of the crane/derrick's rated load, under the planned conditions of operation (except during testing as outlined in WAC 296-155-55115).

(g) Not allow the platform's rating or the crane's/derrick's reduced rated load to be exceeded when loads are transferred to the hoisted platform.

(h) Verify a trial lift has been performed as outlined in WAC 296-155-55115.

(i) Verify that during the trial lift, the platform is loaded to at least the weight expected during the actual lift.

(j) Not allow the crane/derrick to travel with personnel in the personnel platform except when the crane/derrick runs on fixed rails or runways.

(k) Verify the platform is securely attached to the crane or derrick.

(l) Verify the load line is not attached to or wrapped around the platform.

(m) Verify boom-attached personnel platforms are attached according to manufacturer's specifications or a qualified person.

(n) Keep people from passing under the raised platform.

(o) Ensure there are no more people on the platform than are needed to do the job.

(2) The personnel lift supervisor must ensure the crane/derrick and platform manufacturer's information is consulted for specific instruction on the crane/derrick operation. The crane/derrick and platform operation instructions in this part are intended as minimum criteria.

(3) The personnel lift supervisor must ensure there are an appropriate number of signal persons, ground crew, and platform occupants to perform the personnel lift safely. In suspended and boom-attached platforms without boom motion controls, one occupant must be designated as the platform signal person. This person must be responsible for communicating with the operator and/or other designated signal persons.

NEW SECTION

WAC 296-155-55210 Crane or derrick operation requirements for personnel lifting. (1) Before lifting personnel the following must be met:

(a) Operate crane/derrick with outriggers or stabilizers extended, blocked, and locked in accordance with the manufacturers' specifications;

(b) For crane/derrick that uses wire rope to hoist a personnel platform, verify that the crane/derrick has an anti two-block device or upper travel limit switch, installed and operational;

(c) Position the personnel platform so that it may be tied off to the structure to which the occupants are entering or leaving, if the platform cannot be landed during the entrance or exit of the occupants. If the platform has been tied off, the operator must not move the platform until it is verified that it is freely suspended;

(d) Not knowingly allow the platform load to exceed the platform rating, except during proof testing;

(e) Not travel the crane/derrick with personnel in the personnel platform except when they run on fixed rails or runways;

(f) Perform all movements of the platform or crane/derrick in a slow, controlled manner to minimize sudden movement of the platform;

(g) Engage the power-controlled lowering mechanism at all times the platform is occupied (no freefall);

(h) In the case of suspended or boom-mounted platforms, without controls, the operator must remain at the crane/derrick controls at all times when the platform is occupied;

(i) Reserved;

(j) Platforms with controls. Where the platform is equipped with controls, all of the following must be met at all times while the platform is occupied:

(i) The occupant using the controls in the platform must be a qualified person with respect to their use, including the safe limitations of the crane/derrick and hazards associated with its operation. See WAC 296-155-53300, Operator qualifications and certification.

(ii) The crane/derrick operator must be at a set of crane controls that include boom and swing functions of the crane, or on-site and in view of the crane/derrick and platform.

(iii) The platform operating manual must be in the platform or on the crane/derrick.

Note: If lowering, retracting, and rotating primary power source becomes inoperative, the crane/derrick operator is allowed to leave the controls.

(k) Set all brakes and locks on the crane/derrick after positioning of the personnel platform and before personnel perform any work;

(l) Move the platform under controlled conditions and under the direction of a qualified signal person or platform occupant(s);

(m) Not move platforms over, under, or in the vicinity of power lines unless the requirements of WAC 296-155-55305 are met;

(n) Not lift any other loads, on any other load lines, while conducting a personnel lift. When the crane/derrick has a boom-attached platform without controls, it must not be used for other lifting service;

(o) Factory-produced boom-mounted personnel platforms that incorporate a winch as original equipment: Loads are permitted to be hoisted by such a winch while employees occupy the personnel platform only where the load on the winch line does not exceed five hundred pounds and does not exceed the rated capacity of the winch and platform, and does not exceed fifty percent of the crane's rated capacity at the radius and configuration used;

(p) Not disable, or allow to be disabled, any crane/derrick safety device during a personnel lift;

(q) Hoist the platform at a speed suitable for the safety of the operation but in no case in excess of ninety feet/minute (30 m/minute) or 1.5 feet/second (0.5 m/second).

(2) The operator must not move the platform without a discernible or audible signal from a signal person.

NEW SECTION

WAC 296-155-553 Lifting personnel. Lifting personnel on platforms with cranes or derricks must only be done if it is the only possible way to accomplish the work that needs to be done. See WAC 296-155-547.

NEW SECTION**WAC 296-155-55300 Personnel lifting requirements.**

(1) Conditions must provide clear visibility. When conditions such as darkness, fog, or snow prevent clear visibility, a personnel lift must not be performed.

(2) Personnel platforms cannot be used in winds in excess of twenty mph (32.2 km/hr) or in electric storms, snow, ice, sleet, or other adverse weather conditions which could affect the safety of personnel.

(3) Other weather and environmental conditions. A qualified person must determine if, in light of indications of dangerous weather conditions, or other impending or existing danger, it is not safe to lift personnel. If it is not, the lifting operation must not begin (or, if already in progress, must be terminated).

(4) Personnel platforms must only be used for personnel, their tools, and sufficient material to do their work. They must not be used for solely transporting bulk materials.

(5) The number of employees occupying the personnel platform must not exceed the maximum number the platform was designed to hold or the number required to perform the work, whichever is less.

(6) A qualified person must evaluate the safety concerns of the operational environment and verify the platform and crane/derrick are suitable for use. Additionally, special work circumstances may require further precautions. Precautions such as, but not limited to, the following must be taken:

(a) When welding is to be accomplished from the personnel platform, suitable electrode holders must be provided to protect them from contact with any conducting components of the platform.

(b) Operators of cranes/derricks, installed on floating vessels, must be instructed not to lift personnel when the list or trim of the vessel exceeds five degrees. If a mobile crane/derrick is placed on floating vessels, operators must not lift personnel when the list or trim of the vessel exceeds one degree.

(c) Personnel fall protection devices with quick release features must be provided and required to be worn. The fall protection device must be appropriately attached while personnel are lifted over land and detached while personnel are lifted over water. See Part C-1 of this chapter for requirements for fall arrest system, including the attachment point (anchorage) used to comply with this subsection. When personnel lifts are conducted over water, U.S. Coast Guard approved (Type I, II, III, or V) personnel flotation devices must be provided and required to be worn.

(d) A boat/skiff with appropriate rescue personnel must be readily available at all times during a personnel lift over water.

(e) Appropriate personnel protective equipment must be provided and required to be used around toxic, flammable, or hazardous substances or fumes.

(f) Any concentrated loading of the platform must be reviewed to preclude the overstressing of any component or impairing the platform stability.

(g) Where the rotation of the platform, while hoisted, can create a hazard, appropriate restraining methods must be provided and required to be used.

(7) In order to safely perform the personnel lift, make sure the following are met:

(a) The personnel platform is **not** loaded with more than its rated load capacity;

(b) Materials and tools being lifted by a platform are:

(i) Secured to prevent movement;

(ii) Evenly distributed on the platform.

(c) The personnel platform is hoisted slowly, with no sudden movements;

(d) Tag lines are used to control the motion of suspended platforms, unless using them creates a hazard;

(e) The platform is secured to the structure where the work will be performed before employees exit or enter the platform, unless securing to the structure is unsafe;

(f) No other load lines on the crane or derrick are used to lift anything while personnel are on a platform;

(g) Brakes and locking devices are engaged when the personnel platform is occupied and in a stationary working position;

(h) The lowering motion of the hoist line and/or the boom is power-controlled only. Free fall is **not** allowed;

(8) The platform operation instructions in this rule are intended as minimum criteria. The platform manufacturer's information must be consulted for specific instruction on the platform's operation.

(9) Traveling.

(a) Rubber tired cranes are not allowed to travel while lifting personnel. Hoisting of employees while the crane is traveling is only allowed when:

(i) The crane travels on fixed rails; or

(ii) The crane has crawlers and is on a runway, and the employer demonstrates that there is no less hazardous way to perform the work.

(b) Where employees are hoisted while the crane is traveling, the following criteria must be met:

(i) Crane travel must be restricted to a fixed track or runway.

(ii) Where a runway is used, it must be a firm, level surface designed, prepared and designated as a path of travel for the weight and configuration of the crane/derrick being used to lift and travel with the personnel platform. An existing surface may be used as long as it meets these criteria.

(iii) Travel must be limited to boom length.

(iv) The boom must be parallel to the direction of travel, except where it is safer to do otherwise.

(v) A complete trial run must be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by WAC 296-155-55115 which tests the lift route.

(10) Derricks are prohibited from traveling while personnel are hoisted.

(11) Platform occupants must remain in continuous sight or in communication with the operator and in sight and communication of a signal person.

(12) Platform occupants must use personnel protective equipment, such as hard hats, safety glasses, hearing protection, and gloves, in conditions where a hazard of injury exists.

(13) Platform occupants must wear personnel fall protection devices with lanyards attached to a specific anchorage point(s), unless special work circumstance requirements dictate otherwise, such as working over water.

(14) Platform occupants must keep all parts of the body inside the platform during raising, lowering, and horizontal movement. This provision does not apply to an occupant of the platform when necessary to position the platform or while performing the duties of a signal person.

(15) Platform occupants must not stand, sit on, or work from the top rail, intermediate rail, toe board, or use any other device to enhance their vertical height working capability.

(16) Platform occupants must not pull the platform out of plumb in relation to the crane/derrick.

(17) Platform occupants must not enter or exit a suspended platform while it is raised unless the platform has an installed gate and is physically secured to the structure to which the occupants are entering or exiting unless the employer can demonstrate that securing to the structure would create a greater hazard.

(18) Platform occupants must not operate a platform with motion controls without the platform operation manual available in the platform.

(19) If the platform is tied to the structure, the operator must not move the platform until the operator receives confirmation that it is freely suspended.

(20) The platform must be inspected prior to each lift to verify all attachments and the platform are safe to use.

(21) Verify the platform is evenly loaded, material secured, and the total platform weight does not exceed the platform rating or the reduced crane/derrick lift capacity.

(22) Communication requirements.

(a) Hand signals to the operator must be in accordance with the applicable crane/derrick portion of this part.

(b) Signals must be discernable or audible to the operator.

(c) Hand signals must be posted conspicuously at the following locations:

(i) On the crane/derrick as required by this part.

(ii) Inside the personnel platform.

(iii) At any platform motion control locations.

(d) Some operations may require additions to or modifications of standard signals.

(i) Any special signals must be agreed upon and understood by the signal persons and crane/derrick operator.

(ii) Special signs must not conflict with the crane/derrick standard signals.

(e) No response must be made unless signals are clearly understood.

(f) If communications between operator and platform occupants are disrupted, all operations must be stopped until communication is reestablished.

(g) Communication systems to be used during the lift must be verified as functioning and effective prior to commencing the lift.

Note: If radios or other electronic means of communication are used, they should operate on a secure channel.

NEW SECTION

WAC 296-155-55305 Lifting personnel near electrical power lines. (1) It is recognized that lifting personnel where the crane/derrick or platform can become electrified from electric power lines is an extremely hazardous practice. It is required to perform the lift so there is no possibility of the crane/derrick, load line, or personnel platform becoming a conductive path. Cranes/derricks must not be used to lift personnel under electric power lines if any combination of boom, personnel platform, load line, and machine component will enter the prohibited zone. (See Table 10.) Lifting personnel near electric lines is not allowed unless there is no less hazardous way to do the job. The three situations to consider, and take steps to establish, when lifting personnel near electric power lines are:

Table 10

Condition	Situation
A	Power lines are deenergized and grounded as shown in Figure 9. (This is the safest and preferred condition.)
B	Power lines are energized with the crane/derrick outside the prohibited zone, but there is a potential for the crane/derrick or platform being energized as shown in Figure 10.
C	Power lines are energized with the crane/derrick inside the prohibited zone, and there is a possibility that the crane/derrick or platform can become energized as shown in Figure 11. (Lifting personnel in this condition is prohibited.)

(2) **Condition A.** This is the preferred condition under which a personnel lift can be performed. The hazard of injury or death due to electrocution has been removed. The following steps must be taken when lifting personnel in a Condition A situation:

(a) The power company or owner of the power lines must deenergize the lines.

(b) The power lines must be visibly grounded to avoid the possibility of electrical feedback.

(c) A qualified representative of the owner of the power lines or a designated representative of the electric utility must be on the site to verify that steps (a) and (b) of this subsection have been completed and that the power lines are not energized.

(d) Durable signs must be installed at the operator's station and on the outside of the crane warning that electrocution or serious bodily injury may occur unless the minimum clearance of twenty feet is maintained between the crane/derrick and platform and power lines up to 350 kV or fifty feet of a

power line that is over 350 kV. These signs must be posted at the crane/derrick operating station, on the outside of the crane/derrick, and inside the personnel platform.

(e) If proximity warning devices, insulated links, or boom cages are used, they must not be a substitute for any of the requirements of this section. If these devices are used, the crane/derrick operator, ground crew, and platform occupants must be instructed by management on the limitations of the devices, operating condition requirements of the devices, and the devices' testing requirements prescribed by the device manufacturer.

(3) **Condition B.** The following steps must be taken when lifting personnel in a Condition B situation:

(a) A meeting, on the job site, between the job site management and either a qualified representative of the owner of the power lines or the electric utility must take place. Procedures to safely complete the lift must be established.

(b) Hoisting personnel within twenty feet of a power line that is up to 350 kV, and hoisting personnel within fifty feet of a power line that is over 350 kV, is prohibited, except for work covered by chapter 296-45 WAC, safety standards for electrical workers and performed by qualified personnel.

(c) Power line movement, horizontal and vertical, due to wind must be added to the distances specified in (b) of this subsection. A qualified representative of the power line owner or a designated representative of the electric utility must be consulted for the movement distances.

(d) The required clearances to the power lines must be continuously monitored by a dedicated and qualified signal person in constant communication with the crane/derrick operator.

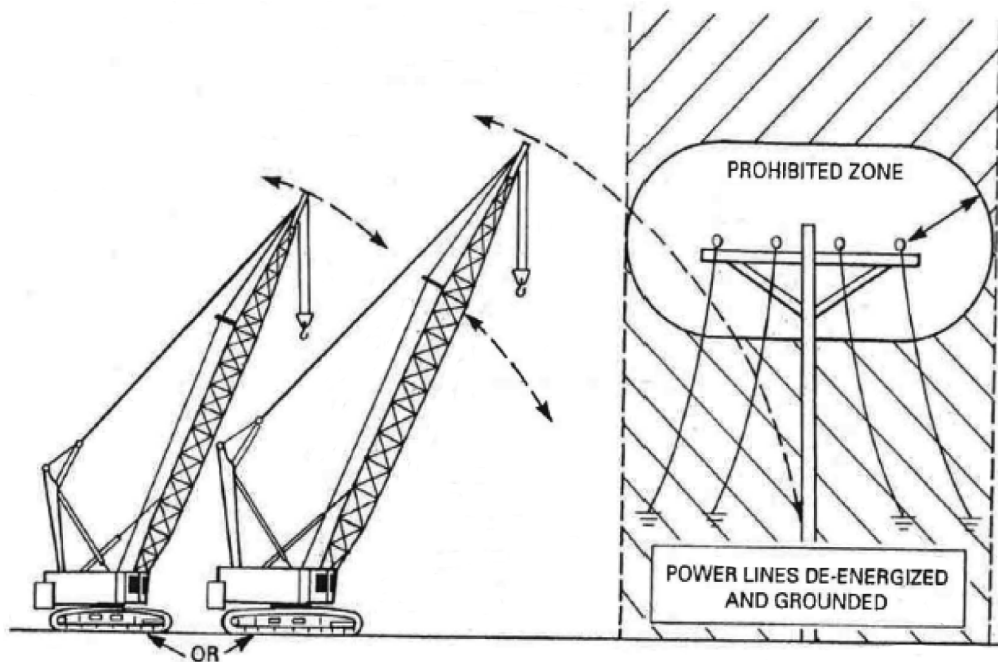
(e) Personnel platform movement restraint, when required, must be done through electrically nonconductive tag lines.

(f) No person outside the personnel platform must be permitted to touch the crane/derrick, load line, or platform unless the signal person identified in (d) of this subsection indicates it is safe.

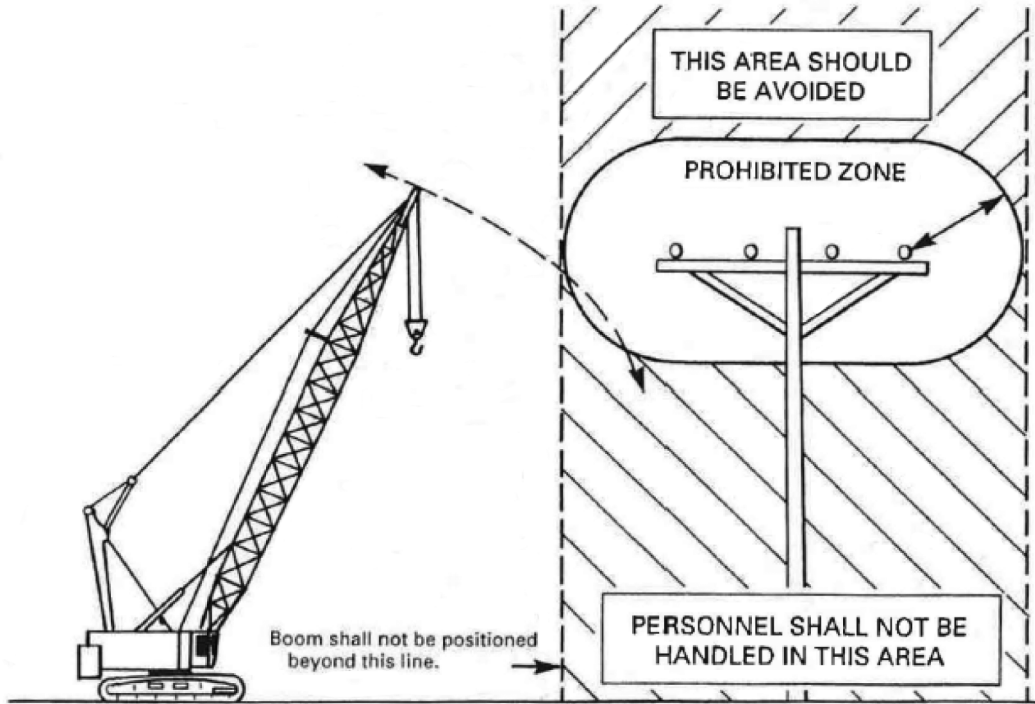
(g) Durable signs must be posted warning that electrocution or serious bodily injury may occur unless the minimum clearance specified in (b) of this subsection is maintained between the crane/derrick and platform and power lines. These signs must be posted at the crane/derrick operating station, on the outside of the crane/derrick, and inside the personnel platform.

(h) If proximity warning devices, insulated links, or boom cages are used, they must not be a substitute for any of the requirements of this section. If these devices are used, the crane/derrick operator, ground crew, and platform occupants must be instructed by management on the limitations of the devices, operating condition requirements of the devices, and the devices' testing requirements prescribed by the device manufacturer.

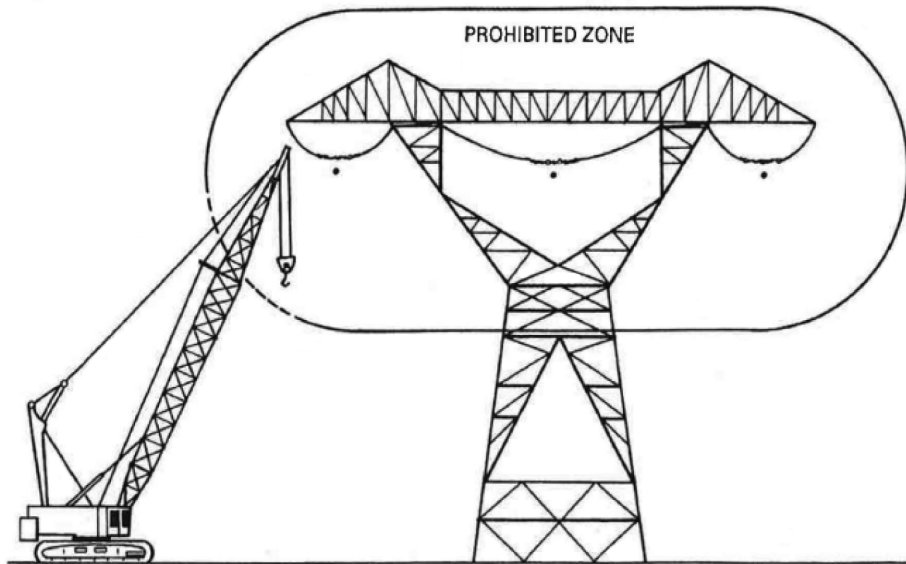
(4) **Condition C.** Lifting personnel under Condition C is prohibited.



Condition A (see Table 10)
Figure 9



**Condition B (see Table 10)
Figure 10**



**Condition C (see Table 10)
This Condition is Prohibited
Figure 11**

NEW SECTION**WAC 296-155-554 Boatswain's chairs.**NEW SECTION

WAC 296-155-55400 Use boatswain's chairs as a last resort. (1) Boatswain's chairs must only be used when it is not possible to accomplish the task in a less hazardous way.

(2) Follow all applicable requirements in this part for the use of boatswain chairs.

(3) The chair must be capable of supporting its own weight and at least five times the maximum intended load.

(4) Boatswain's chair tackle must consist of correct size ball bearings or bushed blocks containing safety hooks and properly "eye-spliced" minimum five-eighths inch (1.6 cm) diameter first-grade manila rope, or other rope which will satisfy the criteria (e.g., strength and durability) of manila rope.

(5) Boatswain's chair seat slings must be a minimum of five-eighths inch (1.6 cm) diameter fiber, synthetic, or other rope which will satisfy the criteria (e.g., strength, slip resistance, durability, etc.) of first-grade manila rope.

(6) Boatswain's chair seat slings must be reeved through four corner holes in the seat; must cross each other on the underside of the seat; and must be rigged so as to prevent slippage which could cause an out-of-level condition.

(7) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies must be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used.

NEW SECTION

WAC 296-155-55405 Lifting personnel using a boatswain's chair. (1) The boatswain's chair must not be loaded in excess of its rated load capacity.

(2) The boatswain's chair must only be used for employees, their tools, and the materials necessary to do their work. Do not use the chair to hoist materials or tools without hoisting employees.

(3) Materials and tools must be secured during lift.

(4) A signal person must be assigned any time the lift will take the employee out of the direct sight of the crane operator.

(5) The employee being lifted must use personal fall protection equipment, including a full body harness with the lanyard attached independent of the chair. The lanyard must be secured to the lift line above the headache ball or to the crane hook itself.

(6) Only one employee can be lifted at a time.

(7) The operator must:

(a) Lift the chair in a slow, controlled manner with no sudden movements;

(b) Remain at the crane/derrick controls at all times when the chair is occupied.

(8) All brakes and locking features must be engaged when the occupied chair is in a stationary working position.

(9) Operations must be stopped if any safety device quits working properly during the use of the boatswain's chair.

(10) The safety device must be repaired before resuming operations. Alternative measures are not permitted.

(11) Any other lifting on the crane/derrick's load lines is prohibited while personnel are suspended in a chair.

NEW SECTION**WAC 296-155-556 Rigging—General requirements.**

The rigging requirements in this part apply to all construction activities.

NEW SECTION**WAC 296-155-55600 General requirements. (1)**

Employers must use qualified riggers during hoisting activities for assembly and disassembly work (WAC 296-155-53402 (19)(a)). Additionally, qualified riggers are required whenever workers are within the fall zone and hooking, unhooking, or guiding a load, or doing the initial connection of a load to a component or structure (WAC 296-155-53400 (43)(c)).

(2) All slings in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.9-2010.

(3) All rigging hardware in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.26-2010.

(4) All rigging gear must be used in accordance with the manufacturer's recommendations or a qualified person.

(5) All below-the-hook lifting devices in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.20-2010.

(6) All hooks in use must meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in ASME B30.10-2009.

(7) Repair of hooks must be approved by the manufacturer or qualified person and as follows:

(a) Cracks, nicks, and gouges may be repaired by a competent person, all other repairs are done by the manufacturer or a qualified person;

(b) Grind longitudinally, following the contour of the hook;

(c) Do not reduce the dimension of the hook more than ten percent from the original.

(8) Hooks must not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(9) A qualified person must inspect the rigging equipment before each day or shift and:

(a) Consider the application the equipment will be used for, and determine if it's safe for use;

(b) Remove the equipment from service if using it will create a hazard or meets any of the removal criteria listed in this chapter.

(10) The rated load of the rigging equipment must not be exceeded.

(11) All rigging hardware must be inspected in accordance with Table 11, each day before using. If a daily inspection is not feasible because the hardware is in a semipermanent

ment or inaccessible location, a periodic inspection is allowed instead of daily.

(12) Rigging hardware must be removed from service when it shows any conditions listed in Table 11, or any other hazardous condition.

**Table 11
Rigging Hardware Inspection/Removal Criteria**

For all hardware, inspect for the following:
Missing or illegible identification.
Indications of heat damage, including weld spatter or arc strikes.
Excessive pitting or corrosion.
Load bearing components that are: <ul style="list-style-type: none"> • Bent; • Twisted; • Distorted; • Stretched; • Elongated; • Cracked; • Broken.
Excessive nicks or gouges.
10% reduction of the original or catalog dimension at any point.
Excessive thread damage or wear, where applicable.
Evidence of unauthorized welding or modification.
Any other conditions that cause doubt as to the safety of continued use.
On shackles , also inspect for incomplete pin engagement.
On swivels and swivel hoist rings , check for lack of ability to freely rotate or pivot.
On compression hardware , also check for: <ul style="list-style-type: none"> Unauthorized replacement components; Insufficient number of wire rope clips; Improperly tightened wire rope clips; Damaged wire rope; Indications of wire rope slippage; Improper assembly.
On swivels , check for loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices.
On blocks check for: <ul style="list-style-type: none"> • Loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices; • Misalignment or wobble in sheaves; • Excessive sheave groove corrugation or wear.

(13) Any alteration or modification of rigging hardware must be in accordance with the hardware manufacturer or a qualified person and proof load tested to one hundred twenty-five percent. This test must be documented and available upon request.

(14) Welding of rigging hardware is prohibited unless authorized by the manufacturer or an RPE.

(15) Replacement parts must meet or exceed the original rigging hardware manufacturer's specifications.

(16) Rigging hardware selection must have the characteristics suitable for the application and environment where it will be used.

(17) Workers must keep all parts of their body from between the load and any rigging during the lift.

(18) If handling intermodal shipping containers at a construction site, the employer must follow the requirements in chapter 296-56 WAC, longshore, stevedore and waterfront related operations, Part F, Specialized terminals and the guidelines found in International Organization for Standardization (ISO) 3874 - Series 1 Freight Containers, fifth edition - Handling and Securing.

NEW SECTION

WAC 296-155-558 Slings.

NEW SECTION

WAC 296-155-55800 Chain slings. (1) Only use chain slings that are made from grade eighty or higher alloy steel chain.

(2) The following requirements must be met if manufacturing your own chain slings:

(a) Have a design factor of four;

(b) Meet the rated load requirements in subsection (9) of this section.

(3) Rate chain slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(4) Makeshift fittings, such as hooks or links formed from bolts, rods, or other parts are prohibited.

(5) All chain slings must have legible identification information attached to the sling which includes the following information:

(a) Name or trademark of the manufacturer;

(b) Grade;

(c) Nominal chain size;

(d) Number of legs;

(e) Rated loads for the vertical hitch and bridle hitch and the angle upon which it is based;

(f) Length (reach);

(g) Individual sling identification (e.g., serial numbers);

(h) Repairing agency, if the sling was ever repaired.

(6) Inspections.

(a) A qualified person must inspect chain slings before their initial use, according to Table 12, both:

(i) When the sling is new; and

(ii) Whenever a repair, alteration, or modification has been done.

(b) A qualified person must perform a visual inspection for damage, each day or shift the chain sling is used. Immediately remove from service any sling damaged beyond the criteria in Table 12.

(c) A qualified person must perform periodic inspections on chain slings according to Table 12.

(i) Each link and component must be examined individually, taking care to expose and examine all surfaces including the inner link surfaces.

(ii) Remove slings from use:

- If any of the conditions in Table 12 are found;
- When they have been exposed to temperatures above one thousand degrees Fahrenheit.

(d) A written record of the most recent periodic inspection must be kept, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Table 12
Chain Sling Inspection/Removal Criteria

Inspect alloy steel chain slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification. • Cracks or breaks. • Excessive nicks, gouges, or wear beyond that allowed in Table 13, Minimum Allowable Thickness at Any Point on a Link. • Stretched chain links or components. • Bent, twisted or deformed chain links or components. • Evidence of heat damage. • Excessive pitting or corrosion. • Inability of chain or components to hinge (articulate) freely. • Weld spatter. • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service, which means use within the rated load. • At least once a quarter for slings in severe service, which involves abnormal operating conditions. • As recommended by a qualified person for slings in special service, which is anything other than normal or severe.

Inspect alloy steel chain slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> – Any distortion causing an increase in throat opening of five percent, not to exceed one-quarter inch, or as otherwise recommended by the manufacturer; – Wear exceeding ten percent of the original section dimension of the hook or its load pin, or as otherwise recommended by the manufacturer; – A self-locking mechanism that does not lock (if applicable); – Any latch that does not close the hook's throat (if applicable). 	<ul style="list-style-type: none"> • Other visible damage that raises doubt about the safety of the sling.

Table 13
Minimum Allowable Thickness at Any Point on a Link

Nominal chain or coupling link size		Minimum allowable thickness at any point on the link	
Inches	Millimeters	Inches	Millimeters
7/32	5.5	0.189	4.80
9/32	7	0.239	6.07
5/16	8	0.273	6.93
3/8	10	0.342	8.69
1/2	13	0.443	11.26
5/8	16	0.546	13.87
3/4	20	0.687	17.45
7/8	22	0.750	19.05
1	26	0.887	22.53
1 1/4	32	1.091	27.71

(7) Repair, alterations, or modifications.

(a) Chain slings must be repaired as follows:

(i) Slings must only be repaired by the manufacturer or a qualified person;

(ii) Chain used for sling repair must be alloy steel chain manufactured and tested in accordance with ASTM A 391/A 391M for Grade 80 chain and ASTM A 973/A 973M for Grade 100 chain;

(iii) Components for alloy steel chain slings must be manufactured and tested in accordance with ASTM A 952/A 952M;

(iv) The use of mechanical coupling links within the body of a chain sling to connect two pieces of chain is prohibited;

(v) Replace cracked, broken, or bent chain links or components instead of repairing them.

(b) The sling must be marked to show the repairing agency.

(c) Repaired slings must be proof tested according to the requirements in subsection (8) of this section. If only replacing components of the sling, and the components were individually proof tested, the sling does not have to be tested as a whole.

Note: For additional requirements relating to repair and modification see WAC 296-155-55600(9).

(8) Proof test chain slings. Prior to initial use, all new and repaired chain and components of an alloy steel chain sling, either individually or as an assembly must be proof tested by the sling manufacturer or a qualified person. Follow the requirements in Table 14, Chain Sling Proof Load Requirements.

Table 14
Chain Sling Proof Load Requirements

When proof testing this type of equipment:	Then proof load:
<ul style="list-style-type: none"> Single or multiple leg slings. Components attached to single legs. 	Each leg and component to at least two times the single leg vertical hitch rated load.
<ul style="list-style-type: none"> Master links for double leg bridle slings. Single basket slings. Master coupling links connected to two legs. 	To at least four times the single leg vertical hitch rated load.
<ul style="list-style-type: none"> Master links for triple and quadruple leg bridle slings. Double basket bridle sling. 	To at least six times the single leg vertical hitch rated load.

(9) Chain slings rated loads, the term "working load limit" is commonly used to describe rated load.

Note: Rated loads are based on the following factors:

- Strength of sling materials;
- Design factor;
- Type of hitch;
- Angle of loading.

(a) Chain slings must be used within the rated loads shown in Tables 1 through 4 of ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or one calculated by a qualified person.

(b) The use of horizontal sling angles less than thirty degrees are prohibited, unless recommended by the sling manufacturer or a qualified person. See Figure 12, Multiple-Leg Bridle Sling Hitch.

(c) Rated loads must be verified for slings used in a choker meet the values shown in the above referenced tables provided that the angle of choke is one hundred and twenty degrees or greater. See Figure 13, Single-Leg Choker Hitch.

(d) Rated loads for angles of choke less than one hundred twenty degrees must be determined by the manufacturer or a qualified person.

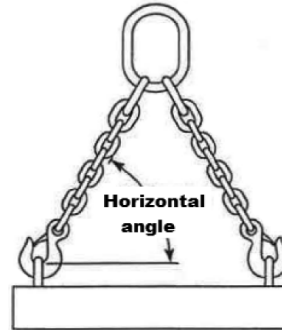


Figure 12
Multiple-Leg Bridle Sling Hitch

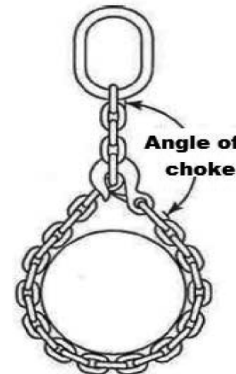


Figure 13
Single-Leg Choker Hitch

(10) Use of chain slings.

(a) Shorten or adjust slings using only methods approved by the manufacturer or a qualified person.

(b) Slings must not be shortened or lengthened by knotting or twisting.

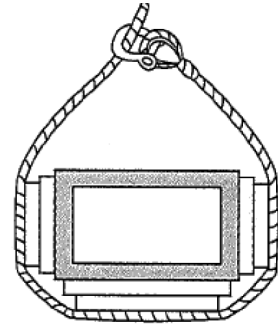
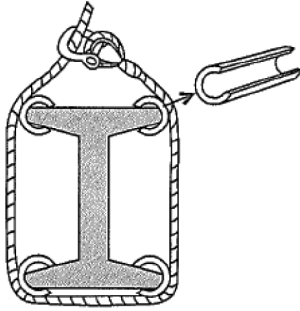
(c) Twisting and kinking must be avoided.

(d) Hitch slings in a way that provides control of the load.

(e) Balance the load in slings used in a basket hitch to prevent it from slipping.

(f) Slings must be protected from sharp edges of the load. See Figure 14.

(g) The sling must be prevented from snagging anything during the lift, with or without load.



Softeners can be made from split pipe, padding or blocking

Figure 14
Softeners

NEW SECTION

WAC 296-155-55805 Wire rope slings. (1) Manufacturing wire rope slings.

(a) Wire rope slings must be made from new or unused regular lay wire rope. The wire rope must be manufactured and tested in accordance with ASTM A 1023-02 and ASTM A 586.

(b) The following fabrication methods must be used to make wire rope slings:

- (i) Hand splicing;
- (ii) Turnback eye;
- (iii) Return loop;
- (iv) Flemish eye mechanical splicing;
- (v) Poured or swaged socketing.

(c) Wire rope slings must have a design factor of five.

(d) Wire rope slings must meet the requirements in Table

16.

(e) Using any of the following when making wire rope slings is prohibited:

- (i) Rotation resistant wire rope;
- (ii) Malleable cast iron clips;
- (iii) Knots;
- (iv) Wire rope clips, unless:
 - The application of the sling prevents using prefabricated slings;
 - The specific application is designed by a qualified person.

(f) Wire rope clips, if used, must be installed and maintained in accordance with the recommendations of the clip manufacturer or a qualified person, or in accordance with the provisions of ASME B30.26-2010.

(g) Slings made with wire rope clips must not be used as a choker hitch.

Note: If using wire rope clips under these conditions, follow the guidance given in Table 15.

Table 15

Number, Torque Values, and Turn Back Requirements for U-Bolt Wire Rope Clips				Number, Torque Values and Turn Back Requirements for Double Saddle (Fist Grip) Wire Rope Clips			
Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.	Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.
1/8	2	3-1/4	4.5	3/16-1/4	2	4	30
3/16	2	3-3/4	7.5	5/16	2	5	30
1/4	2	4-3/4	15	3/8	2	5-1/4	45
5/16	2	5-1/4	30	7/16	2	6-1/2	65
3/8	2	6-1/2	45	1/2	3	11	65
7/16	2	7	65	9/16	3	12-3/4	130
1/2	3	11-1/2	65	5/8	3	13-1/2	130
9/16	3	12	95	3/4	4	16	225
5/8	3	12	95	7/8	4	26	225
3/4	4	18	130	1	5	37	225
7/8	4	19	225	1-1/8	5	41	360
1	5	26	225	1-1/4	6	55	360

Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.	Clip & Wire Rope Size (inches)	Min. No. of Clips	Amount of Rope Turn Back in Inches	*Torque in Ft. Lbs.
1-1/8	6	34	225	1-3/8	6	62	500
1-1/4	7	44	360	1-1/2	7	78	500
1-3/8	7	44	360				
1-1/2	8	54	360				
1-5/8	8	58	430				
1-3/4	8	61	590				
2	8	71	750				
2-1/4	8	73	750				
2-1/2	9	84	750				
2-3/4	10	100	750				
3	10	106	1200				
3-1/2	12	149	1200				

* The tightening torque values shown are based upon the threads being clean, dry, and free of lubrication.

Table 16
Wire Rope Sling Configuration Requirements

If you have:	Then you need:
<ul style="list-style-type: none"> Slings made of rope with 6x19 and 6x36 classification. Cable laid slings. 	A minimum clear length of rope ten times the rope diameter between splices, sleeves, or end fittings (see Figure 15, Minimum Sling Length) unless approved by a qualified person.
<ul style="list-style-type: none"> Braided slings. 	A minimum clear length of rope forty times the component rope diameter between the loops or end fittings (see Figure 16, Minimum Braided Sling Length) unless approved by a qualified person.
<ul style="list-style-type: none"> Grommets and endless slings. 	A minimum circumferential length of ninety-six times the body diameter of the grommet or endless sling unless approved by a qualified person.
<ul style="list-style-type: none"> Other configurations. 	Specific limitation data provided by a qualified person. These slings must meet all other requirements of ASME B30.9-2010.

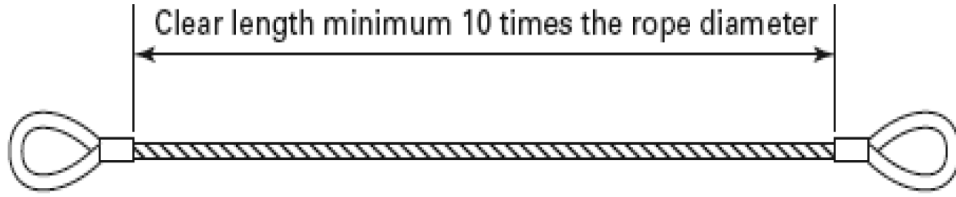


Figure 15
Minimum Sling Length
For rope with 6x19 and 6x36 classification
or Cable Laid Slings

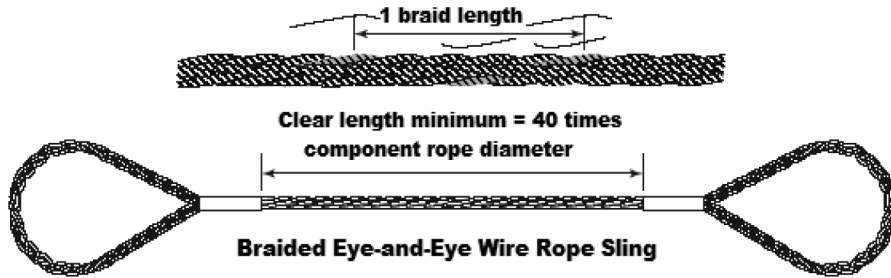


Figure 16
Minimum Braided Sling Length

(2) Wire rope sling fittings.

(a) Fittings must be used according to the fitting manufacturer's directions.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(c) Weld any end attachments, except covers to thimbles, before assembling the sling.

(3) Identification information. All wire rope slings must have legible identification information attached to the sling

which includes the information below, see sample tag in Figure 17. For slings in use that are manufactured before the effective date of this rule, the information below must be added before use or at the time the periodic inspection is completed.

(a) Name or trademark of the manufacturer.

(b) Diameter or size.

(c) Rated loads for the types of hitches used and the angle that the load is based on.

(d) Number of legs, if more than one.

(e) Repairing agency, if the sling is ever repaired.






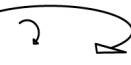
Vert. 	Chock 	Vert. Basket 
2.2 Tons	1.6 Tons	4.4 Tons
Rated Capacity by Angle		
60° 	45° 	30° 
3.8 Tons	3.1 Tons	2.2 Tons

Figure 17
Sample Wire Rope Sling ID Tag

Note: Sample tag for a 1/2" single-leg sling 6x19 or 6x36 classification, extra improved plow steel (EIPS) grade fiber core (FC) wire rope with a mechanical splice (ton = 2,000 lb).

- (4) Inspection.
 - (a) A qualified person must inspect wire rope slings before their initial use, according to Table 17, both:
 - (i) When the sling is new; and
 - (ii) Whenever a repair, alteration, or modification has been done.
 - (b) A qualified person must perform a visual inspection for damage, each day or shift the wire rope sling is used:
 - (i) Include all fastenings and attachments;
 - (ii) Immediately remove any sling from service that is damaged beyond the criteria listed in Table 17; or
 - (iii) Remove fiber core wire rope slings that have been exposed to temperatures higher than one hundred eighty degrees Fahrenheit.
 - (c) A qualified person must perform periodic inspections on wire rope slings according to Table 17.
- (5) Repair, alterations, or modifications.
 - (a) Repair wire rope slings as follows:
 - (i) Make sure slings are only repaired by the sling manufacturer or a qualified person;
 - (ii) Mark the sling to show the repairing agency;
 - (iii) Do not repair wire rope used in slings, wire rope must be replaced. Only end attachments and fittings can be repaired on a wire rope sling.
 - (b) Modification or alterations to end attachments or fittings must be considered as repairs and must conform to all other provisions of this part.
 - (c) Proof load test repaired slings according to the requirements in subsection (6) of this section.
 - (6) Proof load tests. Make sure the sling manufacturer or a qualified person proof load tests the following slings before initial use, according to Table 18:
 - (a) All repaired slings;
 - (b) All slings incorporating previously used or welded fittings;
 - (c) For single- or multiple-leg slings and endless slings, each leg must be proof loaded according to the requirements listed in Table 18 based on fabrication method. The proof load test must not exceed fifty percent of the component ropes' or structural strands' minimum breaking strength;

Table 17
Wire Rope Sling Inspection and Removal Criteria

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification. • Severe localized abrasion or scraping. • Kinking, crushing, bird-caging, or any other condition resulting in damage to the rope structure. • Evidence of heat damage. 	<ul style="list-style-type: none"> • At least once a year for slings in normal service. • At least once a quarter for slings in severe service.

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Severe corrosion of the rope, end attachments, or fittings. • End attachments that are cracked, deformed, or worn to the extent that the strength of the sling is substantially affected. • Broken wires: <ul style="list-style-type: none"> – For strand-laid and single-part slings, ten randomly distributed broken wires in one rope lay, or five broken wires in one strand in one rope lay; – For cable-laid slings, twenty broken wires per lay; – For six-part braided slings, twenty broken wires per braid; – For eight-part braided slings, forty broken wires per braid. • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; 	<ul style="list-style-type: none"> • As recommended by a qualified person for slings in special service.

Inspect wire rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> - Self-locking mechanism that does not lock. • Other visible damage that raises doubt about the safety of the sling. 	

Table 18
Wire Rope Sling Proof Load Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Mechanical splice slings. 	Each leg to at least two times the single leg vertical hitch rated load.
<ul style="list-style-type: none"> • Swaged socket and poured socket slings. 	Each leg to at least two times, but not more than two and one-half, times the single-leg vertical hitch rated load.
<p>Note: For mechanical splice, swaged socket and poured socket slings follow the rope manufacturer's recommendations for proof load testing provided that it is within the above-specified proof load range, including (c) of this subsection.</p>	
<ul style="list-style-type: none"> • Hand tucked slings, if proof load tested. 	To at least one, but not more than one and one-quarter, times the single-leg vertical hitch rated load.

(d) The proof load test for components (fittings) attached to single legs must meet the requirements in (c) of this subsection;

(e) Proof load testing for master links must be in accordance with Table 19.

Table 19
Proof Load Test for Master Links on Wire Rope Slings

<ul style="list-style-type: none"> • Master links for two-leg bridle slings. 	To at least four times the single-leg vertical hitch rated load.
<ul style="list-style-type: none"> • Master links for three-leg bridle slings. 	To at least six times the single-leg vertical hitch rated load.
<ul style="list-style-type: none"> • Master links for four-leg bridle slings. 	To at least eight times the single-leg vertical hitch rated load.

(7) Rated load. The term "rated capacity" is commonly used to describe rated load.

- Note:** Rated loads are based on the following factors:
- Strength of sling material;
 - Design factor;
 - Type of hitch;
 - Angle of loading (see Figure 18, Angle of Loading);

- Diameter of curvature over which the sling is used (D/d) (see Figure 19, D/d ratio);
- Fabrication efficiency.

(a) Wire rope slings must be used within the rated loads shown in Tables 7 through 15 in ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or have a qualified person calculate the rated load.

(b) Prohibit the use of horizontal sling angles less than thirty degrees unless recommended by the sling manufacturer or a qualified person. See Figure 18.

(c) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater. See Figure 20 and Table 20, Angle of Choke.

(d) Use either Figure 20 and Table 20, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(i) Inspect the entire length of the sling including splices, end attachments, and fittings.

(ii) Remove slings from use if any of the conditions in Table 17 are found.

(iii) Keep a record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

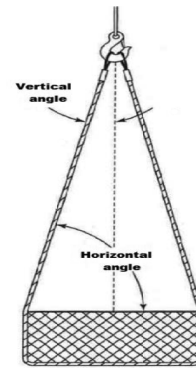


Figure 18
Angle of Loading

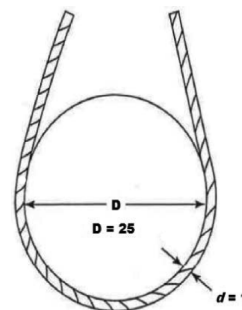


Figure 19
 D/d Ratio

Note: When D is 25 times the component rope diameter (*d*) the D/*d* ratio is expressed as 25/1.

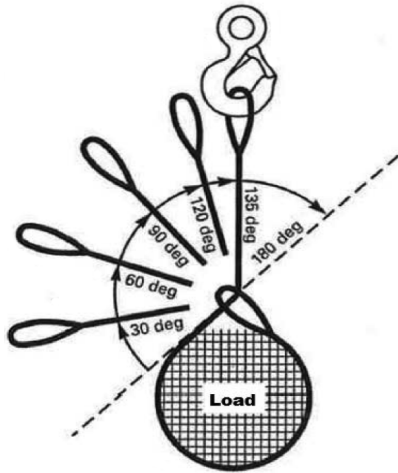


Figure 20
Angle of Choke

Table 20
Angle of Choke

Angle of Choke, deg.	Rated Capacity, %
Over 120	100
90 - 120	87
60 - 89	74
30 - 59	62
0 - 29	49

Note: Percent of sling rated capacity in a choker hitch.

- (8) Use of wire rope slings.
 - (a) Hitch the slings in a way that provides control of the load.
 - (b) Shorten or adjust slings using only the methods approved by the manufacturer or qualified person.
 - Do **not** shorten or lengthen by knotting, twisting, or by wire rope clips.
 - (c) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.
 - (d) Prohibit all of the following:
 - (i) Intentional shock loading;
 - (ii) Avoid twisting and kinking.
 - (e) Decrease the rated load of the sling when D/*d* ratios (Figure 19) smaller than twenty-five to one. Consult the sling manufacturer for specific data or refer to the *Wire Rope Sling User's Manual* (wire rope technical board).
 - (f) Follow Table 21, Use of Wire Rope Slings or Clips, when using any of the identified wire rope slings or clips.
 - (g) Slings in contact with edges, corners, or protrusions must be protected with a material of sufficient strength, thickness, and construction to prevent damage to the sling. See Figure 14.

Table 21
Use of Wire Rope Slings or Clips

If you are using:	Then:
Single leg slings used with multiple-leg slings.	Make sure the rating shown is not exceeded in any leg of the multiple-leg sling.
Hand tucked slings are used in a single leg vertical lift.	Do not allow the sling or load to rotate.
Slings made with wire rope clips.	Must not be used as a choker hitch.
U-bolt wire rope clips.	Use only U-bolt wire rope clips that are made of drop-forged steel.
	Follow Table 15 for the number and spacing of the clips.
	Apply the U-bolt so the "U" section is in contact with the dead end of the rope (see Figure 21, Installation and Loading).

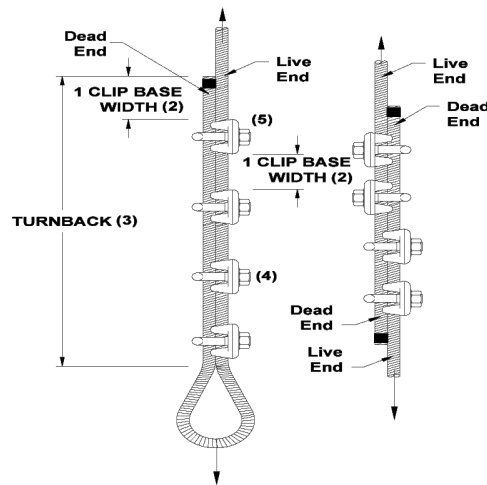


Figure 21
Installation and Loading

Proper Installation Requires

- Correct number of clips for wire rope size
- Correct spacing of clips
- Correct turnback length
- Correct torque on nuts
- Correct orientation of saddle on live end

NEW SECTION

WAC 296-155-55810 Metal mesh slings. (1) Identification information on metal mesh slings. Make sure all slings have legible identification information permanently attached to the sling which includes all of the following information:

- (a) Name or trademark of the manufacturer;

- (b) Rated loads for the types of hitches used, and the angle they're based on;
 - (c) Width and gauge;
 - (d) Number of legs, if more than one;
 - (e) Individual sling identification (e.g., serial numbers);
 - (f) Repairing agency, if the sling has ever been repaired.
- (2) Inspection.
- (a) A qualified person must inspect metal mesh slings before their initial use, according to Table 22, both:
 - (i) When the sling is new; and
 - (ii) Whenever a repair, alteration, or modification has been done.
 - (b) A qualified person must perform a visual inspection for damage, each day or shift the metal mesh sling is used. Immediately remove from service any sling damaged beyond the criteria in Table 22.
 - (c) A qualified person must perform periodic inspections on metal mesh slings according to Table 22.
 - (i) Inspect the entire length, including splices, end attachments, and fittings.
 - (ii) Remove slings from use if any of the conditions in Table 22 are found.
 - (iii) Keep a record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

**Table 22
Metal Mesh Sling Inspection Table**

Inspect metal mesh slings for conditions such as the following:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification; • Broken welds along the sling edge; • Broken brazed joints along the sling edge; • Broken wire in any part of the mesh; • Reduction in wire diameter of: <ul style="list-style-type: none"> – Twenty-five percent due to abrasion; – Fifteen percent due to corrosion; • Lack of flexibility due to the distortion of the mesh; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service; • At least once a quarter for slings in severe service; • As recommended by a qualified person for slings in special service.

Inspect metal mesh slings for conditions such as the following:	Perform inspections:
<ul style="list-style-type: none"> • Distortion of the choker fitting so the depth of the slot is increased by more than ten percent; • Distortion of either end fitting so the width of the eye opening is decreased by more than ten percent; • A fifteen percent reduction of the original cross-sectional area of any point around the hook opening of the end fitting; • Visible distortion of either end fitting out of its plane; • Cracked end fitting; • Slings in which the spirals are locked or without free articulation; • Fittings that are pitted, corroded, cracked, bent, twisted, gouged, or broken; • Other visible damage that raises doubt about the safety of the sling. 	

(3) Repair, alteration, or modifications. Repair metal mesh slings as follows:

- (a) Make sure slings are only repaired by the manufacturer or a qualified person;
 - (b) Straightening of spiral or cross rods, or forcing a spiral into position is prohibited (see Figure 22);
 - (c) Mark the sling to show the repairing agency;
 - (d) Replace cracked, broken, bent or damaged metal mesh or components instead of repairing them;
 - (e) Proof load test repaired slings according to subsection (4) of this section.
- (4) Proof load testing.
- (a) Make sure the sling manufacturer or a qualified person proof load tests all new and repaired metal mesh slings before initial use;
 - (b) Use a proof load test that is a minimum of two times the vertical hitch rated load.
- (5) Rated load.

Note: Rated loads are based on the following factors:

- Strength of sling material;
- Design factor;
- Type of hitch;
- Angle of loading.

(a) Metal mesh slings must be used within the rated loads shown in Table 17 in ASME B30.9-2010. For angles that are not shown in these tables, use either the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if fittings are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(c) The use of horizontal sling angles less than thirty degrees is prohibited, unless recommended by the sling manufacturer or a qualified person.

(d) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced table, provided that the angle of choke is one hundred twenty degrees or greater.

(e) Have the manufacturer or a qualified person determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

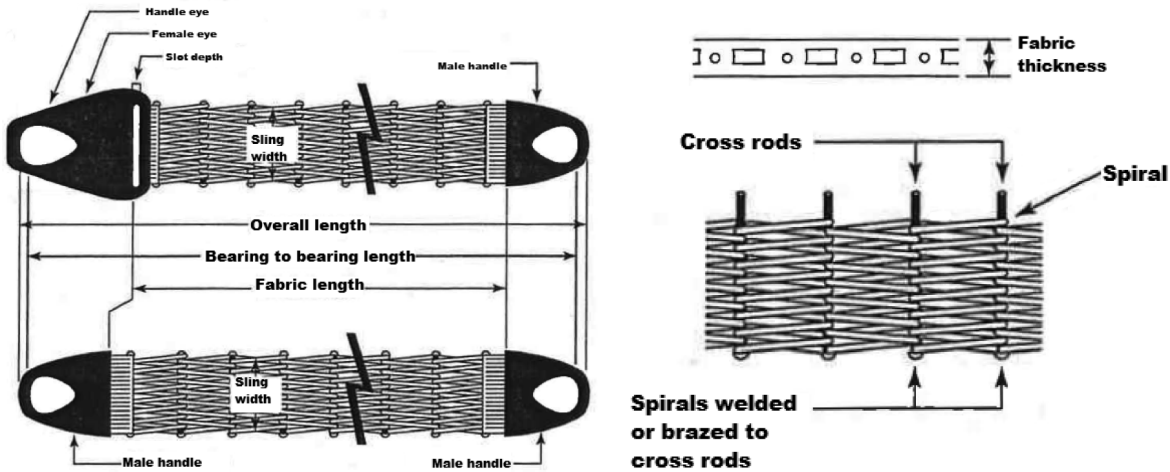


Figure 22
Metal Mesh Sling

- (6) Use of metal mesh slings.
- (a) Use metal mesh slings safely by doing all of the following:
- (i) Shorten or adjust slings using only the methods approved by the manufacturer or a qualified person;
 - (ii) Sling legs must not be kinked;
 - (iii) Hitch slings in a way that provides control of the load.

(b) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.

- (c) Prohibit the following:
- (i) The use of metal mesh slings as bridles on suspended personnel platforms;
 - (ii) Intentional shock loading;
 - (iii) Straightening a spiral or cross rod or forcing a spiral into position;
 - (iv) Avoid twisting and kinking.

Note: Slings in contact with edges, corners, or protrusions should be protected with a material of sufficient strength, thickness, and construction to prevent damage. See Figure 14.

NEW SECTION

WAC 296-155-55815 Synthetic rope slings. (1) Identification. Verify all slings have legible identification information attached to the sling which includes the following information:

- (a) Name or trademark of the manufacturer;
- (b) Manufacturer's code or stock number;

- (c) Type of fiber material;
- (d) Rated loads for the types of hitches used, and the angle that the load is based on;
- (e) Number of legs, if more than one;
- (f) Repairing agency, if the sling has ever been repaired.

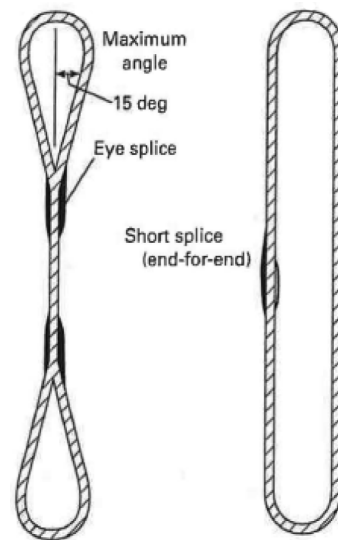


Figure 23
Synthetic Fiber Rope Slings

(2) Inspection.

(a) A qualified person must inspect synthetic fiber rope slings before their initial use, according to Table 23, both:

(i) When the sling is new; and

(ii) Whenever a repair, alteration, or modification has been done.

(b) A qualified person must perform a visual inspection for damage, each day or shift the synthetic fiber rope sling is used. Immediately remove any sling from service that is damaged beyond the criteria listed in Table 23.

(c) A qualified person must perform periodic inspections on synthetic fiber rope slings, according to Table 23.

(i) Examine each sling and component individually, taking care to expose and examine all surfaces.

(ii) Inspect the entire length including splices, end attachments, and fittings.

(iii) Remove slings from use if any of the conditions in Table 23 are found.

(iv) Keep a record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Table 23

Synthetic Rope Sling Inspection and Removal Criteria

Inspect synthetic rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification; • Cuts, gouges, or areas of extensive fiber breakage along the length; • Abraded areas on the rope; • Damage that is estimated to have reduced the effective diameter of the rope by more than ten percent; • Uniform fiber breakage along the major part of the length of the rope in the sling such that the entire rope appears covered with fuzz or whiskers; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service; • At least once a quarter for slings in severe service; • As recommended by a qualified person for slings in special service.

Inspect synthetic rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Inside the rope, fiber breakage, fused or melted fiber (observed by prying or twisting to open the strands) involving damage estimated at ten percent of the fiber in any strand or the rope as a whole; • Discoloration, brittle fibers, and hard or stiff areas that may indicate chemical, ultraviolet or heat damage; • Dirt and grit in the interior of the rope structure that is deemed excessive; • Foreign matter that has permeated the rope, making it difficult to handle and attracting and holding grit; • Kinks or distortion in the rope structure, particularly if caused by forcibly pulling on loops (known as hockles); • Melted, hard, or charred areas that affect more than ten percent of the diameter of the rope or affect several adjacent strands along the length that affect more than ten percent of strand diameters; • Poor condition of thimbles or other components manifested by corrosion, cracks, distortion, sharp edges, or localized wear; • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; 	

Inspect synthetic rope slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; – Self-locking mechanism that does not lock. • Other visible damage that raises doubt about the safety of the sling. 	

(3) Repair, alteration, or modifications. Meet the following requirements when repairing synthetic rope slings:

- (a) Synthetic rope slings must only be repaired by the manufacturer or a qualified person;
- (b) Mark the sling to show the repairing agency;
- (c) Use components that meet the requirements of this part for sling repair;
- (d) Do not repair slings by knotting or resplicing existing sling ropes;
- (e) Proof load test repaired slings according to the requirements in subsection (4) of this section.

(4) Proof load test. The sling manufacturer or a qualified person must proof load test repaired slings and slings incorporating previously used or welded fittings before initial use, according to Table 24:

**Table 24
Synthetic Rope Sling Proof Load Requirements**

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Single leg slings; • Multiple leg slings; • Endless slings; • Fittings attached to single legs. 	To a minimum of two times the single leg vertical hitch rated load.
Master links for two-leg bridle slings.	To a minimum of four times the single leg vertical hitch rated load.

Type of equipment:	Proof load test:
Master links for three-leg bridle slings.	To a minimum of six times the single leg vertical hitch rated load.
Master links for four-leg bridle slings.	To a minimum of eight times the single leg vertical hitch rated load.

(5) Rated load.

- Note:** Rated loads are based on the following factors:
- Strength of the sling material;
 - Design factor;
 - Type of hitch (see Figure 24, Hitch Types for Synthetic Rope Slings);
 - Angle of loading (see Figure 18, Angle of Loading);
 - Diameter of curvature over which the sling is used (see Figure 19, D/d Ratio).

(a) Synthetic rope slings must be used within the rated loads shown in Tables 18 and 19 in ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower-rated capacity.

(c) The use of horizontal sling angles less than thirty degrees is prohibited, unless recommended by the sling manufacturer or a qualified person. (See Figure 18.)

(d) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater.

(e) Use Figure 20, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

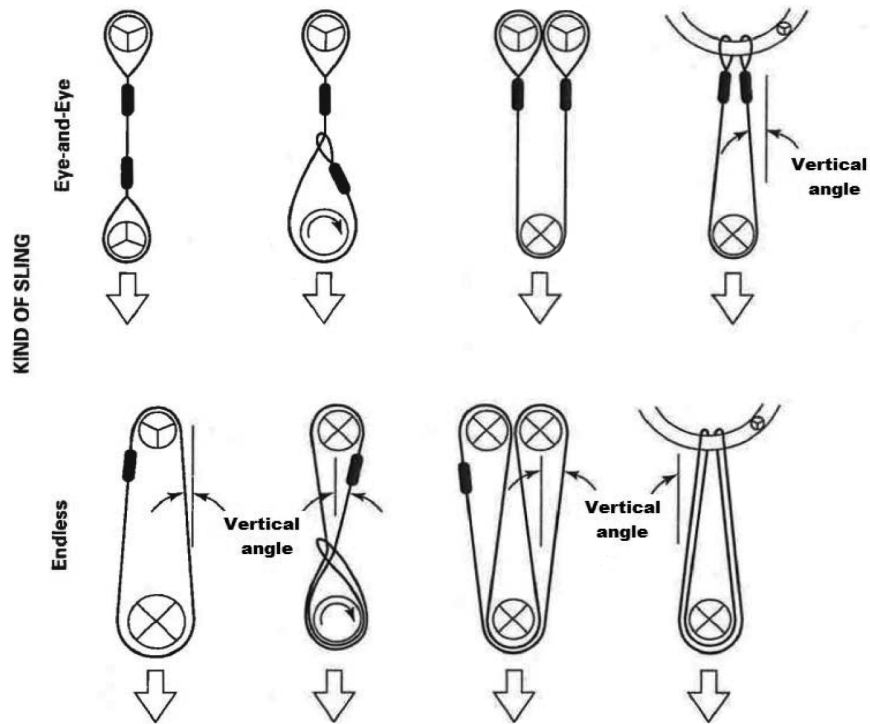


Figure 24
Hitch Types for Synthetic Rope Slings

The symbols below represent load or support in contact with the rope sling. The contact surface diameter divided by the rope diameter is designated D/d ratio as described in Figure 19.



Represents a contact surface which must have a diameter of curvature at least double the diameter of the rope from which the sling is made.



Represents a contact surface which must have a diameter of curvature at least eight times the diameter of the rope.



Represents a load in choker hitch and illustrates the rotary force on the load and/or the slippage of the rope in contact with the load. Diameter of curvature of load surface must be at least double the diameter of the rope.

Note: Legs five degrees or less from vertical may be considered vertical. For slings more than five degrees vertical, the actual angle must be used.

(6) Use of synthetic ropes.

(a) Use synthetic rope slings safely by doing all of the following:

- (i) Shorten or adjust slings only with methods approved by the manufacturer or qualified person;
- (ii) Slings must not be shortened or lengthened by knotting or twisting;
- (iii) Hitch slings in a way that provides control of the load;
- (iv) Slings in contact with edges, corners, protrusions, or abrasive surfaces must be protected with a material of suffi-

cient strength, thickness, and construction to prevent damage, see Figure 14;

(v) Do not allow the sling or load to rotate when hand-tucked slings are used in a single-leg vertical lift application; and

(vi) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.

(b) All of the following is prohibited:

- (i) Intentional shock loading; and
- (ii) Twisting or kinking.

NEW SECTION

WAC 296-155-55820 Synthetic webbing slings. (1) Identification. Make sure all slings have legible identification information permanently attached to the sling which includes the following information:

- (a) Name or trademark of the manufacturer;
- (b) Manufacturer's code or stock number;
- (c) Rated loads for the types of hitches used, and the angle that the load is based on;
- (d) Type of synthetic web material;
- (e) Number of legs, if more than one;
- (f) Repairing agency, if the sling is ever repaired.

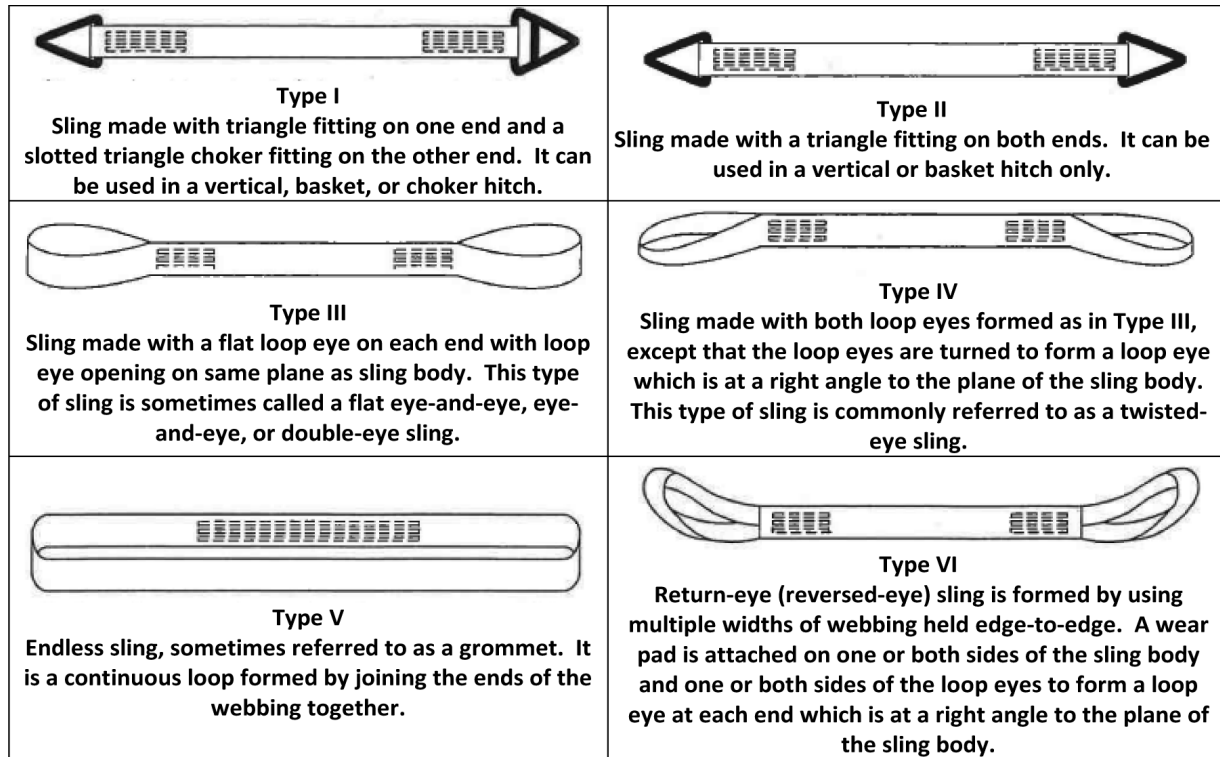


Figure 25
Synthetic Webbing Slings

- (2) Inspection.
 - (a) A qualified person must inspect synthetic webbing slings before their initial use, according to Table 25:
 - (i) When the sling is new; and
 - (ii) Whenever a repair, alteration, or modification has been done.
 - (b) A qualified person must perform a visual inspection for damage, each day or shift the synthetic webbing sling is used. Immediately remove from service any sling that is damaged beyond the criteria listed in Table 25.
 - (c) A qualified person must perform periodic inspections on synthetic webbing slings, according to Table 25.
 - (i) Examine each sling and component individually, taking care to expose and examine all surfaces.
 - (ii) Remove slings from use if any of the conditions in Table 25 are found.
 - (iii) Keep a written record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Table 25
Synthetic Webbing Sling Inspection

Inspect synthetic webbing slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification; • Acid or caustic burns; • Melting or charring on any part of the sling; • Holes, tears, cuts or snags; • Broken or worn stitching in load bearing splices; • Excessive abrasive wear; • Knots in any part of the sling; 	<ul style="list-style-type: none"> • At least once a year for slings in normal service; • At least once a quarter for slings in severe service; • As recommended by a qualified person for slings in special service.

Inspect synthetic webbing slings for the following conditions:	Perform inspections:
<ul style="list-style-type: none"> • Discoloration, brittle fibers, and hard or stiff areas that may indicate chemical or ultraviolet/sunlight damage; • Fittings that are pitted, corroded, cracked, bent, twisted, gouged or broken; • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer; – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer; – Self-locking mechanism that does not lock. • Other visible damage that causes doubt about the safety of continued use of the sling. 	

(3) Repair, alterations, or modifications.

(a) Meet the following requirements when repairing synthetic webbing slings:

- (i) Slings are only to be repaired by the manufacturer or a qualified person;
 - (ii) Temporary repairs are prohibited;
 - (iii) Mark the sling to show the repairing agency;
 - (iv) Components used for sling repair must meet the requirements of this part;
 - (v) Cracked, broken, melted, or otherwise damaged webbing material or fittings other than hooks must not be repaired;
 - (vi) Load bearing splices must not be repaired;
- (b) Proof load test repaired slings according to the requirements in subsection (4) of this section.

(4) Proof load test. The sling manufacturer or a qualified person must proof load test repaired slings and slings that have been altered or modified before initial use according to Table 26:

Table 26
Synthetic Webbing Sling Proof Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Single leg slings; • Multiple leg slings; • Endless slings; • Fittings attached to single legs. 	To a minimum of two times the single leg vertical hitch rated load.
Master links for two-leg bridle slings.	To a minimum of four times the single leg vertical hitch rated load.
Master links for three-leg bridle slings.	To a minimum of six times the single leg vertical hitch rated load.
Master links for four-leg bridle slings.	To a minimum of eight times the single leg vertical hitch rated load.

(5) Rated loads.

Note: Rated loads are based on the following factors:

- Strength of the material;
- Design factor;
- Type of hitch;
- Angle of loading (see Figure 18, Angle of Loading);
- Fabrication efficiency;
- Diameter of curvature over which the sling is used.

(a) Synthetic web slings must be used within the rated loads shown in Tables 20 through 24 in ASME B30.9-2010. For angles that are not shown in these tables, use either the rated load for the next lower angle or one calculated by a qualified person.

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower-rated capacity.

(c) The use of horizontal sling angles less than thirty degrees is prohibited, unless recommended by the sling manufacturer or a qualified person. (See Figure 18.)

(d) Use Figure 20, Angle of Choke, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(e) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced tables, provided that the angle of choke is one hundred twenty degrees or greater. (See Figure 20.)

(6) Use of synthetic webbing slings.

(a) Use synthetic webbing slings safely by meeting all of the following requirements:

- (i) Shorten or adjust slings only with methods approved by the manufacturer or qualified person;

- (ii) Slings must not be shortened or lengthened by knotting or twisting;
 - (iii) Hitch slings in a way that provides control of the load;
 - (iv) Protect slings with material of sufficient strength, thickness, and construction to prevent damage from sharp edges, corners, protrusions, or abrasive surfaces. See Figure 14;
 - (v) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.
- (b) Intentional shock loading is prohibited.

NEW SECTION

WAC 296-155-55825 Synthetic roundslings. (1) Identification. All synthetic roundslings must be marked with the following information:

- (a) Name or trademark of the manufacturer;
- (b) Manufacturer's code or stock number;
- (c) Core material;
- (d) Cover material if different from core material;
- (e) Rated loads for the types of hitches used, and the angle that the load is based on;
- (f) Number of legs, if more than one;
- (g) Repairing agency, if the sling is ever repaired.

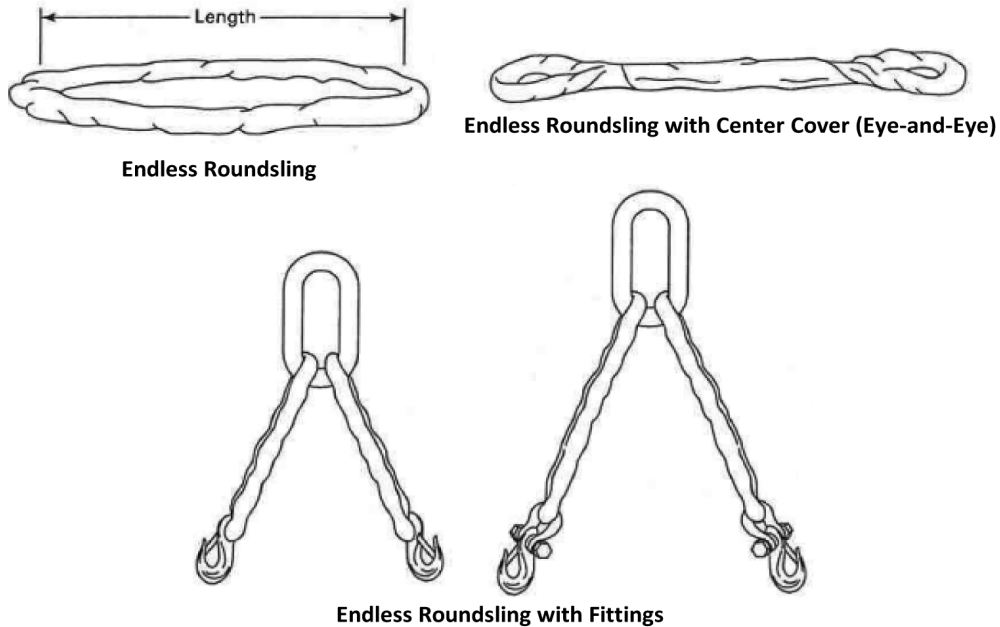


Figure 26
Synthetic Roundslings

- (2) Inspection.
- (a) A qualified person must inspect synthetic roundslings before their initial use, according to Table 27, both:
 - (i) When the sling is new; and
 - (ii) Whenever a repair, alteration, or modification has been done.
 - (b) A qualified person must perform a visual inspection for damage, each day or shift the synthetic roundsling is used. Immediately remove from service any sling that is damaged beyond the criteria listed in Table 27.
 - (c) A qualified person must perform periodic inspections on synthetic roundslings, according to Table 27.
 - (i) Examine each sling and component individually, taking care to expose and examine all surfaces.
 - (ii) Remove slings from use if any of the conditions in Table 27 are found.
 - (iii) Keep a written record of the most recent periodic inspection available, including the condition of the sling.

Note: An external code mark on the sling is an acceptable means of recording the inspection as long as the code can be traced back to a record.

Table 27
Synthetic Roundsling Inspection and Removal Criteria

Inspect synthetic roundslings for conditions such as the following:	Perform inspections:
<ul style="list-style-type: none"> • Missing or illegible sling identification. • Acid or caustic burns. • Evidence of heat damage. • Holes, tears, cuts, abrasive wear or snags that expose the core yarns. • Broken or damaged core yarns. • Weld spatter that exposes core yarns. 	

Inspect synthetic roundslings for conditions such as the following:	Perform inspections:
<ul style="list-style-type: none"> • Roundslings that are knotted. • Fittings that are pitted, corroded, cracked, bent, twisted, gouged or broken. • Hooks that have any of the following conditions: <ul style="list-style-type: none"> – Any visibly apparent bend or twist from the plane of the unbent hook. – Any distortion causing an increase in throat opening five percent, not to exceed one-quarter inch, or as recommended by the manufacturer. – Wear exceeding ten percent, of the original section dimension of the hook or its load pin, or as recommended by the manufacturer. – Self-locking mechanism that does not lock. • Other visible damage that causes doubt about the safety of continued use of the sling. 	<ul style="list-style-type: none"> • At least once a year for slings in normal service. • At least once a quarter for slings in severe service. • As recommended by a qualified person for slings in special service.

(3) Repair, alterations, or modifications.

(a) Meet the following requirements when repairing synthetic roundslings:

- (i) Only the manufacturer or a qualified person can repair slings;
 - (ii) Mark the sling to show the repairing agency;
 - (iii) Only use components that meet the requirements of this rule to repair slings;
 - (iv) Replace cracked, broken, or bent fittings other than hooks; do not repair them.
- (b) Both of the following are prohibited:
- (i) Temporary repairs of roundslings or fittings; and
 - (ii) The repair of load bearing yarns.

Proof load test repaired slings according to the requirements in subsection (4) of this section.

(4) Proof load tests. The sling manufacturer or a qualified person must proof load test repaired slings and slings that

have been altered or modified before initial use, according to Table 28:

Table 28
Synthetic Roundslings Proof Test Requirements

Type of equipment:	Proof load test:
<ul style="list-style-type: none"> • Single leg slings. • Multiple leg slings. • Endless slings. • Fittings attached to single legs. 	To a minimum of two times the single leg vertical hitch rated load.
Master links for two-leg bridle slings.	To a minimum of four times the single leg vertical hitch rated load.
Master links for three-leg bridle slings.	To a minimum of six times the single leg vertical hitch rated load.
Master links for four-leg bridle slings.	To a minimum of eight times the single leg vertical hitch rated load.

(5) Rated loads.

Note: Rated loads are based on the following factors:

- Strength of the material.
- Design factor.
- Type of hitch.
- Angle of loading. (See Figure 18, Angle of Loading.)
- Diameter of curvature over which the sling is used.

(a) Synthetic roundslings must be used within the rated loads shown in Table 25 in ASME B30.9-2010. For angles that are not shown in these tables, either use the rated load for the next lower angle or one calculated by a qualified person

(b) Rate slings with the load capacity of the lowest rated component of the sling. For example, if you use fittings that are rated lower than the sling material itself, identify the sling with the lower rated capacity.

(c) Prohibit the use of horizontal sling angles less than thirty degrees unless recommended by the sling manufacturer or a qualified person.

(d) Use Figure 18, Angle of Choke, the manufacturer, or a qualified person to determine the rated load if the angle of choke in a choker hitch is less than one hundred twenty degrees.

(e) Rated loads for slings used in a choker hitch must conform to the values shown in the above referenced Table 20 provided that the angle of choke is one hundred twenty degrees or greater. (See Figure 18.)

(6) Use of synthetic roundslings.

(a) Use methods approved by the manufacturer or qualified person to shorten or adjust slings. Slings must not be shortened or lengthened by knotting or twisting.

(b) Hitch slings in a way that provides control of the load.

(c) Protect slings with material of sufficient strength, thickness, and construction to prevent damage from sharp edges, corners, protrusions, or abrasive surfaces. (See Figure 14.)

(d) Keep all parts of the human body from between the sling and the load, crane, or hoist hook.

(e) Intentional shock loading is prohibited.

NEW SECTION

WAC 296-155-561 Rigging hardware.

NEW SECTION

WAC 296-155-56100 General requirements. (1) Inspections.

(a) A qualified person must perform an inspection on all hardware according to Table 29, each day before using. If a daily inspection is not feasible because the hardware is in a semipermanent or inaccessible location, a periodic inspection is allowed instead of daily.

(b) Hardware must be removed from service when it shows any conditions listed in Table 29, or any other hazardous condition.

**Table 29
Hardware Inspection**

For all hardware, inspect for the following:
<ul style="list-style-type: none"> • Missing or illegible identification. • For shackles, missing or illegible manufacturer's name or trademark and/or rated load identification.
<ul style="list-style-type: none"> • Indications of heat damage, including weld spatter or arc strikes.
<ul style="list-style-type: none"> • Excessive pitting or corrosion.
<ul style="list-style-type: none"> • Load bearing components that are: <ul style="list-style-type: none"> – Bent. – Twisted. – Distorted. – Stretched. – Elongated. – Cracked. – Broken.
<ul style="list-style-type: none"> • Excessive nicks or gouges. For riggings blocks, excessive nicks, gouges and wear.
<ul style="list-style-type: none"> • Ten percent reduction of the original or catalog dimension at any point. For shackles, this includes at any point around the body or pin.
<ul style="list-style-type: none"> • Excessive thread damage or wear, where applicable.
<ul style="list-style-type: none"> • Evidence of unauthorized welding or modification.
<ul style="list-style-type: none"> • Any other conditions that cause doubt as to the safety of continued use.
<ul style="list-style-type: none"> • On shackles, also inspect for incomplete pin engagement.
<ul style="list-style-type: none"> • On swivels and swivel hoist rings, check for lack of ability to freely rotate or pivot.
<ul style="list-style-type: none"> • On compression hardware, also check for: <ul style="list-style-type: none"> – Unauthorized replacement components.

For all hardware, inspect for the following:
<ul style="list-style-type: none"> – Insufficient number of wire rope clips. – Improperly tightened wire rope clips. – Damaged wire rope. – Indications of wire rope slippage. – Improper assembly.
<ul style="list-style-type: none"> • On swivels, check for loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices.
<ul style="list-style-type: none"> • On blocks check for: <ul style="list-style-type: none"> – Loose or missing nuts, bolts, cotter pins, snap rings, or other fasteners and retaining devices. – Misalignment or wobble in sheaves. – Excessive sheave groove corrugation or wear.

(2) Repairs, alterations, or modifications.

(a) Rigging hardware must be repaired, altered or modified according to the hardware manufacturer or a qualified person.

(b) Welding of hardware is prohibited unless authorized by the manufacturer.

(c) Replacement parts must meet or exceed the original rigging hardware manufacturer's specifications.

(3) Hardware use.

(a) Hardware must be selected with the characteristics suitable for the application and environment where it will be used.

(b) The rated load of the hardware must not be exceeded.

(c) All personnel using rigging hardware must meet the requirements of WAC 296-155-53306.

NEW SECTION

WAC 296-155-56105 Shackles. (1) Pins must be connected to the choking eye of the sling when a shackle is used in a choker hitch.

(2) Screw pins must be:

(a) Fully engaged, with the shoulder in contact with the shackle body (see Figure 27, Typical Shackle Components).

(b) Rigged in a way that keeps the pin from unscrewing while in use.

(c) Secured from rotation or loosening if used for long-term installations.

(3) Cotter pins must be kept in good working condition.

(4) If the shackle is side loaded, reduce the rated load, according to the recommendations of the manufacturer or a qualified person (see Figure 28, Side Loading).

Note: See Figure 29, Shackle Types, for examples of types of shackles covered by this rule.

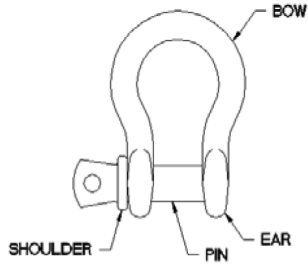


Figure 27
Typical Shackle Components

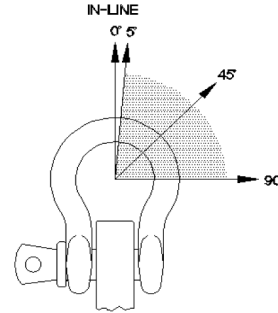


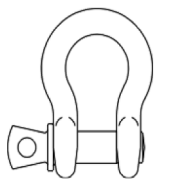
Figure 28
Side Loading

Side Loading Angle, deg.	% Rated Load Reduction
In-line (0) to 5	None
6 to 45	30%
46 to 90	50%
Over 90	Not permitted unless authorized by manufacturer or qualified person

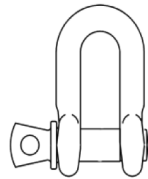
Anchor Shackles

Chain Shackles

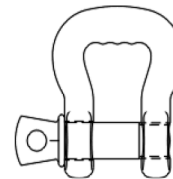
Synthetic Sling Shackles



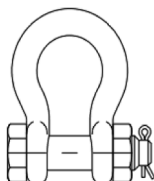
Screw Pin Type



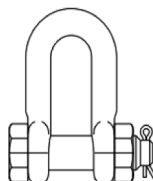
Screw Pin Type



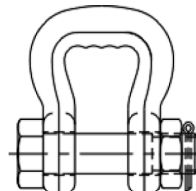
Screw Pin Type



Bolt Type



Bolt Type



Bolt Type

Figure 29
Shackle Types

NEW SECTION

WAC 296-155-56110 Adjustable hardware. (1) Turnbuckles. Follow these rigging practices for turnbuckles:

(a) Locking nuts, if used, must be compatible with the threads of the turnbuckle end. (See Figure 30, Turnbuckle Types.)

(b) For long-term installations, secure turnbuckles in a way that prevents unscrewing.

(c) Turnbuckle end fitting threads must be fully engaged in the body threads.

(d) Components, including pins, bolts, nuts, or cotter pins used with jaw ends, must be in good working condition prior to use.

- Notes:**
- See Figure 30 for types of turnbuckles covered by this rule.
 - Pipe bodies conceal the length of thread engagement. Verify full engagement before loading. (See Figure 30.)

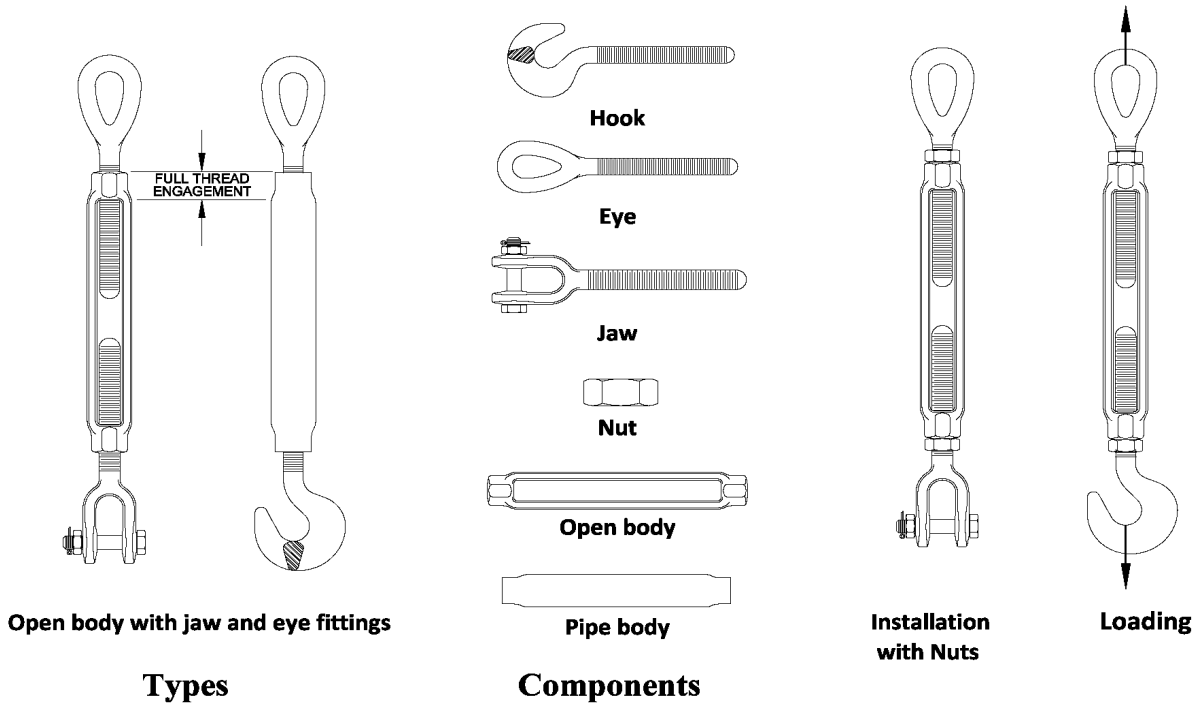


Figure 30
Turnbuckle Types

(2) Eyebolts. Follow these rigging practices for eyebolts:

(a) Eyebolts not shouldered to the load must only be used for in-line loads. (See Figure 31, Eyebolts.)

(b) Only shoulder eyebolts must be used for angular lifting.

(i) The shoulder must be flush and securely tightened against the load.

(ii) The working load limit (WLL) must be reduced as shown in Figure 31.

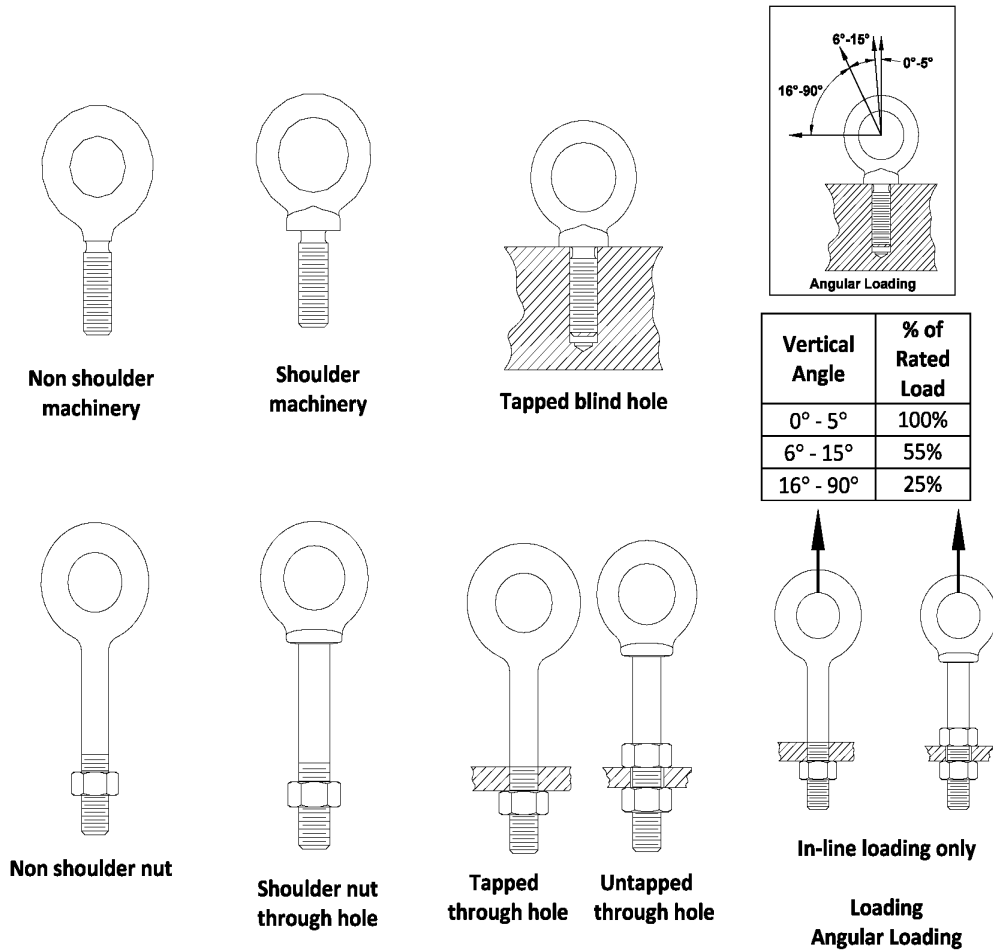
(iii) For angular lifts, the plane of the eye must be aligned with the direction of loading. If needed, flat washers can be used under the shoulder to position the plane of the eye. (See Figure 31.)

(c) When using eyebolts in a tapped blind hole, the effective thread length must be at least one and one-half times the diameter of the bolt for engagement in steel. (See Figure 31.) For other engagements, or engagements in other materials, contact the eyebolt manufacturer or a qualified person.

(d) When using eyebolts in a tapped through-hole of less than one diameter thickness, a nut must be used under the load, and must be fully engaged and tightened securely against the load. (See Figure 31.)

(e) When eyebolts are used in an untapped through-hole, the nut under the load must be fully engaged. If the eyebolt is not shouldered to the load, a second nut on top of the load should be used if possible. (See Figure 31.)

Note: See Figure 31 for examples of eyebolts covered by this rule.



**Figure 31
Eyebolts**

- (3) Eye nuts. Follow these rigging practices for eye nuts (see Figure 32, Eye Nuts):
- (a) The threads of eye nuts must be fully engaged;
 - (b) Eye nuts must only be used for in-line loads;
 - (c) Components must be in good working condition prior to use.

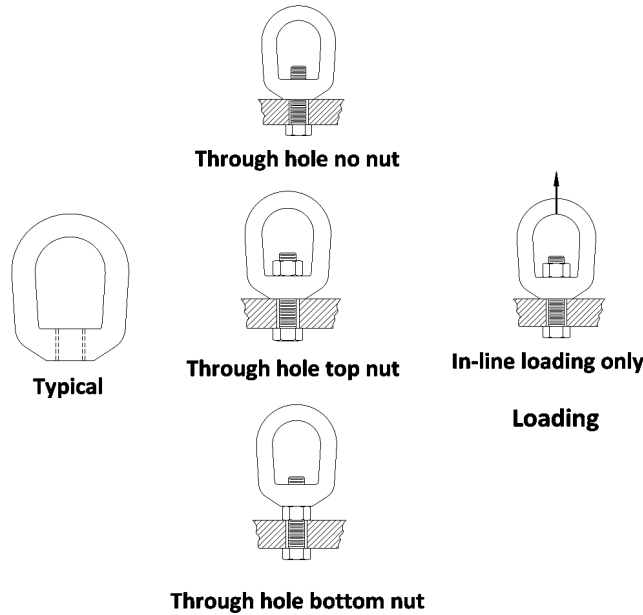


Figure 32
Eye Nuts

(4) Swivel hoist rings. Follow these rigging practices for swivel hoist rings:

(a) The swivel hoist ring working load limit (WLL) must meet or exceed the anticipated angular rigging tension. (See Figure 33, Angle of Loading.)

(b) Swivel hoist rings must be tightened to the torque specifications of the manufacturer.

(c) The swivel hoist ring must be free to rotate and pivot without interference during lifting. (See Figure 34, Swivel Hoist Rings.)

(d) The load applied to the swivel hoist ring must be centered in the bail to prevent side loading.

(e) Any attached lifting component must be narrower than the inside width of the bail to avoid spreading.

(f) When using swivel hoist rings in a threaded-hole, the effective thread length must be one and one-half times the

diameter of the bolt for steel. (See Figure 34.) For other thread engagements or engagement in other materials, contact the manufacturer or a qualified person.

(g) When using swivel hoist rings in a through-hole application, a nut and washer must be used. A washer and nut must be in accordance with the manufacturer's recommendations. The nut must be fully engaged. (See Figure 34.)

(h) The bushing flange must fully contact the load surface. (See Figure 34.)

(i) Spacers or washers must not be used between the bushing flange and the mounting surface of the load being lifted.

Note: See Figure 34 for examples of swivel hoist rings covered by this rule.

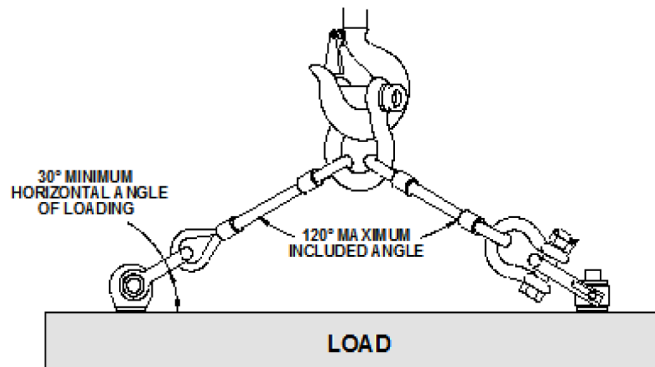


Figure 33
Angle of Loading (Adjustable Hardware)

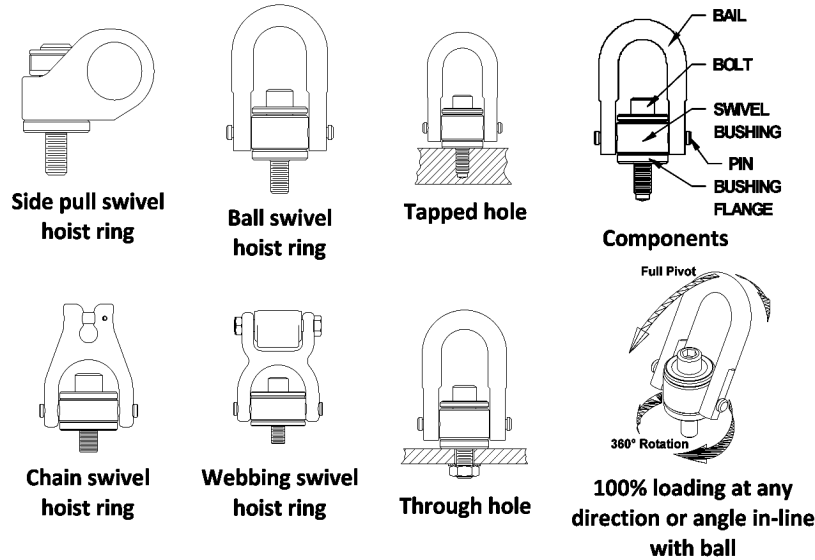


Figure 34
Swivel Hoist Rings

NEW SECTION

WAC 296-155-56115 Compression hardware. (1)

Wire rope clips. Follow these assembly requirements for wire rope clips:

(a) Before installing a wire rope clip on plastic coated or plastic impregnated wire rope, the wire rope clip manufacturer, wire rope manufacturer or a qualified person must be consulted.

(b) For U-bolt clips used to create end terminations, the saddle must be placed on the live end of the wire rope, with the U-bolt on the dead end side. (See Figure 35, Wire Rope Clips.)

(c) The assembly must be tested by loading the connection to at least the expected working load. After unloading, retighten the wire rope clips to the torque recommended by the manufacturer or a qualified person.

(d) Follow the manufacturer's recommendations for the minimum number of clips, spacing and turn-back measurements, and to the recommended torque values. In the absence of the manufacturer's recommendations follow Table 15.

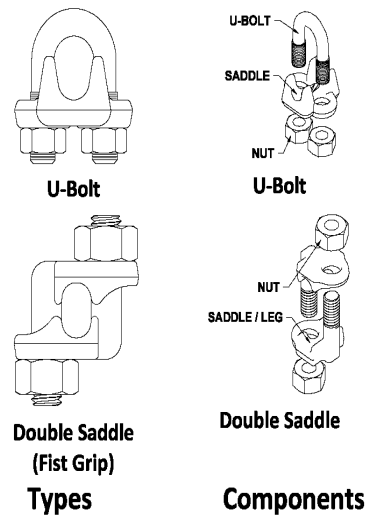


Figure 35
Wire Rope Clips

(2) Wedge sockets. Follow these assembly requirements for wedge sockets:

(a) Wedge sockets must be assembled as recommended by the manufacturer or a qualified person.

(b) Before installing a wedge socket on plastic coated or plastic impregnated wire rope the wedge socket manufacturer, wire rope manufacturer or a qualified person must be consulted.

(c) The assembler must match the proper wedge with the socket for the wire rope to be installed. Wedges must not be interchanged between different manufacturers' sockets or models.

(d) The live end of the wire rope in the wedge socket cavity must be in alignment with the socket's pin. (See Figure 36, Wedge Sockets.)

(e) The length of the dead end tail of the wire rope must be as required by the manufacturer or a qualified person.

(f) The tail of the dead end of the wire rope extending beyond the wedge socket must be secured as recommended by the wedge socket manufacturer or a qualified person.

(g) The dead end of the wire rope must not be secured to the live end of the wire rope in a way that restricts the movement of the live end. (See Figure 36.)

(h) After assembly the connection must be loaded to fully seat the wedge before use.

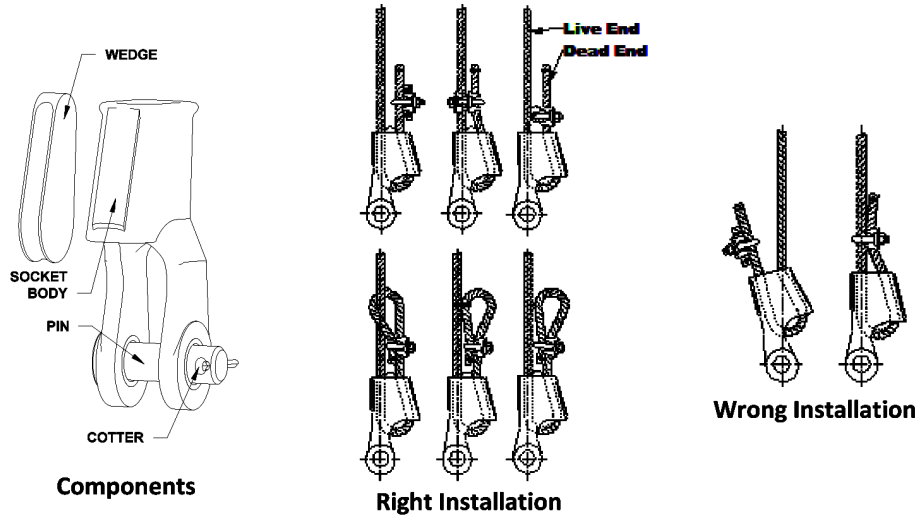


Figure 36
Wedge Sockets

NEW SECTION

WAC 296-155-56120 Links, rings, and swivels. (1) Follow these rigging practices for links and rings:

(a) The link or ring must be of the proper shape and size to make sure it seats properly in the hook or lifting device.

(b) Multiple slings or rigging hardware gathered in a link or ring must not exceed a one hundred twenty degree included angle. (See Figure 33, Angle of Loading.)

Note: See Figure 37, Links and Rings, for examples of links and rings covered by this rule.

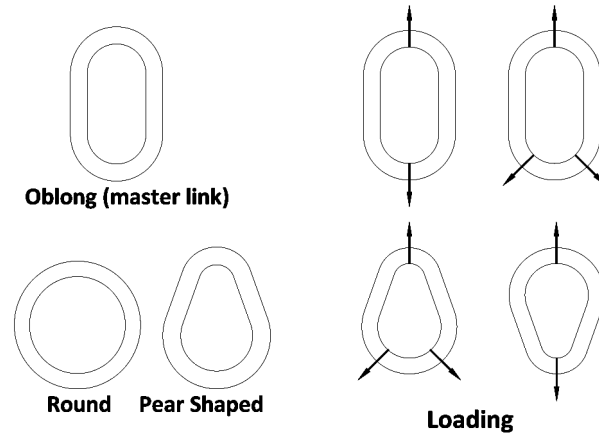


Figure 37
Links and Rings

(2) Follow these rigging practices for swivels:

(a) Swivels must only be used on in-line loads. (See Figure 38, Swivels.)

Note: Swivels are positioning hardware, and are not intended to be rotated under load.

(b) Swivels must be of the proper shape and size to make sure it seats correctly in the hook or lifting device.

(c) All swivel components must be kept in good working condition.

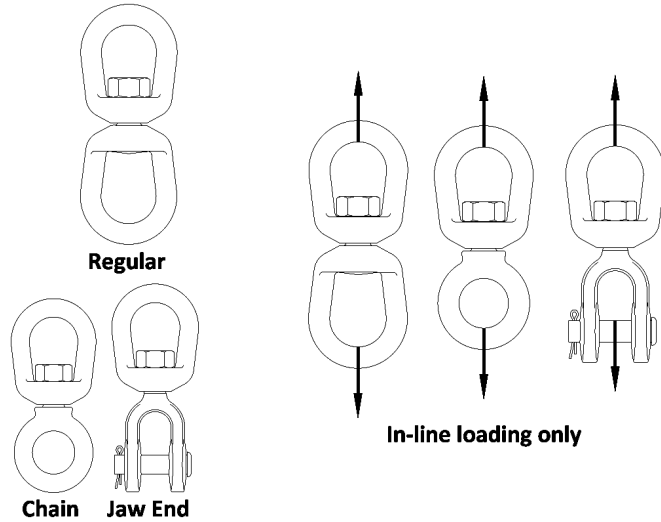


Figure 38
Swivels

NEW SECTION

WAC 296-155-56125 Rigging blocks. (1) The rigging block components must be fully engaged, with all fasteners and retaining devices in place and in good working order before use.

(2) The rope must be in the sheave groove when the rigging block begins to take load.

(3) The load line multiplied by the block load factor must not exceed the rated load of the rigging block. (See Figure 39, Block Load Factor Multipliers.)

(4) Load line fittings must not contact the rigging block sheave(s).

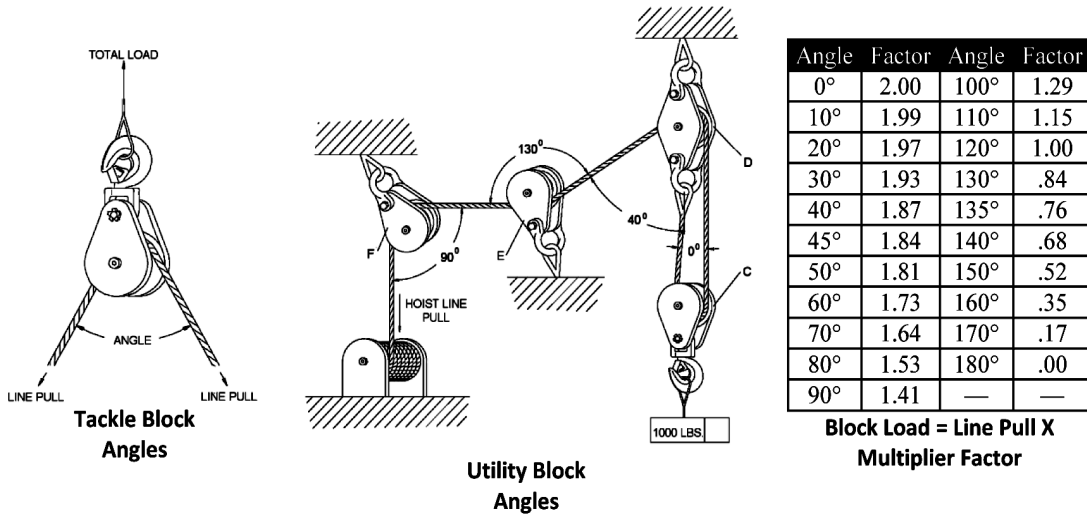


Figure 39
Block Load Factor Multipliers

Example: Load = 1,000 lb
Line Pull: 1,000 lb ÷ 2 = 500 lb
Load Block "C" = 500 lb x 2 = 1,000 lb
(line pull x factor for 0 deg. angle)
Load Block "D" = 500 lb x 1.87 + 500 lb = 1,435 lb

(line pull x factor for 40 deg. angle + dead-end load)
Load Block "E" = 500 lb x 0.84 = 420 lb
(line pull x factor for 130 deg. angle)
Load Block "F" = 500 lb x 1.41 = 705 lb
(line pull x factor for 90 deg. angle)

NEW SECTION

WAC 296-155-562 Lifting devices other than slings and rigging hardware.

NEW SECTION

WAC 296-155-56200 Structural and mechanical lifters. (1) Structural and mechanical lifting devices must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

(2) The rated load of the lifting device must be legibly marked on the main structure or on a tag attached to it where it is visible. If the lifting device is made up of several lifters, each detachable from the group, these lifters must also be marked with their individual rated loads.

(3) All structural and mechanical lifting devices must be marked with the following information:

- (a) Manufacturer's name and address;
- (b) Serial number;
- (c) Lifter weight, if over one hundred pounds (45 kg);
- (d) Rated load as required in subsection (2) of this section;
- (e) Name and address of repairer or modifier, when the lifting device has been repaired or modified.

(4) Installation.

(a) Structural and mechanical lifters must be assembled and installed according to manufacturer's instructions.

(b) The installer must check for correct rotation of all motors.

(5) Inspection.

(a) A qualified person must inspect all new, altered, repaired, or modified lifting devices according to Tables 30 and 31. The inspection of altered, repaired or modified lifting devices can be limited to the parts affected, if a qualified person determines that is all that is needed.

(b) The operator must inspect the lifting device before and during every lift for any indication of damage. Check the following items:

- (i) Surface of the load for debris;
- (ii) Condition and operation of the controls; and
- (iii) Condition and operation of the indicators and meters when installed.

(c) Lifting devices must be inspected, by the operator or another competent person, according to Table 30.

(i) If any damage is found, have a qualified person determine whether there is a hazard.

(ii) Hazardous conditions must be corrected before continuing use.

Table 30

Structural and Mechanical Lifter Frequent Inspection

Inspect for:	How often:
Structural members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear on any part of the lifter. 	

Inspect for:	How often:
The device for: <ul style="list-style-type: none"> • Loose or missing: <ul style="list-style-type: none"> - Guards. - Fasteners. - Covers. - Stops. - Nameplates. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence. • Before use, when any lifter has been idle for at least one month.
<ul style="list-style-type: none"> • All functional operating mechanisms for maladjustments interfering with operation. 	
<ul style="list-style-type: none"> • Automatic hold-and-release mechanisms for maladjustments interfering with operation. 	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(d) A qualified person must perform a periodic inspection on structural and mechanical lifters according to Table 31. Include the items in Table 30 of this section.

(i) Hazardous conditions must be corrected before continuing use.

(ii) Dated inspection reports must be kept of the most recent periodic inspection.

Table 31

Structural and Mechanical Lifting Device Periodic Inspection

Inspect for:	How often:
Loose bolts or fasteners.	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service - Semi-annually.
Cracked or worn gear, pulleys, sheaves, sprockets, bearings, chains, and belts.	

Inspect for:	How often:
Excessive wear of friction pads, linkages, and other mechanical parts.	<ul style="list-style-type: none"> • Severe service - Quarterly.
Excessive wear at hoist hooking points and load support clevises or pins.	<ul style="list-style-type: none"> • Special or infrequent service - As recommended by a qualified person before the first such occurrence and as directed by the qualified person for any subsequent occurrences.

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(6) Operational tests.

(a) A qualified person must perform an operational test on new, altered, repaired, or modified lifters before use. The qualified person can limit the testing of altered, repaired or modified lifters to the parts affected.

(b) The following items must be tested:

(i) Lifters with moving parts must be tested to determine that the lifter operates according to the manufacturer's instructions.

(ii) Lifters with manually operated or automatic latches must be tested to determine that the latch operates according to manufacturer's instructions.

(iii) All indicator lights, gages, horns, bells, alarms, pointers, and other warning devices must be tested.

(c) Dated reports of all operational tests must be kept on file.

(7) Repair.

(a) Structural and mechanical lifting devices must be repaired as follows:

(i) Adjustments and testing must be done only by a qualified person;

(ii) Replacement parts used must be at least equal to the original manufacturer's specifications;

(iii) The device must be inspected according to subsection (5) of this section before returning to service.

(b) The following precautions must be taken before repairs on a lifting device are started:

(i) Disconnect, lock out and tag all sources of power "Out of Service," if applicable;

(ii) Tag the lifting device removed from service for repair "Out of Service."

(8) Lifting devices must be operated only by qualified personnel.

(9) Operators must do the following:

(a) Test all controls before use, each shift;

(b) Consult a competent person before handling the load whenever there is any doubt as to safety;

(c) Respond only to instructions from competent persons, except for stop signals. The operator must obey a stop order at all times, no matter who gives it;

(d) Do not load the lifting device in excess of its rated load or with any load that it is not specifically designed for;

(e) Apply the lifter to the load according to the instruction manual;

(f) Check that:

(i) Lifter ropes or chains are not kinked.

(ii) Multiple part lines are not twisted around each other.

(g) Bring the lifter over the load in a way that minimizes swinging;

(h) Keep the load or lifter from contacting any obstruction;

(i) Set down any attached load and store the lifting device before leaving it;

(j) Check that all personnel are clear of the load;

(k) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person;

(l) Riding on loads or the lifting device is prohibited.

NEW SECTION

WAC 296-155-56205 Vacuum lifters. (1) Vacuum lifting devices must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

(2) Rated load.

(a) The rated load of each lifter and each pad must be legibly marked on the main structure or on a tag attached to it where it is visible. The marking must refer to the instruction manual for information about decreases in rating due to loads:

(i) Rigidity;

(ii) Strength;

(iii) Overhang;

(iv) Surface condition;

(v) Angle of load;

(vi) Temperature;

(vii) Number of pads;

(viii) Elevation and vacuum level.

(b) If the vacuum lifting device has shut-off valves on individual pads or groups of pads, the rated load of each pad must also be marked.

(3) The vacuum lifter must be clearly marked on the main structure with all of the following:

(a) Manufacturer's name and address;

(b) Model number;

(c) Serial number;

(d) Lifter weight;

(e) Electrical power requirements, if applicable;

(f) Pressure and volume of compressed air required, if applicable;

(g) Rated load, as required in subsection (2) of this section;

(h) If repaired or modified, the name, address, and lifter identification of repairer or modifier.

(4) Installation.

(a) Vacuum lifters must be assembled and installed according to manufacturer's instructions.

- (b) The installer must check:
 - (i) That the power supply is the same as what is shown on the nameplate.
 - (ii) For correct rotation of all motors.
- (c) Connect the electrical power supply to the vacuum lifter to either:
 - (i) The line side of the crane disconnect; or
 - (ii) An independent circuit.
- (5) Inspection.
 - (a) A qualified person must inspect all new, altered, repaired, or modified vacuum lifters. A qualified person can limit the inspection of altered, repaired or modified lifters to the affected parts.
 - (b) The operator must inspect the lifter before and during every lift for any indication of damage, including all of the following:
 - (i) Surface of the load for debris;
 - (ii) Seal of the vacuum pad for debris;
 - (iii) Condition and operation of the controls;
 - (iv) Condition and operation of the indicators, meters and pumps when installed.
 - (c) Lifters must be inspected, by the operator or another competent person, according to Table 32.
 - (d) A qualified person must determine whether signs of damage indicate a hazard.
 - (e) Hazardous conditions must be corrected before continuing use.
 - (f) A qualified person must perform a periodic inspection of vacuum lifters according to Table 33. Include the items in Table 32 of this section.
 - (g) Dated inspection records must be kept on all critical items such as supporting structure, motors, controls, and other auxiliary components.
 - (h) Hazardous conditions must be corrected before continuing use.

**Table 32
Vacuum Lifter Frequent Inspection**

Inspect:	How often:
Structural members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence.
The vacuum generator for output.	
The vacuum pad seal rings for: <ul style="list-style-type: none"> • Cuts. 	

Inspect:	How often:
<ul style="list-style-type: none"> • Tears. • Excessive wear. • Foreign particles. Vacuum lines and connections for: <ul style="list-style-type: none"> • Leakage. • Cuts. • Kinks. • Collapsed areas of hoses. 	<ul style="list-style-type: none"> • Before using, when a lifting device has been idle for more than one month.
The vacuum reservoir for: <ul style="list-style-type: none"> • Leaks. • Visible damage. 	
The entire vacuum system including indicator lights, gages, horns, bells, pointers or other warning devices, and vacuum level indicators: <ul style="list-style-type: none"> • Attach a nonporous, clean surface to the vacuum pad or pads. • Stop the vacuum source. • Check that the vacuum level in the system does not decrease by more than the manufacturer's specified rate. 	

**Table 33
Vacuum Lifting Device Periodic Inspection**

Inspect for:	How often:
External evidence of: <ul style="list-style-type: none"> • Looseness. • Wear. • Deformation. 	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service - Semi-annually. • Severe service - Quarterly.

Inspect for:	How often:
<ul style="list-style-type: none"> • Cracking. • Corrosion. 	<ul style="list-style-type: none"> • Special or infrequent service - As recommended by a qualified person before the first such occurrence and as directed by the qualified person for any subsequent occurrences.
External evidence of damage to: <ul style="list-style-type: none"> • Supporting structure. • Motors. • Controls. • Other auxiliary components. 	
Clear warning labels.	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(6) Operational tests.

(a) A qualified person must perform an operational test on new, altered, repaired, or modified vacuum lifters before use. The qualified person can limit the testing of altered, repaired or modified lifters to the parts affected.

(b) The following items must be tested:

- (i) Moving parts;
- (ii) Latches;
- (iii) Stops;
- (iv) Limit switches;
- (v) Control devices;
- (vi) Vacuum lines;

(vii) The seals and connections must be tested for leaks by attaching a smooth nonporous clean material to the vacuum pad or pads and then stopping the vacuum source. The vacuum level in the system must not decrease more than the manufacturer's specified rate.

(c) Dated reports of all operations tests must be kept on file.

(7) Load tests.

(a) Prior to initial use, all new, altered, repaired, or modified vacuum lifting devices must be load tested and inspected by a qualified person. The qualified person can limit the test to the areas affected by the alteration, repair or modification.

(b) Test loads must not be more than one hundred twenty-five percent of the rated load of the system, unless otherwise recommended by the manufacturer or a qualified person.

(c) Written reports must be kept confirming the load rating of the vacuum lifting device.

(d) The load test must consist of one of the following procedures:

(i) Actual load test:

(A) Attach pads to the designated test load.

(B) Raise the test load a small distance to make sure the load is supported by the vacuum-lifting device.

(C) Hold the load for two minutes.

(D) Lower the load for release.

(ii) Simulated load test. Using a test fixture, apply forces to all load bearing components either individually or in assemblies equivalent to the forces encountered by the components if they were supporting a load that was one hundred twenty-five percent of the rated load.

(e) After the test, the vacuum lifting device must be visually inspected. Any condition that constitutes a hazard must be corrected before the lifting device is placed in service. If the correction affects the structure, then the lifter must be retested.

(8) Repair.

(a) Repair vacuum lifting devices as follows:

(i) Adjustments and testing must be done only by a qualified person;

(ii) Use replacement parts that are at least equal to the original manufacturer's specification;

(iii) The lifting device must be inspected before returning to service as required in subsection (5) of this section.

(b) Take the following precautions before repairs on a lifting device are started:

(i) Move the vacuum-lifting device to an area where it will cause the least interference with other operations;

(ii) Disconnect, lock out and tag all sources of power "Out of Service," if applicable;

(iii) Tag the lifting device removed from service for repair "Out of Service."

(9) Lifting devices must be operated only by qualified personnel.

(10) Operators must do the following:

(a) Test all controls before use during a shift;

(b) Consult a competent person before handling the load whenever safety is in doubt;

(c) Respond only to instructions from competent persons, except for stop orders. The operator must obey a stop order at all times, no matter who gives it;

(d) Do not load the lifter in excess of its rated load or with any load that it isn't specifically designed for;

(e) Apply the lifter to the load according to the manufacturer's instructions;

(f) Check that:

(i) Ropes or chains are not kinked.

(ii) Multiple part lines are not twisted around each other.

(iii) The pad contact surface is clean and free of loose particles.

(g) Check that vacuum lines are not:

(i) Kinked or twisted.

(ii) Wrapped around or looped over parts of the lifting device that will move during the lift.

(h) Bring the lifter over the load in a way that minimizes swinging;

(i) Lift the load a few inches to make sure that the lifting device was correctly applied;

- (j) Keep the load or lifter from contacting any obstruction;
- (k) Do the following if power goes off while making a lift:
 - (i) Warn all people in the area;
 - (ii) Set the load down if possible.
 - (l) Set down any attached load and store the lifting device before leaving it;
 - (m) Check that all personnel are clear of the load;
 - (n) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person;
 - (o) Riding on the load or the lifter is prohibited.

- (i) Lifting magnet face and surface of the load for foreign materials and smoothness;
- (ii) Condition and operation of the:
 - (A) Control handle of a manually controlled permanent magnet;
 - (B) Indicators and meters when installed.
 - (c) Lifting magnets must be inspected, by the operator or another competent person, according to Table 34.
 - (d) A qualified person must determine whether signs of damage indicate a hazard.
 - (e) Hazardous conditions must be corrected before continuing use.

NEW SECTION

WAC 296-155-56210 Close proximity lifting magnets. (1) Close proximity lifting magnets must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

- (2) Rated load.
 - (a) General application magnets must have the rated load (capacity) marked either on the lifting magnet or on a tag attached to it. The marking must refer to the instruction manual for information about decreases in rating due to the loads.
 - (i) Surface condition.
 - (ii) Thickness.
 - (iii) Percentage of contact with the magnet.
 - (iv) Temperature.
 - (v) Metallurgical composition.
 - (vi) Deflection.
 - (b) Specified application magnets must have the rated load (capacity) either on the lifting magnet or on a tag attached to it, referring to the specific loads for which the capacity applies.
- (3) Identification. All close proximity lifting magnets must be marked with the following information:
 - (a) Manufacturer's name and address;
 - (b) Model and lifting magnet unit identification;
 - (c) Weight of lifting magnet;
 - (d) Rated load, as required in subsection (2) of this section;
 - (e) Duty cycle, if applicable;
 - (f) Cold current (amps) at sixty-eight degrees Fahrenheit (twenty degrees Celsius), if applicable; and
 - (g) Voltage of primary power supply or battery, if applicable.
 - (h) If repaired or modified, name and address of repairer or modifier and (a) through (g) of this subsection if changed.
- (4) Lifting magnets must be installed according to manufacturer's instructions.
- (5) Inspection.
 - (a) A qualified person must inspect all new, altered, repaired, or modified lifting magnets according to Tables 34 and 35. The inspection of altered, repaired or modified lifting magnets can be limited to the parts affected, if a qualified person determines that is all that is needed.
 - (b) The operator must inspect the lifting magnet before and during every lift for any indication of damage. Check all of the following items:

**Table 34
Close Proximity Lifting Magnet Frequent Inspection**

Inspect:	How often:
Structural and suspension members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear on any part of the lifting magnet. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence. • Before using, when a lifting magnet has been idle for more than one month.
The lifting magnet face for: <ul style="list-style-type: none"> • Foreign materials. • Smoothness. 	
Condition of lifting bail or sling suspension.	
Condition and operation of control handle.	
Condition and operation of indicators and meters, if applicable.	
Electrical conductors, if applicable, that are visible without disassembly for: <ul style="list-style-type: none"> • Loose connections. • Continuity. • Corrosion. • Damage to insulation. 	
Battery operated electromagnets for:	

Inspect:	How often:
<ul style="list-style-type: none"> • Proper level of battery electrolyte. • Corrosion of battery posts or connectors. 	
Cracked housings, welds, and loose bolts.	
Legible labels and marking.	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(f) A qualified person must perform periodic inspections of close proximity lifting magnets according to Table 35. Include the items in Table 34 of this section.

(g) Dated inspection records must be kept on all critical items such as structural and suspension members, lifting magnet face, lifting bail, control handle, indicators and meters.

(h) Hazardous conditions must be corrected before continuing use.

Table 35

Close Proximity Lifting Magnet Periodic Inspection

Inspect:	How often:
Members, fasteners, locks, switches, warning labels, and lifting parts for: <ul style="list-style-type: none"> • Deformation. • Wear. • Corrosion. 	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service, unless external conditions indicate that disassembly should be done to permit detailed inspection - Quarterly.
All electrical components, including controllers, battery, external power supply, power disconnects, meters, indicators, and alarms for: <ul style="list-style-type: none"> • Proper operation. 	
	<ul style="list-style-type: none"> • Severe service - Monthly.

Inspect:	How often:
<ul style="list-style-type: none"> • Condition. 	<ul style="list-style-type: none"> • Special or infrequent service - As recommended by a qualified person before the first occurrence and as directed by the qualified person for any subsequent occurrences.
Lifting magnet coil must be tested for: <ul style="list-style-type: none"> • Ohmic and ground readings compared to manufacturer's standards. 	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(6) Operational tests.

(a) All new, altered, repaired or modified lifting magnets must be tested either by or under the direction of a qualified person before use. The qualified person can limit the testing of altered, repaired or modified lifting magnets to the parts affected.

(b) The following items must be tested:

- (i) Moving parts;
- (ii) Latches;
- (iii) Stops;
- (iv) Switches;
- (v) Control devices;
- (vi) Alarms; and
- (vii) Warning devices, including:
 - (A) Indicator lights;
 - (B) Gauges;
 - (C) Horns;
 - (D) Bells; and
 - (E) Pointers.

(c) Dated reports of all operational tests must be kept on file.

(7) Load tests.

(a) Prior to initial use, all new, altered, repaired, or modified close proximity lifting devices must be load tested and inspected by a qualified person. The qualified person can limit the test to the areas affected by the alteration, repair, or modification.

(b) The breakaway force of lifting magnets must be tested according to manufacturer's directions or ANSI B30.20-2010.

(8) Repair.

(a) Close proximity lifting magnets must be repaired as follows:

- (i) Adjustments and testing must be done by or under the direction of a qualified person;
- (ii) Replacement parts used must be at least equal to the original manufacturer's specifications;
- (iii) The magnet must be inspected before returning to service as required in subsection (5) of this section.
- (b) The following precautions must be taken before repairs on a magnet are started:
 - (i) Disconnect, lock out and tag all sources of power "Out of Service," if applicable; and
 - (ii) Tag any lifting magnet removed from service for repair "Out of Service."
- (9) Lifting magnets must be operated only by qualified personnel.
- (10) Operators must do the following:
 - (a) Test all controls before use, each shift;
 - (b) Check all meters and indicators for proper operation before making a lift;
 - (c) Consult a competent person before handling the load whenever there is any doubt as to safety;
 - (d) Respond only to instructions from competent persons, except for stop orders. Operators must obey a stop order at all times, no matter who gives it;
 - (e) Do not load the lifting magnet in excess of its rated load or with any load that it isn't specifically designed for;
 - (f) Apply the magnet to the load according to the instruction manual;
 - (g) Check that:
 - (i) Lifter ropes or chains are not kinked;
 - (ii) Multiple part lines are not twisted around each other;
 - (iii) The lifting magnet face and the contact area on the load are clean.
 - (h) Bring the magnet over the load in a way that minimizes swinging;
 - (i) Lift the load a few inches to make sure that the lifting magnet has been correctly applied;
 - (j) Keep the load or lifting magnet from contact with any obstruction;
 - (k) Set down any attached load and store the lifting magnet before leaving it;
 - (l) Check that all people near the lift are warned before lifting;
 - (m) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person; and
 - (n) Riding on loads or the lifting magnet is prohibited.

NEW SECTION

- WAC 296-155-56215 Remotely operated lifting magnets.** (1) Remotely operated lifting magnets must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.
- (2) Identification. All remotely operated lifting magnets must be marked with the following information:
- (a) Manufacturer's name and address;
 - (b) Model or unit identification;
 - (c) Weight of lifting magnet;
 - (d) Duty cycle;
 - (e) Cold current;

- (f) Voltage;
- (g) If repaired or modified, name and address of repairer or modifier and (a) through (g) of this subsection if changed.
- (3) Lifting magnets must be installed according to manufacturer's instructions.
- (4) Inspections.
 - (a) A qualified person must inspect all new, altered, repaired or modified lifting magnets according to Tables 36 and 37. A qualified person can limit the inspection of altered, repaired or modified lifting magnets to the parts affected.
 - (b) Lifting magnets must be inspected, by the operator or another competent person, according to Table 36.
 - (c) A qualified person must determine whether signs of damage indicate a hazard.
 - (d) Hazardous conditions must be corrected before continuing use.
 - (e) A qualified person must perform periodic inspections of remotely operated lifting magnets according to Table 37. Include the items in Table 36.
 - (f) Make records of apparent external conditions to provide the basis for a continuing evaluation.
 - (g) Hazardous conditions must be corrected before continuing use.

Table 36
Remotely Operated Lifting Magnet Frequent Inspection

Inspect:	How often:
Structural and suspension members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear on any part of the lifting magnet. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence.
The lifting magnet face for: <ul style="list-style-type: none"> • Foreign materials. • Smoothness. 	
Electrical conductors that are visible without disassembly.	
Cracked housings, welds, and loose bolts.	

Note: • Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.

- Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
- Severe service means service that involves normal or heavy service with abnormal operating conditions.

Table 37

Remotely Operated Lifting Magnet Periodic Inspection

Inspect:	How often:
Members, fasteners, and lifting parts for: <ul style="list-style-type: none"> • Deformation. • Wear. • Corrosion. 	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service - Quarterly. • Severe service - Monthly. • Special or infrequent service - As recommended by a qualified person before the first occurrence and as directed by the qualified person for any subsequent occurrences.
All electrical components for: <ul style="list-style-type: none"> • Proper operation. • Condition. 	
Magnet coil for: <ul style="list-style-type: none"> • Ohmic and ground readings compared to manufacturer's standards. 	

(5) Operational tests.

(a) All new, altered, repaired or modified lifting magnets must be tested either by or under the direction of a qualified person before use. The qualified person can limit the testing of altered, repaired or modified lifting magnets to the parts affected.

(b) The following items must be tested:

- (i) All electrical equipment for proper operation;
- (ii) Warning devices, including:
 - (A) Indicator lights;
 - (B) Gauges;
 - (C) Horns;
 - (D) Bells; and
 - (E) Pointers.

(c) Dated reports of all operational tests must be kept on file.

(6) Repair.

(a) Remotely operated lifting magnets must be repaired as follows:

- (i) Have adjustments and testing done only by or under the direction of a qualified person;
- (ii) Use replacement parts that are at least equal to the original manufacturer's specifications; and

(ii) Inspect the lifter according to subsection (4) of this section, before returning to service.

(b) The following precautions must be taken before repairs on a lifter are started:

(i) Disconnect, lock out and tag all sources of power "Out of Service."

(ii) Tag any magnet removed from service for repair "Out of Service."

(7) Lifting devices must be operated only by qualified personnel.

(8) Operators must do the following:

(a) Test all controls before use during a shift;

(b) Consult a competent person before handling the load whenever there is any doubt as to safety;

(c) Respond only to instructions from competent persons, except for stop orders. Operators must obey a stop order at all times, no matter who gives it;

(d) Do not load the lifting magnet in excess of its rated load or with any load that it is not specifically designed for;

(e) Apply the lifting magnet to the load according to the instruction manual;

(f) Check that:

(i) Lifter ropes or chains are not kinked;

(ii) Multiple part lines are not twisted around each other.

(g) Bring the lifting magnet over the load in a way that minimizes swinging;

(h) Keep the load or magnet from contact with any obstruction;

(i) Set down any attached load and store the lifting magnet before leaving it;

(j) Check that all people are clear of the load;

(k) Using the lifter for side pulls or sliding the load is prohibited, unless specifically authorized by a qualified person; and

(l) Riding on loads or the lifting magnet is prohibited.

NEW SECTION

WAC 296-155-56220 Scarp and material handling grapples. (1) Grapples must be constructed in accordance with ASME B30.20-2010, Below-the-Hook Lifting Devices.

(2) Identification. All grapples must be marked with the following information:

(a) Manufacturer's name and address;

(b) Serial number or unit identification;

(c) Grapple weight;

(d) Rated voltage, if applicable;

(e) Operating hydraulic pressure(s), if applicable;

(f) Rated capacity;

(g) If repaired or modified, name and address of repairer or modifier and (a) through (f) of this subsection if changed.

(3) Grapple installation.

(a) Grapples must be installed according to manufacturer's instructions.

(b) The hydraulic flows and pressures must be the same as shown in the manufacturer's instructions.

(4) Inspections.

(a) A qualified person must inspect all new, altered, repaired and modified grapples according to Table 38. A

qualified person can limit the inspection of altered, repaired or modified grapples to the parts affected.

(b) Grapples must be visually inspected each shift they are used, by the operator or another competent person, according to Table 38.

(c) A qualified person must determine whether signs of damage indicate a hazard.

(d) Hazardous conditions must be corrected before continuing use.

Table 38
Grapple Frequent Inspection

Inspect:	How often:
Structural members for: <ul style="list-style-type: none"> • Deformation. • Cracks. • Excessive wear on any part of the grapple. 	<ul style="list-style-type: none"> • Normal service - Monthly. • Heavy service - Weekly to monthly. • Severe service - Daily to weekly. • Special or infrequent service - As recommended by a qualified person before and after each occurrence. • Before using, when a grapple has been idle for more than one month.
Pins and bushings.	
Hydraulic lines.	
Hydraulic cylinders.	
Loose bolts.	
Electrical conductors that are visible without disassembly.	

- Note:**
- Normal service means service that involves operation with various weights within the rated load limit, averaging less than sixty-five percent of rated load limits.
 - Heavy service means service that involves operation within the rated load limit, that exceeds the limits of normal service.
 - Severe service means service that involves normal or heavy service with abnormal operating conditions.

(e) A qualified person must perform a periodic inspection of grapples according to Table 39. Include the items from Table 38 of this section.

(f) Data inspection reports must be kept on critical items such as structural members, fasteners, lifting parts, hydraulic hoses, fittings and tubing, hydraulic motors and hydraulic cylinders.

(g) Hazardous conditions must be corrected before continuing use.

Table 39
Grapple Periodic Inspection

Inspect:	How often:
Members, fasteners, and lifting parts for: <ul style="list-style-type: none"> • Deformation. • Wear. • Corrosion. 	<ul style="list-style-type: none"> • Normal service for equipment in place - Yearly. • Heavy service, unless external conditions indicate that disassembly should be done to permit detailed inspection - Quarterly. • Severe service - Monthly. • Special or infrequent service - As recommended by a qualified person before the first occurrence and as directed by the qualified person for any subsequent occurrences.
Hydraulic hose, fittings, and tubing for: <ul style="list-style-type: none"> • Evidence of leakage at the surface of the hose or its junction with metal couplings. • Blistering or abnormal deformation of the outer covering of the hose. • Leakage at threaded or clamped joints that cannot be eliminated by normal tightening or recommended procedures. • Excessive abrasion or scrubbing on the outer surface of hoses, rigid tubes, or fittings. 	
Hydraulic motors for: <ul style="list-style-type: none"> • Loose bolts or fasteners. • Leaks at joints between sections. • Shaft seal leaks. • Unusual noises or vibration. • Loss of operating speed. • Excessive heating of the fluid. • Loss of pressure. 	
Hydraulic cylinders for:	

Inspect:	How often:
<ul style="list-style-type: none"> • Drifting caused by fluid leaking across the piston seals. • Rod seal leakage. • Leaks at welded joints. • Scored, nicked, or dented cylinder rods. • Dented case (barrel). • Loose or deformed rod eyes or connecting joints. 	
<p>All electrical components, including meters, indicators and alarms for:</p> <ul style="list-style-type: none"> • Proper operation. • Condition. 	

- (e) Do not load grapples in excess of the rated load or with any load that they are not specifically designed for;
- (f) Apply the grapple to the load according to the instruction manual;
- (g) Bring the grapple over the load in a way that minimizes swinging;
- (h) Keep the load or grapple from contact with any obstruction;
- (i) Set down any attached load and store the grapple before leaving it;
- (j) Don't let anyone ride on loads or the grapple;
- (k) Check that all people stay clear of the load.

NEW SECTION

WAC 296-155-564 Appendices.

(5) Operational tests.

(a) All new, altered, repaired or modified grapples must be tested either by or under the direction of a qualified person before use. The qualified person can limit the testing of altered, repaired or modified grapples to the parts affected.

(b) All warning devices must be tested, including:

- (i) Indicator lights;
- (ii) Gauges;
- (iii) Horns;
- (iv) Bells;
- (v) Pointers;
- (vi) Other warning devices.

(c) Dated reports of all operational tests must be kept on file.

(6) Repair.

(a) Grapples must be repaired as follows:

- (i) Have adjustments and testing done only by or under the direction of a qualified person;
- (ii) Use replacement parts that are at least equal to the original manufacturer's specifications;
- (iii) Inspect the grapple according to subsection (4) of this section, before returning to service;

(b) The following precautions must be taken before repairs on a grapple are started:

- (i) Disconnect, lock out and tag all sources of power "Out of Service";
- (ii) Tag any grapple removed from service for repair "Out of Service."

(7) Grapples must be operated only by qualified personnel.

(8) Operators must do the following:

- (a) Test all controls before use during a shift;
- (b) Check all meters and indicators for proper operation before making a lift;
- (c) Consult a competent person before handling the load whenever there is any doubt as to safety;
- (d) Respond only to instructions from competent persons, except for stop orders. An operator must obey a stop order at all times, no matter who gives it;

NEW SECTION

WAC 296-155-56400 Mobile crane hand signal chart.


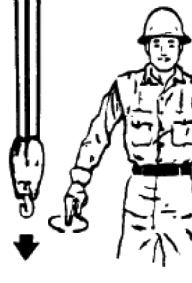
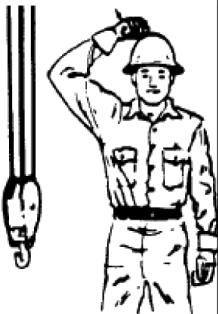
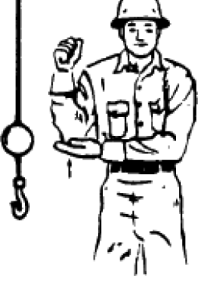
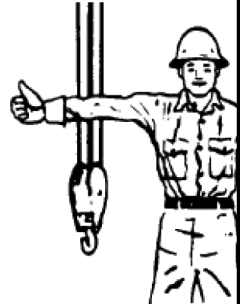
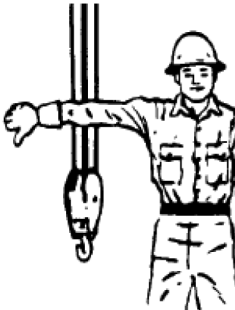
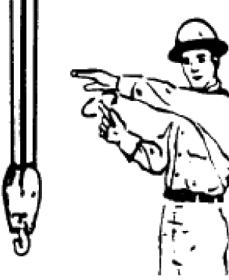
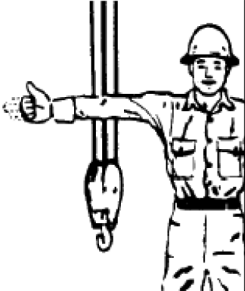
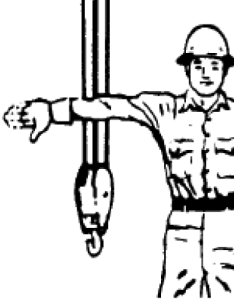
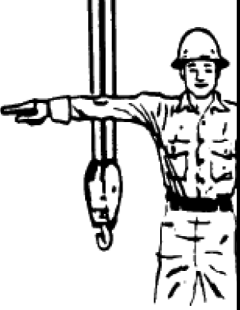
 <p>Hoist With forearm vertical, forefinger pointing up, move hand in small horizontal circles.</p>	 <p>Lower With arm extended downward, forefinger pointing down, move hand in small horizontal circles.</p>	 <p>Use Main Hoist Tap fist on head; then use regular signals</p>	 <p>Use Whip Line (Auxiliary Hoist) Tap elbow with one hand; then use regular signals.</p>	 <p>Raise Boom Arm extended, fingers closed, thumb pointing upward.</p>
 <p>Lower Boom Arm extended fingers closed, thumb pointing downward.</p>	 <p>Move Slowly Use one hand to give motion signal and place other hand motionless in front of hand giving the motion signal. (Hoist slowly shown as example.)</p>	 <p>Raise the Boom & Lower the Load With arm extended, thumb pointing up, flex fingers in and out as long as load movement is desired.</p>	 <p>Lower the Boom & Raise the Load With arm extended, thumb pointing down, flex fingers in and out as long as load movement is desired.</p>	 <p>Swing Arm extended, point with finger in direction of swing of boom.</p>

Figure 40

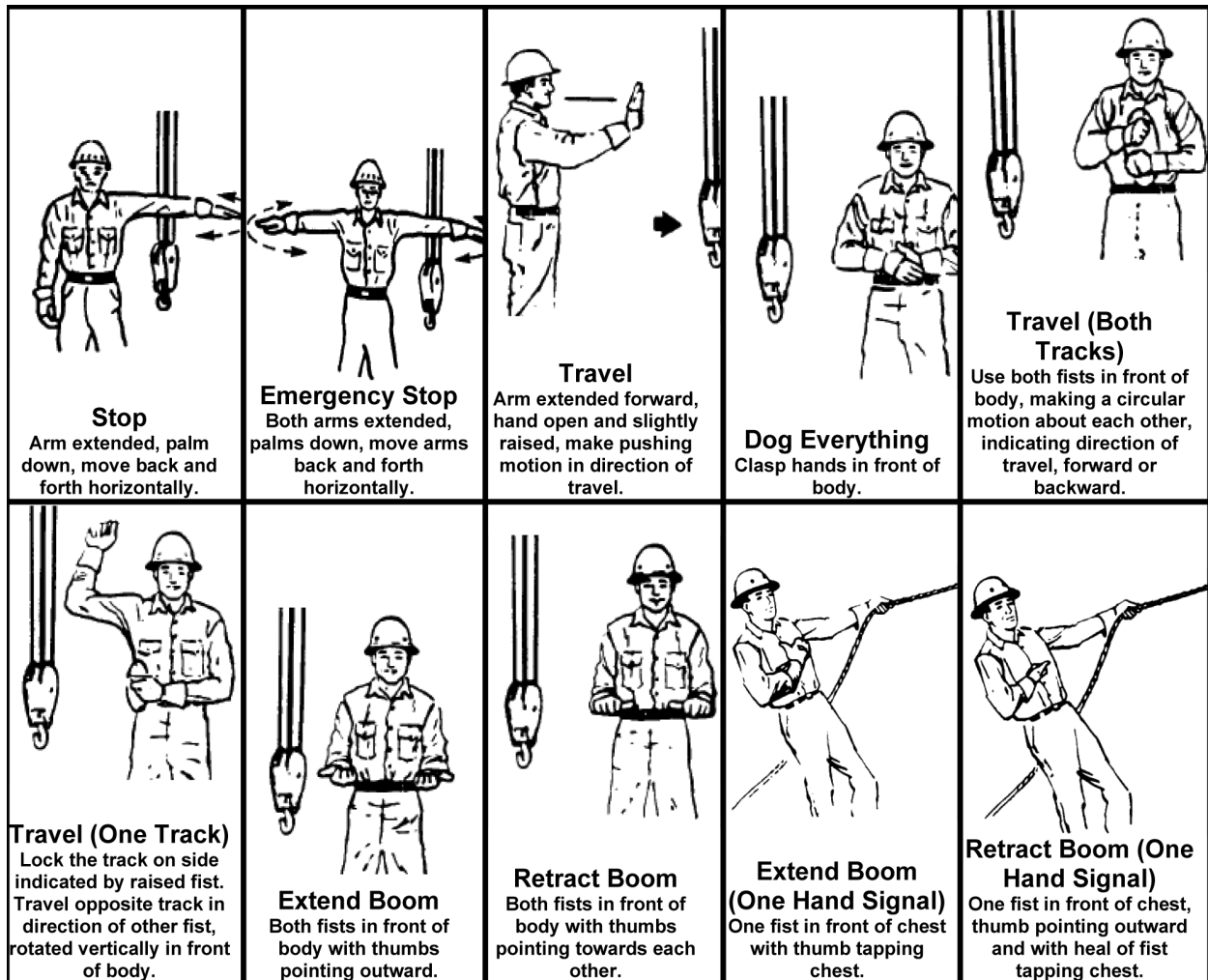
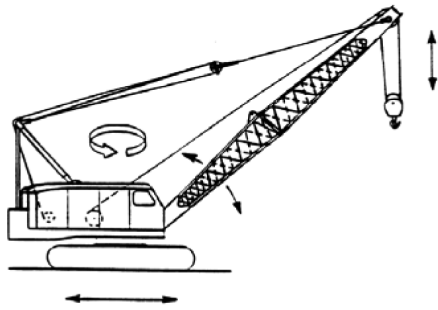


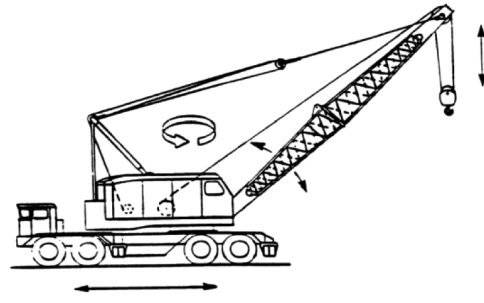
Figure 40

NEW SECTION

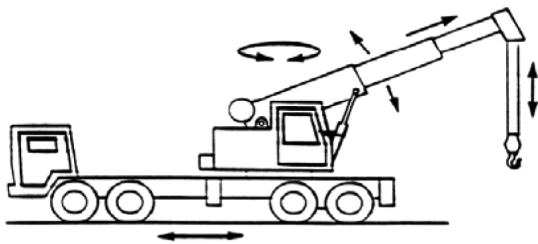
WAC 296-155-56405 Examples of types of cranes.



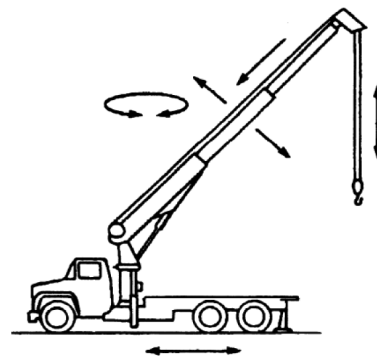
Lattice Boom Crawler Crane (LBC)



Lattice Boom Truck Crane (LBT)

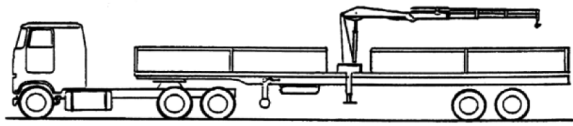


**Large Telescoping Boom Crane –
(Swing Cab)**

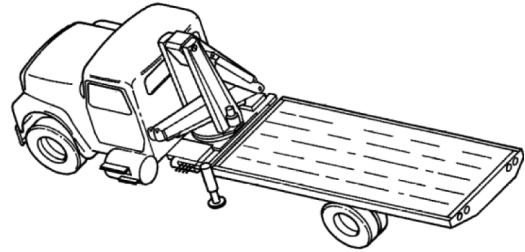


Small Telescoping Boom Crane (Fixed Cab)

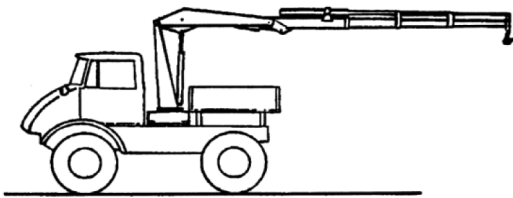
**Mobile Crane Types
Figure 41**



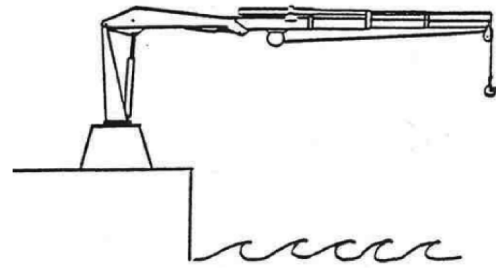
**Articulating Boom Crane –
Trailer Mounted**



**Articulating Boom Crane –
Truck Mounted**

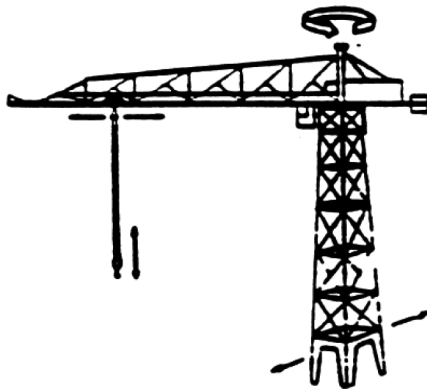


**Articulating Boom Crane –
Off Road Vehicle**

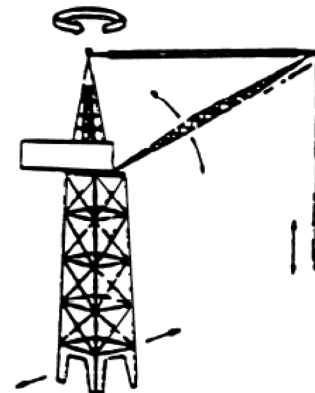


**Articulating Crane –
Stationary Installation**

**Articulating Boom Crane Types
Figure 42**

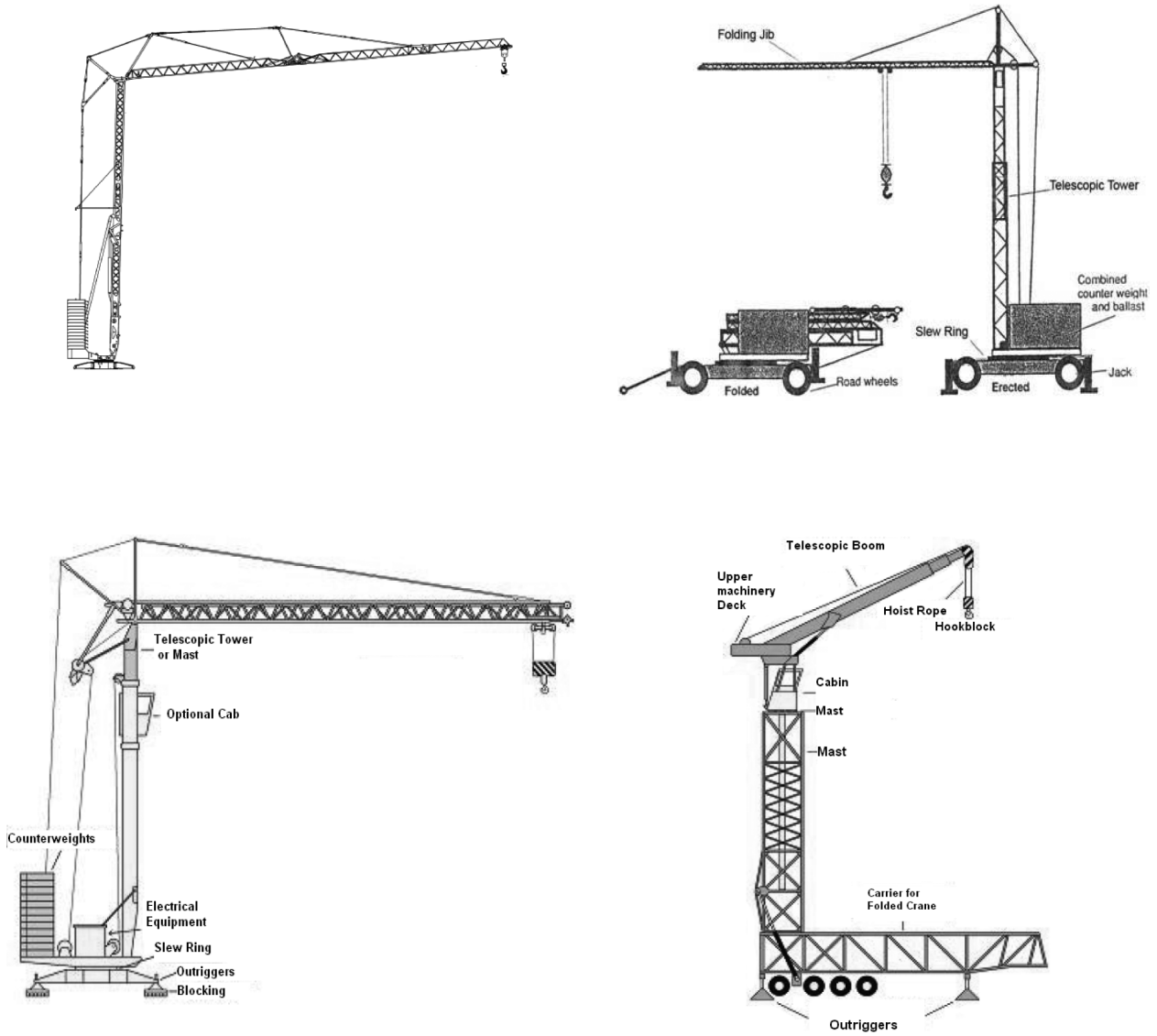


Hammerhead Tower Crane

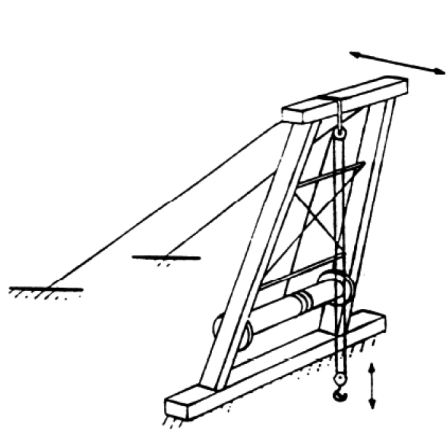


Luffing Boom Tower Crane

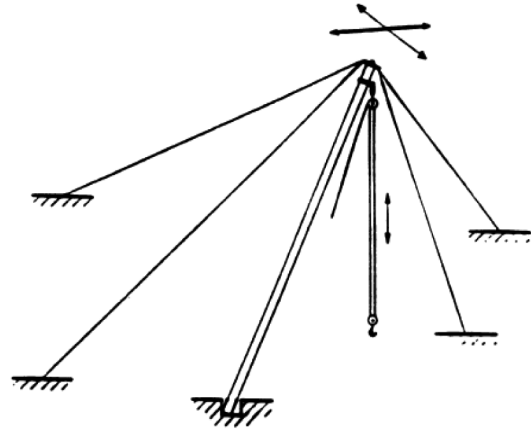
**Tower Crane Types
Figure 43**



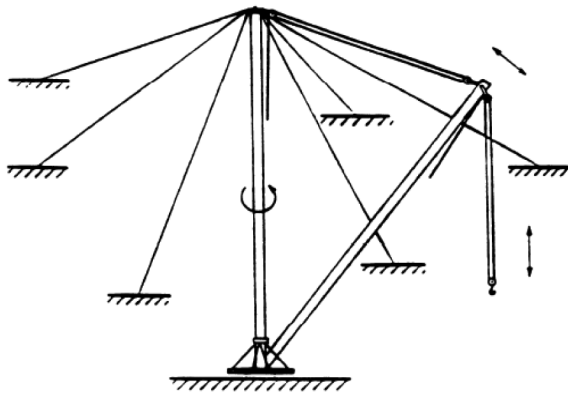
Types of Self-Erecting Tower Cranes
Figure 44



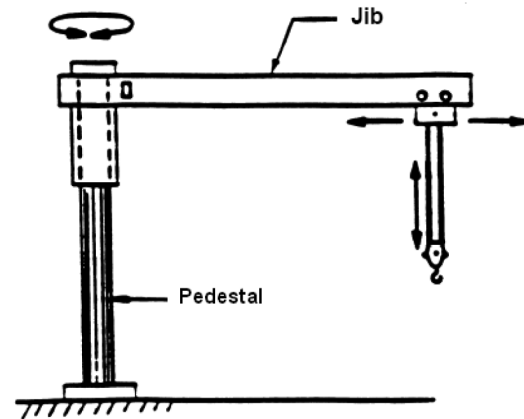
Breast Derrick



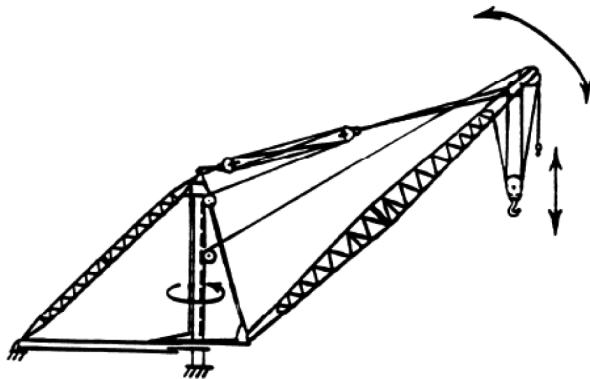
Gin-Pole Derrick



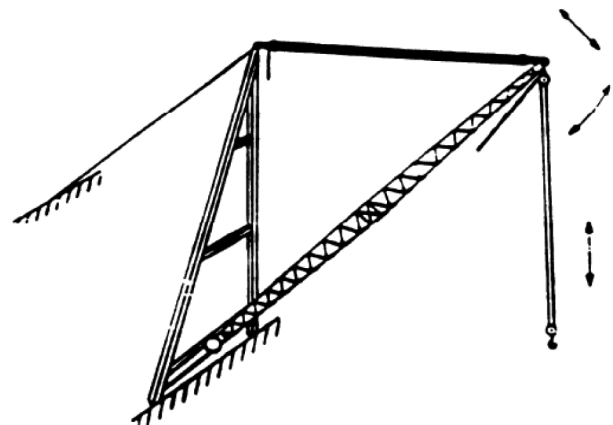
Guyed Derrick



Pedestal-Jib Crane

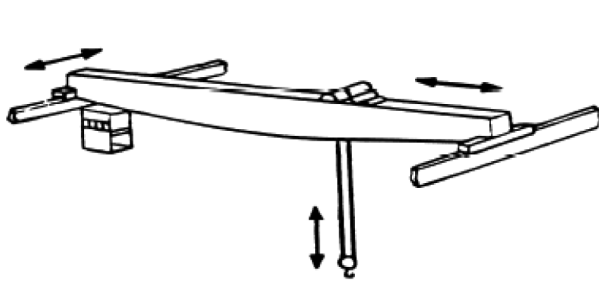


Stiff-Leg Derrick

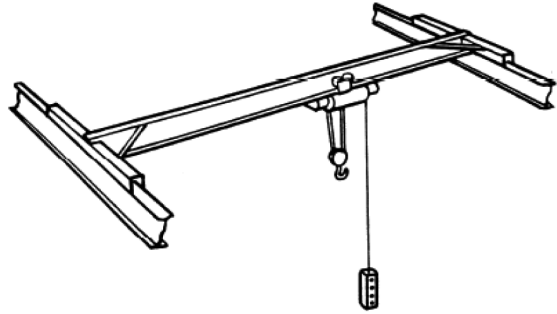


A-Frame Derrick

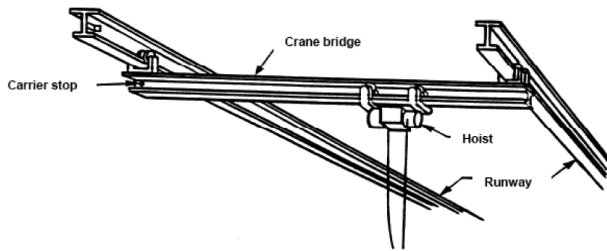
**Types of Derricks
Figure 45**



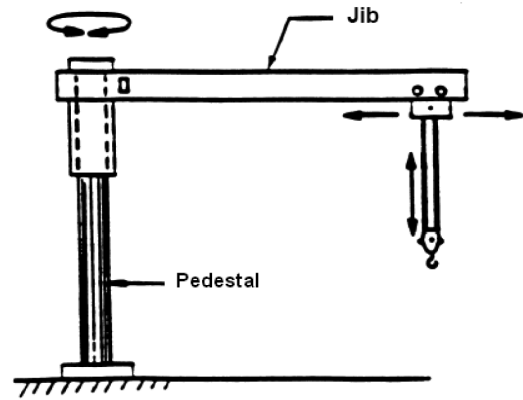
Top Running Bridge/Top Running Trolley



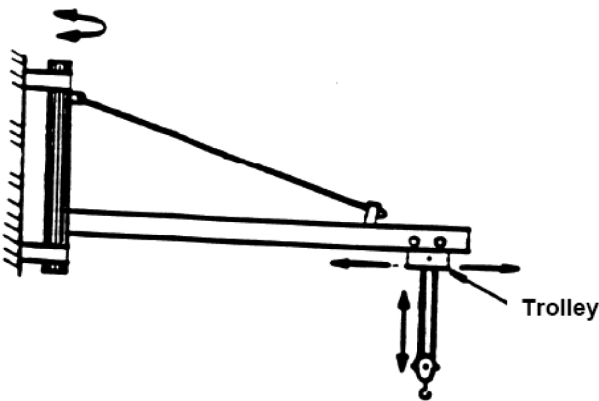
Top Running Bridge/Underhung Trolley



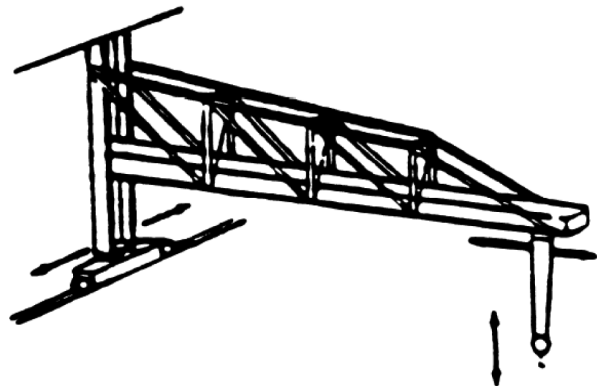
Underhung Bridge/Underhung Trolley



Pedestal-Jib Crane



Jib Crane (Wall Mounted)



Wall Mounted Bridge Crane

**Types of Bridge Cranes
Figure 46**

NEW SECTION

WAC 296-155-56410 Personnel platform lift planning and authorization form.

Personnel Platform Lift Planning and Authorization Form

1. Location: _____ Date: _____
2. Purpose of the Lift: _____

3. Hoisting Equip. Mfg: _____ Model #: _____ Serial: _____
4. Expected Radius: _____ (maximum) _____ (at work location)
5. (a) Rated Load at Radius: _____ (b) Maximum Lift Load: _____ [50% of 5(a)]

Personnel Platform Lift Planning and Authorization Form

6. Platform ID: _____ Platform Rating: _____
 7. Platform Weight: _____ Type: (Pin On) _____ (Suspended) _____
 8. (a) Number of Platform Occupants: _____ (b) Approx. Wt. (With Equip.) _____
 9. Total Lift Weight: _____ [7 + 8(b)] [No more than 5(b) above]
 10. Personnel Supervisor: _____
 11. What are the Alternatives to This Lift? _____

 12. Why are they not being used? _____

 13. Pre-Lift Briefing Held (Date & Time): _____ / _____ / _____ AM/PM
 Attendees: _____

 14. Anticipated Hazards (wind, weather, visibility, power lines): _____

 15. Lift Accomplished Date: _____ Time: _____
 16. Remarks: _____

 Employer Signature Date

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-155-56415 Qualifications for operators of below-the-hook lifting devices.

**Table 40
 Qualifications for Operators of Below-the-Hook Lifting Devices**

Type of lifter	Knowledge of:
All lifters	<ul style="list-style-type: none"> Any special operations or precautions; Manufacturer's suggested operating procedures; Storage requirements of the lifter to protect it from damage.
Structural and mechanical	<ul style="list-style-type: none"> Application of the lifter to the load and adjustments, if any, that adapt the lifter to various sizes or kinds of loads; Condition of the load, such as but not limited to: <ul style="list-style-type: none"> Balance; Surface cleanliness; Flatness; Bending; Load thickness.
Vacuum	
Close proximity Lifting magnets	

Type of lifter	Knowledge of:
Remotely operated lifting magnets	<ul style="list-style-type: none"> Not exceeding the rated load of the lifting device nor the capacity of the hoisting equipment by the combined weight of the load, lifting device, and rigging; The proper attachment of adapters to lifting for special load handling.
Vacuum	<ul style="list-style-type: none"> Charging of battery (if applicable);
Close proximity lifting magnets	<ul style="list-style-type: none"> The use and understanding of: <ul style="list-style-type: none"> Meters; Alarms.
Remotely operated lifting magnets	
It is recommended that the operator demonstrates the ability to operate the lifter safely and as outlined above prior to using the lifter.	

NEW SECTION

WAC 296-155-56420 Operator certification—Written examination—Technical knowledge criteria. This appendix contains information for employers, accredited testing organizations, auditors and government entities developing criteria for a written examination to test an individual's technical knowledge relating to the operation of cranes.

- (1) General technical information.
 - (a) The functions and limitations of the crane and attachments.
 - (b) Wire rope:
 - (i) Background information necessary to understand the inspection and removal from service criteria in WAC 296-155-53404.
 - (ii) Capacity and when multiple-part rope is needed.
 - (iii) Relationship between line pull and safe working load.
 - (iv) How to determine the manufacturer's recommended rope for the crane.
 - (c) Rigging devices and their use, such as:
 - (i) Slings.
 - (ii) Spreaders.
 - (iii) Lifting beams.
 - (iv) Wire rope fittings, such as clips, shackles and wedge sockets.
 - (v) Saddles (softeners).
 - (vi) Clamps (beams).
 - (d) The technical limitations of protective measures against electrical hazards:
 - (i) Grounding.
 - (ii) Proximity warning devices.
 - (iii) Insulated links.
 - (iv) Boom cages.
 - (v) Proximity to electric power lines, radii, and microwave structures.
 - (e) The effects of load share and load transfer in multi-crane lifts.
 - (f) Basic crane terms.
 - (g) The basics of machine power flow systems.
 - (i) Mechanical.
 - (ii) Electrical.
 - (iii) Pneumatic.
 - (iv) Hydraulic.
 - (v) Combination.
 - (h) The significance of the instruments and gauge readings.
 - (i) The effects of thermal expansion and contraction in hydraulic cylinders.
 - (j) Background information necessary to understand the requirements of preoperation and inspection.
 - (k) How to use the safety devices and operational aids required under WAC 296-155-53410 and 296-155-53412.
 - (l) The difference between duty-cycle and lifting operations.
 - (m) How to calculate net capacity for every possible configuration of the equipment using the manufacturer's load chart.
 - (n) How to use manufacturer-approved attachments and their effect on the equipment.

- (o) How to obtain dimensions, weight, and center of gravity of the load.
- (p) The effects of dynamic loading from:
 - (i) Wind.
 - (ii) Stopping and starting.
 - (iii) Impact loading.
 - (iv) Moving with the load.
- (q) The effect of side loading.
- (r) The principles of backward stability.
- (2) Site information.
 - (a) How to identify the suitability of the supporting ground/surface to support the expected loads of the operation. Elements include:
 - (i) Weaknesses below the surface (such as voids, tanks, loose fill).
 - (ii) Weaknesses on the surface (such as retaining walls, slopes, excavations, depressions).
 - (b) Proper use of mats, blocking/cribbing, outriggers, stabilizers, or crawlers.
 - (c) Identification of site hazards such as power lines, piping, and traffic.
 - (d) How to review operation plans with supervisors and other workers (such as the signal person), including how to determine working height, boom length, load radius, and travel clearance.
 - (e) How to determine if there is adequate room for extension of crawlers or outriggers/stabilizers and counterweights.
- (3) Operations.
 - (a) How to pick, carry, swing and place the load smoothly and safely on rubber tires and on outriggers/stabilizers or crawlers (where applicable).
 - (b) How to communicate at the site with supervisors, the crew and the signal person.
 - (c) Proper procedures and methods of reeving wire ropes and methods of reeving multiple-part lines and selecting the proper load block and/or ball.
 - (d) How to react to changes in conditions that affect the safe operation of the equipment.
 - (e) How to shut down and secure the equipment properly when leaving it unattended.
 - (f) Know how to apply the manufacturer's specifications for operating in various weather conditions, and understand how environmental conditions affect the safe operation of the equipment.
 - (g) How to properly level the equipment.
 - (h) How to verify the weight of the load and rigging prior to initiating the lift.
 - (i) How to determine where the load is to be picked up and placed and how to verify the radii.
 - (j) Know basic rigging procedures.
 - (k) How to carry out the shift inspection required in this subsection.
 - (l) Know that the following operations require specific procedures and skill levels:
 - (i) Multicrane lifts.
 - (ii) Hoisting personnel.
 - (iii) Clamshell/dragline operations.
 - (iv) Pile driving and extracting.
 - (v) Concrete operations, including poured-in-place and tilt-up.

- (vi) Demolition operations.
- (vii) Operations on water.
- (viii) Magnet operations.
- (ix) Multidrum operations.
- (m) Know the proper procedures for operating safely under the following conditions:
 - (i) Traveling with suspended loads.
 - (ii) Approaching a two-block condition.
 - (iii) Operating near power lines.
 - (iv) Hoisting personnel.
 - (v) Using other than full outrigger/crawler or stabilizer extensions.
 - (vi) Lifting loads from beneath the surface of the water.
 - (vii) Using various approved counterweight configurations.
 - (viii) Handling loads out of the operator's vision (operating in the blind).
 - (ix) Using electronic communication systems for signal communication.
- (n) Know the proper procedures for load control and the use of hand-held tag lines.
- (o) Know the emergency response procedure for:
 - (i) Fires.
 - (ii) Power line contact.
 - (iii) Loss of stability.
 - (iv) Control malfunction.
 - (v) Two-blocking.
 - (vi) Overload.

- (vii) Carrier or travel malfunction.
- (p) Know how to properly use outriggers and stabilizers in accordance with manufacturer specifications.
- (4) Use of load charts.
 - (a) Know the terminology necessary to use load charts.
 - (b) Know how to ensure that the load chart is the appropriate chart for the equipment in its particular configuration and application.
 - (c) Know how to use load charts. This includes knowing:
 - (i) The operational limitations of load charts and foot-notes.
 - (ii) How to relate the chart to the configuration of the crane, crawlers, or outriggers/stabilizers extended or retracted, jib erected or offset, and various counterweight configurations.
 - (iii) The difference between structural capacity and capacity limited by stability.
 - (iv) What is included in capacity ratings.
 - (v) The range diagram and its relationship to the load chart.
 - (vi) The work area chart and its relationship to the load chart.
 - (vii) Where to find and how to use the "parts-of-line" information.
 - (d) Know how to use the load chart together with the load indicators and/or load moment devices.

NEW SECTION

WAC 296-155-56425 Sample declaration form for hours of experience.

DECLARATION OF [enter employee/operator name here]
 STATE OF WASHINGTON)
) ss.
 COUNTY OF enter county)

I, enter name of operator here, declare as follows:
 I am over the age of 18 and competent to testify herein. I make the statements herein based upon personal knowledge.
 I declare under penalty of perjury that the following table (on page 2) lists my experience in operating and working with cranes:

The 5 Categories of Cranes and Their Types	Number of Hours of Actual Crane Operating Experience	Number of Hours of Crane Related Experience
(1) Mobile Cranes		
(a) Lattice Boom Crawler Cranes (LBC)	300 tons and above _____ Hours	300 tons and above _____ Hours
	Under 300 tons _____ Hours	Under 300 tons _____ Hours
(b) Lattice Boom Truck Cranes (LBT)	300 tons and above _____ Hours	300 tons and above _____ Hours
	Under 300 tons _____ Hours	Under 300 tons _____ Hours
	Over 130 tons _____ Hours	Over 130 tons _____ Hours

The 5 Categories of Cranes and Their Types		Number of Hours of Actual Crane Operating Experience	Number of Hours of Crane Related Experience
(c)	Large Telescopic Boom Cranes (Swing Cab) (TLL)	Over 40 tons to 130 tons _____ Hours	Over 40 tons to 130 tons _____ Hours
		40 tons and under _____ Hours	40 tons and under _____ Hours
(d)	Small Telescopic Boom Cranes (Fixed Cab) (TSS)	Over 15 tons _____ Hours	Over 15 tons _____ Hours
		Over 5 tons to 15 tons _____ Hours	Over 5 tons to 15 tons _____ Hours
		5 tons and under _____ Hours	5 tons and under _____ Hours
(2)	Articulating Boom Cranes	_____ Hours	_____ Hours
(3)	Tower Cranes		
(a)	Hammerhead	_____ Hours	_____ Hours
(b)	Luffer	_____ Hours	_____ Hours
(c)	Self-Erecting	_____ Hours	_____ Hours
(4)	Overhead Cranes/Bridge and Gantry		
(a)	Cab Operated	_____ Hours	_____ Hours
(b)	Pendant/Remote	_____ Hours	_____ Hours
(5)	Derricks	_____ Hours	_____ Hours
<p>Hours of actual crane operating experience. For all cranes: Time while the operator is at the controls of the crane; and/or has direct control of that crane; and/or a combination of operating hours within the same crane type. For mobile cranes: It also includes time while installing/removing boom sections, luffing boom, jib, extending and retracting outriggers/stabilizers, leveling crane, and replacing hoisting rope. For tower cranes: It includes time while jumping (increasing the height of the tower/mast). Note: Additional actual crane operator experience may account for crane related experience.</p>			
<p>Hours of crane related experience: Time as a signal person/bellman, oiler, crane mechanic, crane inspector, formal classroom training, crane simulator operation, and a combination of operating hours on other categories of cranes.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>EXECUTED at City, Washington, this _____ day of month, 2011.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Signature of Operator</p>			

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-155-56430 Assembly/disassembly—Working under the boom, jib or other components—Sample procedures for minimizing the risk of unintended dangerous boom movement. (1) WAC 296-155-53402 (7)(a) provides that when pins (or similar devices) are being removed, employees must not be under the boom, jib, or other components, except where the requirements of WAC 296-155-53402 (7)(b) are met. The exception in WAC 296-155-53402 (7)(b) applies when the employer demonstrates that site constraints require one or more employees to be under the boom, jib, or other components when pins (or similar devices) are being removed. In such a situation, the assembly/disassembly supervisor must implement procedures that minimize the risk of unintended dangerous movement and minimize the duration and extent of exposure under the boom.

The following scenario is an example of how the exception applies: A boom cannot be disassembled on the ground because of an aboveground structure (as might be found, for

example, at some construction sites) that precludes lowering the boom to the ground. The boom must therefore be disassembled in the air, and the employees who remove the pins must perform that work from an aerial lift whose base is positioned on one side (the near side) of the boom. To gain access to the pins on the far side, the aerial lift basket must move under the boom, since, due to lack of room, the aerial lift cannot be repositioned on the far side. Due to lack of room, the aerial lift cannot be repositioned on the far side, so the aerial basket must move under the boom to gain access to the pins on the far side.

To minimize the risk of unintended dangerous movement while the pins are removed, the assembly/disassembly director uses an assist crane that is rigged to support the boom section that is being detached, using particular care to ensure that the section end that is near the employee(s) removing the pins is well supported. The duration and extent of exposure is minimized by removing the far side pins first, moving the aerial lift basket as soon as possible to the near side so that the

employees are no longer under the boom, and then removing the near side pins.

(2) WAC 296-155-53402 (9)(f)(i) provides that, during assembly/disassembly, the center of gravity of the load must be identified if that is necessary for the method used for maintaining stability. WAC 296-155-53402 (9)(f)(ii) states that, where there is insufficient information to accurately identify the center of gravity, measures designed to prevent unintended dangerous movement resulting from an inaccurate identification of the center of gravity must be used.

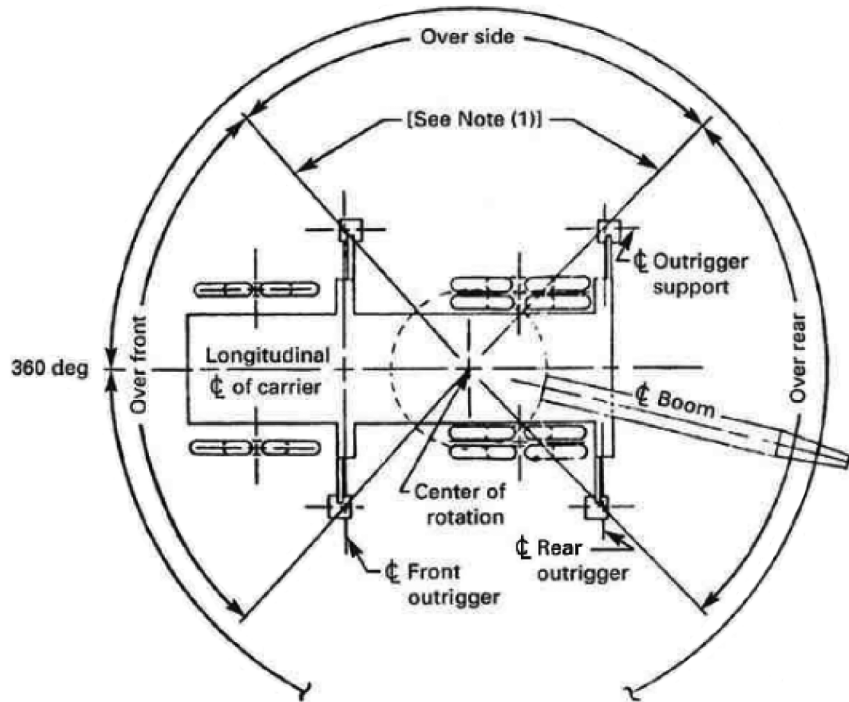
An example of the application of WAC 296-155-53402 (9)(f)(ii) is as follows. The boom is assembled by lowering boom sections sequentially into place using an assist crane. The assembly/disassembly director's plan is to keep the boom sections stable while they are lowered into place by attaching

the assist crane hoist line above the center of gravity of each section. However, in assembling the nonsymmetrical top section of the boom, the assembly/disassembly director is not able to determine where to attach the assist crane hoist line so that it is above the center of gravity. In this situation, before raising the section, all personnel are kept clear of the section and the section is first raised a few inches to determine whether it tips when raised (if it did tip, it would indicate it is not rigged over the center of gravity). If this occurs, the hoist line is repositioned and the procedure repeated (with employees kept clear of the section while it is raised) until the assembly/disassembly director determines that it is rigged over the center of gravity and can be moved into place without dangerous movement.

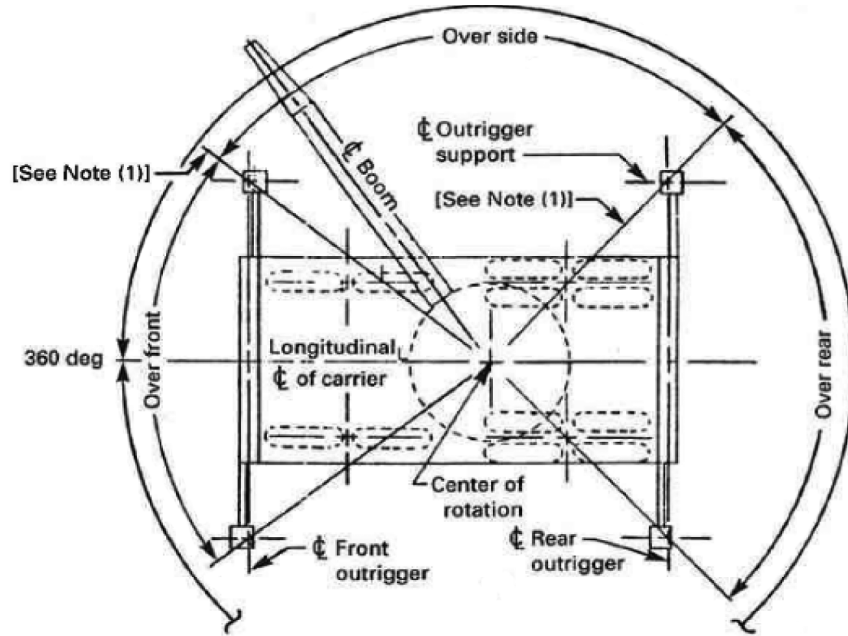
NEW SECTION

WAC 296-155-56435 Work area chart.

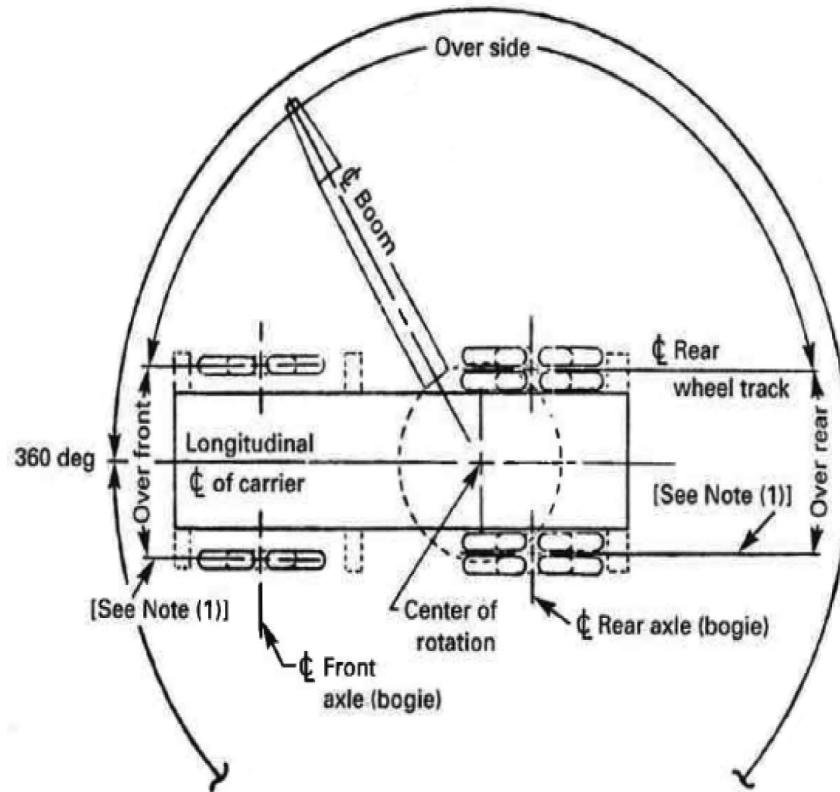
**Figure 47
Work Areas**



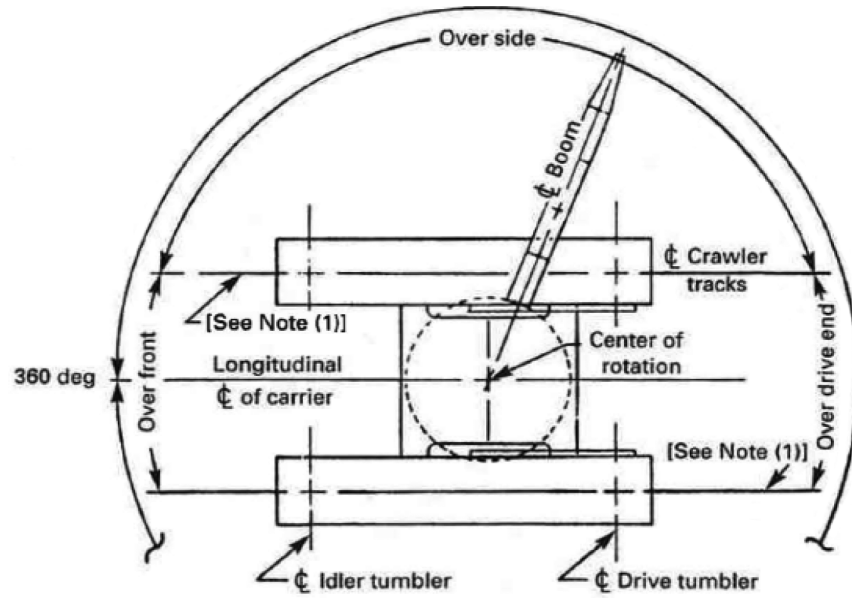
(a) Carrier on Outriggers - Front Outrigger Behind of Front Wheels [Note (2)]



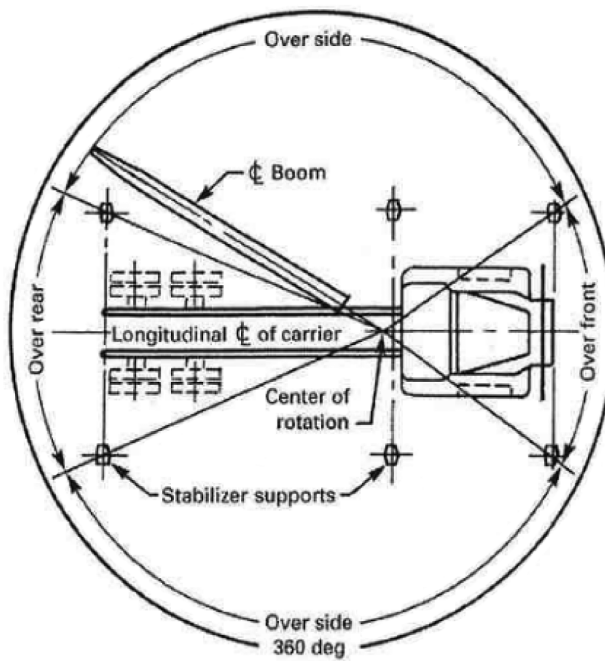
(b) Carrier on Outriggers - Front Outriggers Ahead of Front Wheels [Note (2)]



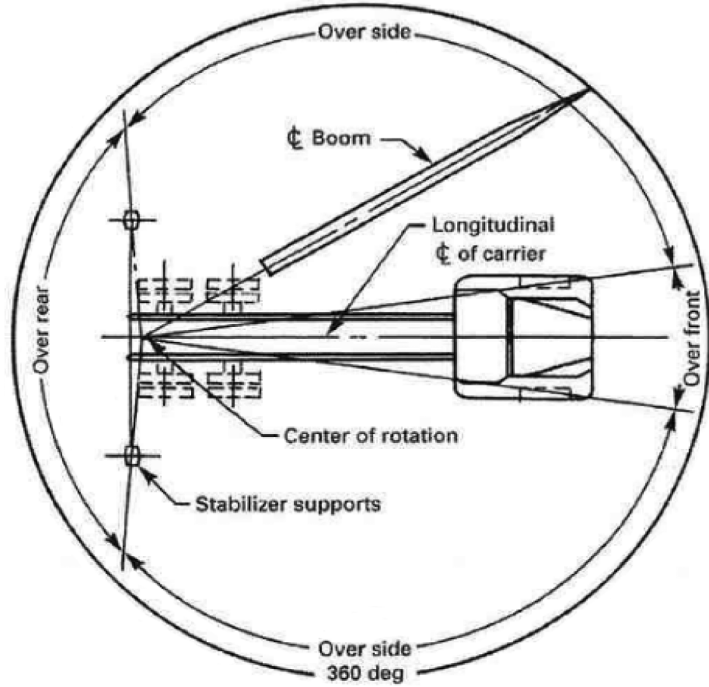
(c) Carrier on Tires [Note (2)]



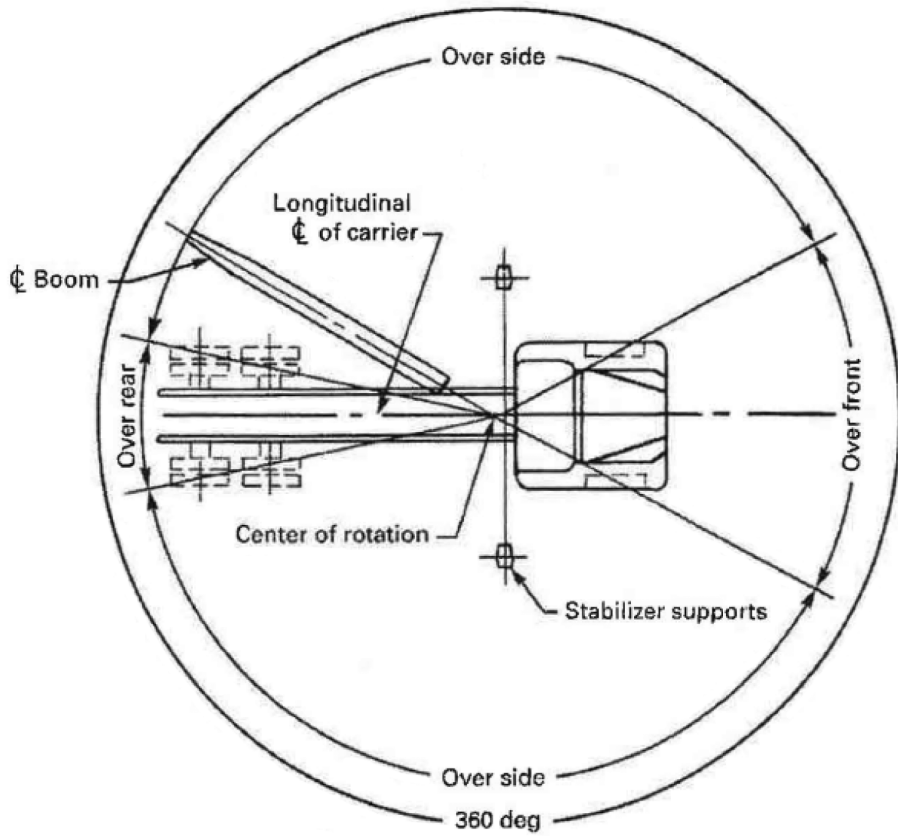
(d) Crawler Type Lower [Note(2)]



(e) Notes (1) and (2)



(f) Notes (1) and (2)



(g) Notes (1) and (2)

- Notes:** (1) These lines determine the limiting position of any load for operation within the working areas indicated.
 (2) Configurations that deviate sufficiently from the work areas shown in these figures must have their working areas defined by appropriate sets of diagrams supplied by the manufacturer or an RPE.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-155-605 Equipment. (1) General requirements.

(a) All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, to identify the location of the equipment.

(b) All tire servicing of multipiece and single-piece rim wheels are subject to the requirements of chapter 296-864 WAC.

(c)(i) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment, shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position, with the motors stopped and brakes set, unless work being performed required otherwise.

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

(d) The use, care and charging of all batteries shall conform to the requirements of part I of this chapter.

(e) All cab glass shall be safety glass, or equivalent, that introduces no visible distortion affecting the safe operation of any machine covered by this part.

(f) All equipment covered by this part shall comply with the requirements of WAC ((~~296-155-525 (3)(a))~~) 296-155-428 (1)(e) when working or being moved in the vicinity of power lines or energized transmitters.

(g) Where traffic is diverted onto dusty surfaces, good visibility shall be maintained by the suppression of dust, through the periodic application of oil or water to the grade surface, as required.

(h) No equipment, vehicle, tool, or individual shall operate within 10 feet of any power line or electrical distribution equipment except in conformity with the requirements of WAC ((~~296-155-525 (3)(a))~~) 296-155-77100 (1)(h).

(2) Specific requirements. (Reserved.)

AMENDATORY SECTION (Amending WSR 10-11-103, filed 5/18/10, effective 7/1/10)

WAC 296-155-680 General provisions. (1) General. All equipment, material and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, test-

ing, maintenance and operations as prescribed in ANSI A10.9-1997, Concrete and Masonry Work Safety Requirements.

(2) Construction loads. No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.

(3) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workers, equipment, runways and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(4) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of ten psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(5) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(6) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

(7) Reinforcing steel.

(a) All protruding reinforcing steel, onto and into which employees could fall, shall be guarded to eliminate the hazard of impalement.

(b) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed or supported to prevent overturning and to prevent collapse.

(8) Post-tensioning operations.

(a) No employee (except those essential to the post-tensioning operations) shall be permitted to be behind the jack during tensioning operations.

(b) Signs and barriers shall be erected to limit employee access to the post-tensioning area during tensioning operations.

(c) Stressed members must be handled at pick points specifically designated on the manufacturer's drawings.

(d) Stressed members must be lifted with lifting devices recommended by the manufacturer or the engineer in charge.

(e) No one must be allowed under stressed members during lifting and erecting.

(9) Working under loads.

(a) No employee shall be permitted to work under concrete buckets while buckets are being elevated or lowered into position.

(b) To the extent practical, elevated concrete buckets shall be routed so that no employee, or the fewest number of employees, are exposed to the hazards associated with falling concrete buckets.

(10) Personal protective equipment.

(a) No employee shall be permitted to apply a cement, sand, and water mixture through a pneumatic hose unless the employee is wearing protective head and face equipment.

(b) No employee shall be permitted to place or tie reinforcing steel more than six feet (1.8 m) above any adjacent working surface unless the employee is protected by personal fall arrest systems, safety net systems, or positioning device systems meeting the criteria of chapter 296-155 WAC, Part C-1.

(c) Each employee on the face of formwork or reinforcing steel shall be protected from falling 6 feet (1.8 m) or more to lower levels by personal fall arrest systems, safety net systems, or positioning device systems meeting the criteria of chapter 296-155 WAC, Part C-1.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-684 Requirements for cast in place concrete. (1) General requirements for formwork and placing and removal of forms.

(a) Formwork shall be designed, fabricated, erected, supported, braced, and maintained so that it will be capable of supporting without failure all vertical and lateral loads that may reasonably be anticipated to be applied to the formwork. Formwork which is designed, fabricated, erected, supported, braced, and maintained in conformance with the Appendix to this section will be deemed to meet the requirements of this subdivision.

(b) Any form, regardless of size, shall be planned in every particular and designed and constructed with an adequate factor of safety. In addition to computable loading, additional form pressures may result from impact during concrete placement, sudden lowering of temperatures retarding the set and increasing the liquid head or static pressure, vibrations of the form or concrete, uneven stressing resulting from failure or weakening of form members, or impact from concrete buckets or placing equipment. As a result, an adequate factor of safety is required to offset these unpredictable conditions.

(c) The thoroughness of planning and design shall be governed by the size, complexity, and intended use of the form. Formwork which is complex in nature or which will be subjected to unusually high concrete pressures shall be designed or approved for use by an engineer or experienced form designer.

(d) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms must be securely attached to slings having a minimum safety factor of five. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing is prohibited.

(e) Taglines must be used in moving panels or other large sections of forms by crane or hoist.

(f) All hoisting equipment, including hoisting cable used to raise and move forms must have a minimum safety factor

incorporated in the manufacturer's design, and the manufacturer's recommended loading must not be exceeded. Field-fabricated or shop-fabricated hoisting equipment must be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections must be equipped with metal hoisting brackets for attachment of slings.

(2) Drawings or plans, including all revisions, for the jack layout, formwork (including shoring equipment), working decks, and scaffolds, shall be available at the ((jobsite)) job site.

(3) Shoring and reshoring.

(a) General: Shoring installations constructed in accordance with this standard shall be designed in accordance with American National Standard Recommended Practice for Concrete Formwork, ANSI-(ACI 347-78), Formwork for Concrete ACI 318-83, or with the following publications of the Scaffolding & Shoring Institute: Recommended Standard Safety Code for Vertical Shoring, 1970; Single Post Shore Safety Rules, 1969; and Steel Frame Shoring Safety, Safety Rules, 1969.

(b) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout.

(c) A shoring layout shall be prepared or approved by a person qualified to analyze the loadings and stresses which are induced during the construction process.

(d) A copy of the shoring layout shall be available at the ((jobsite)) job site.

(e) The shoring layout shall include all details of the specification, including unusual conditions such as heavy beams, sloping areas, ramps, and cantilevered slabs, as well as plan and elevation views.

(f) Shoring equipment found to be damaged such that its strength is reduced to less than that required by WAC 296-155-684 (1)(a) shall not be used for shoring.

(g) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after concrete placement.

(h) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(i) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(j) All base plates, shore heads, extension devices, and adjustment screws shall be in firm contact, and secured when necessary, with the foundation and the form.

(k) Eccentric loads on shore heads and similar members shall be prohibited unless these members have been designed for such loading.

(l) The minimum total design load for any shoring used in slab and beam structures shall be not less than one hundred pounds per square foot for the combined live and dead load regardless of slab thickness; however, the minimum allowance for live load and formwork shall be not less than twenty pounds per square foot in addition to the weight of the concrete. Additional allowance for live load shall be added for special conditions other than when placing concrete for standard-type slabs and beams. Shoring shall also be designed to

resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. (See subsection (3)(b) of this section.)

(m) When motorized carts are used, the design load shall be increased twenty-five pounds per square foot.

(4) The design stresses for form lumber and timbers shall be within the tolerance of the grade, condition, and species of lumber used.

(5) The design stresses used for form lumber and timber shall be shown on all drawings, specifications, and shoring layouts.

(6) All load-carrying timber members of scaffold framing shall be a minimum of 1500 f (stress grade) construction grade lumber. All dimensions are nominal sizes except that where rough sizes are noted, only rough or undressed lumber of the size specified shall satisfy minimum requirements.

(7) When shoring from soil, an engineer or other qualified person shall determine that the soil is adequate to support the loads which are to be placed on it.

(8) Precautions shall be taken so that weather conditions do not change the load-carrying conditions of the soil below the design minimum.

(9) When shoring from fill or when excessive earth disturbance has occurred, an engineer or other qualified person shall supervise the compaction and reworking of the disturbed area and determine that it is capable of carrying the loads which are to be imposed upon it.

(10) Suitable sills shall be used on a pan or grid dome floor or any other floor system involving voids where vertical shoring equipment could concentrate an excessive load on a thin concrete section.

(11) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be sufficient to meet the loads.

(12) If any deviation in the shoring plan is necessary because of field conditions, the person who prepared the shoring layout shall be consulted for approval of the actual field setup before concrete is placed.

(13) The shoring setup shall be checked to insure that all details of the layout have been met.

(14) The completed shoring setup shall be a homogenous unit or units and shall have the specified bracing to give it lateral stability.

(15) The shoring setup shall be checked to make certain that bracing specified in the shoring layout for lateral stability is in place.

(16) All vertical shoring equipment shall be plumb. Maximum allowable deviation from the vertical is one-eighth inch in three feet. If this tolerance is exceeded, the shoring equipment shall not be used until readjusted within this limit.

(17) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(18) Shoring equipment shall not be released or removed until the approval of a qualified engineer has been received.

(19) Removal of shoring equipment shall be planned so that the equipment which is still in place is not overloaded.

(20) Slabs or beams which are to be reshored should be allowed to take their actual permanent deflection before final adjustment of reshoring equipment is made.

(21) While the reshoring is underway, no construction loads shall be permitted on the (~~partially-cured~~) partially cured concrete.

(22) The allowable load on the supporting slab shall not be exceeded when reshoring.

(23) The reshoring shall be thoroughly checked to determine that it is properly placed and that it has the load capacity to support the areas that are being reshored.

AMENDATORY SECTION (Amending WSR 10-22-105, filed 11/2/10, effective 1/1/11)

WAC 296-155-704 Hoisting and rigging. (1) All the applicable provisions of Part L of this chapter apply to hoisting and rigging.

(2) In addition, subsections (3) through (5) of this section apply regarding the hazards associated with hoisting and rigging.

(3) **General.**

(a) Crane preshift visual inspection.

(i) Cranes being used in steel erection activities must be visually inspected prior to each shift by a competent person. The inspection must include observation for deficiencies during operation and, as a minimum, must include:

- All control mechanisms for maladjustments;
- Control and drive mechanism for excessive wear of components and contamination by lubricants, water or other foreign matter;
- Safety devices, including boom angle indicators, boom stops, boom kick out devices, anti-two block devices, and load moment indicators where required;
- Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation;
- Hooks and latches for deformation, chemical damage, cracks, or wear;
- Wire rope reeving for compliance with hoisting equipment manufacturer's specifications;
- Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, or moisture accumulation;
- Hydraulic system for proper fluid level;
- Tires for proper inflation and condition;
- Ground conditions around the hoisting equipment for proper support, including ground settling under and around outriggers, ground water accumulation, or similar conditions;
- The hoisting equipment for level position; and
- The hoisting equipment for level position after each move and setup.

(ii) If any deficiency is identified, an immediate determination must be made by the competent person if the deficiency constitutes a hazard.

(iii) If the deficiency constitutes a hazard, the hoisting equipment must be removed from service until the deficiency has been corrected.

(iv) The operator is responsible for those operations under their direct control. Whenever there is any doubt as to safety, the operator must have the authority to stop and refuse to handle loads until safety has been assured.

(b) A qualified ~~((rigger))~~ person (a rigger who is also a qualified person) must inspect the rigging prior to each shift in accordance with WAC ~~((296-155-330))~~ 296-155-556 through 296-155-56220.

(c) The headache ball, hook or load must not be used to transport personnel, except as provided in (d) of this subsection.

(d) Cranes or derricks may be used to hoist employees on a personnel platform when work under this part is being conducted if all the applicable provisions of Part L of this chapter are met.

(e) Safety latches on hooks must not be deactivated or made inoperable except:

(i) When a qualified rigger has determined that the hoisting and placing of purlins and single joists can be performed more safely by doing so; or

(ii) When equivalent protection is provided in a site-specific erection plan.

(4) Working under loads.

(a) Routes for suspended loads must be preplanned to ensure that no employee works directly below a suspended load except when:

- (i) Engaged in the initial connection of the steel; or
- (ii) Necessary for the hooking or unhooking of the load.

(b) ~~((When working under suspended loads))~~ Whenever workers are within the fall zone and hooking, unhooking, or guiding a load, or doing the initial connection of a load to a component or structure (WAC 296-155-53400 (43)(c)), the following criteria must be met:

(i) Materials being hoisted must be rigged to prevent unintentional displacement;

(ii) Hooks with self-closing safety latches or their equivalent must be used to prevent components from slipping out of the hook; and

(iii) All loads must be rigged by a qualified rigger.

(5) Multiple lift rigging procedure.

(a) A multiple lift must only be performed if the following criteria are met:

- A multiple lift rigging assembly is used;
- A multiple lift is only permitted when specifically within the manufacturer's specifications and limitations;
- A maximum of five members are hoisted per lift;

Exception: Bundles of decking must not be lifted using the multiple lift rigging procedure, even though they meet the definition of structural members in WAC 296-155-702.

• Only beams and similar structural members are lifted; and

• All employees engaged in the multiple lift have been trained in these procedures in accordance with WAC 296-155-717 (3)(a).

(b) Components of the multiple lift rigging assembly must be specifically designed and assembled with a maximum capacity for total assembly and for each individual attachment point. This capacity, certified by the manufacturer or a qualified rigger, must be based on the manufacturer's

specifications with a five to one safety factor for all components.

(c) The total load must not exceed:

- The rated capacity of the hoisting equipment specified in the hoisting equipment load charts; and
- The rigging capacity specified in the rigging-rating chart.

(d) The multiple lift rigging assembly must be rigged with members:

- Attached at their center of gravity and maintained reasonably level;
- Rigged from top down; and
- Rigged at least seven feet (2.1 m) apart.

(e) The members on the multiple lift rigging assembly must be set from the bottom up.

(f) Controlled load lowering must be used whenever the load is over the connectors.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

WAC 296-155-730 Tunnels and shafts. (1) Scope and application.

(a) This section applies to the construction of underground tunnels, shafts, chambers, and passageways. This section also applies to cut-and-cover excavations which are both physically connected to ongoing underground construction operations within the scope of this section, and covered in such a manner as to create conditions characteristic of underground construction.

(b) This section does not apply to excavation and trenching operations covered by Part N of this chapter, such as foundation operations for above-ground structures that are not physically connected to underground construction operations, and surface excavation.

(c) The employer shall comply with the requirements of this part and chapter in addition to applicable requirements of chapter 296-36 WAC, Safety standards—Compressed air work.

(2) Access and egress.

(a) Each operation shall have a check-in/check-out system that will provide positive identification of every employee underground. An accurate record of identification and location of the employees shall be kept on the surface. This procedure is not required when the construction of underground facilities designed for human occupancy has been sufficiently completed so that the permanent environmental controls are effective, and when the remaining construction activity will not cause any environmental hazard, or structural failure within the facilities.

(b) The employer shall provide and maintain safe means of access and egress to all work stations.

(c) The employer shall provide access and egress in such a manner that employees are protected from being struck by excavators, haulage machines, trains, and other mobile equipment.

(d) The employer shall control access to all openings to prevent unauthorized entry underground. Unused chutes, manways, or other openings shall be tightly covered, bulk-headed, or fenced off, and shall be posted with warning signs

indicating "keep out" or similar language. Completed or unused sections of the underground facility shall be barricaded.

(3) Safety instruction. All employees shall be instructed in the recognition and avoidance of hazards associated with underground construction activities including, where appropriate, the following subjects:

- (a) Air monitoring;
- (b) Ventilation;
- (c) Confined space entry procedures;
- (d) Permit-required confined space entry procedures;
- (e) Illumination;
- (f) Communications;
- (g) Flood control;
- (h) Mechanical equipment;
- (i) Personal protective equipment;
- (j) Explosives;
- (k) Fire prevention and protection; and
- (l) Emergency procedures, including evacuation plans and check-in/check-out systems.

(4) Notification.

(a) Oncoming shifts shall be informed of any hazardous occurrences or conditions that have affected, or might affect employee safety, including liberation of gas, equipment failures, earth or rock slides, cave-ins, floodings, fire(s), or explosions.

(b) Information specified in (a) of this subsection shall be recorded in a shift journal which shall be current prior to the end of each shift, and shall be located aboveground.

(c) Oncoming supervisory personnel shall read the notification prior to going underground, and shall signify their understanding of the contents by affixing their respective initials to the log.

(d) The hazard notification log shall be retained on the site until the completion of the project.

(e) The employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the job site affect or may affect the safety of employees underground.

(5) Communications.

(a) When natural unassisted voice communication is ineffective, a power-assisted means of voice communication shall be used to provide communication between the work face, the bottom of the shaft, and the surface.

(b) Two effective means of communication, at least one of which shall be voice communication, shall be provided in all shafts which are being developed or used either for personnel access or for hoisting. Additional requirements for hoist operator communication are contained in subsection (22)(c)(xv) of this section.

(c) Powered communication systems shall operate on an independent power supply, and shall be installed so that the use of or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(d) Communication systems shall be tested upon initial entry of each shift to the underground, and as often as necessary at later times, to ensure that they are in working order.

(e) Any employee working alone underground in a hazardous location, who is both out of the range of natural un-

assisted voice communication and not under observation by other persons, shall be provided with an effective means of obtaining assistance in an emergency.

(6) Emergency provisions. Hoisting capability. When a shaft is used as a means of egress, the employer shall make advance arrangements for power-assisted hoisting capability to be readily available in an emergency, unless the regular hoisting means can continue to function in the event of an electrical power failure at the job site. Such hoisting means shall be designed so that the load hoist drum is powered in both directions of rotation and so that the brake is automatically applied upon power release or failure.

(7) Self-rescuers. The employer must provide self-rescuers certified by the National Institute for Occupational Safety and Health under 42 CFR part 84. The respirators must be immediately available to all employees at work stations in underground areas where employees might be trapped by smoke or gas. The selection, issuance, use, and care of respirators must be in accordance with the requirements of chapter 296-842 WAC.

(8) Designated person. At least one designated person shall be on duty aboveground whenever any employee is working underground. This designated person shall be responsible for securing immediate aid and keeping an accurate record of the number, identification, and location of employees who are underground in case of emergency. The designated person must not be so busy with other responsibilities that the personnel counting and identification function is encumbered.

(9) Emergency lighting. Each employee underground shall have an acceptable portable hand lamp or cap lamp in his or her work area for emergency use, unless natural light or an emergency lighting system provides adequate illumination for escape.

(10) Rescue teams.

(a) On job sites where 25 or more employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least two 5-person rescue teams, one on the job site or within one-half hour travel time from the entry point, and the other within 2 hours travel time.

(b) On job sites where less than 25 employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least one 5-person rescue team to be either on the job site or within one-half hour travel time from the entry point.

(c) Rescue team members shall be qualified in rescue procedures, the use and limitations of breathing apparatus, and the use of firefighting equipment. Qualifications shall be reviewed not less than annually.

(d) On job sites where flammable or noxious gases are encountered or anticipated in hazardous quantities, rescue team members shall practice donning and using pressure demand mode, self-contained breathing apparatuses monthly.

(e) The employer shall ensure that rescue teams are familiar with conditions at the job site.

(11) Hazardous classifications.

(a) Potentially gassy operations. Underground construction operations shall be classified as potentially gassy if either:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/- 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for more than a 24-hour period; or

(ii) The history of the geographical area or geological formation indicates that 10 percent or more of the lower explosive limit for methane or other flammable gases is likely to be encountered in such underground operations.

(b) Gassy operations. Underground construction operations shall be classified as gassy if:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/- 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for three consecutive days; or

(ii) There has been an ignition of methane or of other flammable gases emanating from the strata that indicates the presence of such gases; or

(iii) The underground construction operation is both connected to an underground work area which is currently classified as gassy and is also subject to a continuous course of air containing the flammable gas concentration.

(c) Declassification to potentially gassy operations. Underground construction gassy operations may be declassified to potentially gassy when air monitoring results remain under 10 percent of the lower explosive limit for methane or other flammable gases for three consecutive days.

(12) Gassy operations—Additional requirements. Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.

(a) Mobile diesel-powered equipment used in gassy operations shall be either approved in accordance with the requirements of 30 CFR Part 36 (formerly Schedule 31) by MSHA, or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that part.

(b) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.

(c) Smoking shall be prohibited in all gassy operations and the employer shall be responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons entering a gassy operation.

(d) A fire watch as described in chapter 296-155 WAC, Part H, shall be maintained when hot work is performed.

(e) Once an operation has met the criteria in subsection (11)(a)(i) of this section, warranting classification as gassy, all operations in the affected area, except the following, shall be discontinued until the operation either is in compliance with all of the gassy operation requirements or has been declassified in accordance with (c) of this subsection:

(i) Operations related to the control of the gas concentration;

(ii) Installation of new equipment, or conversion of existing equipment, to comply with this subsection; and

(iii) Installation of above-ground controls for reversing the air flow.

(13) Air quality and monitoring.

(a) General. Air quality limits and control requirements specified in chapter 296-841 WAC shall apply except as modified by this subsection.

(b) The employer shall assign a competent person who shall perform all air monitoring required by this section.

(c) Where this section requires monitoring of airborne contaminants "as often as necessary," the competent person shall make a reasonable determination as to which substances to monitor and how frequently to monitor, considering at least the following factors:

(i) Location of job site: Proximity to fuel tanks, sewers, gas lines, old landfills, coal deposits, and swamps;

(ii) Geology: Geological studies of the job site, particularly involving the soil type and its permeability;

(iii) History: Presence of air contaminants in nearby job sites, changes in levels of substances monitored on the prior shift; and

(iv) Work practices and job site conditions: The use of diesel engines, use of explosives, use of fuel gas, volume and flow of ventilation, visible atmospheric conditions, decompression of the atmosphere, welding, cutting and hot work, and employees' physical reactions to working underground.

(d) The employer shall provide testing and monitoring instruments which are capable of achieving compliance with the provisions of this subsection, and:

(i) Shall maintain the testing and monitoring instruments in good condition;

(ii) Shall calibrate the instruments on a frequency not to exceed 6 months.

(e) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-841 WAC.

(f) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible exposure referred to in (d) of this subsection, if the employee wears a respiratory protective device certified by MSHA-NIOSH for protection against the particular hazards involved, and the selection and use of respirators complies with the provisions of chapter 296-842 WAC.

(g) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the permissible exposure limit listed for that contaminant, except as modified in (t)(i) and (ii) of this subsection.

(h) The atmosphere in all underground work areas shall be tested as often as necessary to assure that the atmosphere at normal atmospheric pressure contains at least 19.5 percent oxygen and no more than 22 percent oxygen.

(i) Tests for oxygen content shall be made before tests for air contaminants.

(j) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(k) The atmosphere in all underground work areas shall be tested quantitatively for carbon monoxide, nitrogen diox-

ide, hydrogen sulfide, and other toxic gases, dust, vapors, mists, and fumes as often as necessary to ensure that the permissible exposure limits prescribed in chapter 296-62 WAC, Part H, are not exceeded.

(l) The atmosphere in all underground work areas shall be tested quantitatively for methane and other flammable gases as often as necessary to determine:

(i) Whether action is to be taken under (q), (r), and (s) of this subsection; and

(ii) Whether an operation is to be classified potentially gassy or gassy under subsection (11) of this section.

(m) If diesel-engine or gasoline-engine driven ventilation fans or compressors are used, an initial test shall be made of the inlet air of the fan or compressor, with the engines operating, to ensure that the air supply is not contaminated by engine exhaust.

(n) Testing shall be performed as often as necessary to ensure that the ventilation requirements of subsection (15) of this section are met.

(o) When rapid excavation machines are used, a continuous flammable gas monitor shall be operated at the face with the sensor(s) placed as high and close to the front of the machine's cutter head as practicable.

(p) Whenever air monitoring indicates the presence of 5 ppm or more of hydrogen sulfide, a test shall be conducted in the affected underground work area(s), at least at the beginning and midpoint of each shift, until the concentration of hydrogen sulfide has been less than 5 ppm for 3 consecutive days.

(i) Whenever hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide monitor shall be used to monitor the affected work area.

(ii) Employees shall be informed when a concentration of 10 ppm hydrogen sulfide is exceeded.

(iii) The continuous sampling and indicating hydrogen sulfide monitor shall be designed, installed, and maintained to provide a visual and aural alarm when the hydrogen sulfide concentration reaches 15 ppm to signal that additional measures, such as respirator use, increased ventilation, or evacuation, might be necessary to maintain hydrogen sulfide exposure below the permissible exposure limit.

(q) When the competent person determines, on the basis of air monitoring results or other information, that air contaminants may be present in sufficient quantity to be dangerous to life, the employer shall:

(i) Prominently post a notice at all entrances to the underground job site to inform all entrants of the hazardous condition; and

(ii) Immediately increase sampling frequency levels to insure workers are not exposed to identified contaminants in excess of the permissible exposure limit(s); and

(iii) Ensure that all necessary precautions are taken to comply with pertinent requirements of this section, and chapter 296-62 WAC.

(r) Whenever five percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return, steps shall be taken to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in

accordance with the potentially gassy or gassy operation requirements. Such additional ventilation controls may be discontinued when gas concentrations are reduced below five percent of the lower explosive limit, but shall be reinstated whenever the five percent level is exceeded.

(s) Whenever 10 percent or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10 percent of the lower explosive limit.

(t) Whenever 20 percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return:

(i) All employees, except those necessary to eliminate the hazard, shall be immediately withdrawn to a safe location above ground; and

(ii) Employees who remain underground to correct or eliminate the hazard described in (t) above shall be equipped with approved, pressure demand mode, self-contained breathing apparatus, and shall have received adequate training in the proper use of that equipment.

(iii) Electrical power, except for acceptable pumping and ventilation equipment, shall be cut off to the area endangered by the flammable gas until the concentration of such gas is reduced to less than 20 percent of the lower explosive limit.

(14) Additional monitoring for potentially gassy and gassy operations. Operations which meet the criteria for potentially gassy and gassy operations set forth in subsection (13) of this section shall be subject to the additional monitoring requirements of this subsection.

(a) A test for oxygen content shall be conducted in the affected underground work areas and work areas immediately adjacent to such areas at least at the beginning and midpoint of each shift.

(b) When using rapid excavation machines, continuous automatic flammable gas monitoring equipment shall be used to monitor the air at the heading, on the rib, and in the return air duct. The continuous monitor shall signal the heading, and shut down electric power in the affected underground work area, except for acceptable pumping and ventilation equipment, when 20 percent or more of the lower explosive limit for methane or other flammable gases is encountered.

(i) A manual flammable gas monitor shall be used as needed, but at least at the beginning and midpoint of each shift, to ensure that the limits prescribed in subsections (11) and (13) of this section are not exceeded. In addition, a manual electrical shut down control shall be provided near the heading.

(ii) Local gas tests shall be made prior to and continuously during any welding, cutting, or other hot work.

(iii) In underground operations driven by drill-and-blast methods, the air in the affected area shall be tested for flammable gas prior to re-entry after blasting, and continuously when employees are working underground.

(c) Recordkeeping. A record of all air quality tests shall be maintained above ground at the worksite and be made available to the director or his/her representatives upon request. The record shall include the location, date, time, substance and amount monitored. Records of exposures to toxic

substances shall be retained in accordance with Part B, chapter 296-62 WAC. All other air quality test records shall be retained until completion of the project.

(15) Ventilation.

(a)(i) Fresh air shall be supplied to all underground work areas in sufficient quantities to prevent dangerous or harmful accumulation of dust, fumes, mists, vapors, or gases.

(ii) Mechanical ventilation shall be provided in all underground work areas except when the employer can demonstrate that natural ventilation provides the necessary air quality through sufficient air volume and air flow.

(b) A minimum of 200 cubic feet (5.7 m³) of fresh air per minute shall be supplied for each employee underground.

(c) The linear velocity of air flow in the tunnel bore, in shafts, and in all other underground work areas shall be at least 30 feet (9.15 m) per minute where blasting or rock drilling is conducted, or where other conditions likely to produce dust, fumes, mists, vapors, or gases in harmful or explosive quantities are present.

(d) The direction of mechanical air flow shall be reversible.

(e) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(f) Following blasting, ventilation systems shall exhaust smoke and fumes to the outside atmosphere before work is resumed in affected areas.

(g) Ventilation doors shall be designed and installed so that they remain closed when in use, regardless of the direction of the air flow.

(h) When ventilation has been reduced to the extent that hazardous levels of methane or flammable gas may have accumulated, a competent person shall test all affected areas after ventilation has been restored and shall determine whether the atmosphere is within flammable limits before any power, other than for acceptable equipment, is restored or work is resumed.

(i) Whenever the ventilation system has been shut down with all employees out of the underground area, only competent persons authorized to test for air contaminants shall be allowed underground until the ventilation has been restored and all affected areas have been tested for air contaminants and declared safe.

(j) When drilling rock or concrete, appropriate dust control measures shall be taken to maintain dust levels within limits set in chapter 296-155 WAC, Part B-1. Such measures may include, but are not limited to, wet drilling, the use of vacuum collectors, and water mix spray systems.

(k)(i) Internal combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(ii) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations shall be either approved by MSHA in accordance with the provisions of 30 CFR Part 32 (formerly Schedule 24), or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that Part. (Each brake horsepower of a diesel engine requires at least 100 cubic feet (28.32 m³) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air

to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

(iii) Application shall be made to the mining/explosives section, department of labor and industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the department of labor and industries or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 100 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Nitrogen Dioxide	.0001%	1 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(l) Potentially gassy or gassy operations shall have ventilation systems installed which shall:

(i) Be constructed of fire-resistant materials; and

(ii) Have acceptable electrical systems, including fan motors.

(m) Gassy operations shall be provided with controls located aboveground for reversing the air flow of ventilation systems.

(n) In potentially gassy or gassy operations, wherever mine-type ventilation systems using an offset main fan installed on the surface are used, they shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway.

(16) Illumination.

(a) Sufficient lighting shall be provided, in accordance with the requirements of chapter 296-155 WAC, Part B-1, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(b) Only acceptable portable lighting shall be used within 50 feet (15.24 m) of any underground heading during explosive handling.

(17) Fire prevention and control. Fire prevention and protection requirements applicable to underground construction operations are found in Part D of this chapter except as modified by the following additional standards.

(a) Open flames and fires are prohibited in all underground construction operations except as permitted for welding, cutting, and other hot work operations.

(i) Smoking may be allowed only in areas free of fire and explosion hazards.

(ii) Readily visible signs prohibiting smoking and open flames shall be posted in areas having fire or explosion hazards.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(b) The employer may store underground no more than a 24-hour supply of diesel fuel for the underground equipment used at the worksite.

(c) The piping of diesel fuel from the surface to an underground location is permitted only if:

(i) Diesel fuel is contained at the surface in a tank whose maximum capacity is no more than the amount of fuel required to supply for a 24-hour period the equipment serviced by the underground fueling station; and

(ii) The surface tank is connected to the underground fueling station by an acceptable pipe or hose system that is controlled at the surface by a valve, and at the shaft bottom by a hose nozzle; and

(iii) The pipe is empty at all times except when transferring diesel fuel from the surface tank to a piece of equipment in use underground; and

(iv) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(d)(i) Gasoline shall not be carried, stored, or used underground.

(ii) Acetylene, liquefied petroleum gas, and methylacetylene propadiene stabilized gas may be used underground only for welding, cutting and other hot work, and only in accordance with Part H of this chapter and subsections (13), (15), (17), and (18) of this section.

(e) Oil, grease, and diesel fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas at least 300 feet (91.44 m) from underground explosive magazines, and at least 100 feet (30.48 m) from shaft stations and steeply inclined passageways. Storage areas shall be positioned or diked so that the contents of ruptured or overturned containers will not flow from the storage area.

(f) Flammable or combustible materials shall not be stored above ground within 100 feet (30.48 m) of any access opening to any underground operation. Where this is not feasible because of space limitations at the job site, such materials may be located within the 100-foot limit, provided that:

(i) They are located as far as practicable from the opening; and

(ii) Either a fire-resistant barrier of not less than one-hour rating is placed between the stored material and the opening, or additional precautions are taken which will protect the materials from ignition sources.

(g) Fire-resistant hydraulic fluids shall be used in ~~((hydraulically-actuated))~~ hydraulically actuated underground machinery and equipment unless such equipment is protected by a fire suppression system or by multipurpose fire extinguisher(s) rated at a sufficient capacity for the type

and size of hydraulic equipment involved, but rated at least 4A:4OB:C.

(h)(i) Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures.

(ii) Lighting fixtures in storage areas, or within 25 feet (7.62 m) of underground areas where oil, grease, or diesel fuel are stored, shall be approved for Class I, Division 2 locations, in accordance with Part I of this chapter.

(i) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

(j) A fire extinguisher of at least 4A:4OB:C rating or other equivalent extinguishing means shall be provided at the head pulley and at the tail pulley of underground belt conveyors, and at 300-foot intervals along the belt.

(k) Any structure located underground or within 100 feet (30.48 m) of an opening to the underground shall be constructed of material having a fire-resistance rating of at least one hour.

(18) Welding, cutting, and other hot work. In addition to the requirements of Part H of this chapter, the following requirements shall apply to underground welding, cutting, and other hot work.

(a) No more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other hot work during the next 24-hour period shall be permitted underground.

(b) Noncombustible barriers shall be installed below welding, cutting, or other hot work being done in or over a shaft or raise.

(19) Ground support.

(a) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners, or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(b) Portal areas. Portal openings and access areas shall be guarded by shoring, fencing, head walls, shotcreting, or other equivalent protection to ensure safe access of employees and equipment. Adjacent areas shall be scaled or otherwise secured to prevent loose soil, rock, or fractured materials from endangering the portal and access area.

(c) Subsidence areas. The employer shall ensure ground stability in hazardous subsidence areas by shoring, by filling in, or by erecting barricades and posting warning signs to prevent entry.

(d) Underground areas.

(i)(A) A competent person shall inspect the roof, face, and walls of the work area at the start of each shift and as often as necessary to determine ground stability.

(B) Competent persons conducting such inspections shall be protected from loose ground by location, ground support, or equivalent means.

(ii) Ground conditions along haulageways and travelways shall be inspected as frequently as necessary to ensure safe passage.

(iii) Loose ground that might be hazardous to employees shall be taken down, scaled, or supported.

(iv) Torque wrenches shall be used wherever bolts that depend on torsionally applied force are used for ground support.

(v) A competent person shall determine whether rock bolts meet the necessary torque, and shall determine the testing frequency in light of the bolt system, ground conditions, and the distance from vibration sources.

(vi) Suitable protection shall be provided for employees exposed to the hazard of loose ground while installing ground support systems.

(vii) Support sets shall be installed so that the bottoms have sufficient anchorage to prevent ground pressures from dislodging the support base of the sets. Lateral bracing (collar bracing, tie rods, or spreaders) shall be provided between immediately adjacent sets to ensure added stability.

(viii) Damaged or dislodged ground supports that create a hazardous condition shall be promptly repaired or replaced. When replacing supports, the new supports shall be installed before the damaged supports are removed.

(ix) A shield or other type of support shall be used to maintain a safe travelway for employees working in dead-end areas ahead of any support replacement operation.

(e) Shafts.

(i) Shafts and wells over 4 feet (1.219 m) in depth that employees must enter shall be supported by a steel casing, concrete pipe, timber, solid rock, or other suitable material.

(ii)(A) The full depth of the shaft shall be supported by casing or bracing except where the shaft penetrates into solid rock having characteristics that will not change as a result of exposure. Where the shaft passes through earth into solid rock, or through solid rock into earth, and where there is potential for shear, the casing or bracing shall extend at least 5 feet (1.53 m) into the solid rock. When the shaft terminates in solid rock, the casing or bracing shall extend to the end of the shaft or 5 feet (1.53 m) into the solid rock, whichever is less.

(B) The casing or bracing shall extend 42 inches (1.07 m) plus or minus 3 inches (8 cm) above ground level, except that the minimum casing height may be reduced to 12 inches (0.3 m), provided that a standard railing is installed; that the ground adjacent to the top of the shaft is sloped away from the shaft collar to prevent entry of liquids; and that effective barriers are used to prevent mobile equipment operating near the shaft from jumping over the 12-inch (0.3 m) barrier.

(iii) After blasting operations in shafts, a competent person shall determine if the walls, ladders, timbers, blocking, or wedges have loosened. If so, necessary repairs shall be made before employees other than those assigned to make the repairs are allowed in or below the affected areas.

(f) Blasting. This subsection applies in addition to the requirements for blasting and explosives operations, including handling of misfires, which are found in chapter 296-52 WAC.

(i) Blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material, excluding earth, to prevent explosives initiation or employee exposure to electric current.

(ii) Following blasting, an employee shall not enter a work area until the air quality meets the requirements of subsection (13) of this section.

(g) Drilling.

(i) A competent person shall inspect all drilling and associated equipment prior to each use. Equipment defects affecting safety shall be corrected before the equipment is used.

(ii) The drilling area shall be inspected for hazards before the drilling operation is started.

(iii) Employees shall not be allowed on a drill mast while the drill bit is in operation or the drill machine is being moved.

(iv) When a drill machine is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast shall be placed in a safe position.

(v) Receptacles or racks shall be provided for storing drill steel located on jumbos.

(vi) Employees working below jumbo decks shall be warned whenever drilling is about to begin.

(vii) Drills on columns shall be anchored firmly before starting drilling, and shall be retightened as necessary thereafter.

(viii) The employer shall provide mechanical means on the top deck of a jumbo for lifting unwieldy or heavy material.

(ix) When jumbo decks are over 10 feet (3.05 m) in height, the employer shall install stairs wide enough for two persons.

(x) Jumbo decks more than 10 feet (3.05 m) in height shall be equipped with guardrails on all open sides, excluding access openings of platforms, unless an adjacent surface provides equivalent fall protection.

(xi) Only employees assisting the operator shall be allowed to ride on jumbos, unless the jumbo meets the requirements of subsection (20)(e) of this section.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(xii) Jumbos shall be chocked to prevent movement while employees are working on them.

(xiii) Walking and working surfaces of jumbos shall be maintained to prevent the hazards of slipping, tripping, and falling.

(xiv) Jumbo decks and stair treads shall be designed to be slip-resistant and secured to prevent accidental displacement.

(xv) Scaling bars shall be available at scaling operations and shall be maintained in good condition at all times. Blunted or severely worn bars shall not be used.

(xvi) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Blasting holes shall not be drilled through blasted rock (muck) or water.

(xvii) Employees in a shaft shall be protected either by location or by suitable barrier(s) if powered mechanical loading equipment is used to remove muck containing unfired explosives.

(xviii) A caution sign reading "buried line," or similar wording shall be posted where air lines are buried or otherwise hidden by water or debris.

(20) Haulage.

(a) A competent person shall inspect haulage equipment before each shift.

(i) Equipment defects affecting safety and health shall be corrected before the equipment is used.

(ii) Powered mobile haulage equipment shall be provided with adequate brakes.

(iii) Power mobile haulage equipment, including trains, shall have audible warning devices to warn employees to stay clear. The operator shall sound the warning device before moving the equipment and whenever necessary during travel.

(iv) The operator shall assure that lights which are visible to employees at both ends of any mobile equipment, including a train, are turned on whenever the equipment is operating.

(v) In those cabs where glazing is used, the glass shall be safety glass, or its equivalent, and shall be maintained and cleaned so that vision is not obstructed.

(b) Antirollback devices or brakes shall be installed on inclined conveyor drive units to prevent conveyors from inadvertently running in reverse. Employees shall not be permitted to ride a power-driven chain, belt, or bucket conveyor unless the conveyor is specifically designed for the transportation of persons.

(c) Endless belt-type manlifts are prohibited in underground construction.

(d) General requirements also applicable to underground construction for use of conveyors in construction are found in chapter 296-155 WAC, Part ~~((L))~~ R.

(e) No employee shall ride haulage equipment unless it is equipped with seating for each passenger and protects passengers from being struck, crushed, or caught between other equipment or surfaces. Members of train crews may ride on a locomotive if it is equipped with handholds and nonslip steps or footboards. Requirements applicable to underground construction for motor vehicle transportation of employees are found in chapter 296-155 WAC, Part M.

(f) Conveyor lockout.

(i) Conveyors shall be ~~((de-energized))~~ deenergized and locked out with a padlock, and tagged out with a "Do Not Operate" tag at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(ii) Tags or push button stops are not acceptable.

(iii) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and locked out in accordance with (f) above, and persons can do so safely.

(g) Powered mobile haulage equipment, including trains, shall not be left unattended unless the master switch or motor is turned off; operating controls are in neutral or park position; and the brakes are set, or equivalent precautions are taken to prevent rolling.

(h) Whenever rails serve as a return for a trolley circuit, both rails shall be bonded at every joint and crossbonded every 200 feet (60.96 m).

(i) When dumping cars by hand, the car dumps shall have tiedown chains, bumper blocks, or other locking or holding devices to prevent the cars from overturning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices to prevent unintended dumping.

(k) Equipment to be hauled shall be loaded and secured to prevent sliding or dislodgement.

(l)(i) Mobile equipment, including rail-mounted equipment, shall be stopped for manual connecting or service work, and;

(ii) Employees shall not reach between moving cars during coupling operations.

(iii) Couplings shall not be aligned, shifted, or cleaned on moving cars or locomotives.

(iv) Safety chains or other connections shall be used in addition to couplers to connect person cars or powder cars whenever the locomotive is uphill of the cars.

(v) When the grade exceeds one percent and there is a potential for runaway cars, safety chains or other connections shall be used in addition to couplers to connect haulage cars or, as an alternative, the locomotive must be downhill of the train.

(vi) Such safety chains or other connections shall be capable of maintaining connection between cars in the event of either coupler disconnect, failure or breakage.

(m) Parked rail equipment shall be chocked, blocked, or have brakes set to prevent inadvertent movement.

(n) Berms, bumper blocks, safety hooks, or equivalent means shall be provided to prevent overtravel and overturning of haulage equipment at dumping locations.

(o) Bumper blocks or equivalent stopping devices shall be provided at all track dead ends.

(p)(i) Only small handtools, lunch pails, or similar small items may be transported with employees in person cars, or on top of a locomotive.

(ii) When small hand tools or other small items are carried on top of a locomotive, the top shall be designed or modified to retain them while traveling.

(q)(i) Where switching facilities are available, occupied personnel cars shall be pulled, not pushed. If personnel cars must be pushed and visibility of the track ahead is hampered, then a qualified person shall be stationed in the lead car to give signals to the locomotive operator.

(ii) Crew trips shall consist of personnel loads only.

(21) Electrical safety. This subsection applies in addition to the general requirements for electrical safety which are found in Part I of this chapter.

(a) Electric power lines shall be insulated or located away from water lines, telephone lines, air lines, or other conductive materials so that a damaged circuit will not energize the other systems.

(b) Lighting circuits shall be located so that movement of personnel or equipment will not damage the circuits or disrupt service.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure suitably vented to the outside and surrounded by a dike to retain the contents of the transformers in the event of rupture.

(22) Hoisting unique to underground construction except as modified by this section, the ~~((following))~~ provisions of chapter 296-155 WAC, Part L apply ~~((Requirements for cranes are found in WAC 296-155-525. WAC 296-155-528~~

~~contains rules applicable to crane hoisting of personnel, except, that the limitations imposed by WAC 296-155-528(2) do not apply to the routine access of employees to the underground via a shaft~~). Requirements for personnel hoists, material hoists, and elevators are found in ~~((WAC 296-155-530))~~ Part R of this chapter and in this subsection.

(a) General requirements for cranes and hoists.

(i) Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging, or falling into the shaft.

(ii) A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface entrances, or the load is being moved in the shaft. This subsection does not apply to fully enclosed hoistways.

(iii) Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the signalperson at the bottom of the shaft directs the operator to continue lowering the load, except that the load may be lowered without stopping if the load or conveyance is within full view of a bottom signalperson who is in constant voice communication with the operator.

(iv)(A) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.

(B) A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.

(v) Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.

(vi) Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.

(vii) Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration, misalignment, release of lift force, or impact will not disengage the connection. Only closed shackles shall be used for cage and skip rigging.

(viii) When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.

(b) Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(c) Additional requirements for hoists.

(i) Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.

(ii) Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.

(iii) When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.

(iv) Hoist machines with cast metal parts shall not be used.

(v) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(vi) Employees shall not ride on top of any cage, skip, or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.

(vii) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.

(viii) Line speed shall not exceed the design limitations of the systems.

(ix) Hoists shall be equipped with landing level indicators at the operator's station. Marking of the hoist rope does not satisfy this requirement.

(x) Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.

(xi) A fire extinguisher that is rated at least 2A:10B:C (multipurpose, dry chemical) shall be mounted in each hoist house.

(xii) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(xiii) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(xiv) Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(xv) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker-microphones so located that the operator can communicate with individual landing stations during hoist use.

(xvi) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(xvii) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail-guided to within a rail length from the sinking operation.

(xviii) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(xix) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to chapter

296-155 WAC, Part ((L)) R, for design factors for wire rope used in personnel hoists. The design factors shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

(xx) A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.

(xxi) Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.

(xxii) In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100 percent of its rated capacity: At the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load-test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(xxiii) Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and whenever the assembly or components have been repaired or adjusted.

(xiv) Unsafe conditions shall be corrected before using the equipment.

(d) Additional requirements for personnel hoists.

(i) Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this subsection.

(ii) The operator shall remain within sight and sound of the signals at the operator's station.

(iii) All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83 m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.

(iv) All personnel cages shall be provided with a positive locking door that does not open outward.

(v) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 -inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(vi) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches, or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.

(vii) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(viii) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(ix) The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in complete shafts.

NEW SECTION

WAC 296-155-77100 Hoists, elevators, excavators, and conveyors.

Accessory - A secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Appointed - Assigned specific responsibilities by the employer or the employer's representative.

Authorized person - Means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Auxiliary hoist - A secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axle - The shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Brake - A device used for retarding or stopping motion.

Clutch - A means for engagement or disengagement of power.

Commercial truck vehicle - A commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Designated - Selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Job site - Work area defined by the construction contract.

Limiting device - A mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Payload - That load or loads being transported by the commercial truck chassis from place to place.

Qualified person - A person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

(1) General requirements.

(a) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warn-

ings shall be visible to the operator while at the control station.

(b) The operator shall avoid carrying loads over people.

(c) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(d) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of chapter 296-806 WAC, Machine safety.

(e) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(f) Whenever internal combustion engine powered equipment exhaust is in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. See chapter 296-62 WAC, General occupational health standards and chapter 296-841 WAC, identifying and controlling respiratory hazards.

(g) Fuel tank filler pipe shall be located in such a position, or protected in such a manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(h) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or load shall be ten feet.

(ii) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or load shall be ten feet plus four tenths inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet.

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV.

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operators where it is

difficult for the operator to maintain the desired clearance by visual means.

(v) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded.

(vi) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the machine.

(i) Reserved.

(j) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(k) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modification or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(2) Excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations. The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(i) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(j) Operators shall not leave the cab while master clutch is engaged.

(k) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(l) All shovel cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(m) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(n) Mats or planking shall be used in moving shovels over soft or uneven ground.

(o) Shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(p) Smoking shall be prohibited while fueling or oiling machines.

(q) Gasoline powered motors shall be stopped during refueling.

(r) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(s) Where cables cross roads they shall be elevated or placed in a trench.

(t) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of an emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

NEW SECTION

WAC 296-155-77105 Material hoists, personnel hoists, and elevators. (1) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where the manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(b) The employer shall ensure that no person shall enter a hoistway, elevator shaft, or similar enclosure in which the hoisting apparatus or vehicle is installed and functioning unless the power source operating those systems is locked out in accordance with WAC 296-155-429.

(c) Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

(d) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to one and one-eighth inches; and three thirty-seconds inch for diameters one and one-fourth to one and one-half inch.

(e) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

(f) The installation of live booms on hoists is prohibited.

(g) The use of endless belt-type man lifts on construction shall be prohibited.

(h) Employees shall not be permitted to ride on top of material hoists, personnel hoists or permanent elevators except for purposes of inspection, maintenance, elevator installation or dismantling work.

(2) Material hoists.

(a)(i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or cross-head in a conspicuous location, including the statement "No riders allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(b) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than two- by four-inch wooden bars or the equivalent, located two feet from the hoistway line. Bars shall be located not less than thirty-six inches nor more than forty-two inches above the floor.

(ii) Gates or bars protecting the entrances to hoistway shall be equipped with a latching device.

(c) Overhead protective covering of two-inch planking, three-quarter inch plywood or other solid material of equivalent strength shall be provided on the top of every material hoist cage or platform to prevent objects falling on the workers loading or unloading the hoist.

(i) The protective covering on the top of the cage or platform may be made in hinged sections that may be raised when hoisting long material.

(ii) When using a cage or platform for long material, the several pieces of the material shall be securely fastened together and made fast to the cage or platform, so that no part of the load can fall or project beyond the sides of the cage or platform.

(d) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than two inches thick. The support for the overhead protection shall be of equal strength.

(e) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of one-half inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with one-half inch mesh No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A six-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(f) Car arresting devices shall be installed to function in case of rope failure.

(g) All material hoist towers shall be designed by a licensed professional engineer.

(h) All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists.

(3) Personnel hoists.

(a) Personnel hoists shall be provided for access and egress on all multistory buildings where vertical travel exceeds sixty feet from a ground level access point.

(b) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least ten feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of ten feet above the level of such floors or scaffolds.

(c) Towers inside of structures shall be enclosed on all four sides throughout the full height.

(d) Towers shall be anchored to the structure at intervals not exceeding thirty feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorages to ensure stability.

(e) Hoistway doors or gates shall be not less than six feet six inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

(f) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit, which have car gates or doors.

(g) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

(h) Overhead protective covering of two inch planking, three-quarter inch plywood or other solid material of equivalent strength shall be provided on the top of every personnel hoist.

(i) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is opened.

(j) A signal device shall be installed in the elevator car and only operated by an attendant who shall give the signals for operation, when transporting workers.

(k) An electrical push button signaling device or other approved signaling system shall be provided at each floor landing connected to an annunciator in the car. The signal code shall be posted adjacent to the signal device at each and every work level and at operator's work level. All wording shall be black on a white card, in large clear letters.

(l) The elevator machine and controls shall be housed in as a protection against accidents and the weather, and the door kept locked against unauthorized entrance when operator is not in attendance.

(m) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

(n) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

(o) Internal combustion engines shall not be permitted for direct drive.

(p) Normal and final terminal stopping devices shall be provided.

(q) An emergency stop switch shall be provided in the car and marked "stop."

(r) Ropes:

(i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counterweight wire ropes shall be one-half inch.

(iii) Safety factors:

Minimum Factors of Safety for Suspension Wire Ropes

Rope speed in feet per minute:	Minimum factor of safety:
50	7.60
75	7.75
100	7.95
125	8.10
150	8.25
175	8.40
200	8.60
225	8.75
250	8.90
300	9.20
350	9.50
400	9.75
450	10.00
500	10.25
550	10.45
600	10.70

(s) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than

three month intervals. Records shall be maintained and kept on file for the duration of the job.

(t) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists. The requirements of this subdivision do not apply to cantilever type personnel hoists.

(u) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one-sixteenth inch for diameter seven-eighths inch to one and one-eighth inches inclusive; three-thirty-seconds inch for diameters one and one-fourth to one and one-half inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(A) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(B) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with three-quarter inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(C) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding thirty-five miles per hour it shall be inspected and put in operable condition before reuse.

(4) All elevators, manlifts, or other lifting devices must be installed and maintained in conformity with the requirements specified in the Washington state elevator laws and regulations adopted by the elevator section of the department of labor and industries.

Note: For additional information refer to chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances.

NEW SECTION

WAC 296-155-77110 Base-mounted drum hoists. (1) General requirements.

(a) Exposed moving parts such as gears, projecting screws, setscrews, chain, cables, chain sprockets, and reciprocating or rotating parts, which constitute a hazard, shall be guarded.

(b) All controls used during the normal operation cycle shall be located within easy reach of the operator's station.

(c) Electric motor operated hoists shall be provided with:

(i) A device to disconnect all motors from the line upon power failure and not permit any motor to be restarted until the controller handle is brought to the "off" position;

(ii) Where applicable, an overspeed preventive device;

(iii) A means whereby remotely operated hoists stop when any control is ineffective.

(d) All base-mounted drum hoists in use shall meet the applicable requirements for design, construction, installation, testing, inspection, maintenance, and operation, as prescribed by the manufacturer.

(2) Specific requirements. (Reserved.)

NEW SECTION

WAC 296-155-77115 Overhead hoists. (1) General requirements.

(a) The safe working load of the overhead hoist, as determined by the manufacturer, shall be indicated on the hoist, and this safe working load shall not be exceeded.

(b) The supporting structure to which the hoist is attached shall have a safe working load equal to that of the hoist.

(c) The support shall be arranged so as to provide for free movement of the hoist and shall not restrict the hoist from lining itself up with the load.

(d) The hoist shall be installed only in locations that will permit the operator to stand clear of the load at all times.

(e) Air hoists shall be connected to an air supply of sufficient capacity and pressure to safely operate the hoist. All air hoses supplying air shall be positively connected to prevent their becoming disconnected during use.

(f) All overhead hoists in use shall meet the applicable requirements for construction, design, installation, testing, inspection, maintenance, and operation, as prescribed by the manufacturer.

(2) Specific requirements. (Reserved.)

NEW SECTION

WAC 296-155-77120 Conveyors. (1) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in ANSI B20.1-1976, Safety Code for Conveyors, Cableways, and Related Equipment.

(2) Starting precautions.

(a) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor.

(b) When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

(c) All reasonable precautions shall be taken by the operator prior to starting a conveyor, to assure that no person is in a hazardous location where they may be injured when the conveyor is started.

(3) Riding and walking on conveyors.

(a) Riding on conveyor chains, belt, or bucket elevators shall be prohibited.

(b) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and the person can do so safely.

(c) Riding of conveyors shall only be permitted on the manlift steps and platforms with handholds attached and other safety factors as specified in chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators, and other conveyances.

(4) Stop controls.

(a) Means for stopping the motor or engine of a conveyor shall be provided at the operator's station.

(b) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.

(5) Emergency controls. Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "on" position.

(6) Screw type conveyors. Screw or auger type conveyors shall be guarded to prevent employee contact with turning flights.

(7) Overhead conveyors.

(a) Where a conveyor passes over work areas, aisles, or thoroughfares, guards shall be provided to protect persons required to work below the conveyors.

(b) Where a conveyor crosses over an aisle or passageway, it shall be conspicuously marked by suitable signs, as required by Part E of this chapter.

(c) When the return strand of a conveyor operates within seven feet of the floor there shall be a trough provided of sufficient strength to carry the weight resulting from a broken chain. If the strands are over a passageway, a means shall be provided to catch and support the ends of the chain in the event of a break.

(8) Emergency stop.

(a) Conveyors shall be provided with an emergency stopping device (panic-type) which can be reached from the conveyor.

(b) The emergency stopping device shall be located near the material entrance and shall stop the conveyor a sufficient distance away from the hazard to prevent injury.

(c) Where the conveyor leading into such equipment is under constant control of an operator who has full view of the material entrance who is located or restrained where they cannot possibly fall onto the conveyor an emergency stopping device is not mandatory.

(9) Conveyor lockout.

(a) Conveyors shall be locked out with a padlock at any time repair, maintenance, or clean-up work is being performed.

(b) Tags or push-button stops are not acceptable.

(10) Where conveyors are in excess of seven feet in height, means shall be provided to safely permit essential inspection and maintenance operations.

(11) Conveyor repair.

(a) Any part showing signs of significant wear shall be inspected carefully and replaced prior to reaching a condition where it may create a hazard.

(b) Replacement parts shall be equal to or exceed the manufacturer's specifications.

NEW SECTION

WAC 296-155-77125 Aerial cableways. (1) Cableways shall be designed to withstand the maximum required load with a safety factor of five on all its parts.

(2) Safety stay lines shall be installed at anchor ends and equal in strength to the cableway.

(3) Where towers are required they shall be securely guyed or constructed to carry the maximum sustained load.

(4) Towers shall be provided with ladderways to facilitate safe access for repairs and inspections.

(5) Towers shall have sufficient elevation to provide substantial clearance for cableway and loads carried over all contemplated work.

(6) Running lines and sheaves, where accessible, shall be guarded.

(7) The carrier, carrier sheaves, bearings, bucket latch and all working parts shall be lubricated and visually inspected daily.

(8) All the wire ropes shall be kept lubricated with proper lubricant.

(9) Daily visual inspection shall be made of the button line, especially at the buttons where abrasion is caused by the carrier rebound. Runner and steel ferrule shock absorbers shall be placed at each end of buttons.

(10) All loading, unloading and working stations shall be adequately lighted for night operation. Clearance lights shall be installed on all high points under cableway.

NEW SECTION

WAC 296-155-77130 Concrete bucket towers. (1) A concrete bucket tower located inside a structure, and which is three feet or less from any scaffold or the edge of the shaftway or floor opening in which it is installed, shall be enclosed on all sides with heavy wire netting formed of No. 16 U.S. gauge one and one-half inch mesh. Wood slats placed vertically and spaced not more than one and one-half inches apart may be used instead of the netting. The enclosure shall extend at least eight feet above such scaffold or floor.

(2) A concrete bucket tower located outside a structure shall be enclosed to a height of eight feet at lower landing with heavy wire netting formed of No. 16 U.S. gauge wire one and one-half inch mesh or other suitable material.

(3) Openings with platforms shall be formed at each floor level, and the runway leading to the tower shall be guarded with standard railings and toeboards.

(4) If the bucket is discharged into a chute, the chute shall be substantially constructed of wood or metal and extend from the tower to the point where the concrete is to be poured, or transferred to vehicles or hoppers, and the chute shall be substantially supported.

(5) The pit shall be drained and deep enough so that any spill from the bucket will fall below the blocking on which the bucket rests while being filled.

(6) Persons shall not be allowed to work in the pit without first resting the bucket on strong timbers supported on two sides of the tower.

(7) The bucket tower shall be securely guyed at two or more elevations as may be necessary.

(8) The guide rails shall be carefully aligned and kept in good condition to prevent the bucket being caught or clogged while being hoisted.

(9) The sheaves over which the cable passes shall be firmly secured to overhead sheave beams and supporting frame work and the sheaves shall be kept lubricated.

(10) The hoisting cable shall be frequently inspected and renewed when broken wires or other defects are discovered.

(11) A platform provided with standard railings and toeboards shall be constructed at the point where the concrete is dumped into the chute. A ladder shall be fastened to one side of the tower to enable a person to reach the platform safely.

(12) Workers shall be prohibited from riding in or on the bucket.

NEW SECTION

WAC 296-155-77135 Hoisting engines. (1) All gearing on hoisting engines shall be enclosed. Steam piping subject to contact shall be insulated and if electrical equipment is used, it shall be grounded.

(2) Hoisting engines shall be of ample capacity and equipped with brakes capable of sustaining one hundred fifty percent of rated load for stopping and sustaining the maximum load in any position.

(3) Hoisting engines shall be protected against the weather and falling objects by a substantial cover.

(4) All hoisting equipment shall be frequently inspected, and brakes, gears and operating levers kept in working condition.

(5) Guards shall be provided to prevent persons coming in contact with hoisting cables.

(6) Brake drums shall be kept free of oil or grease.

(7) A positive operated pawl shall be used in addition to the brake to hold the load when it is suspended. Counter weight operated dogs are prohibited.

(8) Hoisting engines shall not be set up in the street when it can be avoided; but, if so located, they shall be completely housed.

(9) Only competent personnel shall operate material hoists.

(10) The operator shall not lift a load when a person is on the hoist, and all towers shall be posted to that effect, except as provided in other sections of this part.

(11) The operator shall be notified when any person goes up the tower ladder, or before any work is done on any part of the tower, overhead work, hoist or in the pit.

(12) The operator shall make daily inspections of all equipment before starting operations.

(13) When the hoisting engine is located close to the building operation, it shall be covered with a strong plank roof covering to protect the operator from falling objects.

(14) Exhaust steam pipes shall be discharged overhead so as not to obstruct the view of the operator or scald persons.

(15) In the operation of hoists, the operator shall always give a warning sign or signal before starting.

(16) When hoisting machinery is set on an elevated platform such platform shall be of substantial construction and standard guard rails and toeboards shall be provided along all open sides of the platform.

(17) Material hoists of more than one drum capacity shall be equipped with brake controls.

(18) A safety strap shall be provided on the foot block of all hoists.

(19) When electric motors are used for hoisting equipment, they shall be operated only by qualified personnel.

(a) Installations shall be made in accordance with provisions of local and national electrical safety codes, and shall be made by experienced workers only.

(b) Enclosed switches and fuses shall always be used.

(c) Switchboards shall be screened, and a sign placed warning unauthorized persons to keep clear.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-805 Removal of walls, floors, and material with equipment. (1) Mechanical equipment shall not be used on floors or working surfaces unless such floors or surfaces are of sufficient strength to support the imposed load.

(2) Floor openings shall have curbs or stop-logs to prevent equipment from running over the edge.

(3) Mechanical equipment used shall meet the requirements specified in parts ~~((E))~~ M and ~~((M))~~ R of this chapter, cranes must meet the requirements in Part L of this chapter.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-820 Removal of steel construction. (1) When floor arches have been removed, planking in accordance with WAC 296-155-800(2) shall be provided for the workers engaged in razing the steel framing.

(2) Cranes~~((;))~~ and derrick~~((; and other hoisting equipment))~~ used shall meet the requirements specified in Part L of this chapter. Other hoisting equipment must meet the requirements in Part R of this chapter.

(3) Steel construction shall be dismantled column length by column length, and tier by tier (columns may be in two-story lengths).

(4) Any structural member being dismembered shall not be overstressed.

WSR 11-16-100

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 3, 2011, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-08-071.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-450-0015 What types of income does the department not use to figure out my benefits?, 388-455-0005 How do lump sum payments affect benefits?, 388-470-0045 How do my resources count toward

the resource limits for cash assistance and family medical programs?, 388-470-0055 How do my resources count towards the resource limit for Basic Food?, 388-475-0550 SSI related medical—All other excluded resources, and 388-475-0860 SSI related medical—Income exclusions under federal statute [statute] or other state laws.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on September 27, 2011, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 28, 2011.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on September 27, 2011.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by September 6, 2011, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to disregard federal income tax refunds received after December 31, 2009, as income in the month received and as a resource for twelve months when determining eligibility for any program that is funded in whole or part with federal funds.

The proposal will impact clients who receive any type of public assistance funded in whole or part with federal funds including: Such as temporary assistance for needy families (TANF), supplemental nutrition assistance program (SNAP), and medicaid.

Reasons Supporting Proposal: The proposed amendments are necessary to comply with [a] federal regulations announcement dated December 17, 2010, which requires states to disregard federal income tax refunds received after December 31, 2009, as income in the month received, and as a resource for twelve months when determining eligibility for any program that is funded in whole or part with federal funds, such as TANF, SNAP, and medicaid.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.210(4).

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, and 74.08.090.

Rule is necessary because of federal law, and state court decision, Section 728 of Tax relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kerry Judge, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4630.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. The proposed rule is necessary to comply with a federal regulations announcement dated December 17, 2010, which requires states to disregard federal income tax refunds received after

December 31, 2009, as income in the month received and as a resource for twelve months when determining eligibility for any program that is funded in whole or part with federal funds.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule disregards federal income tax refunds as income in the month received and as a resource for twelve months when determining eligibility for any program that is funded in whole or part with federal funds.

July 29, 2011

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-17-103, filed 8/17/10, effective 8/19/10)

WAC 388-450-0015 What types of income (~~does~~) are not used by the department (~~not use~~) to figure out my benefits? This section applies to cash assistance, children's, family, or pregnancy medical, and basic food benefits.

(1) There are some types of income we do not count to figure out if you can get benefits and the amount you can get. Some examples of income we do not count are:

(a) Bona fide loans as defined in WAC 388-470-0045, except certain student loans as specified under WAC 388-450-0035;

(b) Federal income tax refunds and earned income tax credit (EITC) payments in the month received;

(c) Federal economic stimulus payments that are excluded for federal and federally assisted state programs;

(d) Federal twenty-five dollar supplemental weekly unemployment compensation payment authorized by the American Recovery and Reinvestment Act of 2009;

(e) Title IV-E and state foster care maintenance payments if you choose not to include the foster child in your assistance unit;

(f) Energy assistance payments;

(g) Educational assistance we do not count under WAC 388-450-0035;

(h) Native American benefits and payments we do not count under WAC 388-450-0040;

(i) Income from employment and training programs we do not count under WAC 388-450-0045;

(j) Money withheld from a benefit to repay an overpayment from the same income source. For Basic Food, we **do not** exclude money that is withheld because you were overpaid for purposely not meeting requirements of a federal, state, or local means tested program such as TANF/SFA, GA, and SSI;

(k) Legally obligated child support payments received by someone who gets TANF/SFA benefits;

(l) One-time payments issued under the Department of State or Department of Justice Reception and Replacement Programs, such as Voluntary Agency (VOLAG) payments; and

(m) Payments we are directly told to exclude as income under state or federal law.

(n) **For cash and Basic Food:** Payments made to someone outside of the household for the benefits of the assistance unit using funds that are not owed to the household;

(o) **For Basic Food only:** The total monthly amount of all legally obligated current or back child support payments paid by the assistance unit to someone outside of the assistance unit for:

(i) A person who is not in the assistance unit; or

(ii) A person who is in the assistance unit to cover a period of time when they were not living with the member of the assistance unit responsible for paying the child support on their behalf.

(p) **For medical assistance:** Only the portion of income used to repay the cost of obtaining that income source.

(2) For children's, family, or pregnancy medical, we also do not count any insurance proceeds or other income you have recovered as a result of being a Holocaust survivor.

AMENDATORY SECTION (Amending WSR 10-15-069, filed 7/16/10, effective 8/16/10)

WAC 388-455-0005 How do lump sum payments affect benefits? (1) A lump sum payment is money that someone receives but does not expect to receive on a continuing basis.

(2) For cash assistance and family medical programs, we count a lump sum payment:

(a) As a resource, under WAC 388-455-0010, if it was awarded for wrongful death, personal injury, damage, or loss of property.

(b) As income, under WAC 388-455-0015, if it was received for any other reason, with the exception of subsection (3) and (4) of this section.

(3) For medical programs, receipt of a lump sum by a member of a federally recognized tribe from exercising federally protected rights or extraction of exempt resources is considered an exempt resource in the month of receipt. Any amounts remaining on the first of the next month will be counted if they remain in the form of a countable resource. Any amounts remaining the first of the month after conversion will remain exempt if they are in the form of an exempt resource.

(4) For cash and family medical programs, tax refunds and earned income tax lump sums are excluded as income and excluded as a resource for twelve months from the date of receipt.

(5) For Basic Food, we count lump sum payments for a previous period as a resource under WAC 388-470-0055. We count any amount for current or future months as income to your assistance unit.

AMENDATORY SECTION (Amending WSR 10-15-069, filed 7/16/10, effective 8/16/10)

WAC 388-470-0045 How do my resources count toward the resource limits for cash assistance and family medical programs? (1) We count the following resources toward your assistance unit's resource limits for cash assis-

tance and family medical programs to decide if you are eligible for benefits under WAC 388-470-0005:

(a) Liquid resources not specifically excluded in subsection (2) below. These are resources that are easily changed into cash. Some examples of liquid resources are:

(i) Cash on hand;

(ii) Money in checking or savings accounts;

(iii) Money market accounts or certificates of deposit (CDs) less any withdrawal penalty;

(iv) Available retirement funds or pension benefits, less any withdrawal penalty;

(v) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;

(vi) Available trusts or trust accounts;

(vii) Lump sum payments as described in chapter 388-455 WAC; or

(viii) Any funds retained beyond the month of receipt from conversion of federally protected rights or extraction of exempt resources by members of a federally recognized tribe that are in the form of countable resources.

(b) The cash surrender value (CSV) of whole life insurance policies.

(c) The CSV over fifteen hundred dollars of revocable burial insurance policies or funeral agreements.

(d) The amount of a child's irrevocable educational trust fund that is over four thousand dollars per child.

(e) Funds withdrawn from an individual development account (IDA) if they were removed for a purpose other than those specified in RCW 74.08A.220.

(f) Any real property like a home, land or buildings not specifically excluded in subsection (3) below.

(g) The equity value of vehicles as described in WAC 388-470-0070.

(h) Personal property that is not:

(i) A household good;

(ii) Needed for self-employment; or

(iii) Of "great sentimental value," due to personal attachment or hobby interest.

(i) Resources of a sponsor as described in WAC 388-470-0060.

(j) For cash assistance only, sales contracts.

(2) The following types of liquid resources do not count when we determine your eligibility:

(a) Bona fide loans, including student loans;

(b) Basic Food benefits;

(c) Income tax refunds (~~(in the month)~~) for twelve months from the date of receipt;

(d) Earned income tax credit (EITC) in the month received and (~~(the following)~~) for up to twelve months;

(e) Advance earned income tax credit payments;

(f) Federal economic stimulus payments that are excluded for federal and federally assisted state programs;

(g) Individual development accounts (IDAs) established under RCW 74.08A.220;

(h) Retroactive cash benefits or TANF/SFA benefits resulting from a court order modifying a decision of the department;

(i) Underpayments received under chapter 388-410 WAC;

(j) Educational benefits that are excluded as income under WAC 388-450-0035;

(k) The income and resources of an SSI recipient;

(l) A bank account jointly owned with an SSI recipient if SSA already counted the money for SSI purposes;

(m) Foster care payments provided under Title IV-E and/or state foster care maintenance payments;

(n) Adoption support payments;

(o) Self-employment accounts receivable that the client has billed to the customer but has been unable to collect;

(p) Resources specifically excluded by federal law; and

(q) For medical benefits, receipts from exercising federally protected rights or extracted exempt resources (fishing, shell-fishing, timber sales, etc.) during the month of receipt for a member of a federally recognized tribe.

(3) The following types of real property do not count when we determine your eligibility:

(a) Your home and the surrounding property that you, your spouse, or your dependents live in;

(b) A house you do not live in, if you plan on returning to the home and you are out of the home because of:

(i) Employment;

(ii) Training for future employment;

(iii) Illness; or

(iv) Natural disaster or casualty.

(c) Property that:

(i) You are making a good faith effort to sell;

(ii) You intend to build a home on, if you do not already own a home;

(iii) Produces income consistent with its fair market value, even if used only on a seasonal basis; or

(iv) A household member needs for employment or self-employment. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing.

(d) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

(4) If you deposit excluded liquid resources into a bank account with countable liquid resources, we do not count the excluded liquid resources for six months from the date of deposit.

(5) If you sell your home, you have ninety days to reinvest the proceeds from the sale of a home into an exempt resource.

(a) If you do not reinvest within ninety days, we will determine whether there is good cause to allow more time. Some examples of good cause are:

(i) Closing on your new home is taking longer than anticipated;

(ii) You are unable to find a new home that you can afford;

(iii) Someone in your household is receiving emergent medical care; or

(iv) Your children are in school and moving would require them to change schools.

(b) If you have good cause, we will give you more time based on your circumstances.

(c) If you do not have good cause, we count the money you got from the sale as a resource.

AMENDATORY SECTION (Amending WSR 08-18-043, filed 8/29/08, effective 10/1/08)

WAC 388-470-0055 How do my resources count toward the resource limit for Basic Food? (1) For Basic Food, if your assistance unit (AU) is not categorically eligible (CE) under WAC 388-414-0001, we count the following resources toward your AU's resource limit to decide if you are eligible for benefits under WAC 388-470-0005:

(a) Liquid resources. These are resources that are easily changed into cash. Some examples of liquid resources are:

(i) Cash on hand;

(ii) Money in checking or savings accounts;

(iii) Money market accounts or certificates of deposit (CDs) less any withdrawal penalty;

(iv) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;

(v) Available trusts or trust accounts; or

(vi) Lump sum payments. A lump sum payment is money owed to you from a past period of time that you get but do not expect to get on a continuing basis.

(b) Nonliquid resources, personal property, and real property not specifically excluded in subsection (2) below.

(c) Vehicles as described in WAC 388-470-0075.

(d) The resources of a sponsor as described in WAC 388-470-0060.

(2) The following resources do not count toward your resource limit:

(a) Your home and the surrounding property that you, your spouse, or your dependents live in;

(b) A house you do not live in, if you plan on returning to the home and you are out of the home because of:

(i) Employment;

(ii) Training for future employment;

(iii) Illness; or

(iv) Natural disaster or casualty.

(c) Property that:

(i) You are making a good faith effort to sell;

(ii) You intend to build a home on, if you do not already own a home;

(iii) Produces income consistent with its fair market value, even if used only on a seasonal basis;

(iv) Is essential to the employment or self-employment of a household member. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing; or

(v) Is essential for the maintenance or use of an income-producing vehicle; or

(vi) Has an equity value equal to or less than half of the resource limit as described in WAC 388-470-0005.

(d) Household goods

(e) Personal effects;

(f) Life insurance policies, including policies with cash surrender value (CSV);

(g) One burial plot per household member;

(h) One funeral agreement per household member, up to fifteen hundred dollars;

(i) Pension plans or retirement funds not specifically counted in subsection (1) above;

(j) Sales contracts, if the contract is producing income consistent with its fair market value;

(k) Government payments issued for the restoration of a home damaged in a disaster;

(l) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs;

(m) Nonliquid resources that have a lien placed against them;

(n) Earned Income Tax Credits (EITC):

(i) For twelve months, if you were a Basic Food recipient when you got the EITC and you remain on Basic Food for all twelve months; or

(ii) The month you get it and the month after, if you were not getting Basic Food when you got the EITC.

(o) Energy assistance payments or allowances;

(p) The resources of a household member who gets SSI, TANF/SFA, or GA benefits;

(q) Retirement funds or accounts that are tax exempt under the Internal Revenue Code;

(r) Education funds or accounts in a tuition program under section 529 or 530 of the Internal Revenue Code; ~~(and)~~

(s) Resources specifically excluded by federal law; and

(t) Federal income tax refunds for twelve months whether or not you were receiving Basic Food assistance at the time you got the refund.

(3) If you deposit excluded liquid resources into a bank account with countable liquid resources, we do not count the excluded liquid resources for six months from the date of deposit. **Exception: Federal tax refunds are not counted for twelve months even when mixed with countable resources.**

(4) If you sell your home, you have ninety days to reinvest the proceeds from the sale of a home into an exempt resource.

(a) If you do not reinvest within ninety days, we will determine whether there is good cause to allow more time. Some examples of good cause are:

(i) Closing on your new home is taking longer than anticipated;

(ii) You are unable to find a new home that you can afford;

(iii) Someone in your household is receiving emergent medical care; or

(iv) Your children are in school and moving would require them to change schools.

(b) If you have good cause, we will give you more time based on your circumstances.

(c) If you do not have good cause, we count the money you got from the sale as a resource.

AMENDATORY SECTION (Amending WSR 10-15-069, filed 7/16/10, effective 8/16/10)

WAC 388-475-0550 SSI-related medical—All other excluded resources. All resources described in this section

are excluded resources for SSI-related medical programs. Unless otherwise stated, interest earned on the resource amount is counted as unearned income.

(1) Resources necessary for a client who is blind or disabled to fulfill a department approved self-sufficiency plan.

(2) Retroactive payments from SSI or RSDI, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, are excluded for nine months following the month of receipt. This exclusion applies to:

(a) Payments received by the client, spouse, or any other person financially responsible for the client;

(b) SSI payments for benefits due for the month(s) before the month of continuing payment;

(c) RSDI payments for benefits due for a month that is two or more months before the month of continuing payment; and

(d) Proceeds from these payments as long as they are held as cash, or in a checking or savings account. The funds may be commingled with other funds, but must remain identifiable from the other funds for this exclusion to apply. This exclusion does not apply once the payments have been converted to any other type of resource.

(3) All resources specifically excluded by federal law, such as those described in subsections (4) through (12) as long as such funds are identifiable.

(4) Payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(5) Payments made to Native Americans as listed in 20 CFR 416.1182, Appendix to subpart K, section IV, paragraphs (b) and (c), and in 20 CFR 416.1236.

(6) The following Native American/Alaska Native funds are excluded resources:

(a) Resources received from a native corporation under the Alaska Native Claims Settlement Act, including:

(i) Shares of stock held in a regional or village corporation;

(ii) Cash or dividends on stock received from the native corporation up to two thousand dollars per person per year;

(iii) Stock issued by a native corporation as a dividend or distribution on stock;

(iv) A partnership interest;

(v) Land or an interest in land; and

(vi) An interest in a settlement trust.

(b) All funds contained in a restricted individual Indian money (IIM) account.

(7) Exercise of federally protected rights, including extraction of exempt resources by a member of a federally recognized tribe during the month of receipt. Any funds from the conversion of the exempt resource which are retained on the first of the month after the month of receipt will be considered exempt if they are in the form of an exempt resource, and will be countable if retained in the form of a countable resource.

(8) Restitution payment and any interest earned from this payment to persons of Japanese or Aleut ancestry who were relocated and interned during war time under the Civil Liberties Act of 1988 and the Aleutian and Pribilof Islands Restitution Act.

(9) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims.

(10) Payments or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(11) Payments or interest accrued on payments received under the Energy Employees Occupational Illness Compensation Act of 2000 (EEOICA) received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(12) Payments from:

(a) The Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV).

(b) The Victims of Nazi Persecution Act of 1994 to survivors of the Holocaust.

(c) *Susan Walker vs. Bayer Corporation, et al.*, 96-C-5024 (N.D. Ill.) (May 8, 1997) settlement funds.

(d) Ricky Ray Hemophilia Relief Fund Act of 1998 P.L. 105-369.

(13) The unspent social insurance payments received due to wage credits granted under sections 500 through 506 of the Austrian General Social Insurance Act.

(14) Tax refunds and earned income tax credit refunds and payments are excluded as resources for ~~((nine))~~ twelve months after the month of receipt.

(15) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

(16) Cash or in-kind items received as a settlement for the purpose of repairing or replacing a specific excluded resource are excluded:

(a) For nine months. This includes relocation assistance provided by state or local government.

(b) Up to a maximum of thirty months, when:

(i) The client intends to repair or replace the excluded resource; and

(ii) Circumstances beyond the control of the settlement recipient prevented the repair or replacement of the excluded resource within the first or second nine months of receipt of the settlement.

(c) For an indefinite period, if the settlement is from federal relocation assistance.

(d) Permanently, if the settlement is assistance received under the Disaster Relief and Emergency Assistance Act or other assistance provided under a federal statute because of a catastrophe which is declared to be a major disaster by the President of the United States, or is comparable assistance received from a state or local government or from a disaster assistance organization. Interest earned on this assistance is also excluded from resources. Any cash or in-kind items received as a settlement and excluded under this subsection are considered as available resources when not used within the allowable time periods.

(17) Insurance proceeds or other assets recovered by a Holocaust survivor as defined in WAC 388-470-0026(4).

(18) Pension funds owned by an ineligible spouse. Pension funds are defined as funds held in a(n):

(a) Individual retirement account (IRA) as described by the IRS code; or

(b) Work-related pension plan (including plans for self-employed individuals, known as Keogh plans).

(19) Cash payments received from a medical or social service agency to pay for medical or social services are excluded for one calendar month following the month of receipt.

(20) SSA- or DVR-approved plans for achieving self-support (PASS) accounts, allowing blind or disabled individuals to set aside resources necessary for the achievement of the plan's goals, are excluded.

(21) Food and nutrition programs with federal involvement. This includes Washington Basic Food, school reduced and free meals and milk programs and WIC.

(22) Gifts to, or for the benefit of, a person under eighteen years old who has a life-threatening condition, from an organization described in section 501 (c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of that code, as follows:

(a) In-kind gifts that are not converted to cash; or

(b) Cash gifts up to a total of two thousand dollars in a calendar year.

(23) Veteran's payments made to, or on behalf of, natural children of Vietnam veterans regardless of their age or marital status, for any disability resulting from spina bifida suffered by these children.

(24) The following are among assets that are not considered resources and as such are neither excluded nor counted:

(a) Home energy assistance/support and maintenance assistance;

(b) Retroactive in-home supportive services payments to ineligible spouses and parents; and

(c) Gifts of domestic travel tickets. For a more complete list please see POMS @ <http://policy.ssa.gov/poms.nsf/lnx/0501130050>.

AMENDATORY SECTION (Amending WSR 06-04-046, filed 1/26/06, effective 2/26/06)

WAC 388-475-0860 SSI-related medical—Income exclusions under federal statute or other state laws. The Social Security Act and other federal statutes or state laws list income that the department excludes when determining eligibility for SSI-related medical programs. These exclusions include, but are not limited to:

(1) Income tax refunds;

(2) Federal earned income tax credit (EITC) payments for ~~((nine))~~ twelve months after the month of receipt;

(3) Compensation provided to volunteers in the Corporation for National and Community Service (CNCS), formerly known as ACTION programs established by the Domestic Volunteer Service Act of 1973. P.L. 93-113;

(4) Assistance to a person (other than wages or salaries) under the Older Americans Act of 1965, as amended by section 102 (h)(1) of Pub. L. 95-478 (92 Stat. 1515, 42 U.S.C. 3020a);

(5) Federal, state and local government payments including assistance provided in cash or in-kind under any government program that provides medical or social services;

(6) Certain cash or in-kind payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(7) Value of food provided through a federal or nonprofit food program such as WIC, donated food program, school lunch program;

(8) Assistance based on need, including:

(a) Any federal SSI income or state supplement payment (SSP) based on financial need;

(b) Food stamps;

(c) GA-U;

(d) CEAP;

(e) TANF; and

(f) Bureau of Indian Affairs (BIA) general assistance.

(9) Housing assistance from a federal program such as HUD if paid under:

(a) United States Housing Act of 1937 (section 1437 et seq. of 42 U.S.C.);

(b) National Housing Act (section 1701 et seq. of 12 U.S.C.);

(c) Section 101 of the Housing and Urban Development Act of 1965 (section 1701s of 12 U.S.C., section 1451 of 42 U.S.C.);

(d) Title V of the Housing Act of 1949 (section 1471 et seq. of 42 U.S.C.); or

(e) Section 202(h) of the Housing Act of 1959;

(f) Weatherization provided to low-income homeowners by programs that consider income in the eligibility determinations;

(10) Energy assistance payments including:

(a) Those to prevent fuel cutoffs, and

(b) To promote energy efficiency.

(11) Income from employment and training programs as specified in WAC 388-450-0045.

(12) Foster grandparents program;

(13) Title IV-E and state foster care maintenance payments if the foster child is not included in the assistance unit;

(14) The value of any childcare provided or arranged (or any payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act, as amended by section 8(b) of P.L. 102-586 (106 Stat. 5035).

(15) Educational assistance as specified in WAC 388-450-0035.

(16) Up to two thousand dollars per year derived from an individual's interest in Indian trust or restricted land.

(17) Native American benefits and payments as specified in WAC 388-450-0040 and other Native American payments excluded by federal statute. For a complete list of these payments, see 20 CFR 416, Subpart K, Appendix, IV.

(18) Payments from Susan Walker v. Bayer Corporation, et al., 96-c-5024 (N.D. Ill) (May 8, 1997) settlement funds;

(19) Payments from Ricky Ray Hemophilia Relief Fund Act of 1998, P.L. 105-369;

(20) Disaster assistance paid under Federal Disaster Relief P.L. 100-387 and Emergency Assistance Act, P.L. 93-288 amended by P.L. 100-707 and for farmers P.L. 100-387;

(21) Payments to certain survivors of the Holocaust as victims of Nazi persecution; payments excluded pursuant to

section 1(a) of the Victims of Nazi Persecution Act of 1994, P.L. 103-286 (108 Stat. 1450);

(22) Payments made under section 500 through 506 of the Austrian General Social Insurance Act;

(23) Payments made under the Netherlands' Act on Benefits for Victims of Persecution (WUV);

(24) Restitution payments and interest earned to Japanese Americans or their survivors, and Aleuts interned during World War II, established by P.L. 100-383;

(25) Payments made from the Agent Orange Settlement Funds or any other funds to settle Agent Orange liability claims established by P.L. 101-201;

(26) Payments made under section six of the Radiation Exposure Compensation Act established by P.L. 101-426;

(27) Any interest or dividend is excluded as income, except for the community spouse of an institutionalized individual.

WSR 11-17-020

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 5, 2011, 8:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-13-116.

Title of Rule and Other Identifying Information: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-161 Fleet registrations.

Hearing Location(s): Department of Licensing, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on September 27, 2011, at 10:00 a.m.

Date of Intended Adoption: September 28, 2011.

Submit Written Comments to: Debra Then, P.O. Box 9037, Mailstop 48205, 1125 Washington Street S.E., Olympia, WA 98501-9037, e-mail dthen@dol.wa.gov, fax (360) 570-3706, by September 12, 2011.

Assistance for Persons with Disabilities: Contact Debra Then by September 12, 2011, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To clarify the requirements for registering a fleet, and reducing the number of required vehicles in a permanent fleet.

Reasons Supporting Proposal: Reducing the number of vehicles required in a permanent fleet allows more fleet owners the option to register as a permanent fleet.

Statutory Authority for Adoption: RCW 46.01.110.

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

Name of Agency Personnel Responsible for Drafting: Debra Then, 1125 Washington Street S.E., Olympia, WA, (360) 902-4094; Implementation and Enforcement: Toni Wilson, 1125 Washington Street S.E., Olympia, WA, (360) 902-3673.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

August 5, 2011
Ben Shomshor
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-11-079, filed 5/14/02, effective 6/14/02)

WAC 308-96A-161 Fleet registration. (1) **What is the purpose of the fleet program?** The department recognizes and understands that there are businesses and individual registered owners within the state of Washington that have a valid need to license all their vehicles on the same date and receive a single billing notice. The purpose of the fleet program is to provide such a process.

(2) **What types of fleet programs are available?** There are two types of fleet programs:

(a) Regular fleet - To participate in the regular fleet program, the owner(s) must:

(i) Have five or more vehicles, all currently registered for highway use; and

(ii) All vehicles participating must be titled and registered in exact name agreement (letter for letter and space for space); and

(iii) All vehicles participating will be assigned a December 31 annual expiration. Monthly gross weight license may be purchased for vehicles participating in the regular fleet program; and

(iv) A fleet account will be established by the department and a fleet identifier code issued to the participant.

(b) Permanent fleet - To participate in the permanent fleet program, the owner must:

(i) Have ~~((one hundred))~~ fifty or more vehicles all currently registered for highway use; and

(ii) Have all participating vehicles titled and registered in exact name agreement (letter for letter and space for space); and

(iii) Have all participating vehicles assigned a December 31 annual expiration. Monthly gross weight license may **not** be purchased for vehicles participating in the permanent fleet program however, gross weight increase can be purchased throughout the year.

A fleet account will be established by the department and a fleet identifier code issued to the participant.

(3) **Who does a fleet owner contact to join the fleet program?** Any owner who meets the qualifications may contact the department or your local Washington vehicle licensing office.

(4) **Are there any vehicles that may not be part of a fleet?** Yes, there are vehicles that may not be part of a fleet. Those vehicles include:

(a) Snowmobiles;

(b) Trailers with plates issued a permanent license plate under RCW ~~((46.16.068))~~ 46.16A.450;

(c) ~~((Vehicles licensed as daily rental under RCW 82.44.023))~~ Rental vehicles as defined in RCW 46.04.465; or

(d) Any vehicle not required to annually renew. ~~((f))~~ Pro-rate vehicles registered under ~~((the international registration~~

~~program (f))~~ proportional registration as defined in chapter 46.87 RCW ~~((f))~~ cannot be part of this fleet program ~~((f))~~.

(5) **Will the department remove me from the fleet program?** Yes, the department will remove a participant from the fleet program at their request or if the required minimum number of currently registered vehicles is not maintained for the chosen fleet program. The fleet identifier code will be automatically canceled and will cause removal of all of the participant's vehicles from the chosen fleet program.

WSR 11-17-024
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 8, 2011, 12:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-13-021.

Title of Rule and Other Identifying Information: WAC 392-140-900 through 392-140-913, Finance—Special allocations—K-4 staff enhancement.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Wanamaker Conference Room, 600 Washington Street, Olympia, WA 98504, on October 11, 2011, at 10:30 a.m.

Date of Intended Adoption: October 11, 2011.

Submit Written Comments to: Ross Bunda, P.O. Box 47200, Olympia, WA 98504-7200, e-mail ross.bunda@k12.wa.us, fax (360) 753-4201, by October 9, 2010 [2011].

Assistance for Persons with Disabilities: Contact Wanda Griffin by October 9, 2011, TTY (360) 664-3631 or (360) 725-6132.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeal rules because they no longer apply, effective September 1, 2011, due to the revisions to the distribution formula for K-12 basic education funding in RCW 28A.150.260 pursuant to HB 2776 in 2010.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

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

Name of Proponent: [OSPI], governmental.

Name of Agency Personnel Responsible for Drafting: Ross Bunda, OSPI, (360) 725-6308; Implementation: JoLynn Berge, OSPI, (360) 725-6301; and Enforcement: Shawn Lewis, OSPI, (360) 725-6292.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable, no small business impact.

A cost-benefit analysis is not required under RCW 34.05.328. OSPI is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

August 8, 2011
Randy Dorn
State Superintendent

REPEALER

Effective September 1, 2011, the following sections of the Washington Administrative Code are repealed:

WAC 392-140-900	K-4 Staff enhancement—Applicable provisions.
WAC 392-140-901	K-4 Staff enhancement—Authority.
WAC 392-140-902	K-4 Staff enhancement—Purpose.
WAC 392-140-903	K-4 Staff enhancement—Definitions.
WAC 392-140-904	K-4 Staff enhancement—School district reporting.
WAC 392-140-906	K-4 Staff enhancement—Determination of FTE K-4 basic education classified instructional assistants in 1989-90.
WAC 392-140-907	K-4 Staff enhancement—Determination of increase in K-4 basic education classified instructional assistants.
WAC 392-140-908	K-4 Staff enhancement—Determination of the K-4 certificated staff ratio equivalent of increased K-4 classified instructional assistants.
WAC 392-140-910	K-4 Staff enhancement—Determination of district K-4 certificated instructional staffing ratio.
WAC 392-140-912	K-4 Staff enhancement—Determination of K-4 apportionment ratios.
WAC 392-140-913	K-4 Staff enhancement—Reporting by the superintendent of public instruction.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Wanamaker Conference Room, 600 Washington Street, Olympia, WA 98504, on October 11, 2011, at 10:00 a.m.

Date of Intended Adoption: October 11, 2011.

Submit Written Comments to: Ross Bunda, P.O. Box 47200, Olympia, WA 98504-7200, e-mail ross.bunda@k12.wa.us, fax (360) 753-4201, by October 10, 2011.

Assistance for Persons with Disabilities: Contact Wanda Griffin by October 9, 2011, TTY (360) 664-3631 or (360) 725-6132.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Pursuant to section 513(5) of the 2011-13 State Operating Appropriations Act, E2SHB 1087, these revisions to the national board bonus program:

- Reduce a school's eligibility to be designated a challenging, high poverty school, and thus making that school's national board teachers eligible for the challenging, high poverty school bonus, from the current two years to one year only;

- Pay all bonuses for the 2011-12 school year in July 2012, and similarly for subsequent school years;

- Reduce all bonuses by a factor of forty percent for first year national board certified teachers, to reflect the portion of the instructional school year they are certified.

Statutory Authority for Adoption: RCW 28A.150.290 (1) and 28A.405.415.

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

Name of Proponent: [OSPI], governmental.

Name of Agency Personnel Responsible for Drafting: Ross Bunda, OSPI, (360) 725-6308; Implementation: JoLynn Berge, OSPI, (360) 725-6301; and Enforcement: Shawn Lewis, OSPI, (360) 725-6292.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable, no small business impact.

A cost-benefit analysis is not required under RCW 34.05.328. OSPI is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

August 8, 2011

Randy Dorn

State Superintendent

WSR 11-17-025**PROPOSED RULES****SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed August 8, 2011, 12:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-13-102.

Title of Rule and Other Identifying Information: WAC 392-140-970 through 392-140-975, Finance—Special allocations—Salary bonus for teachers and other certificated staff who hold current certification by the national board.

AMENDATORY SECTION (Amending WSR 11-02-054, filed 1/3/11, effective 2/3/11)

WAC 392-140-973 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Eligibility. Candidates who are eligible for the bonus shall be limited to those meeting the following requirements:

- (1) Hold current certification by the national board for professional teaching standards; and

- (2) Who are:

- (a) Teachers and other certificated staff employed full time or part time under written contract by Washington pub-

lic school districts or educational service districts pursuant to RCW 28A.405.210; or

(b) Teachers and other certificated staff employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a); or

(c) Teachers and other certificated staff employed full time or part time by the Washington school for the deaf or Washington school for the blind.

(3) In addition to bonuses provided by subsection (2) of this section, teachers and other certificated staff shall be eligible for additional bonuses if the employee is in an instructional assignment in challenging, high poverty schools, subject to the following conditions and limitations:

(a) For the ~~((2009-10))~~ 2011-12 school year and thereafter, challenging, high poverty schools are schools ~~((eligible by either:~~

~~((i) Eligibility in the prior year; or~~

~~((ii) Schools))~~ where, for the prior year, the student headcount enrollment eligible for the federal free or reduced price lunch program was at least:

~~((A))~~ (i) 70 percent for elementary schools;

~~((B))~~ (ii) 60 percent for middle schools; or

~~((C))~~ (iii) 50 percent for high schools; as determined by the October 1 count of ~~((the core student records system or successor data collection and reporting systems, such as))~~ the comprehensive education data and research system (CEDARS) or successor data collection and reporting systems, of the office of superintendent of public instruction.

(b) For purposes of the national board challenging, high poverty schools bonus, a school shall be categorized based upon the highest grades served as follows:

(i) A school whose highest grade served is 6th grade or lower shall be considered an elementary school;

(ii) A school whose highest grade served is either 7th, 8th, or 9th grade shall be considered a middle school;

(iii) A school whose highest grade served is either 10th, 11th, or 12th grade shall be considered a high school.

(c) A school shall be considered only if it serves thirty or more students, or is the largest school in the district serving its designated category.

(d) Schools that provide institutional education programs pursuant to WAC 392-122-205 shall be designated as challenging~~(;)~~, high poverty schools with the student headcount enrollment eligible for the federal free or reduced price lunch program at one hundred percent and shall not be subject to the requirement in this subsection of serving thirty or more students.

(e) The student enrollment data used shall include the state-funded students in kindergarten through twelfth grade, plus prekindergarten students in special education.

(f) Teachers and other certificated staff that meet the qualifications for additional bonuses under this subsection who are assigned for less than one full school year or less than full time for the school year shall receive the additional bonuses in a prorated manner, subject to the following conditions and limitations:

(i) The portion of the employee's assignment to challenging, high poverty schools shall be determined as of ~~((either October 1 of the current school year or the employee's~~

~~employment contract date for the current))~~ June 15th of the school year.

(ii) If the employee's assignment to challenging, high poverty schools is less than 1.0 full-time equivalent, the proration shall use the methodology in WAC 392-121-212 and shall be rounded to three decimal places.

AMENDATORY SECTION (Amending WSR 08-17-013, filed 8/8/08, effective 9/8/08)

WAC 392-140-974 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Administrative procedures. (1)

School districts that employ teachers and other certificated staff eligible for the salary bonus shall report those employees to the office of superintendent of public instruction by submitting for each employee the required data as determined by the superintendent of public instruction.

(2) Districts shall document each employee's eligibility by maintaining on file for audit a copy of the employee's national board certification notice and evidence of employment and duties assigned. For employees eligible for additional bonuses pursuant to WAC 392-140-973(3), districts shall also document the employee's instructional assignments in challenging, high poverty schools.

(3) Beginning in the 2011-12 school year, all requests ((received by)) must be submitted to the superintendent of public instruction by ((the)) June 15th of the ((month)) school year and shall be paid in ((that month's)) the July apportionment and displayed on Report 1197, in revenue account 4158. Bonuses in WAC 392-140-973 shall be reduced by a factor of 40 percent for first year National Board for Professional Teaching Standards (NBPTS) certified teachers, to reflect the portion of the instructional school year they are certified.

(4) For each candidate, the superintendent of public instruction shall send the district the amount of the salary bonus set in the operating appropriations act plus an amount for the district's (employer) portion of mandatory fringe benefits. The amount of the annual bonus in WAC 392-140-973(2) shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation. The amount of the additional bonus in WAC 392-140-973(3) shall be five thousand dollars in the 2007-08 school year. Thereafter, the additional bonus shall not increase by inflation.

(5) The district shall pay the bonus to the employee in a lump sum amount on a supplemental contract pursuant to RCW 28A.400.200.

(6) The salary bonus is excluded from the definition of "earnable compensation" under RCW 41.32.010(10) teachers' retirement through the 2007-08 school year. Beginning in the 2008-09 school year and thereafter, the salary bonus is included in the definition of "earnable compensation."

WSR 11-17-070
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services)
[Filed August 16, 2011, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-13-093.

Title of Rule and Other Identifying Information: WAC 388-97-0001 Definitions, 388-97-0140 Transfer and discharge appeals for resident in medicare and medicaid certified facilities, 388-97-0600 Refusal of certain transfers, 388-97-1640 Required notification and reporting, 388-97-4160 Initial nursing home license, 388-97-4180 Nursing home license renewal, 388-97-4280 Change of ownership, 388-97-4460 Remedies, and other related rules as appropriate.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on October 11, 2011, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 12, 2011.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 11, 2011.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by September 27, 2011, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending these rules as a result of legislative activity during session and to be consistent with federal regulations and newly passed state laws: SSB 5042 Vulnerable adults protection, ESHB 1277 Oversight of licensed or certified long-term care settings for vulnerable adults and E2SHB 1738 Changing the designation of medicaid state agency.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: Chapters 18.51 and 74.42 RCW.

Statute Being Implemented: Chapters 18.51 and 74.42 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Lisa N.H. Yanagida, P.O. Box 45600, Olympia, WA 98513, (360) 725-2589; Implementation and Enforcement: Lori Melchiori, P.O. Box 45600, Olympia, WA 98513, (360) 725-2404.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3), a small business economic impact statement is not required for rules adopting or incorporating, by reference

without material change, Washington state statutes or federal statutes or regulations.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes [statutes] or federal statutes [statutes] or regulations.

August 11, 2011

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-02-021, filed 12/29/09, effective 1/29/10)

WAC 388-97-0001 Definitions. "Abandonment" means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or restraints including chemical restraints, unless the restraint is consistent with licensing requirements.

(3) **"Sexual abuse"** means any form of nonconsensual((?)) sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual contact may include interactions that do not involve touching. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual.

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

"Administrative hearing" is a formal hearing proceeding before a state administrative law judge that gives:

(1) A licensee an opportunity to be heard in disputes about licensing actions, including the imposition of remedies, taken by the department; or

(2) An individual an opportunity to appeal a finding of abandonment, abuse, neglect, financial exploitation of a resident, or misappropriation of a resident's funds.

"Administrative law judge (ALJ)" means an impartial decision-maker who presides over an administrative hearing. ALJs are employed by the office of administrative hearings (OAH), which is a separate state agency. ALJs are not DSHS employees or DSHS representatives.

"Administrator" means a nursing home administrator, licensed under chapter 18.52 RCW, who must be in active administrative charge of the nursing home, as that term is defined in the board of nursing home administrator's regulations.

"Advanced registered nurse practitioner (ARNP)" means an individual who is licensed to practice as an advanced registered nurse practitioner under chapter 18.79 RCW.

"Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

"Attending physician" means the doctor responsible for a particular individual's total medical care.

"Berm" means a bank of earth piled against a wall.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat the resident's medical symptoms.

"Civil adjudication proceeding" means judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

"Civil fine" is a civil monetary penalty assessed against a nursing home as authorized by chapters 18.51 and 74.42 RCW. There are two types of civil fines, "per day" and "per instance."

(1) **"Per day fine"** means a fine imposed for each day that a nursing home is out of compliance with a specific requirement. Per day fines are assessed in accordance with WAC 388-97-4580(1); and

(2) **"Per instance fine"** means a fine imposed for the occurrence of a deficiency.

"Condition on a license" means that the department has imposed certain requirements on a license and the licensee cannot operate the nursing home unless the requirements are observed.

"Deficiency" is a nursing home's failed practice, action or inaction that violates any or all of the following:

(1) Requirements of chapters 18.51 or 74.42 RCW, or the requirements of this chapter; and

(2) In the case of a medicare and medicaid contractor, participation requirements under Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Deficiency citation" or "cited deficiency" means written documentation by the department that describes a nursing home's deficiency(ies); the requirement that the deficiency(ies) violates; and the reasons for the determination of noncompliance.

"Deficient facility practice" or "failed facility practice" means the nursing home action(s), error(s), or lack of action(s) that provide the basis for the deficiency.

"Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

"Denial of payment for new admissions" is an action imposed on a nursing home (facility) by the department that prohibits payment for new medicaid admissions to the nursing home after a specified date. Nursing homes certified to provide medicare and medicaid services may also be subjected to a denial of payment for new admissions by the federal Centers for Medicare and Medicaid Services.

"Department" means the state department of social and health services (DSHS).

"Department on-site monitoring" means an optional remedy of on-site visits to a nursing home by department staff according to department guidelines for the purpose of monitoring resident care or services or both.

"Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

"Disclosure statement" means a signed statement by an individual in accordance with the requirements under RCW 43.43.834. The statement should include a disclosure of whether or not the individual has been convicted of certain crimes or has been found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult individual.

"Drug" means a substance:

(1) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, *Official National Formulary*, or any supplement to any of them; or

(2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

"Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

"Emergency closure" is an order by the department to immediately close a nursing home.

"Emergency transfer" means immediate transfer of residents from a nursing home to safe settings.

"Entity" means any type of firm, partnership, corporation, company, association, or joint stock association.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any (~~individual~~) person or entity for ((his or her)) any person or entity's profit or advantage other than the vulnerable adult's

profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020(6).

"Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach an individual previously undeveloped skills.

"Highest practicable physical, mental, and psychosocial well-being" means providing each resident with the necessary individualized care and services to assist the resident to achieve or maintain the highest possible health, functional and independence level in accordance with the resident's comprehensive assessment and plan of care. Care and services provided by the nursing home must be consistent with all requirements in this chapter, chapters 74.42 and 18.51 RCW, and the resident's informed choices. For medicaid and medicare residents, care and services must also be consistent with Title XVIII and XIX of the Social Security Act and federal medicare and medicaid regulations.

"Informal department review" is a dispute resolution process that provides an opportunity for the licensee or administrator to informally present information to a department representative about disputed, cited deficiencies. Refer to WAC 388-97-4420.

"Inspection" or "survey" means the process by which department staff evaluates the nursing home licensee's compliance with applicable statutes and regulations.

"Intermediate care facility for the mentally retarded (ICF/MR)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I, and licensed under chapter 18.51 RCW.

"License revocation" is an action taken by the department to cancel a nursing home license in accordance with RCW 18.51.060 and WAC 388-97-4220.

"License suspension" is an action taken by the department to temporarily revoke a nursing home license in accordance with RCW 18.51.060 and this chapter.

"Licensee" means an individual, partnership, corporation, or other legal entity licensed to operate a nursing home.

"Licensed practical nurse" means an individual licensed to practice as a licensed practical nurse under chapter 18.79 RCW;

"Mandated reporter" as used in this chapter means any employee of a nursing home, any health care provider subject to chapter 18.130 RCW, the Uniform Disciplinary Act, and any licensee or operator of a nursing home. Under RCW 74.34.020, mandated reporters also include any employee of the department of social and health services, law enforcement officers, social workers, professional school personnel, individual providers, employees and licensees of boarding home, adult family homes, soldiers' homes, residential habilitation centers, or any other facility licensed by the department, employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agencies, county coroners or medical examiners, or Christian Science practitioners.

"Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money.

"NFPA" means National Fire Protection Association, Inc.

"Neglect":

(1) In a nursing home licensed under chapter 18.51 RCW, neglect means that an individual or entity with a duty of care for nursing home residents has:

(a) By a pattern of conduct or inaction, failed to provide goods and services to maintain physical or mental health or to avoid or prevent physical or mental harm or pain to a resident; or

(b) By an act or omission, demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

(2) In a skilled nursing facility or nursing facility, neglect also means a failure to provide a resident with the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

"Noncompliance" means a state of being out of compliance with state and/or federal requirements for nursing homes/facilities.

"Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 or successor laws.

"Nursing facility (NF)" or "medicaid-certified nursing facility" means a nursing home, or any portion of a hospital, veterans' home, or residential habilitation center, that is certified to provide nursing services to medicaid recipients under Section 1919(a) of the federal Social Security Act. All beds in a nursing facility are certified to provide medicaid services, even though one or more of the beds are also certified to provide medicare skilled nursing facility services.

"Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

"Officer" means an individual serving as an officer of a corporation.

"Owner of five percent or more of the assets of a nursing home" means:

(1) The individual, and if applicable, the individual's spouse, who operates, or is applying to operate, the nursing home as a sole proprietorship;

(2) In the case of a corporation, the owner of at least five percent of the shares or capital stock of the corporation; or

(3) In the case of other types of business entities, the owner of a beneficial interest in at least five percent of the capital assets of an entity.

"Partner" means an individual in a partnership owning or operating a nursing home.

"Person" means any individual, firm, partnership, corporation, company, association or joint stock association.

"Pharmacist" means an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

"Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

"Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

"Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW or successor laws.

"Plan of correction" is a nursing home's written response to cited deficiencies that explains how it will correct the deficiencies and how it will prevent their reoccurrence.

"Reasonable accommodation" and **"reasonably accommodate"** has the meaning given in federal and state antidiscrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"Receivership" is established by a court action and results in the removal of a nursing home's current licensee and the appointment of a substitute licensee to temporarily operate the nursing home.

"Recurring deficiency" means a deficiency that was cited by the department, corrected by the nursing home, and then cited again within fifteen months of the initial deficiency citation.

"Registered nurse" means an individual licensed to practice as a registered nurse under chapter 18.79 RCW.

"Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

"Resident" generally means an individual residing in a nursing home. Except as specified elsewhere in this chapter, for decision-making purposes, the term "resident" includes the resident's surrogate decision maker acting under state law. The term resident excludes outpatients and individuals receiving adult day or night care, or respite care.

"Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

"Respiratory isolation" is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

"Siphon jet clinic service sink" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

"Skilled nursing facility (SNF)" or **"medicare-certified skilled nursing facility"** means a nursing home, a por-

tion of a nursing home, or a long-term care wing or unit of a hospital that has been certified to provide nursing services to medicare recipients under Section 1819(a) of the federal Social Security Act.

"Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well-being; it does not include medical leave.

"Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

"Stop placement" or **"stop placement order"** is an action taken by the department prohibiting nursing home admissions, readmissions, and transfers of patients into the nursing home from the outside.

"Substantial compliance" means the nursing home has no deficiencies higher than severity level 1 as described in WAC 388-97-4500, or for medicaid certified facility, no deficiencies higher than a scope and severity "C."

"Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-0240, and as authorized by RCW 7.70.065.

"Survey" means the same as **"inspection"** as defined in this section.

"Temporary manager" means an individual or entity appointed by the department to oversee the operation of the nursing home to ensure the health and safety of its residents, pending correction of deficiencies or closure of the facility.

"Termination" means an action taken by:

(1) The department, or the nursing home, to cancel a nursing home's medicaid certification and contract; or

(2) The department of health and human services Centers for Medicare and Medicaid Services, or the nursing home, to cancel a nursing home's provider agreement to provide services to medicaid or medicare recipients, or both.

"Toilet room" means a room containing at least one toilet fixture.

"Uncorrected deficiency" is a deficiency that has been cited by the department and that is not corrected by the licensee by the time the department does a revisit.

"Violation" means the same as **"deficiency"** as defined in this section.

"Volunteer" means an individual who is a regularly scheduled individual not receiving payment for services and having unsupervised access to a nursing home resident.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility, including any boarding home; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider; or

(7) With a functional disability who lives in his or her own home, who is directing and supervising a paid personal aide to perform a health care task as authorized by RCW 74.39.050.

"Whistle blower" means a resident, employee of a nursing home, or any person licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, financial exploitation, or neglect to the department, the department of health or to a law enforcement agency.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-0140 Transfer and discharge appeals for resident in medicare or medicaid certified facilities.

(1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payor status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if known or appropriate, to a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the hearing when the resident's appeal is received by the office of administrative hearings on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(3) The resident is entitled to appeal the skilled nursing facility or nursing facility's transfer or discharge decision. The appeals process is set forth in chapter ~~((388-02))~~ 388-526 WAC, chapter 182-526 WAC and this chapter. In such appeals, the following will apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter ~~((388-02))~~ 388-526 WAC or chapter 182-526 WAC, the provision in this chapter will prevail;

(b) The resident must be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) If a medicare certified or medicaid certified facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for

the services provided by a nursing facility or skilled nursing facility;

(e) Any review of the administrative law judge's initial decision shall be conducted under ~~((WAC 388-02-0600(1)))~~ chapter 388-526 WAC or chapter 182-526 WAC.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-0600 Refusal of certain transfers. ~~((For dually certified facilities all beds are medicaid certified. Therefore the beds in a certified distinct part for medicare are also nursing facility beds for medicaid.))~~

(1) Each resident has the right to refuse a transfer to another room within the facility, if the purpose of the transfer is to ~~((relocate:~~

~~(a) A resident from the medicare distinct part of the facility to a part of the facility that is not a medicare distinct part; or~~

~~(b) A resident from the part of the facility that is not a medicare distinct part to the medicare distinct part of the facility))~~ make the resident eligible for coverage by the medicare or medicaid program.

(2) ~~((A resident's exercise of the right to refuse transfer under subsection (1)(a) of this section does not affect the individual's eligibility or entitlement to medicare or medicaid benefits))~~ Refer to WAC 388-97-0580 for requirements related to a resident's right to notice before room or roommate changes.

(3) At the time of a proposed transfer, the skilled nursing facility or nursing facility must inform the resident((s)) of ((their)) the right((s)) to refuse under subsection (1) ((and (2) of this section at the time of the proposed transfer or relocation)), if the purpose is to make the resident eligible for coverage by the medicare or medicaid program.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-1640 Required notification and reporting. (1) The nursing home must immediately notify the department's aging and disability services administration of:

(a) Any allegations of resident abandonment, abuse, or neglect, including substantial injuries of an unknown source, financial exploitation and misappropriation of a resident's property;

(b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-1740 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and

(c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

(2) Mandated reporters must notify the department and law enforcement as directed in WAC 388-97-0640, and according to department established nursing home guidelines.

(3) The nursing home must notify the department's aging and disability services administration of:

(a) Physical plant changes, including but not limited to:

- (i) New construction;
- (ii) Proposed resident area or room use change;
- (iii) Resident room number changes; and
- (iv) Proposed bed banking.

(b) Mechanical failure of equipment important to the everyday functioning of the nursing home, which cannot be repaired within a reasonable time frame, such as an elevator; and

(c) An actual or proposed change of ownership (CHOW).

(4) The nursing home must notify, in writing, the department's aging and disability services administration and each resident, of a loss of, or change in, the nursing home's administrator or director of nursing services at the time the loss or change occurs.

(5) The nursing home licensee must notify the department's aging and disability services administration in writing of any change in the name of the licensee, or of the nursing home, at the time the change occurs.

(6) If a licensee operates in a building it does not own, the licensee must immediately notify the department of the occurrence of any event of default under the terms of the lease, or if it receives verbal or written notice that the lease agreement will be terminated, or that the lease agreement will not be renewed.

(7) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.

(8) The nursing home licensee must notify the department in writing of a nursing home's voluntary closure.

(a) The licensee must send this written notification sixty days before closure to the department's designated local aging and adult administration office and to all residents and resident representatives.

(b) Relocation of residents and any required notice to the Centers for Medicare and Medicaid Services and the public must be in accordance with WAC 388-97-4320(2).

(9) The nursing home licensee must notify the department and the health care authority in writing of voluntary termination of its medicare or medicaid contract.

(a) The licensee must send this written notification sixty days before contract termination, to the department's designated local aging and disability services administration office and to all residents and resident representatives.

(b) If the contractor continues to provide nursing facility services, the contract termination will be subject to federal law prohibiting the discharge of residents who are residing in the facility on the day before the effective date of the contract termination.

(10) The nursing home licensee must notify the Centers for Medicare and Medicaid Services of voluntary termination of its medicare provider agreement in accordance with the requirements of 42 C.F.R. 489.52 or successor regulations.

AMENDATORY SECTION (Amending WSR 10-21-037, filed 10/12/10, effective 10/29/10)

WAC 388-97-4160 Initial nursing home license. (1) A complete nursing home license application must be:

(a) Submitted at least sixty days prior to the proposed effective date of the license on forms designated by the department;

(b) Signed by the proposed licensee or the proposed licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

(a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;

(b) The names of the administrator, director of nursing services, and, if applicable, the management company;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of beds to be licensed; and

(e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

(a) The individual or entity responsible for the daily operation of the nursing home;

(b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.

(4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. ~~((The nonrefundable nursing home license fee is three hundred twenty seven dollars per bed per year))~~ The per bed license fee is established in the state's omnibus biennial appropriations act and any amendment or additions made to that act.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

(7) A license may not exceed twelve months in duration and expires on a date set by the department.

(8) A license must be issued only to the person who applied for the license.

AMENDATORY SECTION (Amending WSR 10-21-037, filed 10/12/10, effective 10/29/10)

WAC 388-97-4180 Nursing home license renewal. (1) All nursing home licenses must be renewed annually.

(2) License renewals must be:

- (a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;
- (b) Signed by the current licensee; and
- (c) Reviewed by the department in accordance with this chapter.

(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be made by the individual or entity currently licensed and responsible for the daily operation of the nursing home.

(5) The nursing home license renewal fee must be submitted at the time of renewal. ~~((The nonrefundable nursing home license renewal fee is three hundred twenty seven dollars per bed per year))~~ The per bed license fee is established in the state's omnibus biennial appropriations act and any amendment or additions made to that act.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-4280 Change of ownership. (1) A change of ownership occurs when there is a substitution, elimination, or withdrawal of the licensee or a substitution of control of the licensee. "**Control**," as used in this section, means the possession, directly or indirectly, of the power to direct the management, operation, and policies of the licensee, whether through ownership, voting control, by agreement, by contract or otherwise. Events which constitute a change of ownership include, but are not limited to, the following:

- (a) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);
- (b) The licensee transfers ownership of the nursing home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;
- (c) Dissolution or consolidation of the entity;
- (d) Merger unless the licensee survives the merger and there is not a change in control of the licensee;
- (e) If, during any continuous twenty-four month period, fifty percent or more of the entity is transferred, whether by a single transaction or multiple transactions, to:
 - (i) A different party (e.g., new or former shareholders); or
 - (ii) An individual or entity that had less than a five percent ownership interest in the nursing home at the time of the first transaction; or
 - (f) Any other event or combination of events that the department determines results in a:

(i) Substitution, elimination, or withdrawal of the licensee; or

(ii) Substitution of control of the licensee responsible for the daily operational decisions of the nursing home.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the licensee to manage the nursing home enterprise in accordance with the requirements of WAC 388-97-4260; or

(b) The real property or personal property assets of the nursing home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee.

(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information as specified in RCW 18.51.-530:

- (a) Name of the proposed licensee;
- (b) Name of the managing entity;
- (c) Names, addresses, and telephone numbers of department personnel to whom comments regarding the change may be directed;
- (d) Names of all officers and the registered agent in the state of Washington if proposed licensee is a corporation; and
- (e) Names of all general partners if proposed licensee is a partnership.

(4) The proposed licensee must comply with license application requirements. The operation or ownership of a nursing home must not be transferred until the proposed licensee has been issued a license to operate the nursing home.

(5) In the event of a change of ownership, the previously established license expiration date must not change.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-4460 Remedies.
Mandatory Remedies

(1) In accordance with RCW 18.51.060 (5)(a), the department must impose a stop placement order when the department determines that the nursing home is not in substantial compliance with applicable laws or regulations and the cited deficiency(ies):

- (a) Jeopardize the health and safety of the residents; or
- (b) Seriously limit the nursing home's capacity to provide adequate care.

(2) When required by RCW 18.51.060(3), the ~~((department))~~ health care authority must deny payment to a nursing home that is certified to provide medicaid services for any medicaid-eligible individual admitted to the nursing home. Nursing homes that are certified to provide medicare services or both medicare and medicaid services may be subject to a federal denial of payment for new admissions, in accordance with federal law.

(3) The department must deny, suspend, revoke or refuse to renew a proposed or current licensee's nursing home license in accordance with WAC 388-97-4220(3).

Optional Remedies

(4) When the department determines that a licensee has failed or refused to comply with the requirements under chapter 18.51, 74.39A or 74.42 RCW, or this chapter; or a medicaid contractor has failed or refused to comply with medicaid requirements of Title XIX of the Social Security Act or medicaid regulations, the department, or when appropriate, the health care authority, may impose any or all of the following optional remedies:

- (a) Stop placement;
- (b) Immediate closure of a nursing home, emergency transfer of residents or both;
- (c) Civil fines;
- (d) Appoint temporary management;
- (e) Petition the court for appointment of a receiver in accordance with RCW 18.51.410;
- (f) License denial, revocation, suspension or nonrenewal;
- (g) Denial of payment for new medicaid admissions;
- (h) Termination of the medicaid provider agreement (contract);
- (i) Department on-site monitoring as defined under WAC 388-97-0001; and
- (j) Reasonable conditions on a license as authorized by chapter 74.39A RCW. Examples of conditions on a license include but are not limited to training related to the deficiency(ies); consultation in order to write an acceptable plan of correction; demonstration of ability to meet financial obligations necessary to continue operation.

WSR 11-17-071**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed August 16, 2011, 12:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-05-031.

Title of Rule and Other Identifying Information: Chapter 388-106 WAC, Long-term care services (chronic care management).

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on October 11, 2011, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 12, 2011.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 11, 2011.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by September 27, 2011,

TTY (360) 664-6178 or (360) 664-6094 or by e-mail at jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is adopting new rules in chapter 388-106 WAC regarding addition of a new service to the state plan. This new service is called chronic care management (CCM). CCM provides chronic care management to high-cost and high-risk medicaid only clients who meet eligibility criteria and voluntarily agree to participate.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cathy Sweeney, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2607.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The preparation of a small business economic impact statement is not required, as no new costs will be imposed on small businesses or nonprofits as a result of this rule amendment.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(v), rules the content of which is explicitly and specifically dictated by statute.

August 11, 2011

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-08-074, filed 4/6/10, effective 5/7/10)

WAC 388-106-0010 What definitions apply to this chapter? "Ability to make self understood" means how you make yourself understood to those closest to you; express or communicate requests, needs, opinions, urgent problems and social conversations, whether in speech, writing, sign language, symbols, or a combination of these including use of a communication board or keyboard:

(a) Understood: You express ideas clearly;

(b) Usually understood: You have difficulty finding the right words or finishing thoughts, resulting in delayed responses, or you require some prompting to make self understood;

(c) Sometimes understood: You have limited ability, but are able to express concrete requests regarding at least basic needs (e.g. food, drink, sleep, toilet);

(d) Rarely/never understood. At best, understanding is limited to caregiver's interpretation of client specific sounds or body language (e.g. indicated presence of pain or need to toilet.)

"Activities of daily living (ADL)" means the following:

(a) Bathing: How you take a full-body bath/shower, sponge bath, and transfer in/out of tub/shower.

(b) Bed mobility: How you move to and from a lying position, turn side to side, and position your body while in bed, in a recliner, or other type of furniture.

(c) Body care: How you perform with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet. In adult family homes, contracted assisted living, enhanced adult residential care, and enhanced adult residential care-specialized dementia care facilities, dressing changes using clean technique and topical ointments must be performed by a licensed nurse or through nurse delegation in accordance with chapter 246-840 WAC. Body care excludes:

(i) Foot care if you are diabetic or have poor circulation; or

(ii) Changing bandages or dressings when sterile procedures are required.

(d) Dressing: How you put on, fasten, and take off all items of clothing, including donning/removing prosthesis.

(e) Eating: How you eat and drink, regardless of skill. Eating includes any method of receiving nutrition, e.g., by mouth, tube or through a vein.

(f) Locomotion in room and immediate living environment: How you move between locations in your room and immediate living environment. If you are in a wheelchair, locomotion includes how self-sufficient you are once in your wheelchair.

(g) Locomotion outside of immediate living environment including outdoors: How you move to and return from more distant areas. If you are living in a boarding home or nursing facility (NF), this includes areas set aside for dining, activities, etc. If you are living in your own home or in an adult family home, locomotion outside immediate living environment including outdoors, includes how you move to and return from a patio or porch, backyard, to the mailbox, to see the next-door neighbor, etc.

(h) Walk in room, hallway and rest of immediate living environment: How you walk between locations in your room and immediate living environment.

(i) Medication management: Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements.

(j) Toilet use: How you use the toilet room, commode, bedpan, or urinal, transfer on/off toilet, cleanse, change pad, manage ostomy or catheter, and adjust clothes.

(k) Transfer: How you move between surfaces, i.e., to/from bed, chair, wheelchair, standing position. Transfer does not include how you move to/from the bath, toilet, or vehicle.

(l) Personal hygiene: How you maintain personal hygiene, including combing hair, brushing teeth, shaving, applying makeup, washing/drying face, hands (including nail care), and perineum (menses care). Personal hygiene does not include hygiene in baths and showers.

"Aged person" means a person sixty-five years of age or older.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to you in your own home.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant must submit the request on a form prescribed by the department.

"Assessment details" means a summary of information that the department entered into the CARE assessment describing your needs.

"Assessment or reassessment" means an inventory and evaluation of abilities and needs based on an in-person interview in your own home or your place of residence, using CARE.

"Assistance available" means the amount of informal support available if the need is partially met. The department determines the amount of the assistance available using one of four categories:

(a) Less than one-fourth of the time;

(b) One-fourth to one-half of the time;

(c) Over one-half of the time to three-fourths of the time;

or

(d) Over three-fourths but not all of the time.

"Assistance with body care" means you need assistance with:

(a) Application of ointment or lotions;

(b) Trimming of toenails;

(c) Dry bandage changes; or

(d) Passive range of motion treatment.

"Assistance with medication management" means you need assistance managing your medications. You are scored as:

(a) Independent if you remember to take medications as prescribed and manage your medications without assistance.

(b) Assistance required if you need assistance from a nonlicensed provider to facilitate your self-administration of a prescribed, over the counter, or herbal medication, as defined in chapter 246-888 WAC. Assistance required includes reminding or coaching you, handing you the medication container, opening the container, using an enabler to assist you in getting the medication into your mouth, alteration of a medication for self-administration, and placing the medication in your hand. This does not include assistance with intravenous or injectable medications. You must be aware that you are taking medications.

(c) Self-directed medication assistance/administration if you are a person with a functional disability who is capable of and who chooses to self-direct your medication assistance/administration.

(d) Must be administered if you must have medications placed in your mouth or applied or instilled to your skin or mucus membrane. Administration must either be performed by a licensed professional or delegated by a registered nurse to a qualified caregiver (per chapter 246-840 WAC). Intravenous or injectable medications may never be delegated.

Administration may also be performed by a family member or unpaid caregiver if facility licensing regulations allow.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

"Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Categorically needy" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act. See WAC 388-475-0100 and chapter 388-513 WAC.

"Chronic care management" means programs that provide care management and coordination activities for medical assistance clients receiving long-term care services and supports determined to be at risk for high medical costs.

"Health action plan" means an individual plan which identifies health-related problems, interventions and goals.

"Client" means an applicant for service or a person currently receiving services from the department.

"Current" means a behavior occurred within seven days of the CARE assessment date, including the day of the assessment. Behaviors that the department designates as current must include information about:

- (a) Whether the behavior is easily altered or not easily altered; and
- (b) The frequency of the behavior.

"Decision making" means your ability and actual performance in making everyday decisions about tasks or activities of daily living. The department determines whether you are:

- (a) Independent: Decisions about your daily routine are consistent and organized; reflecting your lifestyle, choices, culture, and values.
- (b) Modified independence/difficulty in new situations: You have an organized daily routine, are able to make decisions in familiar situations, but experience some difficulty in decision making when faced with new tasks or situations.
- (c) Moderately impaired/poor decisions; unaware of consequences: Your decisions are poor and you require reminders, cues and supervision in planning, organizing and correcting daily routines. You attempt to make decisions, although poorly.
- (d) Severely impaired/no or few decisions: Decision making is severely impaired; you never/rarely make decisions.

"Department" means the state department of social and health services, aging and disability services administration or its designee.

"Designee" means area agency on aging.

"Difficulty" means how difficult it is or would be for you to perform an instrumental activity of daily living (IADL). This is assessed as:

- (a) No difficulty in performing the activity;
- (b) Some difficulty in performing the activity (e.g., you need some help, are very slow, or fatigue easily); or
- (c) Great difficulty in performing the activity (e.g., little or no involvement in the activity is possible).

"Disabling condition" means you have a medical condition which prevents you from self performance of personal care tasks without assistance.

"Estate recovery" means the department's process of recouping the cost of medicaid and long-term care benefit payments from the estate of the deceased client. See chapter 388-527 WAC.

"Home health agency" means a licensed:

(a) Agency or organization certified under medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under medicare, contracted and authorized to provide:

- (i) Private duty nursing; or
- (ii) Skilled nursing services under an approved medicaid waiver program.

"Income" means income as defined under WAC 388-500-0005.

"Individual provider" means a person employed by you to provide personal care services in your own home. See WAC 388-71-0500 through 388-71-05909.

"Disability" is described under WAC 388-511-1105.

"Informal support" means a person or resource that is available to provide assistance without home and community program funding. The person or resource providing the informal support must be age 18 or older.

"Institution" means medical facilities, nursing facilities, and institutions for the mentally retarded. It does not include correctional institutions. See medical institutions in WAC 388-500-0005.

"Instrumental activities of daily living (IADL)" means routine activities performed around the home or in the community and includes the following:

(a) Meal preparation: How meals are prepared (e.g., planning meals, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals). NOTE: The department will not authorize this IADL to plan meals or clean up after meals. You must need assistance with actual meal preparation.

(b) Ordinary housework: How ordinary work around the house is performed (e.g., doing dishes, dusting, making bed, tidying up, laundry).

(c) Essential shopping: How shopping is completed to meet your health and nutritional needs (e.g., selecting items). Shopping is limited to brief, occasional trips in the local area to shop for food, medical necessities and household items required specifically for your health, maintenance or well-being. This includes shopping with or for you.

(d) Wood supply: How wood is supplied (e.g., splitting, stacking, or carrying wood) when you use wood as the sole source of fuel for heating and/or cooking.

(e) Travel to medical services: How you travel by vehicle to a physician's office or clinic in the local area to obtain medical diagnosis or treatment-includes driving vehicle yourself, traveling as a passenger in a car, bus, or taxi.

(f) Managing finances: How bills are paid, checkbook is balanced, household expenses are managed. The department cannot pay for any assistance with managing finances.

(g) Telephone use: How telephone calls are made or received (with assistive devices such as large numbers on telephone, amplification as needed).

"Long-term care services" means the services administered directly or through contract by the aging and disability services administration and identified in WAC 388-106-0015.

"Medicaid" is defined under WAC 388-500-0005.

"Medically necessary" is defined under WAC 388-500-0005.

"Medically needy (MN)" means the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income above the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

"New Freedom consumer directed services (NFCDS)" means a mix of services and supports to meet needs identified in your assessment and identified in a New Freedom spending plan, within the limits of the individual budget, that provide you with flexibility to plan, select, and direct the purchase of goods and services to meet identified needs. Participants have a meaningful leadership role in:

- (a) The design, delivery and evaluation of services and supports;
- (b) Exercising control of decisions and resources, making their own decisions about health and well being;
- (c) Determining how to meet their own needs;
- (d) Determining how and by whom these needs should be met; and
- (e) Monitoring the quality of services received.

"New Freedom consumer directed services (NFCDS) participant" means a participant who is an applicant for or currently receiving services under the NFCDS waiver.

"New Freedom spending plan (NFSP)" means the plan developed by you, as a New Freedom participant, within the limits of an individual budget, that details your choices to purchase specific NFCDS and provides required federal medicaid documentation.

"Own home" means your present or intended place of residence:

- (a) In a building that you rent and the rental is not contingent upon the purchase of personal care services as defined in this section;
- (b) In a building that you own;
- (c) In a relative's established residence; or
- (d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"Past" means the behavior occurred from eight days to five years of the assessment date. For behaviors indicated as past, the department determines whether the behavior is addressed with current interventions or whether no interventions are in place.

"Personal aide" is defined in RCW 74.39.007.

"Personal care services" means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL) due to your functional limitations. Assistance is evaluated with the use of assistive devices.

"Physician" is defined under WAC 388-500-0005.

"Plan of care" means assessment details and service summary generated by CARE.

"Provider or provider of service" means an institution, agency, or person:

- (a) Having a signed department contract to provide long-term care client services; and
- (b) Qualified and eligible to receive department payment.

"Reasonable cost" means a cost for a service or item that is consistent with the market standards for comparable services or items.

"Representative" means a person who you have chosen, or has been appointed by a court, whose primary duty is to act on your behalf to direct your service budget to meet your identified health, safety, and welfare needs.

"Residential facility" means a licensed adult family home under department contract or licensed boarding home under department contract to provide assisted living, adult residential care or enhanced adult residential care.

"Self performance for ADLs" means what you actually did in the last seven days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the seven-day period and does not include support provided as defined in WAC 388-106-0010. Your self performance level is scored as:

- (a) Independent if you received no help or oversight, or if you needed help or oversight only once or twice;
- (b) Supervision if you received oversight (monitoring or standby), encouragement, or cueing three or more times;
- (c) Limited assistance if you were highly involved in the activity and given physical help in guided maneuvering of limbs or other nonweight bearing assistance on three or more occasions. For bathing, limited assistance means physical help is limited to transfer only;
- (d) Extensive assistance if you performed part of the activity, but on three or more occasions, you needed weight bearing support or you received full performance of the activity during part, but not all, of the activity. For bathing, extensive assistance means you needed physical help with part of the activity (other than transfer);
- (e) Total dependence if you received full caregiver performance of the activity and all subtasks during the entire seven-day period from others. Total dependence means complete nonparticipation by you in all aspects of the ADL; or
- (f) Activity did not occur if you or others did not perform an ADL over the last seven days before your assessment. The activity may not have occurred because:

- (i) You were not able (e.g., walking, if paralyzed);
- (ii) No provider was available to assist; or
- (iii) You declined assistance with the task.

"Self performance for IADLs" means what you actually did in the last thirty days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the thirty-day period. Your self performance is scored as:

- (a) Independent if you received no help, set-up help, or supervision;

(b) Set-up help/arrangements only if on some occasions you did your own set-up/arrangement and at other times you received help from another person;

(c) Limited assistance if on some occasions you did not need any assistance but at other times in the last thirty days you required some assistance;

(d) Extensive assistance if you were involved in performing the activity, but required cueing/supervision or partial assistance at all times;

(e) Total dependence if you needed the activity fully performed by others; or

(f) Activity did not occur if you or others did not perform the activity in the last thirty days before the assessment.

"Service summary" is CARE information which includes: Contacts (e.g. emergency contact), services the client is eligible for, number of hours or residential rates, personal care needs, the list of formal and informal providers and what tasks they will provide, a provider schedule, referral needs/information, and dates and agreement to the services.

"SSI-related" is defined under WAC 388-475-0050.

"Status" means the amount of informal support available. The department determines whether the ADL or IADL is:

(a) Met, which means the ADL or IADL will be fully provided by an informal support;

(b) Unmet, which means an informal support will not be available to provide assistance with the identified ADL or IADL;

(c) Partially met, which means an informal support will be available to provide some assistance, but not all, with the identified ADL or IADL; or

(d) Client declines, which means you do not want assistance with the task.

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Support provided" means the highest level of support provided (to you) by others in the last seven days before the assessment, even if that level of support occurred only once.

(a) No set-up or physical help provided by others;

(b) Set-up help only provided, which is the type of help characterized by providing you with articles, devices, or preparation necessary for greater self performance of the activity. (For example, set-up help includes but is not limited to giving or holding out an item or cutting food);

(c) One-person physical assist provided;

(d) Two- or more person physical assist provided; or

(e) Activity did not occur during entire seven-day period.

"You/your" means the client.

NEW SECTION

WAC 388-106-1500 What is the department's chronic care management program? (1) The department of social and health services, aging and disability services administration's chronic care management program is designed to improve health outcomes, reduce medical costs, improve functional and self-care abilities and slow progression of disease or disability. The program:

(a) Offers care management and coordination activities for medical assistance-eligible clients who are also receiving

medicaid long-term care services identified to be at risk for high medical costs;

(b) Provides education, training and coordination of services for program participants through providers contracted with the department to assist in achieving health action plans;

(c) Assists program participants in improving self-management skills and improving health outcomes; and

(d) The program provides education to better utilize health care services.

(2) The department's chronic care management program does not:

(a) Change the scope of services available to clients eligible under a Title XIX medicaid program;

(b) Interfere with the relationship between a client and a client's chosen providers;

(c) Duplicate or take the place of existing case management activities available to a client in the client's community; or

(d) Substitute for established activities, including case management, that are otherwise available to a client through programs administered by the department or other government agencies.

NEW SECTION

WAC 388-106-1505 What services may I receive under the chronic care management program? You may be eligible to receive the following services under the chronic care management program:

(1) Registered nurse care manager assistance with coordination of health care, support services, education, training and transitional care services.

(2) Registered nurse care manager assessment of your risk factors, health status, self-management skills and treatment plan.

(3) Registered nurse care manager development of a health action plan to identify your health-related problems, interventions and goals.

NEW SECTION

WAC 388-106-1510 Who provides chronic care management services to medical assistance clients receiving long-term care services and supports? Chronic care management program services may be provided by department contracted organizations. Each contracted organization must meet the conditions of the contract between the department and the contractors, including:

(1) Meet all applicable state and federal requirements;

(2) Provide services according to the contract with the department;

(3) Document all chronic care management services as required by the contract with the department; and

(4) Submit timely and accurate invoices for payment.

NEW SECTION

WAC 388-106-1515 Am I eligible to enroll in the chronic care management program? (1) You are eligible for chronic care management services if you are:

(a) Age twenty-one or older;

(b) Identified through predictive modeling as being at risk for having future high medical costs as a result of requiring medical treatment for multiple conditions;

(c) Agree to enroll in the chronic care management program;

(d) Are a recipient of the supplemental security income (SSI) program or general assistance with expedited medical categorically needy (GAX) program;

(e) Have a current CARE assessment as defined in WAC 388-106-0050;

(f) Assessed by CARE as meeting one or more of the following characteristics:

(i) Live alone in your own home;

(ii) Experience isolated moods and behaviors;

(iii) Rate your health as fair or poor;

(iv) Have deteriorating self-sufficiency; or

(v) Have more than 8 prescribed medications; and

(g) Receive home and community support services in your home; or

(h) Receive home and community support services in a licensed residential facility.

(2) As a long-term care services client, you are not eligible for enrollment in the chronic care management program if you do not meet the criteria described above, or if you are:

(a) Eligible for enrollment in the department's healthy options managed care program;

(b) Receiving hospice services;

(c) Receiving case management services for HIV/AIDS;

(d) Receiving education, training and coordination services for another program due to pregnancy;

(e) Eligible for third party coverage that provides a comparable service;

(f) Eligible for medicare coverage;

(g) Enrolled in another managed care program or other chronic care management program; or

(h) Residing in an institution as defined in WAC 388-500-0005, for more than thirty days.

NEW SECTION

WAC 388-106-1520 How do I enroll in the chronic care management program? Enrollment in the chronic care management program is voluntary. You must meet the eligibility criteria listed in WAC 388-106-1515. You may be referred by:

(1) The department's referral and enrollment process;

(2) The department's case managers;

(3) Providers in other settings; or

(4) You may also request to enroll by contacting your long-term care case manager.

NEW SECTION

WAC 388-106-1525 How long can I participate in the chronic care management program? (1) There is no required minimum or maximum duration of enrollment in the chronic care management program.

(2) The chronic care management program is a voluntary service and you may choose to disenroll at any time for any reason.

(3) Your registered nurse care manager shall disenroll you when:

(a) You are not actively participating in the chronic care management program; or

(b) You have met your goals and are sustaining self-management activities.

(4) You are required to be disenrolled when:

(a) You become medicare eligible;

(b) You enroll in hospice, PACE, Washington medicaid integration project, or a managed care program;

(c) You reside in an institution as defined in WAC 388-106-0010, for more than thirty days; or

(d) You become pregnant.

(5) At the time of disenrollment, you will continue to receive services for which you are eligible.

NEW SECTION

WAC 388-106-1530 Is there a cost to me for participating in the chronic care management program? There is no cost to participants enrolled in the chronic care management program.

NEW SECTION

WAC 388-106-1535 Do I have a right to a fair hearing while receiving chronic care management services? Yes. If you do not agree with a decision regarding eligibility, enrollment or disenrollment for chronic care management program services, you have a right to a fair hearing based on the rules outlined in WAC 388-106-1305.

WSR 11-17-091

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed August 22, 2011, 7:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-14-008.

Title of Rule and Other Identifying Information: Chapter 172-168 WAC, Library policies.

Hearing Location(s): Eastern Washington University, Main Campus, Tawanka Commons, Room 215, Cheney, Washington 99004, on September 30, 2011, at 2:00 p.m.

Date of Intended Adoption: September 30, 2011.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by September 28, 2011.

Assistance for Persons with Disabilities: Contact Trent Lutey by September 28, 2011, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules add clarity to the existing chapter by focusing more directly on the intended scope and applicability of the chapter. The proposed revisions are intended to bring these rules up to date with current practices and to remove provisions that are prescribed by internal policies.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Proponent: Eastern Washington University, governmental.

Name of Agency Personnel Responsible for Drafting: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371; Implementation and Enforcement: Richard Wilson, JFK Library, Cheney, Washington 99004, (509) 359-2264.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-168 WAC is not considered a significant legislative rule by Eastern Washington University.

August 22, 2011

Trent Lutey
University Policy
[Policy] Administrator

AMENDATORY SECTION (Amending Resolution No. 82-02, filed 3/22/82)

WAC 172-168-010 Eastern Washington University (~~library~~) libraries. (~~The library at~~) Eastern Washington University (EWU) libraries exist((s)) first and foremost to serve the needs of EWU students and faculty. (~~(H)~~) EWU libraries also serve((s)) the rest of the university community, the regional needs of Eastern Washington, and the general (~~scholarly~~) community. (~~Although normal hours for providing service varies from forty-five to more than eighty hours per week, the library may adjust these hours to meet changing public demand, availability of staff, and budgetary limitations.~~)

NEW SECTION

WAC 172-168-025 Eligible library users. EWU libraries are open to the public. However, children under twelve years of age must be accompanied by an adult or have prearranged permission from the senior staff member on duty. Borrowing privileges and other library services are limited to the following users:

- (1) Current students, faculty, staff and trustees;
- (2) Eligible users through the Orbis Cascade Alliance or through other reciprocal agreements;
- (3) Other libraries through interlibrary loans;
- (4) Emeriti faculty;
- (5) Spokane-area residents, not affiliated with EWU, who obtain a community member borrower's card;
- (6) Other individuals as determined by the dean of libraries;
- (7) Children between twelve and seventeen years of age may be issued a borrower's card provided the card is co-signed by the child's parent or guardian.

NEW SECTION

WAC 172-168-035 Conduct. Users of EWU libraries' facilities shall maintain appropriate public behavior and comply with all library policies. Violators of library policies may be subject to disciplinary action including, but not limited to, assessment of fines, fees, or other service charges and revocation of library privileges. Use of the library may be denied to anyone for abuse of library services or resources.

AMENDATORY SECTION (Amending Order 73-10, filed 4/18/73)

WAC 172-168-040 Inspection. (~~The library shall have the right to inspect packages, briefcases, containers, articles, materials, etc., leaving the building to prevent unauthorized removal of library resources. The inspection may be done by persons, by electronic equipment, or other devices designed to detect unauthorized removals.~~) Briefcases, backpacks, and any other containers or items being carried out of library facilities may be inspected. Inspections may be performed by employees or through the use of electronic equipment or other devices.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 172-168-020	Selection of services, personnel, resources.
WAC 172-168-030	Circulation records.
WAC 172-168-050	Prohibited entry.
WAC 172-168-070	Displays.
WAC 172-168-080	Library carrels.
WAC 172-168-090	Gifts.
WAC 172-168-100	Library borrowers.
WAC 172-168-110	Library circulation policy.
WAC 172-168-120	Library fines and charges for lost, damaged, and overdue materials.
WAC 172-168-130	Library service fees.

WSR 11-17-098

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 22, 2011, 12:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-14-122.

Title of Rule and Other Identifying Information: Title 308 WAC, Department of licensing, to include but not limited to WAC 308-94A-005 Certificates of ownership and registration.

Hearing Location(s): Department of Licensing, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on October 13, 2011, at 11:00 a.m.

Date of Intended Adoption: October 17, 2011.

Submit Written Comments to: Debra Then, P.O. Box 9037, Mailstop 48205, 1125 Washington Street S.E., Olympia, WA 98501-9037, e-mail dthen@dol.wa.gov, fax (360) 570-3706, by September 26, 2011.

Assistance for Persons with Disabilities: Contact Debra Then by September 26, 2011, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required to comply with SSB 5800 of the 62nd legislature passed during the 2011 legislative session (chapter 121, Laws of 2011).

Reasons Supporting Proposal: Provides clarity regarding what licensing options for off-road and nonhighway vehicles.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: Chapter 121, Laws of 2011.

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

Name of Proponent: None.

Name of Agency Personnel Responsible for Drafting: Debra Then, 1125 Washington Street S.E., Olympia, WA, (360) 902-4094; Implementation and Enforcement: Toni Wilson, 1125 Washington Street S.E., Olympia, WA, (360) 902-3811.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

August 22, 2011
Ben T. Shomshor
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-21-024, filed 10/9/06, effective 11/9/06)

WAC 308-94A-005 Certificates of ownership and registration. (1) **Is a certificate of ownership issued for off-road and nonhighway vehicles?** Yes, a certificate of ownership is issued using the same laws, rules, and procedures for other classes of vehicles. The certificate of ownership will indicate the ~~((brand))~~ comment "not eligible for road use((-))" if a vehicle is not manufactured for road use or "modified for on-road use" if a motorcycle has been modified for use on highways and roads.

(2) **What are the licensing options for off-road and nonhighway vehicles described in RCW ~~((46.09.020))~~ 46.09.310?** ~~((Licensing options include))~~ If your vehicle:

(a) ~~((If your vehicle))~~ Is licensed for road use under chapter ~~((46.16))~~ 46.16A RCW:

(i) Your license plates will be valid for off-road use, but you may need an ORV license in designated areas;

(ii) You may purchase an annual or temporary off-road use permit.

(b) ~~((If your vehicle))~~ Is not manufactured for road use, you may only purchase an annual or temporary off-road use permit;

(c) Is an off-road motorcycle as defined in RCW 46.04.xxx, you can license it for road use by filing a motorcycle highway use declaration with the department.

~~((choose to))~~ Is not going to be operated on- or off-road, you may

title your vehicle without licensing it.

(3) **What is an ~~((off-road/nonhighway vehicle))~~ ORV use permit?**

(a) The temporary ~~((off-road/nonhighway))~~ ORV use permit authorized under RCW ~~((46.09.070))~~ 46.09.430 is:

(i) Valid for sixty days from the date of application;

(ii) Available to nonresidents and Washington residents who choose not to ~~((annually license their))~~ purchase an annual ORV registration;

(iii) Not transferable to another vehicle.

(b) The ~~((permanent off-road/nonhighway use permit))~~ annual ORV registration authorized under RCW ~~((46.09.070))~~ 46.09.410 is:

(i) Valid for one year from the date of application;

(ii) Available to ~~((residents of Washington who choose to annually license their ORV))~~ nonresidents when the ORV is primarily used in Washington state;

(iii) Not transferable to another vehicle.

(4) **What do I do with the annual or temporary off-road permit?** The permit must be:

(a) Carried on the vehicle ~~((when in use));~~

(b) Made available to any law enforcement officer on request.

(5) **May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt ~~((or))~~, gravel road, or trail in Washington?** ~~((There may be different requirements, depending upon the jurisdiction control of the dirt, gravel road, or trail area.))~~ No. Check with local, state, or federal authorities in the areas you intend to operate the vehicle ~~((to ensure you are operating in accordance with their requirements)).~~

WSR 11-17-103

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed August 22, 2011, 3:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-14-093.

Title of Rule and Other Identifying Information: WAC 246-790-010, 246-790-050, 246-790-060, 246-790-065, 246-790-070, 246-790-080, 246-790-085, 246-790-090, 246-790-100, 246-790-120 and 246-790-130, amending women, infants and children (WIC) nutrition program requirements for selecting authorized retailers, submitting food products for approval, and updating noncompliance and fines.

Hearing Location(s): Department of Health, 310 Israel Road S.E., Point Plaza East, Room 152/153, Tumwater, WA 98501, on October 5, 2011, at 2:00 p.m.

Date of Intended Adoption: October 10, 2011.

Submit Written Comments to: Peter Gayton, Department of Health, P.O. Box 47886, 111 Israel Road S.E., Tumwater, WA 98504-7886, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2345, by October 5, 2011.

Assistance for Persons with Disabilities: Contact Peter Gayton by September 26, 2011, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to update a variety of references, definitions, and terms; further define the standards of practice and requirements for retailer participation in the program, and to assure consistency between the rule and the retailer contracts. In addition, revisions are necessary to provide clarity for retailer participation [participation] in the program.

Reasons Supporting Proposal: Key portions of the existing rule need to be updated to be consistent with the revised 7 C.F.R. 246, which governs the WIC nutrition program. The department must update the current rules in order to stay in compliance with the federal regulations to maintain funding.

Statutory Authority for Adoption: RCW 43.70.120.

Statute Being Implemented: RCW 43.70.120.

Rule is necessary because of federal law, 7 C.F.R. 246.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Peter Gayton, 111 Israel Road S.E., Tumwater, WA, (360) 236-3788; Implementation and Enforcement: Carol Wozniak, 111 Israel Road S.E., Tumwater, WA, (360) 236-3638.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Department economists determined the proposed rule would not impose more than minor costs on small business owners of WIC authorized retailer grocery stores.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Peter Gayton, P.O. Box 47886, Tumwater, WA 98504-7886, phone (360) 236-3788, fax (360) 236-2345, e-mail peter.gayton@doh.wa.gov.

August 22, 2011

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 06-05-051, filed 2/13/06, effective 3/16/06)

WAC 246-790-010 Definitions. ~~((1) "Alternate endorser" means a person authorized by the WIC client to pick up WIC checks at the local WIC agency and use the WIC checks at the retailer when the client is unable to do so.~~

~~(2) "Appeal hearing" means a formal proceeding to appeal certain program decisions. The appeal hearing process provides a contractor the opportunity to review the case record prior to the hearing, to present its case in an impartial setting, to confront and cross-examine witnesses, and to be represented by counsel.~~

~~(3) "Applicant retailer" means any retailer, or person representing a retailer, requesting authorization to participate in the WIC program who has submitted a completed request for authorization packet.~~

~~(4) "Authorized" or "authorization" means the retailer has met the selection criteria as required by the United States Department of Agriculture (USDA), received training on WIC program requirements, and signed a contract with the WIC program.~~

~~(5) "CFR" means the Code of Federal Regulations.~~

~~(6) "Contract" or "retailer contract" means a written legal document which encompasses WIC program requirements that bind the contractor and the WIC program.~~

~~(7) "Contractor" means the owner, chief executive officer, controller, or other person legally authorized to represent their corporation, firm, or business and obligate a retailer to a contract.~~

~~(8) "Covertly" means in secret, undereover, or not openly announced.~~

~~(9) "Current shelf life" or "pull date" or "use by date" means a date and code printed on an item that indicates its best quality. This date shows when a product must be either sold or pulled from a shelf.~~

~~(10) "Department" means the Washington state department of health and any of the officers or other officials lawfully representing the department.~~

~~(11) "Disqualification" means the act of revoking the authorization and ending the contract of an authorized retailer permanently or for a specific period of time for noncompliance with WIC program requirements.~~

~~(12) "Effective policy and program to prevent trafficking" means a written document that states what can and cannot be done with WIC checks and the consequences for failing to follow program requirements. Effectiveness is determined by documentation that a retailer has provided this written policy to all employees, including employees' signatures verifying they have been advised of the policy and understand the consequences of noncompliance, both for the retailer and for the employee, prior to any noncompliance being detected.~~

~~(13) "Food company" means a manufacturer or broker of food items.~~

~~(14) "Food stamp EBT" means the electronic system that allows a recipient to authorize transfer of their government food benefits from a federal account to a retailer account to pay for products they buy.~~

~~(15) "Local WIC agency" means the contracted clinic or agency where a client receives WIC checks.~~

~~(16) "Maximum price" means the highest amount that can be charged for WIC approved foods as determined by the WIC program based on evaluation of current prices and market conditions.~~

~~(17) "Monetary penalty" means a sum of money imposed by the WIC program for noncompliance with program requirements.~~

~~(18) "Notice of correction" means a written document given to a retailer when the WIC program discovers noncompliance with program requirements. The notice of correction gives the retailer a reasonable period of time to correct the noncompliance without risk of receiving a sanction.~~

~~(19) "Pattern" means more than one documented incidence of noncompliance with WIC program requirements in a contract period.~~

(20) "Peer group" means a group of retailers who share similar characteristics. The WIC program considers factors such as location, either rural or urban, and the prices retailers charge when determining a retailer's placement in a peer group.

(21) "Providing credit" means the retailer takes a WIC check and deposits it for the full amount of the foods listed, even though the client does not receive all the foods at the time, and tells the client to come back later for the rest of the food.

(22) "Reauthorization" or "subsequent authorization" means the process when a retailer, who has a contract with the WIC program which is expiring, has reapplied, met the selection criteria, and signed another contract with the WIC program.

(23) "Redeeming WIC checks outside of authorized channels" means not following the requirements regarding who can accept WIC checks and how to redeem them. Examples include, but may not be limited to:

(a) A retailer accepting WIC checks without having a signed contract with the WIC program;

(b) A retailer using WIC checks to repay debt at a different authorized retailer; or

(c) A retailer who accepts and deposits WIC checks from an unauthorized source.

(24) "Rights and responsibilities" means the rights a client has within the WIC program and the rules clients and caregivers must follow to participate in the program. The rights and responsibilities are explained in a document the client, caregiver, or alternate endorser must sign.

(25) "Supplemental WIC foods" or "WIC approved foods" means those foods containing nutrients determined to be beneficial for pregnant, breastfeeding, and postpartum women, infants, and children, as prescribed by federal regulations and state requirements, and, as approved by the Washington state WIC program.

(26) "Trafficking" means buying or selling WIC checks for cash.

(27) "WIC program" or "program" means the federally funded special supplemental nutrition program for women, infants, and children administered in Washington state by the department of health.

(28) "WIC program requirements" or "program requirements" mean the rules contractors and retailers must follow to participate in the WIC program. The rules are explained in the federal regulations, the retailer contract, the *Retailer Selection Criteria*, the *WIC Approved Foods - Minimum Stock Levels*, the *WIC Retailer Handbook*, and the WIC approved formula supplier list.

(29) "WIC retailer" or "retailer" means an individual store authorized to participate in the WIC program.

(30) "Wholesaler" or "distributor" or "supplier" means a business licensed to sell food and other items to a retailer for resale.

(31) "WIC check" means a negotiable instrument issued to and used by a WIC client, caregiver, or alternate endorser to obtain specified supplemental WIC foods from a WIC retailer.

(32) "WIC client" or "client" means a woman who is pregnant, breastfeeding, or postpartum, an infant, or a young child receiving WIC benefits.

(33) "WIC only store" means a for-profit business model that focuses primarily on stocking WIC food items and serving WIC customers.)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "C.F.R." means Code of Federal Regulations.

(2) "Contract" means a written legal document binding the contractor and the department to designated terms and conditions. Terms and conditions include those stated in 7 C.F.R. 246.12 (h)(3) under "*Retail food delivery systems: Vendor agreements, Vendor agreement provisions.*"

(3) "Department" means the Washington state department of health.

(4) "Retailer" means "vendor" as defined in 7 C.F.R. 246.2.

(5) "Wholesale supplier" means a business licensed to sell food and other goods at prices lower than retail to a retail vendor for resale to customers.

(6) "WIC" means the federally funded special supplemental nutrition program for women, infants, and children as described in 7 C.F.R. 246 and defined in 7 C.F.R. 246.2.

(7) "WIC check" means "food instrument" and "cash-value voucher" as defined in 7 C.F.R. 246.2.

NEW SECTION

WAC 246-790-055 Adoption by reference. Adopted by reference are 7 C.F.R. 246.2, 246.12, 246.18, 246.21, 246.23, and 246.26 special supplemental nutrition program for women, infants, and children revised as of January 1, 2011, and including all amendments and modifications effective as of the date of adoption of this chapter.

Copies of the incorporated sections of 7 C.F.R. 246 are available from the Department of Health, P.O. Box 47886, Olympia, WA 98504-7886, or by calling the WIC nutrition program at 800-841-1410.

NEW SECTION

WAC 246-790-075 Requirements to become an authorized retailer. (1) To become authorized in the WIC program an applicant must:

(a) Be a food retailer;

(b) Apply for authorization using department forms;

(c) Provide complete and truthful information in the application;

(d) Meet all the retailer selection criteria stated in WAC 246-790-077;

(e) Allow the department to inspect the store;

(f) Participate in training on WIC program requirements; and

(g) Agree to follow WIC program requirements stated in the contract.

(2) The effective date of authorization is the date on which the last party to sign the contract signs it. The department and the retailer are the parties to the contract.

(3) The department shall give an applicant thirty days notice to correct their application when it is incomplete or

insufficient in any manner before the department denies authorization.

(4) The department may not accept a new application sooner than six months after an applicant's denial.

(5) An applicant or an authorized retailer may request an exemption to the retailer selection criteria in WAC 246-790-077.

(a) The request must:

(i) Be in writing;

(ii) Identify the specific retailer selection criterion or criteria for which the retailer is seeking an exemption and explain the reasons for the request in detail; and

(iii) Demonstrate how the requested exemption is consistent with the requirements, purpose and objectives of the program.

(b) The department may grant an exemption from retailer selection criteria if the applicant submits a request that satisfies (a) of this subsection.

(c) The department shall respond in writing to a request for exemption with its decision to grant or deny the request.

NEW SECTION

WAC 246-790-077 Retailer selection criteria. An applicant and an authorized retailer shall meet all the following retailer selection criteria to be authorized.

(1) Business license, permit, and certification requirements.

(a) A current master business license and unified business identifier number issued by the Washington state department of revenue as required under chapter 19.02 RCW with a major operation category that includes the retail sale of foods, such as grocery store.

(b) A current reseller's permit issued by the Washington state department of revenue as required under chapter 82.32 RCW.

(c) A current food establishment permit issued by the local health jurisdiction as required by the Washington state board of health under chapter 246-215 WAC.

(d) A current weighing and measuring device registration issued by the Washington state department of agriculture as required under chapter 16-674 WAC.

(e) A current authorization as a vendor in the supplemental nutrition assistance program (SNAP).

(f) Comply with all other applicable federal, state, county, and city required licenses, permits and certifications.

(2) Business model requirements.

(a) Be primarily engaged in retail sales of a variety of food products and general merchandise as a full line grocery store. A full line grocery store stocks on a continuous basis, multiple varieties of the following product categories:

(i) Canned foods;

(ii) Frozen foods;

(iii) Dairy products;

(iv) Fresh and frozen meat, fish, and poultry;

(v) Fresh fruits;

(vi) Fresh vegetables;

(vii) Juices;

(viii) Bakery goods including, but not limited to, breads, pastries, and tortillas;

(ix) Dried grains and beans;

(x) Baby products;

(xi) Household cleaners;

(xii) Laundry products; and

(xiii) Health care products.

(b) Purchase WIC approved foods directly from a wholesale supplier or other nonretail supplier, such as a food manufacturer or a fresh produce supplier.

(c) Purchase WIC approved infant formula directly from an infant formula manufacturer or supplier named on the WIC approved infant formula supplier list.

(d) Not use the WIC program name, acronym, or logo in the store name or advertisement, advertise primarily to WIC customers, offer incentives primarily to WIC customers, or otherwise focus primarily on serving WIC customers.

(e) Not receive or expect to receive more than fifty percent of annual food sales revenue from WIC transactions.

(f) Maintain on store shelves at all times the minimum quantities and varieties of WIC approved foods, including infant formula, required by the contract. Expired foods are not counted as inventory.

(g) Maintain shelf prices for WIC approved foods that are competitive with retailers in the same WIC retailer peer group. A "peer group" means a group of retailers who share similar characteristics established by the department.

(h) Operate from a fixed, permanent location where all WIC transactions take place in the store.

(i) Maintain business hours of at least eight hours per day, six days per week.

(j) Accept various types of tender including cash and SNAP electronic benefit transfer (EBT).

(k) Post WIC food price on the item, on the shelf next to the item, or other means that is clearly visible to customers.

(l) Maintain sanitary conditions that meet food service rules in chapter 246-215 WAC.

(m) Keep fresh fruit and vegetable display areas free of spoiled produce.

(3) Recordkeeping.

(a) Maintain a recordkeeping system that meets the Washington state department of revenue requirements in WAC 458-20-254 including the following:

(i) The recordkeeping system must have original documents and records organized in a logical way that conforms to acceptable accounting methods and procedures.

(ii) Documents and records must be retrievable and in a readable format.

(b) The recordkeeping system must include original, dated documents and records that contain enough detail to prove the purchase, inventory, and sale of WIC approved foods, including infant formula, by brand name, container size and quantity. These documents and records must be kept for a period of six years following the date of final payment.

(c) Submit to the department upon request documents and records showing food is purchased from a wholesale supplier or other nonretail supplier, such as a food manufacturer or a fresh produce supplier.

(d) Submit to the department upon request documents and records showing infant formula is purchased from an infant formula manufacturer or supplier named on the WIC approved infant formula supplier list.

(e) Submit to the department upon request itemized sales receipts for WIC purchases using an electronic cash register or a manual system. Sales receipts must include the store name, food product name, quantity sold, price of each item, and the date of sale.

(f) Submit to the department upon request annual sales information including gross sales and tax exempt food sales by payment type including cash, SNAP EBT, WIC and credit/debit card.

(g) Submit to the department upon request shelf price and stock level information.

(4) Additional requirements.

(a) Allow access to facilities, including nonpublic storage areas, by the department during normal business hours.

(b) Maintain an active e-mail account that is capable of receiving WIC contract and program information.

(c) Comply with WIC training requirements stated in the contract.

(d) Maintain in-store records documenting employee training on WIC requirements.

(e) Demonstrate business integrity.

(f) Comply with all applicable federal and state laws.

(5) Exemptions.

(a) Oregon and Idaho retailers located on the Washington border and that serve Washington residents are exempt from Washington state business license, permit, and certification requirements. They shall meet all applicable business license, permit and certification requirements for their respective state.

(b) A retailer authorized as an "infant formula only provider" is exempt from the full line grocery store requirement. "Infant formula only provider" means a retailer for whom WIC authorization is limited to the redemption of WIC checks issued for infant formula.

NEW SECTION

WAC 246-790-086 Requirements of an authorized retailer. (1) An authorized retailer shall:

(a) Comply with the terms and conditions of their contract;

(b) Continue to meet the retailer selection criteria in WAC 246-790-077 throughout the term of the contract;

(c) Notify the department prior to ownership changes; and

(d) Notify the department prior to store closures.

(2) An authorized retailer may reapply at the time of contract expiration; however, neither the department nor the retailer has an obligation to enter into a subsequent contract.

NEW SECTION

WAC 246-790-105 Failure to meet WIC program requirements. (1) When a retailer is out of compliance with the requirements of 7 C.F.R. 246.12, this chapter, or the contract, the department may initiate appropriate enforcement action which may include notices of violation, unless the department determines that notifying the retailer would compromise the investigation; claims for reimbursement; and disqualification.

(2) The department shall disqualify an authorized retailer for violations stated in 7 C.F.R. 246.12(1).

(3) For violations of the requirements of this chapter, not specified in 7 C.F.R. 246.12(1), the department may take enforcement action based on a pattern of violations. Department actions may include:

(a) Notice of violation and offer of technical assistance for the first incident;

(b) Notice of violation and warning of disqualification for the second incident of the same type of violation;

(c) One year disqualification for the third incident of the same type of violation.

(4) A "pattern" of violations means more than one documented incident of the same type of violation within a thirty-six month period.

(5) An authorized retailer's contract is terminated on the effective date of a disqualification.

(6) An authorized retailer who has been disqualified may reapply at the end of the disqualification period.

NEW SECTION

WAC 246-790-125 Retailer appeal process. (1) The retailer may request an administrative appeal of certain adverse actions as provided in 7 C.F.R. 246.18. Actions that the retailer may not appeal are described in 7 C.F.R. 246.18 a)(1)(iii).

(2) A request for appeal must:

(a) Be in writing, state the issue, and contain a summary of the retailer's position on the issue;

(b) Be filed with the Department of Health, Adjudicative Service Unit, P.O. Box 47879, Olympia, WA 98504-7879, with a copy sent to the WIC Nutrition Program at P.O. Box 47886, Olympia, WA 98504-7886; and

(c) Be received by the department of health, adjudicative services unit within twenty-eight days of the date the retailer receives the notice unless otherwise specified in the program's notification of adverse action.

(3) The administrative hearing procedures of chapter 246-10 WAC apply to retailer administrative appeals. If a provision of chapter 246-10 WAC conflicts with a provision of 7 C.F.R. 246.18, the federal regulation shall prevail.

NEW SECTION

WAC 246-790-127 Retailer advisory committee. (1) The department shall facilitate a WIC retailer advisory committee.

(2) The committee shall function in an advisory capacity.

(3) Participation is voluntary and there is no compensation.

(4) Invitations for participation may include authorized WIC retailers, retail grocer associations, food manufacturers, wholesale suppliers, and retail checker labor unions.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-790-050

What is the WIC program?

WAC 246-790-060	What are WIC authorized foods?
WAC 246-790-065	What is the process for getting a food WIC authorized?
WAC 246-790-070	How do I become a WIC retailer?
WAC 246-790-080	What do I need to know about WIC retailer contracts?
WAC 246-790-085	What is expected of WIC retailers?
WAC 246-790-090	How are WIC retailer contracts monitored?
WAC 246-790-100	What happens if I don't comply with the WIC retailer contract or requirements?
WAC 246-790-120	How do I appeal a WIC decision I don't agree with?
WAC 246-790-130	How does the WIC program get input from the food industry?

WSR 11-17-107
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 23, 2011, 8:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-12-070.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, audit and record-keeping, rates and rating system for Washington workers' compensation insurance and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Hearing Location(s): CenterPlace Event Center, 2426 North Discovery Place, Spokane, WA 99216, on September 27, 2011, at 1:00 p.m.; at the Shoreline Conference Center, Shoreline Room, 18560 1st Avenue N.E., Shoreline, WA 98155, on September 28, 2011, at 10:00 a.m.; and at the Red Lion at the Quay, Keyport Room, 100 Columbia Street, Vancouver, WA 98660, on September 29, 2011, at 10:00 a.m.

Date of Intended Adoption: November 30, 2011.

Submit Written Comments to: Bill Moomau, P.O. Box 44148, Olympia, WA 98504-4148, e-mail moom235@lni.wa.gov, fax (360) 902-4988, by 5 p.m. on October 3, 2011.

Assistance for Persons with Disabilities: Contact office of information assistance by September 24, 2011, TTY (360) 902-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making proposes to amend five rules to implement ESHB 1367 passed by the 2011 legislature and signed by the governor. This legislation requires for-hire vehicle owners to cover

drivers for workers' compensation insurance. The proposal provides two reporting options: A flat rate of 960 hours per vehicle per quarter, or actual hours worked if appropriate records are kept.

Reasons Supporting Proposal: The method is based on discussions with the for-hire vehicle industry.

Statutory Authority for Adoption: RCW 51.04.020, 51.16.035, and 51.16.100.

Statute Being Implemented: RCW 51.16.035.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Bill Moomau, Tumwater, Washington, (360) 902-4774; Implementation: Les Hargrave, Tumwater, Washington, (360) 902-4298; and Enforcement: Beth Dupre, Tumwater, Washington, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency is exempt from conducting a small business economic impact statement since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.310 (4)(f) and do not change current coverage options for employers and workers.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328 (5)(b)(vi) from the requirement for a cost-benefit analysis.

August 23, 2011

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 10-10-108, filed 5/4/10, effective 7/1/10)

WAC 296-17-31002 General rule definitions. In developing the general reporting rules and classifications which govern Washington's workers' compensation classification plan, we have used certain words or phrases which could have several meanings. Many of these words or phrases are defined by law in the Revised Code of Washington (*Title 51 RCW*) and can be found in **Appendix A** of this manual. Some words, however, are not defined by law. To reduce the misunderstanding which can result by our use of certain words or phrases not defined in law (*Title 51 RCW*), we have developed definitions which will govern what these words and phrases mean for purposes of these chapters (*chapters 296-17 and 296-17A of the Washington Administrative Code(WAC)*).

The following words or phrases mean:

Account: A unique numerical reference that we assign to you that identifies your business or businesses and allows us to track exposure that you report to us and losses (*claims*) which we pay on your behalf.

Account manager: An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation

insurance account. An account manager is also referred to as an underwriter.

Actual hours worked: A worker's composite work period beginning with the starting time of day that the employee's work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by an employee. The following example is provided to illustrate how work hours are to be reported. If you have questions on reporting please contact our underwriting section at 360-902-4817.

Example: *A carpet installer arrives at the employer's place of business at 8:00 a.m. to pick up supplies, carpet, and the job assignment. The carpet installer arrives at the job site at 9:00 a.m. and works until 12 noon. The installer takes a half hour nonpaid lunch period and resumes working from 12:30 p.m. until 4:00 p.m. The installer then returns to the employer's premise to drop off supplies and carpet waste. The installer leaves the employer's premise at 5:30 p.m. The employer is to report nine hours of work time regardless of whether the employee is paid by the hour or by the number of yards of carpet installed.*

All: When a classification contains a descriptive phrase beginning with "all" such as in "all employees," "all other employees," "all operations," or "all work to completion," it includes all operations and employments which are normally associated with the type of business covered by the classification. This condition applies even if the operations or employments are physically separated or conducted at a separate location. Operations or employments are to be classified separately when the classification wording requires it, or when the operations or employments are not incidental to, and not usually associated with, the business described by the classification.

And: When this word is contained in any rule it is to be considered the same as the phrase "and/or."

Basic classification: A grouping of businesses or industries having common or similar exposure to loss without regard to the separate employments, occupations or operations which are normally associated with the business or industry. Basic classifications describe a specific type of business operation or industry such as mechanical logging, sawmills, aircraft manufacturing, or restaurants. In most business operations some workers are exposed to very little hazard, while others are exposed to greater hazard. Since a basic classification reflects the liability (*exposure to hazard*) of a given business or industry, all the operations and occupations that are common to an industry are blended together and included in the classification. The rate for a basic classification represents the average of the hazards within the classification. All classifications contained in this manual are considered basic classifications with the exception of classifications 4806, 4900, 4904, 5206, 6301, 6302, 6303, 7100, 7101, and temporary help classifications 7104 through 7122. Classification descriptions contained in WAC 296-17A-0101 through 296-17A-7400 establish the intended purpose or scope of each classification. These descriptions will routinely include types of businesses, operations, processes or employments which are either included or excluded from the classification. These references are not to be considered an all

inclusive listing unless the classification wording so specifies.

Bone fide officer: Any person empowered in good faith by stockholders or directors, in accordance with articles of incorporation or bylaws, to discharge the duties of such officer.

But not limited to: When this phrase is used in any rule in this manual it is not to be interpreted as an all inclusive list. Such a list is meant to provide examples of operations, employments, processes, equipment or types of businesses which are either included or excluded from the scope of the classification.

Excludes or excluding: When a classification contains a descriptive phrase beginning with "excludes" or "excluding" such as "excluding drivers or delivery," "excluding second hand appliance stores," or "excludes construction operations," you must report those operations in a separate classification. If a business fails to keep the records required in the auditing recordkeeping section of this manual and we discover this, we will assign all workers hours for which records were not maintained to the highest rated classification applicable to the work which was performed.

Exposure: Worker hours, worker days, flat rate, licenses, material, payroll or other measurement which we use to determine the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

Free from direction or control: The contracted individual has the responsibility to deliver a finished product or service without the contracting firm or individual either exercising direct supervision over the work hours or the methods and details of performance or having the right to exercise that authority under the contract.

Includes or including: When a classification contains a descriptive phrase beginning with "includes" or "including" such as "including clerical office," "including meter readers," or "includes new construction or extension of lines," you must report these operations in that basic classification even though they may be specifically described by some other classification contained in this manual or may be conducted at a separate location.

Industrial insurance: Refer to the definition of "workers' compensation insurance."

N.O.C.: This abbreviation stands for not otherwise classified. Classifications are often worded in this way when there are many variations of the same general type of business and it would be nearly impossible to list all the variations. Before a classification designated with N.O.C. is used, all other related classifications must be reviewed to determine if the business or industry is specified in another classification.

Example: *You operate a retail store that sells greeting cards. In our search to classify your business we come across a classification that covers retail stores N.O.C. Before our underwriter assigns this classification to your business, they would look at other retail store classifications to see if a more precise classification could be found. In our review we note several classifications such as grocery and department stores where greeting cards are sold. None of these classifications, however, specify that they include stores that exclusively sell*

greeting cards. Classification 6406 "Retail stores, N.O.C.," on the other hand, contains language in its description that states it includes stores that sell items such as greeting cards, table top appliances, tropical fish and birds, and quick print shops. We would assign classification 6406 "Retail stores, N.O.C." to your business.

Or: Refer to the definition of the word "and."

Premium: The total amount of money owed to the department of labor and industries as calculated by multiplying the assigned classification composite rate by the total units of exposure.

Principal place of business: The physical location of the business from which the contract of service is directed and controlled.

Rate: The amount of premium due for each unit of exposure. All rates are composite rates per worker hour except as otherwise provided for by other rules in this manual.

Related by blood within the third degree: The degree of kinship as computed according to the rules of civil law.

Related by marriage: The union subject to legal recognition under the domestic relations laws of this state.

Risk: All insured operations of one employer within the state of Washington.

Temporary help: The term "temporary help" means the same as temporary service contractors defined in (*Title 19 RCW*) and applies to any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

Underwriter: Refer to the definition of an "account manager."

Within a reasonable period: Establishing an account with state agencies shall be the time prior to the first date on which the individual begins performance of service toward the contract or the date upon which the individual is required to establish an account with a state agency, as otherwise required by law, whichever event shall last occur.

Work day: Any consecutive twenty-four hour period.

Work hour: Refer to the definition of "actual hours worked."

Workers' compensation insurance: The obligation imposed on an employer by the industrial insurance laws (*Title 51 RCW*) of the state of Washington to insure the payment of benefits prescribed by such laws.

AMENDATORY SECTION (Amending WSR 10-21-089, filed 10/20/10, effective 1/1/11)

WAC 296-17-35203 Special reporting instruction. (1) Professional and semiprofessional athletic teams. Athletes assigned and under contract to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance. Athletes assigned to a Washington-domiciled sports team but under contract with a parent team domiciled outside of the state are mandatorily covered by Washington industrial insurance unless the player is eligible for coverage in another state, and there is a valid coverage agreement as described below.

A player is eligible for coverage in another state only when both the player and the employer agree in writing that the employment is principally localized in that state.

Example, if the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they cannot agree to be under California coverage since California doesn't qualify as a state in which the player competes in regularly scheduled games.

(a) Upon request, the department will provide forms to the owners of professional and semiprofessional sports teams for entering into agreements for both the sport player and the sport team. These agreements are referred to as "coverage agreements." Unless coverage is refused in the alternative state, the coverage agreement will determine the worker's home state for workers' compensation coverage.

(b) When a sport team and a player agree to workers' compensation coverage in another state, the following rules apply:

Sport player coverage agreement:

(i) A sport player coverage agreement must be signed by the team (employer) and each individual player (worker) covered out-of-state. Workers' compensation premiums for any work performed by the player before the agreement was signed must be paid to the department. To be valid, an agreement must be:

- Signed by both parties, dated, and show the name of the state where coverage is provided.
- Agree that the player's employment is principally located in that state.
- Kept as part of the employer's records for at least three years after the player is released from the team.

(ii) The employer must provide the department a copy of a sport player coverage agreement when requested. Employers who do not provide the department copies of a sport player coverage agreement when requested are considered not to have secured payment of compensation as required and all premiums and penalties allowed for in Title 51 RCW will apply.

(iii) If the employers' out-of-state workers compensation insurer rejects an injury claim because the player is a Washington worker, the employer is considered not to have secured payment of compensation as required and all premium and penalties allowed for in Title 51 RCW apply.

Sport team coverage agreement:

(c) A sport team coverage agreement must be signed by the employer (team) and the qualifying out-of-state workers' compensation insurer. Workers' compensation premiums for work performed before the agreement was signed must be paid to the department. To be valid, an agreement must:

- Be signed by both parties, dated, and show the name of the state where coverage is provided.
- Specify that the team's players are principally localized in that state.
- Specify the insurer agreeing to provide coverage for a team based in Washington.

(d) The sport team coverage agreement must be signed annually. Copies of the agreement along with a current copy of the team's out-of-state insurance policy must be submitted

to the department of labor and industries every year the out-of-state coverage is provided.

Premium payments are required for any work performed by Washington players prior to the date the department receives copies of any year's current sports teams' coverage agreement and proof of out-of-state coverage.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable.

(a) **Insurance liability.** Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) **Reporting.** Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours

worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(c) **Exclusions.** Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) **Definitions.** For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(vi) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and
- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) **Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land

services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive twenty-four-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

(i) The name of each worker;

(ii) The Social Security number of each worker;

(iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;

(iv) The basis upon which wages are paid to each worker;

(v) The number of units earned or produced for each worker paid on a piece-work basis;

(vi) The risk classification(s) applicable to each worker;

(vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b)(viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(x) The workers' total gross pay period earnings;

(xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as due the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and canceled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(A) The employers' unified business identification account number (UBI).

(B) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(C) The total contract award.

(D) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(E) Physical location/site where the work will be performed including legal description.

(F) Number of acres covered by the contract.

(G) Dates during which the work will be performed.

(H) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (e)(i) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - Verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's pay-

roll, employment, and financial records to validate reporting. The entity that awarded the contract can verify the status of the contractors' account online at the department's web site (www.lni.wa.gov) or by calling the account manager. The landowner, firm, or contractor will not be released from premium liability until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - Work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

(i) The name of the contractor who has been engaged to perform the work;

(ii) The contractor's UBI number;

(iii) The contractor's farm labor contractor number;

(iv) The total contract award;

(v) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;

(vi) Location where the work is to be performed;

(vii) A contact name and phone number of the person, firm, or corporation who let the contract;

(viii) The total estimated wages to be paid by the contractor and any subcontractors;

(ix) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;

(x) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries

Reforestation Team 8

P.O. Box 44168

Tumwater, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

(5) Logging and/or tree thinning—Mechanized operations—Industry rule. The following subsection shall

apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17A-5005.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - Mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys may be required after the initial survey to retain the risk classification assignment.

(b) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

(6) Special drywall industry rule.

(a) What is the unit of exposure for drywall reporting? Your premiums for workers installing and finishing drywall (reportable in risk classifications 0540, 0541, 0550, and 0551) are based on the amount of material installed and finished, not the number of hours worked.

The amount of material installed equals the amount of material purchased or taken from inventory for a job. No deduction can be made for material scrapped (debris). A deduction is allowed for material returned to the supplier or inventory.

The amount of material finished for a job equals the amount of material installed. No deduction can be made for a portion of the job that is not finished (base layer of double-board application or unfinished rooms).

Example: Drywall installation firm purchases 96 4' x 8' sheets of material for a job which includes some double-wall installation. The firm hangs all or parts of 92 sheets, and returns 4 sheets to the supplier for credit. Drywall finishing firm tapes, primes and textures the same job. Both firms should report 2,944 square feet (4 x 8 x 92) for the job.

(b) I do some of the work myself. Can I deduct material I as an owner install or finish? Yes. Owners (sole proprietors, partners, and corporate officers) who have not elected coverage may deduct material they install or finish.

When you as an owner install (including scrap) or finish (including tape and prime or texture) only part of a job, you may deduct an amount of material proportional to the time you worked on the job, considering the total time you and your workers spent on the job.

To deduct material installed or finished by owners, you must report to the department by job, project, site or location the amount of material you are deducting for this reason. You must file this report at the same time you file your quarterly report:

$$\text{Total owners hours} \div (\text{owners hours} + \text{workers hours}) = \text{\% of owner discount.}$$

$$\text{\% of owner discount} \times (\text{total footage of job} - \text{subcontracted footage, if any}) = \text{Total owner deduction of footage.}$$

(c) Can I deduct material installed or finished by subcontractors? You may deduct material installed or taped by

subcontractors you are not required to report as your workers. You may not deduct for material only scrapped or primed and textured by subcontractors.

To deduct material installed or taped by subcontractors, you must report to the department by job, project, site or location the amount of material being deducted. You must file this report at the same time you file your quarterly report. You must have and maintain business records that support the number of square feet worked by the subcontractor.

(d) I understand there are discounted rates available for the drywall industry. How do I qualify for them? To qualify for discounted drywall installation and finishing rates, you must:

(i) Have an owner attend two workshops the department offers (one workshop covers claims and risk management, the other covers premium reporting and recordkeeping);

(ii) Provide the department with a voluntary release authorizing the department to contact material suppliers directly about the firm's purchases;

(iii) Have and keep all your industrial insurance accounts in good standing (including the accounts of other businesses in which you have an ownership interest), which includes fully and accurately reporting and paying premiums as they come due, including reporting material deducted as owner or subcontractor work;

(iv) Provide the department with a supplemental report (filed with the firm's quarterly report) showing by employee the employee's name, Social Security number, the wages paid them during the quarter, how they are paid (piece rate, hourly, etc.), their rate of pay, and what work they performed (installation, scrapping, taping, priming/texturing); and

(v) Maintain accurate records about work you subcontracted to others and materials provided to subcontractors (as required by WAC 296-17-31013), and about payroll and employment (as required by WAC 296-17-35201).

The discounted rates will be in effect beginning with the first quarter your business meets all the requirements for the discounted rates.

Note: If you are being audited by the department while your application for the discounted classifications is pending, the department will not make a final decision regarding your rates until the audit is completed.

(e) Can I be disqualified from using the discounted rates? Yes. You can be disqualified from using the discounted rates for three years if you:

(i) Do not file all reports, including supplemental reports, when due;

(ii) Do not pay premiums on time;

(iii) Underreport the amount of premium due; or

(iv) Fail to maintain the requirements for qualifying for the discounted rates.

Disqualification takes effect when a criterion for disqualification exists.

Example: A field audit in 2002 reveals that the drywall installation firm underreported the amount of premium due in the second quarter of 2001. The firm will be disqualified from the discounted rates beginning with the second quarter of 2001, and the premiums it owed for that quarter and subsequent quarters for three years will be calculated using the nondiscounted rates.

If the drywall underwriter learns that your business has failed to meet the conditions as required in this rule, your business will need to comply to retain using the discounted classifications. If your business does not comply promptly, the drywall underwriter may refer your business for an audit.

If, as a result of an audit, the department determines your business has not complied with the conditions in this rule, your business will be disqualified from using the discounted classifications for three years (thirty-six months) from the period of last noncompliance.

(f) If I discover I have made an error in reporting or paying premium, what should I do? If you discover you have made a mistake in reporting or paying premium, you should contact the department and correct the mistake. Firms not being audited by the department who find errors in their reporting and paying premiums, and who voluntarily report their errors and pay any required premiums, penalties and interest promptly, will not be disqualified from using the discounted rates unless the department determines they acted in bad faith.

(7) Safe patient handling rule. The following subsection will apply to all hospital industry employers as applicable.

(a) Definitions. For the purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Hospital" means an "acute care hospital" as defined in (a)(ii) of this subsection, a "mental health hospital" as defined in (a)(iii) of this subsection, or a "hospital, N.O.C. (not otherwise classified)" as defined in (a)(iv) of this subsection.

(ii) "Acute care hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this rule does not include:

Hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include

Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include

Nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include

Birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include

Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or

tenets of any well-recognized church or religious denominations.

(iii) "Mental health hospital" means any hospital operated and maintained by the state of Washington for the care of the mentally ill.

(iv) "Hospitals, N.O.C." means health care facilities that do not qualify as acute care or mental health hospitals and may be privately owned facilities established for purposes such as, but not limited to, treating psychiatric disorders and chemical dependencies or providing physical rehabilitation.

(v) "Safe patient handling" means the use of engineering controls, lifting and transfer aids, or assistance devices, by lift teams or other staff, instead of manual lifting to perform the acts of lifting, transferring and repositioning health care patients.

(vi) "Lift team" means hospital employees specially trained to conduct patient lifts, transfers, and repositioning using lifting equipment when appropriate.

(vii) "Department" means the department of labor and industries.

(b) Hospitals will report worker hours in the risk classification that describes the nature of their operations and either their level of implementation of, or need for, the safe patient handling program.

(c) A fully implemented safe patient handling program must include:

(i) Acquisition of at least the minimum number of lifts and/or appropriate equipment for use by lift teams as specified in chapters 70.41 and 72.23 RCW.

(ii) An established safe patient handling committee with at least one-half of its membership being front line, nonmanagerial direct care staff to design and recommend the process for implementing a safe patient handling program.

(iii) Implementation of a safe patient handling policy for all shifts and units.

(iv) Conducting patient handling hazard assessments to include such variables as patient-handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas.

(v) Developing a process to identify appropriate use of safe patient handling policy based on a patient's condition and availability of lifting equipment or lift teams.

(vi) Conducting an annual performance evaluation of the program to determine its effectiveness with results reported to the safe patient handling committee.

(vii) Consideration, when appropriate, to incorporate patient handling equipment or the physical space and construction design needed to incorporate that equipment at a later date during new construction or remodeling.

(viii) Development of procedures that allow employees to choose not to perform or participate in patient handling activities that the employee believes will pose a risk to him/herself or to the patient.

(d) Department staff will conduct an on-site survey of each acute care and mental health hospital before assigning a risk classification. Subsequent surveys may be conducted to confirm whether the assigned risk classification is still appropriate.

(e) To remain in classification 6120-00 or 7200-00, a hospital must submit a copy of the annual performance eval-

uation of their safe patient handling program, as required by chapters 70.41 and 72.23 RCW, to the Employer Services Program, Department of Labor and Industries, P.O. Box 44140, Olympia, Washington, 98504.

(8) Rules concerning work by Washington employers outside the state of Washington (extraterritorial coverage).

(a) **General definitions.** For purposes of this section, the following terms mean:

(i) "Actual hours worked" means the total hours of each Washington worker's composite work period during which work was performed by the worker beginning with the time the worker's work day commenced, and ending with the quitting time each day excluding any nonpaid lunch period.

(ii) "Work day" means any consecutive twenty-four-hour period.

(iii) "Temporary and incidental" means work performed by Washington employers on jobs or at job sites in another state for thirty or fewer consecutive or nonconsecutive full or partial work days within a calendar year. Temporary and incidental work days are calculated on a per state basis. The thirty-day temporary and incidental period begins on January 1 of each year.

(iv) "Proof of out-of-state coverage" means a copy of a valid certificate of liability insurance for workers' compensation issued by:

(A) An insurer licensed to write workers compensation insurance coverage in that state; or

(B) A state workers' compensation fund in the state in which the employer will be working.

Note: Most certificates are written for a one-year period. The employer must provide the department with a current certificate of liability insurance for workers' compensation covering all periods the employer works in another state. If the policy is canceled, the employer must provide the department with a current in-force policy.

(v) "Worker" means every person in this state who is engaged in the employment of an employer under Title 51 RCW whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer whether by way of manual labor or otherwise.

(vi) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of Title 51 RCW, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers.

(b) **Does a Washington employer have to pay premiums in both states while Washington workers are temporarily working in another state?** A Washington employer must continue to pay Washington premiums for Washington workers performing temporary and incidental work in another state. If the Washington employer has Washington workers who work for more than thirty days in another state, it will not need to pay premiums in Washington for work in

the other state during the calendar year, as long as it fulfills the following requirements:

(i) Provides the department with proof of out-of-state coverage for the Washington workers working out-of-state.

(ii) Keeps the policy continuously in force from the date the Washington employer's work exceeds the temporary and incidental period until the date the Washington employer no longer has Washington workers working in the other state. Failure to maintain a policy at the required level of workers' compensation coverage for the number of Washington workers working out-of-state may subject the Washington employer to payment of all premiums, penalties, and interest dues in the state of Washington.

(iii) For the first quarterly reporting period and all subsequent quarters during the same calendar year following the date the Washington employer's work exceeds the temporary and incidental period in the other state, the Washington employer must file a supplemental report of out-of-state work with their workers' compensation employer's quarterly report with the department. This supplemental report is available at: <http://www.LNI.wa.gov/ClaimsIns/Insurance/File/ExtraTerritorial/Default.asp>

(iv) Subitems (b)(i), (ii), and (iii) of this subsection must be met in each state in which the Washington employer has Washington workers working in excess of the temporary and incidental period.

Note: Workers' compensation coverage requirements vary widely among states. Washington employers should contact the regulatory agency in other states to determine the appropriate premium and coverage obligations in those states.

(c) What if a Washington employer knows the Washington workers work in another state will exceed the temporary and incidental period? If the Washington employer knows their Washington workers will be working in another state in excess of the temporary and incidental period, it must immediately provide the department with proof of out-of-state coverage in order to avoid Washington premium liability for hours worked during the temporary and incidental period.

Reminder: The temporary and incidental period applies separately to each state in which the Washington employer worked.

(d) What if a Washington employer anticipates its out-of-state work will exceed the temporary and incidental period, but it does not occur? If a Washington employer did not pay workers compensation premium to Washington during the temporary and incidental period, and at the end of the calendar year Washington workers of the Washington employer had worked fewer than thirty consecutive or non-consecutive days in another state, by the filing of the fourth quarter report, the Washington employer must file amended reports for the calendar year. The employer may be required to pay Washington premiums, penalties, and interest. The fourth quarter report is due by January 31 of the following year.

(e) What records must the employer keep while employing Washington workers in another state? In addition to filing the supplemental report of out-of-state work, the Washington employer is required to keep the same records that are kept for Washington workers working in Washing-

ton. The records are listed in WAC 296-17-35201 and must be provided at the time of audit to any authorized representative of the department who has requested them.

(f) **What reports does a Washington employer file to avoid paying Washington workers' compensation premiums when employing Washington workers in another state for work that exceeds temporary and incidental?** A Washington employer must submit the workers' compensation employer's quarterly report and a supplemental report of out-of-state work to the department for each state in which it has Washington workers performing work. The supplemental report must include the following information:

- (i) The Washington employer's unified business identification number (UBI).
- (ii) The Washington employer's department account identification number.
- (iii) The Social Security numbers for those Washington worker(s) performing work out-of-state.
- (iv) The last name, first name, and middle initial of those Washington worker(s) performing work out-of-state.
- (v) The gross payroll paid during the quarter for those Washington worker(s) performing work out-of-state.
- (vi) The Washington workers' compensation risk classification(s) that would have applied for each Washington worker performing work out-of-state.
- (vii) The total number of hours that each Washington worker performed work out-of-state during the quarter.
- (viii) In addition to completing the supplemental report of out-of-state work, the Washington employer must keep a record of all contracts awarded and worked under each state. Copies of pertinent records must be made available to auditors in the event of an audit.

(g) **Where do Washington workers file their workers' compensation claims if injured in the course of employment outside of Washington state?** Washington workers may file their claim in the state where they were injured or in Washington state.

Washington employers must inform their Washington workers of their right to file for workers' compensation benefits in Washington or the state of injury.

The cost of these claims, if accepted by the department and assigned to the Washington employer's account, will be used in the calculations that determine the employer's experience factor and the appropriate risk classification base rate.

(h) **If the Washington employer's work in another state exceeds the temporary and incidental period, may the Washington employer obtain a credit or refund for the temporary and incidental period that workers' compensation premiums were paid to Washington?** Yes, but only if the Washington employer:

- (i) Obtained workers' compensation insurance for all hours worked in the other state during the calendar year;
- (ii) Provides proof of out-of-state coverage;
- (iii) Filed the appropriate quarterly reports with the department when due; and
- (iv) Otherwise complied with all statutory and regulatory requirements of Washington state.

(9) **Special for-hire taxi/industry rules.** All for-hire vehicles must be covered for workers' compensation insur-

ance. The owner of the vehicle is responsible for the workers' compensation insurance premiums.

(a) What is the unit of exposure for taxis? Flat rate - The rate is based on two shifts, the equivalent of nine hundred sixty hours per quarter, without regard to the number of hours actually worked per shift.

Actual hours - The rate is based on per actual hour worked. For-hire vehicle owners must maintain a verifiable record of all hours worked.

(b) Can I use a flat rate for reporting some vehicles and actual hours for reporting other vehicles? Yes. Both methods of reporting are available to you. For those vehicles where you have records of activity or usage, you can report actual hours. For vehicles where these records are not available or not maintained, you must report and pay premiums on the flat rate.

(c) What happens if premiums are not paid? If the for-hire/taxi vehicle owner does not pay premiums, the department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1401 Classification 1401.

1401-01 Taxicab companies - Flat rate

Applies to establishments engaged in furnishing passenger transportation to others. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, assisting passengers in and out of the vehicle, incidental "cabulance" services which may be offered in conjunction with the taxi service (~~and maintenance/repair of the vehicle when performed by employees of an employer subject to this classification. Businesses that operate pedicab and horse drawn carriage services are included in this classification~~). This classification is for reporting taxis on a flat-rate basis. A flat rate is the equivalent of nine hundred sixty hours per quarter.

This classification excludes: Actual hours reported by for-hire establishments in classification 1404-02; maintenance/repair of the vehicle which is to be reported in 3411; establishments that operate ambulance services which are to be reported separately in classification 1405; establishments that operate cabulance and paratransit services exclusively which are to be reported separately in classification 1404; and dispatchers with no other job duties who may be reported separately in classification 4904.

Special note: Establishments that furnish only a dispatch service for taxicab drivers who own or lease their own vehicles may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met. Employees of a taxicab dispatch service who perform maintenance/repair are to be reported separately in classification 3411. See RCW 51.08.180 for the definition of "worker" to aid in determining if drivers are employees. Please also refer to the special note in classification 1404-12.

Special note: Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.

1401-02 Taxicab companies - Actual hours

Applies to establishments engaged in furnishing passenger transportation to others. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, assisting passengers in and out of the vehicle, and incidental "cabulance" services which may be offered in conjunction with the taxi service. This classification is for reporting taxis on an actual hours basis.

This classification excludes: Flat rate reported by for-hire establishments in classification 1404-01; maintenance/repair of the vehicle which is to be reported in 3411; establishments that operate ambulance services which are to be reported separately in classification 1405; establishments that operate cabulance and paratransit services exclusively which are to be reported separately in classification 1404; and dispatchers with no other job duties who may be reported separately in classification 4904.

Special note: Establishments that furnish only a dispatch service for taxicab drivers who own or lease their own vehicles may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met. Employees of a taxicab dispatch service who perform maintenance/repair are to be reported separately in classification 3411. See RCW 51.08.180 for the definition of "worker" to aid in determining if drivers are employees. Please also refer to the special note in classification 1404-12.

Special note: Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.

1401-03 Pedicab and horse drawn carriage companies

Applies to establishments engaged in furnishing passenger transportation to others using pedicab or horse-drawn carriage.

Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, and assisting passengers in and out of the vehicle. This classification also includes the care and feeding of animals while vehicle is available for transporting passengers.

Businesses using this classification report the actual hours of operation per for-hire vehicle and must maintain records that are verifiable.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1404 Classification 1404.

1404-06 Vessels, ferries, tugs, and steamboats, N.O.C.

Applies to employees not covered under federal jurisdiction, or another classification (N.O.C.), who provide services

for seaworthy vessels such as ferries, tugs, or steamboats at the docking site or on adjacent land. Vessels may operate seasonal or year-round. Employments include, but are not limited to, dock workers, maintenance workers, traffic control personnel, and night security personnel.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

1404-07 Train rides

Applies to establishments engaged in the operation of passenger excursion train rides for scenic or amusement purposes on an intrastate basis only. Excursion train rides are typically operated from a mountain, lake or similar site. The trains may operate on a seasonal basis in direct relation to the volume of tourists, weather conditions, or dates of local celebration. Employments in this classification include, but are not limited to, drivers/engineers, guides, lecturers, hostesses, and maintenance personnel. Ticket sellers may be reported separately in classification 4904 provided that they do not handle baggage and that the conditions of the standard exception general reporting rules have been met. On-board food service personnel may be reported separately in classification 3905 as long as their duties are limited to food service and they do not facilitate the train ride or train ride operation in any way.

1404-11 Escort and pilot cars

Applies to establishments that provide escort or pilot car services for others. The duties include driving ahead of, or behind, various types of vehicles.

This classification excludes employees of an employer assigned to drive escort or pilot cars in connection with the delivery of equipment, buildings, goods, or similar items which the employer sells or contracts to deliver. Such employment is to be reported separately in the classification applicable to sales or delivery of such items. For example, an escort driver employed by a common carrier transporting a modular home to a customer's site is to be reported separately in classification 1102.

1404-12 Cabulance and paratransit

Applies exclusively to establishments that provide on-demand, nonemergency transportation services to passengers with special needs. Vehicles used are usually vans that are equipped for accessibility to accommodate passengers with mobility limitations including passengers in wheelchairs or gurneys. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, assisting passengers in and out of the vehicle, and maintenance/repair of the vehicle when performed by employees of an employer subject to this classification.

This classification excludes: Cabulance services offered in conjunction with a taxi service which are to be reported separately in classification 1401, cabulance services offered in conjunction with an ambulance service which are to be reported separately in classification 1405, paratransit services offered in conjunction with a municipal bus or transit system which are to be included in classification 0803 or 1501 as appropriate, ambulance services which are to be reported sep-

arately in classification 1405, limousine drivers who are to be reported separately in classification 6301, and dispatchers with no other duties who are to be reported separately in classification 4904.

Special note: Care should be exercised in determining what type of cabulance service is being provided. This classification *is not to be* assigned when provided as an incidental part of a taxi cab service subject to classification 1401. A cabulance service as defined in this rule will need a specialized van or bus to transport passengers as opposed to a passenger automobile that is not equipped to accommodate special mobility needs(~~(, and whereby)~~). The transportation service (has been) must be prearranged.

Special note: Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

WAC 296-17A-6301 Classification 6301.

6301-00 Sales personnel: Vehicles and marine pleasure craft

Applies to sales employees of establishments engaged in selling and/or leasing new and/or used automobiles, trucks, campers, recreational vehicles, mobile homes, motorcycles or other all-terrain vehicles, or boats and other marine pleasure craft and who are not covered by another classification assigned to the employer's account. Duties contemplated by this classification are limited to sales training, test driving, showing and demonstrating vehicles, completing paper work, and arranging for delivery of purchased vehicles.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

6301-06 Instructors of driving schools

Applies to instructors of driving schools. Instructors duties include, but are not limited to, demonstrating driving techniques, and observing student drivers.

This classification excludes administrative staff and classroom instructors of driving schools who are to be reported separately in classification 6103; vehicle repair or maintenance staff who are to be reported separately in classification 3411; and high school driving instructors who are to be reported separately in classification 6104.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

6301-07 Limousine drivers

Applies to drivers of establishments engaged in providing limousine services to others. Limousine services provide luxury transportation for special occasions such as, but not limited to, birthday parties, weddings, dances, sporting events, concerts, and corporate business functions. Clients usually travel in groups from two to ten. Drivers are profes-

sionally trained chauffeurs; they generally provide services by appointment from specific locations to set destinations, and often wait with the vehicle while clients attend events. Depending on the occasion, the limousine service may also provide beverages, snacks, balloons, or flowers. Since the service is intended for luxury as opposed to meeting deadlines, the hazards of driving differ from most other professional drivers.

This classification excludes employees who repair and/or service the company's limousines who are to be reported separately in classification 3411.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

Special note: Clerical office employees may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met.

Special note: Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.

WSR 11-17-108
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 23, 2011, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-13-099.

Title of Rule and Other Identifying Information: Chapter 296-30 WAC, Rules for the administration of the crime victims compensation program, amending WAC 296-30-010 Definitions, 296-30-085 What is different about billing for a crime victim client?, 296-30-090 What are the maximum allowable fees? and 296-30-100 Will the department notify providers if a fee schedule is amended or established?; and creating WAC 296-30-087 Can a victim be billed for expenses related to their claim?

Hearing Location(s): Department of Labor and Industries, Room S117, 7273 Linderson Way S.W., Tumwater, WA 98501, on September 28, 2011, at 2:00 p.m.

Date of Intended Adoption: October 31, 2011.

Submit Written Comments to: Cletus Nnanabu, P.O. Box 44520, Olympia, WA 98504-4520, e-mail nnanabu235@lni.wa.gov, fax (360) 902-5333, by September 28, 2011.

Assistance for Persons with Disabilities: Contact Victoria Jones by September 14, 2011, at (360) 902-5341.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making will update four rules under chapter 296-30 WAC and will add one rule to be consistent with SSB 5691 (chapter 346, Laws of 2011). The updates include removal of references to Title 51 RCW, addition or clarification of some definitions,

an explanation of new medical cap, fee schedule changes, and fee schedule change notification methods.

Reasons Supporting Proposal: The updates are needed to remove references to Title 51 RCW, add or clarify some definitions, explain the new medical cap, fee schedule changes, and fee schedule change notification methods. In addition, there is a need to remove definitions for services or benefits that are no longer available and add definitions for new terminology. Without revisions, victims and their legal counsel may pursue legal remedies to obtain benefits defined in WACs but no longer authorized by the statute.

Statutory Authority for Adoption: Chapter 7.68 RCW.

Statute Being Implemented: SSB 5691 (chapter 346, Laws of 2011).

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cletus Nnanabu, Tumwater, Washington, (360) 902-5340.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is specifically exempt from the small business economic impact statement requirement because the proposed rule changes will clarify rule language without changing its effect (see RCW 19.85.-025 referencing RCW 34.05.310 (4)(d)).

A cost-benefit analysis is not required under RCW 34.05.328. This rule is specifically exempt from the cost-benefit analysis requirement because the proposed rule changes will clarify rule language without changing its effect (see RCW 34.05.328 (5)(b)(iv)).

August 23, 2011

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 01-22-105, filed 11/7/01, effective 12/8/01)

WAC 296-30-010 Definitions. The following definitions are used to administer the crime victims compensation program:

Acceptance, accepted condition: A determination by the department that the diagnosis of the claimant's medical or mental health condition is the result of the criminal act. The condition being accepted must be specified by one or more diagnostic codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM), or the Diagnostic and Statistical Manual of Mental Disorders (DSM).

Authorization: Notification by a qualified representative of the department that specific treatment, services or equipment provided for the accepted condition is allowable under the claim. Providers must (~~insure they~~) maintain records (~~indicating the name of the qualified representative~~) naming the claim manager who authorizes treatment, services or equipment.

Bodily injury: Any harmful or offensive touching, including severe emotional distress where no touching takes place when:

- (1) The victim **is not** the object of the criminal act and:
 - (a) The distress is intentionally or recklessly inflicted by extreme or outrageous conduct;
 - (b) Caused the victim to have a reasonable apprehension of imminent bodily harm; and
 - (c) The victim is in the immediate vicinity at the time of the criminal act.
- (2) The victim **is** the object of the criminal act and:
 - (a) The distress is intentionally or recklessly inflicted by extreme or outrageous conduct; and
 - (b) Caused the victim to have a reasonable apprehension of imminent bodily harm.

Claimant: A victim who submits an application for benefits, or on whose behalf an application is submitted.

Consultation: The services rendered by a (~~mental~~) health care provider whose opinion or advice is requested by the (~~attending~~) (~~treating~~) (~~mental health~~) provider, (~~or agency~~), or by the department, in the evaluation and/or treatment of a claimant. Case management or case staffing does not constitute a consultation.

Criminal act: An act defined in RCW 7.68.020, the occurrence of which can be verified by the department or which is reasonably credible. Physically impossible acts, highly improbable acts for which verification is not available, or unverified memories of acts occurring prior to the age of two will not be accepted as reasonably credible. In evaluating evidence to determine verification of claimed criminal acts, the department will give greater weight to the quality, than to the quantity, of evidence. Evidence that can be considered for verification of claimed criminal acts includes, but is not limited to, one or more of the following:

- (1) Police or other investigation reports.
- (2) Child protective services or other government agency reports.
- (3) Diaries or journals kept by victims and others.
- (4) Third party reports from school counselors, therapists and others.
- (5) Current medical examinations.
- (6) Medical or psychological forensic evaluations. In the absence of other adequate forensic evaluation reports, independent assessments per WAC 296-31-069 may be conducted when indicated.
- (7) Legal and historical reports.
- (8) Current and past medical and mental health records.
- (9) Reports of interviews with the victim's family members, friends, acquaintances and others who may have knowledge of pertinent facts. When such interviews are necessary to determine eligibility, the victim will be given the choice of whether to allow the interviews to be conducted. The victim will also be given the understanding that eligibility may be denied if the interviews are not conducted. The department will act according to the victim's choice.

Crisis intervention: Therapy to alleviate the claimant's most pressing problems. The vital mental and safety functions of the claimant are stabilized by providing support, structure and, if necessary, restraint.

~~(Disability awards for mental health conditions: Direct monetary compensation that may be provided to an eligible claimant who is either temporarily totally disabled,~~

~~permanently totally disabled, or permanently partially disabled resulting from an accepted condition.))~~

Evidence-based and curative treatment: Treatment practices, interventions and services that are supported by empirically based research and shown to produce consistent and effective outcomes.

Family therapy: Therapy involving one or more members of the claimant's family, excluding the perpetrator, which centers on issues resulting from the claimant's sexual assault pursuant to WAC 296-30-080.

Group therapy: Therapy involving the claimant, and one or more clients who are not related to the claimant, which includes issues related to the claimant's condition and pertinent to other group members.

Immediate family members: Any claimant's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family unit.

Individual therapy: Therapy provided on a one-to-one basis between a ~~((therapist))~~ provider and client.

Lost wage certification: Documentation from a treating provider based on objective medical evidence stating the claimant is not able to work based on the effects of the crime injury.

Mental health provider: Any person, firm, corporation, partnership, association, agency, institution, or other entity providing any kind of mental health services related to the treatment of a claimant. This includes, but is not limited to, hospitals, psychiatrists, psychologists, advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, registered and/or licensed master level counselors, and other qualified service providers licensed, registered and/or certified with the department of health and registered with the crime victims compensation program. (Refer to WAC 296-31-030 for specific details.)

~~((Permanent partial disability: Any anatomic or functional loss after maximum recovery has been achieved. When the attending provider has reason to believe a permanent functional loss exists, the department should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200, et al. Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors. Maximum benefit levels are established by statute.~~

Permanent total disability (pension): A condition permanently incapacitating a claimant from performing work at any gainful employment. Maximum benefit levels are established by statute.))

Payer of last resort: The crime victims compensation program pays after all other public or private insurance programs, up to our fee schedule.

Proper and necessary: ~~((+))~~ Proper and necessary services for the diagnosis or rehabilitative treatment of an accepted condition~~((:))~~;

~~((2))~~ (1) Reflective of accepted standards of good practice within the scope of the provider's license, certification, or registration;

~~((3))~~ (2) Not delivered primarily for the convenience of the claimant, the claimant's attending provider, or another provider;

~~((4))~~ (3) Curative or rehabilitative care that produces long lasting changes which reduces the effects of the accepted condition;

~~((5))~~ (4) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition; and

~~((6))~~ (5) Concluded once a claimant has reached a state of maximum improvement. Maximum improvement occurs when no fundamental or marked change in an accepted condition can be expected with or without treatment. A claimant's condition may have reached maximum improvement though it might be expected to improve or deteriorate with the passage of time. Once a claimant's condition has reached maximum improvement, treatment that results only in temporary changes is not proper and necessary. Maximum improvement is equivalent to fixed and stable.

Reasonable cooperation: The victim is able to talk to the police and give information to help in the investigation and prosecution of the alleged offender. There may be circumstances in which the victim is not able to fully cooperate. In these instances, consideration is given to the needs of the victim. The department may consider the following issues. The list is not inclusive:

- (1) There is fear of retribution from the offender;
- (2) There is a mental or physical condition which inhibits cooperation;
- (3) The victim is dependent upon the offender for support;
- (4) The victim is a minor.

~~((Temporary partial disability (loss of earning power): Partial time loss compensation may be paid when the claimant can return to work on a limited basis, or return to a lesser paying job is necessitated by the accepted condition. The claimant must have a reduction in wages of at least five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the claimant's condition is stationary. All time loss compensation must be certified by the attending provider based on objective findings.~~

Temporary total disability (time loss compensation): Time loss compensation may be paid when the claimant is temporarily unable to return to reasonable continuous gainful employment as a direct result of an accepted condition. Maximum benefit levels are established by statute.))

Termination of treatment: Treatment is concluded when ~~((treatment))~~ it is no longer ~~((required))~~ curative because the accepted condition for which the claim was allowed has become stable. The provider ~~((should))~~ shall submit a report indicating the date the condition became stable to the department. ~~((The claimant may require continued treatment for conditions not related to the crime injury condition; however, financial responsibility for such care must be the claimants.))~~

The result of: The test used to define "the result of" used in RCW ((7-68-070(3))) 7.68.060(2)(a) is two-pronged. First, it must be determined that cause in fact exists, and second, it must then be determined that proximate cause exists.

(1) Cause in fact exists if "but for" the acts of the victim the crime that produced the injury would not have occurred.

(2) Proximate cause exists if, once cause in fact is found, it is determined that the acts of the victim:

- (a) Resulted in a foreseeable injury to the victim;
- (b) Played a substantial role in the injury; and
- (c) Were the direct cause of the injury.

~~((Time loss certification: Documentation from a physician, or mental health professional qualified to treat under the Crime Victims Act, based upon objective findings which are specific symptoms that an accepted condition of a claimant either partially or totally incapacitates the claimant from returning to work.))~~

Treating provider: A person licensed to practice one or more of the following professions: Medicine and surgery, osteopathic medicine and surgery, chiropractic naturopathic physician, podiatry, dentistry, optometry, advanced registered nurse practitioner (ARNP), mental health therapists, and certified medical physician assistants or osteopathic physician assistants. A treating provider actively treats an injured or ill claimant.

Unjustly enriched: It would not be fair or equitable justice to allow a person to obtain, or have control of, or access to benefits or compensation paid to a victim of crime.

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-085 What is different about billing for a crime victim ~~((client))~~ claimant? (1) Providers must qualify as approved providers and register with the crime victims compensation program before they are authorized to provide treatment and receive payment. To register with the crime victims compensation program, you must send us:

- (a) A completed provider application and Form W-9.
- (b) A legible copy of your professional license, certification and/or registration.
- (c) Ph.D.s not licensed as psychologists and master level counselors must provide a legible copy of their degree.

(2) Providers must determine if any public or private insurance benefits are available before billing the department. ~~((Available))~~ Public or private insurance must be billed first and a copy of the insurance explanation of benefits must be attached to billings submitted to the department. All copayments, deductibles or out-of-pocket expenses not covered by primary insurance should be included in your billings to the department.

(3) ~~((A client must not be billed for treatment of his or her accepted condition. All copayments, deductibles or out of pocket expenses not covered by primary insurance should be included in your billings to the department.~~

EXCEPTION: A provider may require the client to pay for treatment if the client's eligibility is in question (e.g., when an investigation or claim determination is pending). If the claim is subsequently allowed, the provider must refund the client in full and bill us at their usual and

customary fees if such rates are in excess of the public or private insurance entitlements.

~~(4))~~ On claims closed over ninety days, and the maximum benefit has not been reached, we will pay up to the maximum benefit for completion of a reopening application, an office visit, and diagnostic studies necessary to complete the application. No other benefits will be paid until the reopening decision is made. If the reopening application is approved, we can pay benefits for a period not to exceed sixty days prior to the date the reopening application was received by us.

NEW SECTION

WAC 296-30-087 Can a victim be billed for expenses related to their claim? (1) If claim costs are under fifty thousand dollars, the claimant should not pay any expenses relating to an allowed claim. Providers must bill the claimant's public or private insurance first, and then bill the department.

EXCEPTION: A provider may require the claimant to pay for treatment if the claimant's eligibility is pending. If benefits are authorized, and payable by the department, the provider must refund the claimant in full.

(2) If claim costs exceed fifty thousand dollars, the claimant is responsible for expenses.

AMENDATORY SECTION (Amending WSR 05-16-096, filed 8/2/05, effective 9/2/05)

WAC 296-30-090 What are the maximum allowable fees? (1) Maximum allowable fees for medical and mental health services ~~((are)), that are not hospital inpatient or outpatient services, are a percentage of those fees ((established by the department of labor and industries for the crime victims compensation program)) published in the medical aid rules and fee schedules~~, less any available benefits of public or private insurance.

EXCEPTION: If any ~~of the percentage~~ of the maximum allowable fees ~~((established by the department of labor and industries for the crime victims compensation program)) in the medical aid rules and fee schedules~~, are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

(2) The percent of allowed charges for authorized ~~((for))~~ hospital inpatient and outpatient services billed by revenue codes are those rates established by the department ~~((of social and health services under Title 74 RCW and WAC 388-550-4500(1)(a) and 388-550-6000(1)(a) less any available benefits of public or private insurance))~~. If the maximum allowable fees for hospital inpatient or outpatient services is lower than the maximum allowable fees for those procedures established under Title 74 RCW for the ratio of costs to charges (RCC) rate, the department will use the RCC rate as the percent of allowed charges for hospital inpatient and outpatient services, regardless of whether the hospital is diagnosis related group (DRG) exempt.

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-100 Will the department notify providers if a fee schedule is amended or established? ~~((We will give you))~~ Our web site will be updated at least thirty days in advance ~~((notice by mail))~~ when we amend or establish a fee schedule.

WSR 11-17-114

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 23, 2011, 10:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-11-060.

Title of Rule and Other Identifying Information: Chapter 308-330 WAC, the model traffic ordinance.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on September 27, 2011, at 3:00 p.m.

Date of Intended Adoption: September 28, 2011.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by September 26, 2011.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by June [September] 21, 2010 [2011], TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend portions of the model traffic ordinance, WAC 308-330-197, 308-330-200, 308-330-300, 308-330-305, 308-330-425, 308-330-464 and 308-330-700, to incorporate statutory changes in the 2010 and 2011 legislative sessions.

Reasons Supporting Proposal: The department is required to adopt a model traffic ordinance for use by any city, town, or county under the provisions of RCW 46.90-010.

Statutory Authority for Adoption: RCW 46.90.010.

Statute Being Implemented: RCW 46.90.010.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Doron Maniece, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

August 23, 2011

Ben T. Shomshor

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-18-058, filed 8/30/10, effective 9/30/10)

WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW ~~((46.09.020, 46.09.040, 46.09.050, 46.09.085, 46.09.115, 46.09.117, 46.09.120, 46.09.130, 46.09.140, 46.09.180, and 46.09.190))~~ 46.09.310, 46.09.330, 46.09.350, 46.09.360, 46.09.420, 46.09.440, 46.09.450, 46.09.460, 46.09.470, 46.09.480, and 46.09.490.

AMENDATORY SECTION (Amending WSR 97-10-068, filed 5/5/97, effective 6/5/97)

WAC 308-330-200 RCW sections adopted—Snowmobiles. The following sections of the Revised Code of Washington (RCW) pertaining to snowmobiles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW ~~((46.10.010, 46.10.020, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.140, and 46.10.190))~~ 46.10.300, 46.10.310, 46.10.330, 46.10.460, 46.10.470, 46.10.480, 46.10.490, 46.10.495, and 46.10.500.

AMENDATORY SECTION (Amending WSR 99-04-070, filed 2/1/99, effective 3/4/99)

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registration. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW ~~((46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.103, 46.12.160, 46.12.210, 46.12.215, 46.12.220, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380))~~ 46.12.550, 46.12.590, 46.12.600, 46.12.635, 46.12.650, 46.12.655, 46.12.660, 46.12.720, 46.12.725, 46.12.730, 46.12.735, 46.12.740, 46.12.745, 46.12.750, and 46.12.755.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 04-18-061, filed 8/27/04, effective 9/27/04)

WAC 308-330-305 RCW sections adopted—Vehicle licenses. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW (~~46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140, 46.16.145, 46.16.160, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.30901, 46.16.30903, 46.16.30905, 46.16.316, 46.16.350, 46.16.381, 46.16.385, 46.16.390, 46.16.500, 46.16.505, 46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680~~) 46.12.695, 46.16A.030, 46.16A.140, 46.16A.160, 46.16A.175, 46.16A.180, 46.16A.200, 46.16A.320, 46.16A.350, 46.16A.405, 46.16A.420, 46.16A.425, 46.16A.450, 46.16A.500, 46.16A.520, 46.16A.530, 46.16A.540, 46.16A.545, 46.18.200, 46.18.205, 46.18.215, 46.18.220, 46.18.235, 46.18.275, 46.18.277, 46.18.285, 46.19.050, and 46.19.070.

AMENDATORY SECTION (Amending WSR 99-04-070, filed 2/1/99, effective 3/4/99)

WAC 308-330-425 RCW sections adopted—Reckless driving, negligent driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.503, 46.61.504, 46.61.5054, 46.61.5055, 46.61.50571, 46.61.5058, 46.61.506, 46.61.513, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.5249, 46.61.525, 46.61.527, 46.61.530, 46.61.535, 2011 c 372 s 1, and 46.61.540.

AMENDATORY SECTION (Amending WSR 10-18-058, filed 8/30/10, effective 9/30/10)

WAC 308-330-464 RCW sections adopted—Operation and restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.667, 46.61.668, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, 46.61.723, 46.61.725, 46.61.730, 46.61.735, 2011 c 121 s 2, 2011 c 121 s 4, and 46.61.740.

AMENDATORY SECTION (Amending WSR 10-18-058, filed 8/30/10, effective 9/30/10)

WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions. The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.073, 46.63.075, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, 46.63.151, 46.63.160, 2011 c 375 s 2, and 46.63.170.

WSR 11-17-117

PROPOSED RULES

BENTON CLEAN AIR AGENCY

[Filed August 23, 2011, 1:31 p.m.]

Original Notice.

Proposal is exempt under RCW 70.94.141.

Title of Rule and Other Identifying Information: Regulation 1, the changes are primarily housekeeping items such as updating outdated references to WACs and/or RCWs. Also, making the document easier to read and clarifying language, updating agency name per board approval in 2007.

Hearing Location(s): Benton Clean Air Agency, 526 South Clodfelter Road, Kennewick, WA 99336, on October 27, 2011, 5:00 p.m.

Date of Intended Adoption: October 27, 2011, or later.

Submit Written Comments to: Sherrie Bowers, 526 South Clodfelter Road, Kennewick, WA 99336, e-mail sbow@bcaa.net, fax (509) 783-1304, by October 10, 2011.

Assistance for Persons with Disabilities: Contact 711 relay, or contact Sherrie Bowers, [see] above.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes are primarily housekeeping items such as:

- Updating outdated references to WACs and/or RCWs.
- Aligning language with the current RCWs and WACs.
- Making the document easier to read and clarifying language, including clarifying definitions.
- Updating agricultural burning rule and fees per changes already made to the WAC.
- Updating agency name change.

Reasons Supporting Proposal: Current rules are out of date with the WAC and have incorrect references.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: Benton Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robin Priddy, 526 South Clodfelter, Kennewick, (509) 783-1304.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed changes [changes] strictly clarify existing regulation[s] and correct out of date references to RCWs and WACs, and align language with WAC changes in 2010.

A cost-benefit analysis is not required under RCW 34.05.328. Proposed changes [changes] strictly clarify existing regulation[s] and correct out of date references to RCWs and WACs, and align language with WAC changes in 2010.

July 5, 2011
Robin Priddy
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 11-18 issue of the Register.

WSR 11-17-132
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 24, 2011, 8:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-14-115.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-478-0005 Cash assistance need and payment standards and grant maximum.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on September 27, 2011, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 28, 2011.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on September 27, 2011.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by September 6, 2011, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to reduce the cash assistance grant maximum to \$726.

The proposal will impact households with more than five members.

Reasons Supporting Proposal: These changes are necessary to comply with the department's appropriation for the 2011-2013 biennium, per RCW 34.05.350 as amended by ESSB [EHB 1248 and as documented in the 2011-2013 TANF/WorkFirst spending plan.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08A.100, 74.04.770, and 74.08.-090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08A.100, 74.04.770, and 74.08.090.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sandy Jsames, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4648.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. The proposed rule is necessary to comply with the department's appropriation for the 2011-2013 biennium, per RCW 34.05.-350 as amended by ESSB [EHB] 1248 and as documented in the 2011-2013 TANF/WorkFirst spending plan.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule reduces the cash assistance grant maximum to \$726 and affects households with more than five members.

August 22, 2011
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-21-134, filed 10/20/08, effective 10/28/08)

WAC 388-478-0005 Cash assistance need and payment standards and grant maximum. (1) Need standards for cash assistance programs represent the amount of income required by individuals and families to maintain a minimum and adequate standard of living. Need standards are based on assistance unit size and include basic requirements for food, clothing, shelter, energy costs, transportation, household maintenance and operations, personal maintenance, and necessary incidentals.

(2) Payment standards for assistance units in medical institutions and other facilities are based on the need for clothing, personal maintenance, and necessary incidentals (see WAC 388-478-0040 and 388-478-0045).

(3) Need and payment standards for persons and families who do not reside in medical institutions and other facilities are based on their obligation to pay for shelter.

(a) Eligibility and benefit levels for persons and families who meet the requirements in WAC 388-478-0010 are determined using standards for assistance units with an obligation to pay shelter costs.

(b) Eligibility and benefit levels for all other persons and families are determined using standards for assistance units who have shelter provided at no cost.

(c) For recent arrivals to Washington state who apply for temporary assistance for needy families (TANF), see WAC 388-468-0005.

(4) Effective May 1, 2011, the monthly cash assistance grant for an assistance unit (~~containing eight or more persons~~) cannot exceed (~~the grant maximum payment standard for a family of eight listed in WAC 388-478-0020(1)~~) seven hundred and twenty-six dollars.

WSR 11-17-134
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services)

[Filed August 24, 2011, 8:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-13-094.

Title of Rule and Other Identifying Information: The department intends to amend WAC 388-78A-2020 Definitions, 388-78A-2030 Applicability, 388-78A-2130 Service agreement planning, 388-78A-2461 Background check—General, 388-78A-2467 Background check—Sharing by health care facilities, 388-78A-2474 Training and home care aide certification, 388-78A-2750 Application process, 388-78A-2780 Change in license/change of ownership—Notice to department and residents, 388-78A-2800 Changes in licensed bed capacity, 388-78A-3230 Fees, and other related rules as appropriate.

The department intends to add WAC 388-78A-2032 Boarding home license not required and 388-78A-2035 Disclosure statement to nonresident individuals.

The department intends to repeal WAC 388-78A-2463 Background check—National fingerprint checks—Who is required to have.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on October 11, 2011, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 12, 2011.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 11, 2011.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by September 27, 2011, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending these rules as a result of legislative activity during session and to be consistent with newly passed state laws: SSB 5042 Vulnerable adults protection, ESHB 1277 Over-

sight of licensed or certified long-term care settings for vulnerable adults; ESHB 1548 Long-term care worker requirement; ESSB 5708 Long-term care services; and 2ESSB [2E2SHB] 1738 Changing the designation of medicaid state agency.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: Chapter 18.20 RCW.
Statute Being Implemented: Chapter 18.20 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Judy Johnson, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2591; Implementation and Enforcement: Lori Melchiori, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2404.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3), a small business economic impact statement is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or regulations.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b), a cost-benefit analysis is not required for rules adopting or incorporating, by reference without material change, Washington state statutes [statutes] or regulations.

August 18, 2011
Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 11-18 issue of the Register.

WSR 11-17-138
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed August 24, 2011, 9:04 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: Mint, chapter 16-540 WAC, the Washington state mint commission.

Hearing Location(s): Benton PUD, 2721 West 10th Avenue, Kennewick, WA 99337, on October 5, 2011, at 1:00 p.m.

Date of Intended Adoption: December 30, 2011.

Submit Written Comments to: Kelly Frost, P.O. Box 42560, Olympia, WA 98504-2560, e-mail kfrost@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m., October 7, 2011.

Assistance for Persons with Disabilities: Contact WSDA receptionist by September 28, 2011, TTY 1-800-833-6388 or (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state mint commission has petitioned the director to amend

its marketing order, specifically WAC 16-540-040 Assessments and collections. The proposal would increase the annual assessment on all varieties of mint oil subject to the marketing order from five to nine cents per pound of oil as weighed by first purchaser. Any increase in assessment must be approved by referendum vote of affected producers and would become effective July 1, 2012.

Reasons Supporting Proposal: Although the current rate of assessment has been in place for several years, increased costs have historically been offset by increased demand for Washington-grown mint. This has changed and the industry has seen a gradual loss of demand for mint oil produced in Washington state giving way to foreign produced oil, primarily from India and China. Even with this decline, Washington continues to be the nation's leading producer of both spearmint and peppermint oil and has the nation's most progressive and vibrant mint research program. Increasing the rate of assessment will ensure necessary research programs continue to be funded and the commission is able to maintain basic operations necessary to realize the purposes of the marketing order.

Statutory Authority for Adoption: RCW 15.65.050, chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

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

Name of Proponent: Washington state mint commission, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Frost, Olympia, Washington, (360) 902-1802; Implementation and Enforcement: Washington mint commission, Kennewick, Washington, (509) 585-5460.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In accordance with RCW 15.65.570, the adoption of the final amendments to chapter 16-540 WAC will be determined by a referendum vote of affected parties.

A cost-benefit analysis is not required under RCW 34.05.328. The department of agriculture and the Washington mint commission are not named agencies in RCW 34.05.-328 (5)(a)(i).

August 24, 2011
Dan Newhouse
Director

AMENDATORY SECTION (Amending WSR 05-09-013, filed 4/8/05, effective 5/9/05)

WAC 16-540-040 Assessments and collections. (1) Assessments.

(a) The fixed annual assessment on all varieties of mint oil subject to this marketing order shall be five cents per pound of oil as weighed by first purchaser until June 30, 2012. Effective July 1, 2012, the fixed annual assessment shall be nine cents per pound of oil as weighed by first purchaser.

(b) First purchasers shall collect assessments at time of payment for oil, from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board. Producers and producer-handlers

who ship their oil direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of this order during or with respect to any season or year may be refunded on a pro rata basis at the close of the season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of the marketing order to all persons from whom moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate the policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and this order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of the assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the unpaid assessment to defray the cost of enforcing the collecting of it. In the event of failure of a person or persons to pay any due and payable assessment or other sum, the board may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 11-17-139

PROPOSED RULES

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 24, 2011, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-14-107.

Title of Rule and Other Identifying Information: Amending WAC 220-55-040 Recreational license, tag, permit, and stamp refunds and exchanges, 220-55-115 Recreational license dealer's fees, 220-55-180 Point of sale transaction fee, 220-55-200 Duplicate license fees, and 232-12-168 Fishing contests.

Repealing WAC 220-55-120 Recreational licenses, stamps and tags—Inventory return, 220-55-132 Migratory bird validations and stamps, and 220-55-175 Special license application for permanent annual combination licenses.

Hearing Location(s): Natural Resources Building, Conference Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on October 7-8, 2011, at 8:30 a.m.

Date of Intended Adoption: October 7-8, 2011.

Submit Written Comments to: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North,

Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2162, by September 15, 2011.

Assistance for Persons with Disabilities: Contact Susan Yeager by October 3, 2011, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal updates the rules regarding issuing licenses by the department and eliminates those rules that are no longer applicable.

Reasons Supporting Proposal: Provides clarification of licensing regulations and updates rules to make them consistent with changes made by the legislature, earlier this year, as related to fish and wildlife licensing requirements.

Statutory Authority for Adoption: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092.

Statute Being Implemented: RCW 77.08.045, 77.12.-170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092.

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

Name of Proponent: Washington fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Nate Pamplin, Natural Resources Building, Olympia, (360) 902-2693; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule amendments are to implement recent changes to statutes made by the 2011 legislature. They will have very minimal impact to vendors who sell fishing and hunting licenses. A copy of the statement may be obtained by contacting Wildlife Program Administrative Division, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These are not hydraulics rules.

August 24, 2011

Lori Preuss

Rules Coordinator

AMENDATORY SECTION (Amending Order 06-73, filed 4/11/06, effective 5/12/06)

WAC 220-55-040 Recreational license, tag, permit, and stamp refunds and exchanges. (1) For purposes of this section:

(a) "Refund" means the return of money received for a license, stamp, tag, or permit purchase. Refunds may be made by license dealers or the department licensing office in Olympia.

(b) "Exchange" means the surrendering of a transport tag (such as archery deer or Eastern Washington elk archery) and the reissuing of a different transport tag (such as muzzle-loader deer or Western Washington muzzleloader elk).

(2) Refunds will be made for the following:

(a) A license purchaser can obtain a refund from a license dealer for sixty minutes after the purchase of the license if a clerical error is made or the dealer issues the wrong license. License dealers can correct clerical errors after sixty minutes, but may not refund license purchases.

(b) A license purchaser can obtain a refund from the Olympia office of the department at any time during the licensing year if a document has been issued in error, and the error was not caused by the purchaser.

(c) A license purchaser can obtain a refund from the Olympia office of the department if the purchase of a second license was made on behalf of the licensee by someone other than the licensee.

(d) A license purchaser can obtain a refund from Olympia if the licensee qualifies for a reduced fee license, but the refund amount will be the difference between the license purchased and the reduced fee license.

(e) A license purchaser who is active duty military and is transferred or otherwise obligated and unable to use a license can obtain a refund from Olympia after providing documentation, provided that the request for refund is made prior to the opening of the applicable general hunting season.

(f) A license purchaser who is hospitalized or severely injured and provides a physician's statement that the person was incapable of participating in hunting can obtain a refund from Olympia after providing documentation, provided that the request for refund is made prior to the opening of the applicable general hunting season.

(g) The personal representative of a deceased license purchaser, who dies prior to the opening of the applicable general hunting season, can obtain a refund from Olympia after providing documentation of the death of the purchaser.

(3) Except as otherwise provided, refunds will not be made for the following:

(a) The department will not refund any recreational license or permit purchase for which a season or hunt has been scheduled, and the licensee could have participated in the season or hunt, regardless of whether the licensee did in fact participate or a permit could have been used, regardless of whether the person used the permit.

(b) The department will not refund purchases of raffle tickets(;) or special hunt permit applications (~~or collector bird stamps~~).

(4) Transport tag exchanges will be allowed for the following:

(a) The season for which the tag was issued has not opened, and the hunter wishes to exchange the tag for a different area or a different weapon type.

(b) The hunter has killed an animal that is unfit for human consumption and the department has authorized issuance of an exchange tag.

(c) The tag was issued in error((:)) and the error was not caused by the person applying for the tag. There must be evidence that an error was made and what caused the error.

(5) Transport tag exchanges will not be allowed for the following:

(a) It is unlawful to exchange a big game transport tag ((during or)) after the submission date has passed for a drawing for a special hunting season permit ((has occurred)), if the drawing requires the hunter to have the big game transport tag. Special permit applications for ghost hunts are not applicable to this subsection.

(b) It is unlawful to exchange a big game transport tag after the opening of the season for the tag is valid.

(c) Violation of this subsection is punishable under RCW 77.15.410 Unlawful hunting of big game.

AMENDATORY SECTION (Amending Order 10-94, filed 4/30/10, effective 5/31/10)

WAC 220-55-115 Recreational license dealer's fees.

License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A two-day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.
- (g) A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.

(3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.

(4) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.

(5) Two dollars for the issuance of a discover pass.

(6) Fifty cents for the issuance of any of the following:

(a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.

(b) ~~((A state of Washington migratory bird stamp.~~

~~((e))) A Western Washington pheasant permit.~~

~~((d))) (c) An application for a special permit hunt.~~

~~((e))) (d) A migratory bird hunting authorization (including harvest report card).~~

~~((f))) (e) A replacement of substitute special hunting season permit.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-55-120 Recreational licenses, stamps and tags—Inventory return.

WAC 220-55-132 Migratory bird validations and stamps.

WAC 220-55-175 Special license application for permanent annual combination licenses.

AMENDATORY SECTION (Amending Order 05-273, filed 12/9/05, effective 1/9/06)

WAC 220-55-180 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational and commercial documents. The transaction fee shall be ten percent of the value of the document transaction, excluding any applicable dealer fees ~~((except through June 30, 2007, the transaction fee shall be nine and one-half percent of the value of the document transaction, excluding any applicable dealer fee))~~.

AMENDATORY SECTION (Amending Order 02-153, filed 7/11/02, effective 8/11/02)

WAC 220-55-200 Duplicate license fees. (1) The cost of a duplicate license document is seven dollars, plus the automated licensing system processing fee and dealer fee, unless the cost of all licenses on the original license document was less than seven dollars, then the license document cost is the same as the original cost, plus the automated licensing system processing fee and dealer fee. The duplicate license document shall contain all licenses purchased at the time the original license document was issued, including a migratory waterfowl ~~((validation))~~ permit if such ~~((validation))~~ permit was purchased, but shall not include any game tags issued with the original license.

(2) The cost of a duplicate game tag is seven dollars per game tag, plus the automated licensing system processing fee and the dealer fee.

(3) The department will not issue duplicate two-day fishing licenses issued as a charter stamp, ~~((duplicate collector migratory waterfowl stamps,))~~ duplicate additional access decals, or duplicate game raffle tickets.

AMENDATORY SECTION (Amending Order 09-27, filed 2/25/09, effective 5/1/09)

WAC 232-12-168 Fishing contests. (1) Contest defined: By definition, a fishing contest exists when 6 or more licensed persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submitted to the department by July 1 of each year for contests that

are to take place the following calendar year. After July 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.65.480. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. ~~((The fee is \$24 per permit.))~~

(c) For purposes of application for a fishing contest permit, "permittee" means a "person" as defined in RCW 77.08.010. All applications from a permittee must be in a single name.

(3) Approval:

(a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, wild steelhead, Dolly Varden or bull trout.

(c) During fishing contests, where anglers target tiger muskies, no retention of caught fish is allowed. Tiger muskies may be caught, measured for length, photographed and all fish must be immediately released alive.

(4) Prize value: Total prize value per contest will not exceed \$5,000 when trout, steelhead, char, whitefish, grayling, tiger muskie, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests for bass and walleye where participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than four consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	BOATS PER CONTEST DAY
Less than 300	1	15
301 - 3,000	1	35
3,001 - 6,000	2	75
6,001 - 10,000	2	120
More than 10,000	3	250

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit and result in denial of fishing contest permits to the permittee and related organizations or individuals sponsoring contests for two years.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials.

(b) During bass and walleye contests only, participants may continue to fish while holding up to five fish in possession, as long as one fish is released immediately upon catching a fish which would make the angler in excess of five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than five fish in the livewell.

(c) During bass contests, contestants may not use live bait.

(d) During bass and walleye contests participants may retain up to five bass and walleye of any size to be weighed in. A tournament angler may not be in possession of more than five bass or walleye from the water being fished, except as authorized under (6)(e) below.

(e) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(f) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Aquatic invasive species decontamination. Prior to launching into any Washington state body of water:

(a) All contest participants are required to sign an aquatic invasive species decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters outside of Washington state for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters, the participant must complete an aquatic invasive species decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, according to criteria established by the department; and

(ii) Any aquatic invasive species, if found, have been disposed of in a garbage container; and

(iii) The hull, motor, trailer, livewell, and bilge have been decontaminated according to criteria established by the department.

(b) The aquatic invasive species decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

WSR 11-17-142
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed August 24, 2011, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-14-050.

Title of Rule and Other Identifying Information: Amending WAC 314-11-015 What are my responsibilities as a liquor licensee?

Hearing Location(s): Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Lacey, WA 98504, on October 12, 2011, at 10:00 a.m.

Date of Intended Adoption: October 26, 2011.

Submit Written Comments to: Karen McCall, P.O. Box 43080, Olympia, WA 98504, e-mail rules@liq.wa.gov, fax (360) 664-9869, by October 12, 2011.

Assistance for Persons with Disabilities: Contact Karen McCall by October 12, 2011, (360) 664-1631.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: At the request of stakeholders, the board revised WAC 314-11-015 to allow entertainers to drink while performing at a liquor licensed premises. This change will make Washington state consistent with most other states and allow licensees to choose from a larger group of entertainers to perform at their venues.

Reasons Supporting Proposal: The existing rule was archaic and difficult for liquor licensees to enforce. Entertainers are allowed to drink while performing in other states and always assumed it was allowed in Washington as well.

Statutory Authority for Adoption: RCW 66.08.030.

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

Name of Proponent: Washington state liquor control board, governmental.

Name of Agency Personnel Responsible for Drafting: Karen McCall, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1631; Implementation and Enforcement: Pat Parmer, Chief of Enforcement, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1726.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal has a positive impact on businesses or individuals that have entertainers performing at their liquor licensed premises.

A cost-benefit analysis is not required under RCW 34.05.328.

August 24, 2011

Sharon Foster

Chairman

AMENDATORY SECTION (Amending WSR 10-01-090, filed 12/16/09, effective 1/16/10)

WAC 314-11-015 What are my responsibilities as a liquor licensee? (1)(a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(b) The penalties for violations of liquor laws or rules are in: WAC 314-29-015 through 314-29-035, as now or hereafter amended, for licensees; and WAC 314-17-105 and 314-17-110, as now or hereafter amended, for employees who hold mandatory alcohol server training permits. These rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee violates a liquor law or rule.

(2) Licensees and their employees also have the responsibility to conduct the licensed premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Titles 70.155, 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

(a) Be disorderly or apparently intoxicated on the licensed premises;

(b) Permit any disorderly person to remain on the licensed premises;

(c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;

(d) Consume liquor of any kind while working on the licensed premises; except that:

(i) Entertainers per WAC 314-02-010 may drink while performing under the following conditions:

(A) Alcohol service must be monitored by MAST servers;

(B) Drinks must be served in nondescript containers;

(C) Entertainers may not advertise any alcohol brands or products;

(D) Entertainers may not promote drink specials; and

(E) All entertainers performing as a group must be twenty-one years of age or older or no alcohol may be consumed by any entertainer while performing.

(ii) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is

not served, so long as the licensee or employee does not become apparently intoxicated;

((+)) (iii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW; or

(f) Sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose;

(b) Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

WSR 11-17-146
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Consumer Services)
[Filed August 24, 2011, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-14-123.

Title of Rule and Other Identifying Information: Amendment to chapter 208-660 WAC implementing the Mortgage Broker Practices Act, chapter 19.146 RCW.

Hearing Location(s): Washington Department of Financial Institutions, 150 Israel Road S.W., Room 319, Tumwater, WA 98501, on September 27, 2011, at 1:00 - 3:00 p.m.

Date of Intended Adoption: October 25, 2011.

Submit Written Comments to: Elizabeth Hampton, 150 Israel Road S.W., Tumwater, WA 98501, P.O. Box 41200, Olympia, WA 98504, e-mail elizabeth.hampton@dfi.wa.gov, fax (360) 586-5068, by September 27, 2011.

Assistance for Persons with Disabilities: Contact Elizabeth Hampton by September 20, 2011, TTY (360) 664-8126 or (360) 902-8793.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules for renewal must be amended to require that renewal candidates

continue to meet the same standards as those required at the initial licensing.

Reasons Supporting Proposal: Without this amendment, a renewal candidate may renew without meeting the stricter initial licensing requirements. Renewing under lesser standards creates a public safety concern.

This rule making falls under OFM Guideline 3.d.

Statutory Authority for Adoption: Chapter 43.320 RCW.

Statute Being Implemented: Chapter 19.146 RCW.

Rule is necessary because of federal law, The S.A.F.E. Act, 12 U.S.C. 5101 et seq.

Name of Proponent: Department of financial institutions, governmental.

Name of Agency Personnel Responsible for Drafting: Cindy Fazio, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8800; Implementation and Enforcement: Deborah Bortner, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-0511.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule amendments will not impose more than minor costs on the businesses impacted by the proposed rules.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable to the proposed rules.

August 24, 2011

Deborah Bortner, Director
Division of Consumer Services

AMENDATORY SECTION (Amending WSR 10-20-125, filed 10/5/10, effective 11/5/10)

WAC 208-660-350 Loan originators—Licensing. (1) How do I apply for a loan originator license? Your application consists of an on-line filing through the NMLSR and Washington specific requirements provided directly to DFI. You must pay an application fee through the NMLSR system. You also must:

(a) **Be eighteen years or older.**

(b) **Have a high school diploma, an equivalent to a high school diploma, or three years experience in the industry. The experience must meet the criteria in WAC 208-660-250 (1)(e)(i) and (ii).**

(c) **Pass a licensing test.** You must take and pass the national and state components of the NMLSR tests. See WAC 208-660-360, Loan originators—Testing.

(d) **Submit an application.** You must submit an on-line application through the NMLSR.

(e) **Prove your identity.** You must provide information to prove your identity.

(f) **Pay the application fee.** You must pay an application fee for your application, as well as an administrative fee to the NMLSR. See WAC 208-660-550, Department fees and costs.

(g) **Complete prelicensing education.** You must complete prelicensing education. See WAC 208-660-355.

(2) In addition to reviewing my application, what else will the department consider to determine if I qualify for a loan originator license?

(a) **General fitness and prior compliance actions.** The department will investigate your background to see that you demonstrate the experience, character, and general fitness that commands the confidence of the community and creates a belief that you will conduct business honestly and fairly within the purposes of the act. This investigation may include a review of the number and severity of complaints filed against you, or any person you were responsible for, and a review of any investigation or enforcement activity taken against you, or any person you were responsible for, in this state, or any jurisdiction. This investigation may also include a review of whether you have had a license issued under the act or any similar state statute suspended.

(b) **License suspensions or revocations.**

(i) You are not eligible for a loan originator license if you have been found to be in violation of the act or the rules.

(ii) You are not eligible for a loan originator license if you have ever had a license issued under the Mortgage Broker Practices Act or the Consumer Loan Act or any similar state statute revoked.

(iii) For purposes of (b) and (c) of this subsection, a "similar statute" may include statutes involving other financial services, such as insurance, securities, escrow or banking.

(c) **Criminal history.**

(i) You are not eligible for a loan originator license if you have ever been convicted of a felony involving an act of fraud, dishonesty, breach of trust, or money laundering.

(ii) You are not eligible for a loan originator license if you have been convicted of a gross misdemeanor involving dishonesty or financial misconduct, or a felony not involving fraud, dishonesty, breach of trust, or money laundering, within seven years of the filing of the present application.

(d) **Financial background.**

(i) The department will investigate your financial background including a review of your credit report to determine if you have demonstrated financial responsibility including, but not limited to, an assessment of your current outstanding judgments (except judgments solely as a result of medical expenses); current outstanding tax liens or judgments or other government liens or filings; foreclosure within the last three years; or a pattern of seriously delinquent accounts within the past three years.

(ii) Specifically, you are not eligible to receive a loan originator license if you have one hundred thousand dollars or more of tax liens against you at the time of appointment by a licensed mortgage broker.

(3) **What will happen if my loan originator license application is incomplete?** After submitting your on-line application through the NMLSR, the department will notify you of any application deficiencies.

(4) **How do I withdraw my application for a loan originator license?** Once you have submitted the on-line application through NMLSR you may withdraw the application through NMLSR. You will not receive a refund of the NMLSR application fee but you may receive a partial refund of your licensing fee if the fee exceeds the department's actual cost to investigate the license application.

(5) **When will the department consider my loan originator license application to be abandoned?** If you do not

respond as directed by the department's request for information and within fifteen business days, your loan originator license application is considered abandoned and you forfeit all fees paid. Failure to provide the requested information will not affect new applications filed after the abandonment. You may reapply by submitting a new application package and new application fee.

(6) **What happens if the department denies my application for a loan originator license, and what are my rights if the license is denied?** Under the Administrative Procedure Act, chapter 34.05 RCW, you have the right to request a hearing. To request a hearing, notify the department, in writing, within twenty days from the date of the director's notice to you notifying you your license application has been denied. **See also WAC 208-660-009.**

(7) **How will the department provide me with my loan originator license?** The department may use any of the following methods to provide you with your loan originator license:

(a) A license sent to you electronically that you may print.

(b) A license verification available on the department's web site and accessible for viewing by the public.

(8) **May I transfer, sell, trade, assign, loan, share, or give my loan originator license to someone else?** No. A loan originator license authorizes only the individual named on the license to conduct the business at the location listed on the license.

(9) **How do I change information on my loan originator license?** You must submit an amendment to your license through the NMLSR. You may be charged a fee.

(10) **What is an inactive loan originator license?** When a licensed loan originator is not sponsored by a licensed or exempt company, the license is inactive. If a licensed loan originator works for a consumer loan company (chapter 31.04 RCW) as a W-2 employee, they may continue to do business under their inactive license until June 30, 2010, or until the company goes onto the NMLSR and sponsors their license.

(11) **When my loan originator license is inactive, must I continue to pay annual fees, and complete continuing education for that year?** Yes. You must comply with all the annual licensing requirements or you will be unable to renew your inactive loan originator license.

(12) **How do I activate my loan originator license?** The sponsoring company must submit a sponsorship request for your license through the NMLSR. The department will notify you and all the companies you are working with of the new working relationship if approved.

(13) **When may the department issue interim loan originator licenses?** To prevent an undue delay, the director may issue interim loan originator licenses with a fixed expiration date. The license applicant must have substantially met the initial licensing requirements, as determined by the director, to receive an interim license. In no case shall these requirements be less than the minimum requirements to obtain a license under the S.A.F.E. Act.

(14) **When does my loan originator license expire?** The loan originator license expires annually on December

31st. If the license is an interim license, it may expire in less than one year.

(15) How do I renew my loan originator license?

(a) You must continue to meet the minimum standards for license issuance. See RCW 19.146.310.

(b) Before the license expiration date you must renew your license through the NMLSR. Renewal consists of:

(i) Pay the annual assessment fee; and

(ii) Meet the continuing education requirement. You will not have a continuing education requirement in the year in which you complete preclicensing education. See WAC 208-660-370.

~~((b))~~ (c) The renewed license is valid until it expires, or is surrendered, suspended or revoked.

(16) If I let my loan originator license expire, must I apply to get a new license? If you complete all the requirements for renewal on or before February 28th each year, you may renew an existing license. However, if you renew your license during this two-month period, in addition to paying the annual assessment on your license, you must pay an additional fifty percent of your annual assessment. See subsection (15) of this section for the license renewal requirements.

During this two-month period, your license is expired and you must not conduct any business under the act that requires a license.

Any renewal requirements received by the department must be evidenced by either a United States Postal Service postmark or department "date received" stamp prior to March 1st each year. If you fail to comply with the renewal request requirements prior to March 1st, you must apply for a new license.

(17) If I let my loan originator license expire and then apply for a new loan originator license within one year of the expiration, must I comply with the continuing education requirements from the prior license period? Yes. Before the department will consider your new loan originator application complete, you must provide proof of satisfying the continuing education requirements from the prior license period.

(18) May I still originate loans if my loan originator license has expired? No. Once your license has expired you may no longer conduct the business of a loan originator, or hold yourself out as a licensed loan originator, as defined in the act and these rules.

(19) What happens to the loan applications I originated before my loan originator license expired? Existing loan applications must be processed by the licensed mortgage broker or another licensed loan originator working for the mortgage broker.

(20) May I surrender my loan originator's license? Yes. Only you may surrender your license before the license expires through the NMLSR.

Surrendering your loan originator license does not change your civil or criminal liability, or your liability for any administrative actions arising from acts or omission occurring before the license surrender.

(21) Must I display my loan originator license where I work as a loan originator? No. Neither you nor the mortgage broker company is required to display your loan originator license. However, evidence that you are licensed as a

loan originator must be made available to anyone who requests it.

(22) If I operate as a loan originator on the internet, must I display my license number on my web site? Yes. You must display your license number, and the license number and name as it appears on the license of the licensed mortgage broker you represent, on the web site.

(23) Must I include my license number on any documents? You must include your license number immediately following your name on solicitations, including business cards, advertisements, and residential mortgage loan applications.

(24) When must I disclose my loan originator license number? In the following situations you must disclose your loan originator license number and the name and license number of the mortgage broker you are associated with:

(a) When asked by any party to a loan transaction, including third party providers;

(b) When asked by any person you have solicited for business, even if the solicitation is not directly related to a mortgage transaction;

(c) When asked by any person who contacts you about a residential mortgage loan;

(d) When taking a residential mortgage loan application.

(25) May I conduct business under a name other than the name on my loan originator license? No. You must only use the name on your license when conducting business. If you use a nickname for your first name, you must use your name like this: "FirstName "Nickname" LastName."

(26) Will I have to obtain an individual bond if the company I work for is exempt from licensing? Reserved.

(27) Will I have to file quarterly call reports if I have an individual bond? Reserved.

WSR 11-17-149

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed August 24, 2011, 11:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-08-065.

Title of Rule and Other Identifying Information: WAC 182-545-200 Outpatient rehabilitation (occupational therapy, physical therapy, and speech therapy), 182-545-900 Neurodevelopmental centers, and 182-551-2110 Home health services—Covered specialized therapy.

Hearing Location(s): Health Care Authority, Cherry Street Plaza Building, Apple Conference Room 106A, 626 8th Avenue, Olympia, WA 98501 (metered public parking is available street side around building. A map is available at <http://maa.dshs.wa.gov/wacnotices/> or by calling (360) 664-6094), on September 27, 2011, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 28, 2011.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5 p.m. on September 27, 2011.

Assistance for Persons with Disabilities: Contact Kelly Richters by September 19, 2011, TTY (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The health care authority is amending chapter 388-545 WAC, Therapies and WAC 388-551-2110 Home health services—Covered specialized therapy. The new benefit limits apply to skilled therapy services through a medicare-certified home health agency as well as therapies provided by physical therapists, occupational therapists, and speech therapists in outpatient hospital clinics and free-standing therapy clinics.

Reasons Supporting Proposal: HB 1086, passed by the legislature, and signed by the governor on February 18, 2011, included new budget cuts for the fiscal year. In response, the medicaid program reduced in amount physical, occupational and speech therapy services for clients twenty-one years of age and older. These permanent rule amendments will replace the emergency rules in place, filed July 29, 2011, under WSR 11-16-054.

Statutory Authority for Adoption: RCW 74.08.090, 43.88.290, chapter 564, Laws of 2011 (2ESSHB [2E2SHB] 1738).

Statute Being Implemented: RCW 74.08.090.

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1306; Implementation and Enforcement: Emylinda Capizzi, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1248.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has analyzed the proposed rule amendments and determined that there are no new costs associated with these changes and they do not impose disproportionate costs on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to the health care authority rules unless requested by the joint administrative rules [review] committee or applied voluntarily.

August 24, 2011
Kevin M. Sullivan
Rules Coordinator

NEW SECTION

WAC 182-545-200 Outpatient rehabilitation (occupational therapy, physical therapy, and speech therapy).

(1) The following health professionals may enroll with the agency, as defined in WAC 182-500-0010, to provide outpatient rehabilitation (which includes occupational therapy, physical therapy, and speech therapy) within their scope of practice to eligible clients:

- (a) A physiatrist;
- (b) A licensed occupational therapist;
- (c) A licensed occupational therapy assistant (OTA) supervised by a licensed occupational therapist;
- (d) A licensed physical therapist;

(e) A physical therapist assistant supervised by a licensed physical therapist;

(f) A speech-language pathologist who has been granted a certificate of clinical competence by the American Speech, Hearing and Language Association; and

(g) A speech-language pathologist who has completed the equivalent educational and work experience necessary for such a certificate.

(2) Clients in the following agency programs are eligible to receive outpatient rehabilitation as described in this chapter:

- (a) Categorically needy program (CNP);
- (b) Categorically needy program-state children's health insurance program (CNP-SCHIP);
- (c) Children's healthcare programs as defined in WAC 388-505-0210;
- (d) Disability lifeline (formerly general assistance unemployable) (within Washington state or border areas only);
- (e) Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) (within Washington state or border areas only);
- (f) Medically needy program (MNP) only when the client is either:

(i) Twenty years of age or younger and referred by a screening provider under the early and periodic screening, diagnosis and treatment program (healthy kids program) as described in chapter 182-534 WAC; or

(ii) Receiving home health care services as described in chapter 182-551 WAC, subchapter II.

(3) Clients who are enrolled in an agency-contracted managed care organization (MCO) must arrange for outpatient rehabilitation directly through his or her agency-contracted MCO.

(4) The agency pays for outpatient rehabilitation when the services are:

- (a) Covered;
- (b) Medically necessary;
- (c) Within the scope of the eligible client's medical care program;

(d) Ordered by a physician, physician's assistant (PA) or an advanced registered nurse practitioner (ARNP);

(e) Within currently accepted standards of medical practice and are specific and effective treatment for the client's existing condition;

(f) Authorized, as required within this chapter, chapters 182-501 and 182-502 WAC, and the agency's published billing instructions and numbered memoranda;

(g) Begun within thirty calendar days of the date ordered;

(h) Provided by one of the health professionals listed in subsection (1) of this section;

(i) Billed according to this chapter, chapters 182-501 and 182-502 WAC, and the agency's published billing instructions and numbered memoranda; and

(j) Provided as part of an outpatient treatment program:

- (i) In an office or outpatient hospital setting;
- (ii) In the home, by a home health agency as described in chapter 182-551 WAC;

(iii) In a neurodevelopmental center, as described in WAC 182-545-900; or

(iv) For children with disabilities, age two or younger, in natural environments including the home and community setting in which children without disabilities participate, to the maximum extent appropriate to the needs of the child.

(5) For eligible clients, twenty years of age and younger, the agency covers unlimited outpatient rehabilitation.

(6) For clients twenty-one years of age and older, the agency covers a limited outpatient rehabilitation benefit.

(7) Outpatient rehabilitation services for clients twenty-one years of age and older must:

(a) Restore, improve, or maintain the client's level of function that has been lost due to medically documented injury or illness; and

(b) Include an on-going management plan for the client and/or the client's caregiver to support timely discharge and continued progress.

(8) For eligible adults, twenty-one years of age and older, the agency limits coverage of outpatient rehabilitation as follows:

(a) Occupational therapy, per client, per year:

(i) Without authorization:

(A) One occupational therapy evaluation;

(B) One occupational therapy reevaluation at time of discharge; and

(C) Twenty-four units of occupational therapy (which equals approximately six hours).

(ii) With expedited prior authorization, up to twenty-four additional units of occupational therapy may be available to continue treatment initiated under the original twenty-four units when the criteria below is met:

(A) To continue treatment of the acute disease or medical condition or deficit which was the result of the injury or surgery; and

(B) The client's diagnosis is any of the following:

(I) Acute, open, or chronic nonhealing wounds;

(II) Brain injury, which occurred within the past twenty-four months, with residual cognitive and/or functional deficits;

(III) Burns - Second or third degree only;

(IV) Cerebral vascular accident, which occurred within the past twenty-four months, with residual cognitive and/or functional deficits;

(V) Lymphedema;

(VI) Major joint surgery - Partial or total replacement only;

(VII) Muscular-skeletal disorders such as complex fractures which required surgical intervention or surgeries involving spine or extremities (e.g., arm, hand, shoulder, leg, foot, knee, or hip);

(VIII) Neuromuscular disorders which are affecting function (e.g., amyotrophic lateral sclerosis (ALS), active infective polyneuritis (Guillain-Barre));

(IX) Reflex sympathetic dystrophy;

(X) Swallowing deficits due to injury or surgery to face, head, or neck;

(XI) Spinal cord injury which occurred within the past twenty-four months, resulting in paraplegia or quadriplegia; or

(XII) As part of a botulinum toxin injection protocol when botulinum toxin has been prior authorized by the agency.

(b) Physical therapy, per client, per year:

(i) Without authorization:

(A) One physical therapy evaluation;

(B) One physical therapy reevaluation at time of discharge; and

(C) Twenty-four units of physical therapy (which equals approximately six hours).

(ii) With expedited prior authorization, up to twenty-four additional units of physical therapy may be available to continue treatment initiated under the original twenty-four units when the criteria below is met:

(A) To continue treatment of the acute disease or medical condition or deficit which was the result of injury or surgery; and

(B) The client's diagnosis is any of the following:

(I) Acute, open, or chronic nonhealing wounds;

(II) Brain injury, which occurred within the past twenty-four months, with residual functional deficits;

(III) Burns - Second and/or third degree only;

(IV) Cerebral vascular accident, which occurred within the past twenty-four months, with residual functional deficits;

(V) Lymphedema;

(VI) Major joint surgery - Partial or total replacement only;

(VII) Muscular-skeletal disorders such as complex fractures which required surgical intervention or surgeries involving spine or extremities (e.g., arm, hand, shoulder, leg, foot, knee, or hip);

(VIII) Neuromuscular disorders which are affecting function (e.g., amyotrophic lateral sclerosis (ALS), active infective polyneuritis (Guillain-Barre));

(IX) Reflex sympathetic dystrophy;

(X) Spinal cord injury, which occurred within the past twenty-four months, resulting in paraplegia or quadriplegia; or

(XI) As part of a botulinum toxin injection protocol when botulinum toxin has been prior approved by the agency.

(c) Speech therapy, per client, per year:

(i) Without authorization:

(A) One speech language pathology evaluation;

(B) One speech language pathology reevaluation at the time of discharge; and

(C) Six units of speech therapy (which equals approximately six hours).

(ii) With expedited prior authorization, up to six additional units of speech therapy may be available to continue treatment initiated under the original six units when the criteria below is met:

(A) To continue treatment of the acute disease or medical condition or deficit which was the result of injury or surgery; and

(B) The client's diagnosis is any of the following:

(I) Brain injury, which occurred within the past twenty-four months, with residual cognitive and/or functional deficits;

(II) Burns of internal organs such as nasal oral mucosa or upper airway;

(III) Burns of the face, head, and neck - Second or third degree only;

(IV) Cerebral vascular accident, which occurred within the past twenty-four months, with residual functional deficits;

(V) Muscular-skeletal disorders such as complex fractures which require surgical intervention or surgery involving the vault, base of the skull, face, cervical column, larynx, or trachea;

(VI) Neuromuscular disorders which are affecting function (e.g., amyotrophic lateral sclerosis (ALS), active infection polyneuritis (Guillain-Barre));

(VII) Speech deficit due to injury or surgery to face, head, or neck;

(VIII) Speech deficit which requires a speech generating device;

(IX) Swallowing deficit due to injury or surgery to face, head, or neck; or

(X) As part of a botulinum toxin injection protocol when botulinum toxin has been prior approved by the agency.

(d) Durable medical equipment (DME) needs assessments, two per client, per year.

(e) Orthotics management and training of upper and/or lower extremities, two program units, per client, per day.

(f) Orthotic/prosthetic use, two program units, per client, per year.

(g) Muscle testing, one procedure, per client, per day. Muscle testing procedures cannot be billed in combination with each other. These procedures can be billed alone or with other physical and occupational therapy procedures.

(h) Wheelchair needs assessment, one per client, per year.

(9) For the purposes of this chapter:

(a) Each fifteen minutes of timed procedure code equals one unit; and

(b) Each nontimed procedure code equals one unit, regardless of how long the procedure takes.

(10) For expedited prior authorization (EPA):

(a) A provider must establish that:

(i) The client's condition meets the clinically appropriate EPA criteria outlined in this section; and

(ii) The services are expected to result in a reasonable improvement in the client's condition and achieve the client's therapeutic individual goal within sixty calendar days of initial treatment;

(b) The appropriate EPA number must be used when the provider bills the agency;

(c) Upon request, a provider must provide documentation to the agency showing how the client's condition met the criteria for EPA; and

(d) A provider may request expedited prior authorization once per year, per client, per each therapy type.

(11) The agency evaluates a request for outpatient rehabilitation that is in excess of the limitations or restrictions, according to WAC 182-501-0169. Prior authorization may be requested for additional units to treat an acute medical condition, disease, or deficit, resulting from a new injury or postsurgery treatment beyond those allowed in this section.

(12) Duplicate services for outpatient rehabilitation are not allowed for the same client when both providers are performing the same or similar procedure(s).

(13) The agency does not pay separately for outpatient rehabilitation that are included as part of the reimbursement for other treatment programs. This includes, but is not limited to, hospital inpatient and nursing facility services.

(14) The agency does not reimburse a healthcare professional for outpatient rehabilitation performed in an outpatient hospital setting when the healthcare professional is not employed by the hospital. The hospital must bill the agency for the services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-545-900 Neurodevelopmental centers. (1)

This section describes:

(a) Neurodevelopmental centers that may be reimbursed by the ~~((department))~~ agency;

(b) Clients who may receive covered services at a neurodevelopmental center; and

(c) Covered services that may be provided at and reimbursed to a neurodevelopmental center.

(2) In order to provide and be reimbursed for the services listed in subsection (4) of this section, the ~~((department))~~ agency requires a neurodevelopmental center provider to do all of the following:

(a) Be contracted with the department of health (DOH) as a neurodevelopmental center;

(b) Provide documentation of the DOH contract to the ~~((department))~~ agency; and

(c) ~~((Sign a))~~ Have an approved core provider agreement with the ~~((department; and~~

~~(d) Receive a neurodevelopmental center provider number from the~~ ~~((department))~~ agency.

(3) Clients ~~((who are))~~, twenty years of age or younger ~~((and who meet the following eligibility criteria))~~, may receive ~~((covered services from))~~ outpatient rehabilitation (occupational therapy, physical therapy, and speech therapy) in agency-approved neurodevelopmental centers ~~((:~~

~~(a) For occupational therapy, refer to WAC 388-545-300(2);~~

~~(b) For physical therapy, refer to WAC 388-545-500(2);~~

~~(c) For speech therapy and audiology services, refer to WAC 388-545-700(2); and~~

~~(d) For early and periodic screening, diagnosis and treatment (EPSDT) screening by physicians, refer to WAC 388-534-0100).~~

(4) The ~~((department))~~ agency reimburses neurodevelopmental centers for providing the following services to clients ~~((who meet the requirements in subsection (3) of this section))~~:

~~(a) ((Occupational therapy services as described in WAC 388-545-300))~~ Outpatient rehabilitation services as described in WAC 182-545-200; and

~~(b) ((Physical therapy services as described in WAC 388-545-500;~~

~~(c) Speech therapy and audiology services as described in WAC 388-545-700; and~~

~~(d))~~) Specific pediatric evaluations and team conferences that are:

- (i) Attended by the center's medical director; and
- (ii) Identified as payable in the ~~((department's))~~ agency's billing instructions.

(5) In order to be reimbursed, neurodevelopmental centers must meet the ~~((department's))~~ agency's billing requirements in WAC 182-502-0020, 182-502-0100 and 182-502-0150.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 182-545-300 Occupational therapy.
- WAC 182-545-500 Physical therapy.
- WAC 182-545-700 Speech/audiology services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-551-2110 Home health services—Covered specialized therapy. ~~((+))~~ The ~~((department limits))~~ agency covers specialized therapy ~~((visits to one per client, per day, per type of specialized therapy))~~ (also known as outpatient rehabilitation) in an in-home setting by a home health agency. See chapter 182-545 WAC outpatient rehabilitation for coverage and limitations. Specialized therapy is defined in WAC ~~((388-551-2010))~~ 182-551-2010.

~~((2))~~ The department does not allow duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure(s:-))