WSR 12-01-002
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 7, 2011, 12:12 p.m., effective January 7, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The division of child support (DCS) is adopting new and amended sections in chapter 388-14A WAC in order to implement E2SHB 1267 (chapter 283, Laws of 2011) effective date July 22, 2011.

NOTE: DCS adopted emergency rules in order to implement the bill as of its effective date. The first set of emergency rules was filed under WSR 11-16-007 (effective July 22, 2011) and will expire November 18, 2011; the second set of emergency rules was filed under WSR 11-23-075 (effective November 15, 2011) and will maintain the *status quo* until the permanent rules are final.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020, 388-14A-3100, 388-14A-3102, and 388-14A-3115.

Statutory Authority for Adoption: E2SHB 1267 (chapter 283, Laws of 2011) effective date July 22, 2011, RCW 34.05.220, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310.

Adopted under notice filed as WSR 11-20-099 on October 5, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: December 5, 2011.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"Absence of a court order" means that there is no court order setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"Absent parent" is a term used for a noncustodial parent.

"Accessible coverage" means health insurance coverage which provides primary care services to the children with reasonable effort by the custodian.

"Accrued debt" means past-due child support which has not been paid.

"Acknowledged father" means a man who has established a father-child relationship under RCW 26.26.300 through 26.26.375.

"Adjudicated parent" means a person who has been adjudicated by a court of competent jurisdiction to be the parent of a child.

"Administrative order" means a determination, finding, decree or order for support issued under RCW 74.20A.055, 74.20A.056, or 74.20A.059 or by another state's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering the payment of a set or determinable amount of money for current support and/or a support debt. Administrative orders include:

(1) An order entered under chapter 34.05 RCW;

(2) An agreed settlement or consent order entered under WAC 388-14A-3600; and

(3) A support establishment notice which has become final by operation of law.

"Agency" means the Title IV-D provider of a state. In Washington, this is the division of child support (DCS) within the department of social and health services (DSHS).

"Agreed settlement" is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or **"public assistance"** means cash assistance under the temporary assistance for needy families (TANF) program, the aid to families with dependent children (AFDC) program, federally funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Alternate recipient" means a child of the employee or retiree named within a support order as being entitled to coverage under an employer's group health plan.

"Annual fee" means the twenty-five dollar annual fee charged between October 1 and September 30 each year, required by the federal deficit reduction act of 2005 and RCW 74.20.040.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," and **"recipient"** means a person who receives public assistance on behalf of a child or children residing in their household.

"Arrears" means the debt amount owed for a period of time before the current month.

"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Assistance unit" means a cash assistance unit as defined in WAC 388-408-0005. An assistance unit is the group of people who live together and whose income or

resources the department counts to decide eligibility for benefits and the amount of benefits.

"Birth costs" means medical expenses incurred by the custodial parent or the state for the birth of a child.

"Cash medical support" is a term used in RCW 26.09.105 and certain federal regulations to refer to amounts paid by an obligated parent to the other parent or to the state in order to comply with the medical support obligation stated in a child support order.

"Conditionally assigned arrears" means those temporarily assigned arrears remaining on a case after the period of public assistance ends.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. A consent order requires the approval of an administrative law judge.

"Court order" means a judgment, decree or order of a Washington state superior court, another state's court of comparable jurisdiction, or a tribal court.

"Current support" or **"current and future support"** means the amount of child support which is owed for each month.

"Custodial parent or CP" means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

"Department" means the Washington state department of social and health services (DSHS).

"Dependent child" means a person:

(1) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

(2) Eighteen years of age or older for whom a court order requires support payments past age eighteen;

(3) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is participating full-time in a secondary school program or the same level of vocational or technical training.

"Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity under RCW 26.26.300 through 26.26.375 or adjudication by the court.

"Differentiated support amount" means an amount of child support that represents a parent's support obligation for more than one child and may justifiably be divided into "per child" amounts for each child covered by the support order, based on information contained in the support order.

"Differentiated support order" means a child support order which provides a monthly amount of child support for two or more children, and either provides a specific support obligation for each child or provides enough information in the order so that the monthly amount may justifiably be divided into a "per child" amount for each child covered by the support order.

"Disbursement" means the amount of child support distributed to a case that is paid to the family, state, other child support enforcement agency in another state or foreign country, Indian tribe, or person or entity making the payment.

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Distribution" means how a collection is allocated or split within a case or among multiple cases.

"Domestic partner" means a state registered domestic partner as defined in chapter 26.60 RCW.

"Earnings" means compensation paid or payable for personal service. Earnings include:

(1) Wages or salary;

(2) Commissions and bonuses;

(3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(4) Disability payments under Title 51 RCW;

(5) Unemployment compensation under RCW 50.40.020, 50.40.050 and Title 74 RCW;

(6) Gains from capital, labor, or a combination of the two; and

(7) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This includes:

(1) Partnerships and associations;

(2) Trusts and estates;

(3) Joint stock companies and insurance companies;

(4) Domestic and foreign corporations;

(5) The receiver or trustee in bankruptcy; and

(6) The trustee or legal representative of a deceased person.

"Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or a child or children in foster care placement. The family is sometimes called the assistance unit.

"Family arrears" means the amount of past-due support owed to the family, which has not been conditionally, temporarily or permanently assigned to a state. Also called "nonassistance arrears."

"Family member" means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the state division of child and family services (DCFS).

"Fraud," for the purposes of vacating an agreed settlement or consent order, means:

(1) The representation of the existence or the nonexistence of a fact;

(2) The representation's materiality;

(3) The representation's falsity;

(4) The speaker's knowledge that the representation is false;

(5) The speaker's intent that the representation should be acted on by the person to whom it is made;

(6) Ignorance of the falsity on the part of the person to whom it is made;

(7) The latter's:

(a) Reliance on the truth of the representation;

(b) Right to rely on it; and

(c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health care costs" means medical expenses. Certain statutes in chapter 26.19 RCW refer to medical expenses as health care costs.

"Health insurance" means insurance coverage for all medical services related to an individual's general health and well being. These services include, but are not limited to: Medical/surgical (inpatient, outpatient, physician) care, medical equipment (crutches, wheel chairs, prosthesis, etc.), pharmacy products, optometric care, dental care, orthodontic care, preventive care, mental health care, and physical therapy. Health insurance coverage does not include medical assistance provided under chapter 74.09 RCW.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20 and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

"I/me" means the person asking the question which appears as the title of a rule.

"Income" includes:

(1) All gains in real or personal property;

(2) Net proceeds from the sale or exchange of real or personal property;

(3) Earnings;

(4) Interest and dividends;

(5) Proceeds of insurance policies;

(6) Other periodic entitlement to money from any source; and

(7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

(1) Asserting liens under RCW 74.20A.060;

(2) Serving and enforcing liens under chapter 74.20A RCW;

(3) Issuing orders to withhold and deliver under chapter 74.20A RCW;

(4) Issuing notices of payroll deduction under chapter 26.23 RCW; and

(5) Obtaining wage assignment orders under RCW 26.18.080.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Medical assistance" means medical benefits under Title XIX of the federal Social Security Act provided to families as an alternative or supplement to TANF.

"Medical expenses" for the purpose of establishing support obligations under RCW 26.09.105, 74.20A.055 and 74.20A.056, or for the purpose of enforcement action under chapters 26.23, 74.20 and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical costs incurred on behalf of a child, which include:

• Medical services related to an individual's general health and well-being, including but not limited to, medical/surgical care, preventive care, mental health care and physical therapy; and

• Prescribed medical equipment and prescribed pharmacy products;

• Health care coverage, such as coverage under a health insurance plan, including the cost of premiums for coverage of a child;

• Dental and optometrical costs incurred on behalf of a child; and

• Copayments and/or deductibles incurred on behalf of a child.

Medical expenses are sometimes also called health care costs or medical costs.

"Medical support" means any combination of the following:

(1) Health insurance coverage for a dependent child;

(2) Amounts owed by one parent to the other parent as a monthly payment toward the premium paid by the other parent for health insurance coverage for a dependent child;

(3) Amounts owed by a noncustodial parent to the state as a monthly payment toward the cost of managed care coverage for the child by the state, if the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment; and

(4) Amounts owed by one parent to the other parent as his or her proportionate share of uninsured medical expenses for a dependent child.

"Monthly payment toward the premium" means a parent's contribution toward:

• Premiums paid by the other parent for insurance coverage for the child; or

• Amounts paid for managed care coverage for the child by the state, if the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment.

This contribution is based on the obligated parent's proportionate share of the premium paid, but may not exceed twenty-five percent of the obligated parent's basic support obligation.

"National Medical Support Notice" or **"NMSN"** is a federally mandated form that DCS uses to enforce a health insurance support obligation; the NMSN is a notice of enrollment as described in RCW 26.18.170.

"Noncustodial parent or NCP" means the natural or biological parent, adoptive parent, adjudicated parent, presumed parent, responsible stepparent or person who signed and filed an affidavit acknowledging paternity, from whom the state seeks support for a dependent child. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Nonmedical expenses" means amounts incurred on behalf of a child which are not medical expenses as defined in this chapter. Nonmedical expenses include, but are not limited to, day care or other special childrearing expenses such as tuition and long-distance transportation costs to and from the parents for visitation purposes.

"Obligated parent" means a parent who is required under a child support order to provide health insurance coverage or to reimburse the other parent for his or her share of medical expenses for a dependent child. The obligated parent could be either the NCP or the CP.

"Other ordinary expense" means an expense incurred by a parent which:

(1) Directly benefits the dependent child; and

(2) Relates to the parent's residential time or visitation with the child.

"Parent" means an individual who has established a parent-child relationship under RCW 26.26.101.

"Parent-child relationship" means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship.

"Participant" means an employee or retiree who is eligible for coverage under an employer group health plan.

"Pass-through" means the portion of a support collection distributed to assigned support that the state pays to a family currently receiving TANF.

"Past support" means support arrears.

"Paternity testing" means blood testing or genetic tests of blood, tissue or bodily fluids. This is also called genetic testing.

"Payment services only" or **"PSO"** means a case on which the division of child support's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.

"Permanently assigned arrears" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"Plan administrator" means the person or entity which performs those duties specified under 29 USC 1002 (16)(A) for a health plan. If no plan administrator is specifically so designated by the plan's organizational documents, the plan's sponsor is the administrator of the plan. Sometimes an employer acts as its own plan administrator.

"Presumed parent" means a person who, by operation of law under RCW 26.26.116, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial proceeding.

"Private insurance" means accessible health insurance for a child provided by a parent without the need for service of a national medical support notice, and does not include health insurance provided by the state without a contribution from either parent.

"Proportionate share" or **"proportional share"** means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed on the worksheets when determining a parent's child support obligation under chapter 26.19 RCW.

"Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

(1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;

(2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides that majority of the time.

"Responsible parent" is a term sometimes used for a noncustodial parent.

"Responsible stepparent" means a stepparent who has established an in loco parentis relationship with the dependent child.

"Retained support" means a debt owed to the division of child support by anyone other than a noncustodial parent.

"Satisfaction of judgment" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Self-support reserve" or **"self support reserve"** means an amount equal to one hundred twenty-five percent of the federal poverty guideline for a one-person family.

"State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe or a foreign country.

"Superior court order" means a judgment, decree or order of a Washington state superior court, or of another state's court of comparable jurisdiction.

"Support debt" means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance including medical expenses, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(3) A debt under RCW 74.20A.100 or 74.20A.270; or

(4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"Support enforcement services" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"Support money" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, enforcement of medical expenses, health insurance, or birth costs.

"Support obligation" means the obligation to provide for the necessary care, support and maintenance of a dependent child or other person as required by law, including health insurance coverage, medical expenses, birth costs, and child care or special child rearing expenses.

"Support order" means a court order, administrative order or tribal court order which contains a determination, finding, decree or order that sets a child support obligation (including medical support) and orders either the payment of a set or determinable amount of money for current support and/or a support debt, or the provision of medical support, or both.

"Temporarily assigned arrears" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997, but before October 1, 2008. After the family terminates assistance, temporarily assigned arrears become conditionally assigned arrears.

"Temporary assistance for needy families," or "TANF" means cash assistance under the temporary assistance for needy families (TANF) program under Title IV-A of the Social Security Act.

"Title IV-A" means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-A agency" means the part of the department of social and health services which carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-D agency" or **"IV-D agency"** means the division of child support, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington. Also refers to the Washington state support registry (WSSR).

"Title IV-D case" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-E case" means a foster care case.

"Tribal TANF" means a temporary assistance for needy families (TANF) program run by a tribe.

"Tribunal" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"Underlying order" means an existing child support order for which DCS serves a notice of support owed under RCW 26.23.110 to determine a sum certain support obligation.

"Undifferentiated support amount" means an amount of child support that represents a parent's support obligation for more than one child which cannot justifiably be divided into "per child" amounts for each child covered by the support order.

"Undifferentiated support order" means a child support order which provides a monthly amount of child support for two or more children, but does not provide a specific support obligation for each child or does not contain enough information in either the order or the worksheets associated with the order to justify dividing the monthly amount into "per child" amounts for each child covered by the support order.

"Uninsured medical expenses": For the purpose of establishing or enforcing support obligations means:

(1) Medical expenses not paid by insurance for medical, dental, prescription and optometrical costs incurred on behalf of a child; and

(2) Premiums, copayments, or deductibles incurred on behalf of a child.

"Unreimbursed assistance" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"Unreimbursed medical expenses" means any amounts paid by one parent for uninsured medical expenses, which that parent claims the obligated parent owes under a child support order, which percentage share is stated in the child support order itself, not just in the worksheets.

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"WSSR" is the Washington state support registry.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent (CP). A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the NCP's support obligation for the child(ren) named in the notice; or

(b) Specifically relieves the NCP of a support obligation for the child(ren) named in the notice.

(3) Whether support is based upon an administrative order or a court order, DCS may serve a support establishment notice when the parties to a paternity order subsequently marry each other and then separate, or parties to a decree of dissolution remarry each other and then separate. The remaining provisions of the paternity order or the decree of dissolution, including provisions establishing paternity, remain in effect.

(4) Depending on the legal relationship between the NCP and the child for whom support is being set and on the type of child support obligation which is being established, DCS serves one of the ((~~following~~)) support establishment notices((~~:~~)) listed in subsections (5), (6) or (7). WAC 388-14A-3102 describes which notice DCS uses to set the support obligation of a father who has signed a paternity acknowledgment or an affidavit of paternity.

(((~~(a) Notice~~)) (5) DCS may serve a notice and finding of financial responsibility (NFFR)((~~, see~~)) under WAC 388-14A-3115. ((~~This notice is used~~)) DCS uses this notice when the ((~~NCP is either the mother or the legal father of~~)) NCP's parentage of the child is based on:

(a) The presumption arising from the existence of a marriage or a registered domestic partnership;

(b) The entry of a court order adjudicating the parent-child relationship;

(c) The entry of an adoption order;

(d) The man's having signed and filed a paternity acknowledgment under RCW 26.26.300 through 26.26.375, unless the acknowledgment has been rescinded or successfully challenged; or

(e) The woman's being the biological mother of, and having given birth to, the child. ((~~WAC 388-14A-3102 describes when DCS uses a NFFR to set the support obligation of a father who has signed an acknowledgment or affidavit of paternity.~~

~~(b)~~)) (6) DCS may serve a notice and finding of parental responsibility (NFPR)((~~, see~~)) under WAC 388-14A-3120. ((~~This notice is used~~)) DCS uses this notice when the NCP was not married to the mother but has filed an affidavit or acknowledgment of paternity which did not become a conclusive presumption of paternity. ((~~WAC 388-14A-3102 describes when DCS uses a NFPR to set the support obligation of a father who has signed an acknowledgment or affidavit of paternity.~~

~~(c)~~)) (7) DCS may serve a "Medical support only" NFFR or NFPR((~~, which as of October 1, 2009, replaced the notice and finding of medical responsibility (NFMR), see~~)) under WAC 388-14A-3125.

(a) Until October 1, 2009, DCS used the notice and finding of medical responsibility (NFMR) for this purpose.

(b) A medical support only NFFR or NFPR, whichever is appropriate, is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

AMENDATORY SECTION (Amending WSR 05-12-136, filed 6/1/05, effective 7/2/05)

WAC 388-14A-3102 When the parents have signed ((~~an acknowledgment or affidavit of~~)) a paternity acknowledgment, which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign a paternity acknowledgment, which may also be called an affidavit of paternity((~~, also called an acknowledgment of paternity~~)). The legal effect of the acknowledgment or affidavit ((~~or acknowledgment~~)) depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the ((~~affidavit~~)) acknowledgment was signed.

(2) For acknowledgments or affidavits ((~~or acknowledgments~~)) filed on or before July 1, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFPR)((~~. See~~)) under WAC 388-14A-3120.

(3) For acknowledgments or affidavits ((~~or acknowledgments~~)) filed after July 1, 1997 with the center for health statistics in the state of Washington, DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-

14A-3115, because the acknowledgment or affidavit ((~~or acknowledgment~~)) has become a conclusive presumption of paternity under RCW 26.26.320.

(4) For acknowledgments or affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFPR depending on the laws of the state where the ((~~affidavit~~)) acknowledgment is filed.

(5) DCS relies on the acknowledgment ((~~or affidavit~~)), even if the mother or father were not yet eighteen years of age at the time they signed or filed the acknowledgment ((~~or affidavit~~)), as provided in RCW 26.26.315(4).

(6) If, at the time of the child's birth, the mother was married ((~~at the time of the child's birth, but not to~~)) or in a state registered domestic partnership and the man acknowledging paternity((~~, the man to whom she was married must also have signed and filed a denial of paternity within ten days of the child's birth~~)) was not the mother's husband or domestic partner, DCS may not serve an administrative support establishment notice on the acknowledged father unless:

(a) The man to whom the mother was married also signed and filed a denial of paternity; or

(b) The mother's domestic partner also signed and filed a denial of paternity.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) DCS may serve a NFFR when the noncustodial parent (NCP) is a legal parent of the child, based on:

(a) The presumption arising from the existence of a marriage or registered domestic partnership;

(b) The entry of a court order adjudicating the parent-child relationship;

(c) The entry of an adoption order;

(d) The man's having signed and filed a paternity acknowledgment under RCW 26.26.300 through 26.26.375, unless the acknowledgment has been rescinded or successfully challenged; or

(e) The woman's being the biological mother of, and having given birth to, the child.

(3) DCS serves a NFFR in the situations listed in this section and in WAC 388-14A-3100. There may be other bases on which a court can determine parentage and/or establish a child support obligation.

(4) The NFFR:

(a) Advises the ((~~noncustodial parent~~)) NCP and the custodial parent (((~~who can be either a parent or the physical custodian of the child~~))) (CP) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by RCW 26.23.050 and 74.20A.055.

(c) Includes a provision that both parents are obligated to provide medical support, as required by RCW 26.09.105, 26.18.170 and 26.23.050. This requirement does not apply to the ((~~custodial parent~~)) CP when the ((~~custodial parent~~)) CP is not one of the parents of the child covered by the order.

(d) Includes a provision that apportions the share of uninsured medical expenses to both the mother and the father, pursuant to RCW 26.09.105, 26.18.170 and 26.23.050.

(e) May include an obligation for the ((~~noncustodial parent~~)) NCP to contribute his or her proportionate share of the cost of day care or childcare, which may be stated either as a sum certain amount per month, or as a proportion of the expenses incurred by the ((~~custodial parent~~)) CP.

(f) Warns the ((~~noncustodial parent (NCP)~~)) NCP and the ((~~custodial parent (CP)~~)) CP that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(((~~3~~))) (5) As provided in WAC 388-14A-3125, DCS may serve a notice and finding of financial responsibility that can become an enforceable order for support to establish and enforce a health insurance obligation. This type of NFFR is called "medical support only" NFFR.

(((~~4~~))) (6) DCS uses a medical support only NFFR when the ((~~custodial parent~~)) CP has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(((~~5~~))) (7) A medical support only NFFR does not include a monthly financial support obligation, but may include:

(a) An obligation to pay a monthly payment toward the premium paid by the CP or the state for health insurance coverage for the child(ren); and

(b) An obligation to pay a proportionate share of the child(ren)'s uninsured medical expenses.

(((~~6~~))) (8) An administrative order resulting from a medical support only NFFR may later be modified to include a monthly financial support obligation, as provided in WAC ((~~388-14A-3925(2)~~)) 388-14A-3127.

(((~~7~~))) (9) After service of the NFFR, the NCP and the CP must notify DCS of any change of address, or of any changes that may affect the support obligation.

(((~~8~~))) (10) The NCP must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-14A-3375.

(((~~9~~))) (11) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(((~~10~~))) (12) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC

388-14A-3810 describes when the obligation under the NFFR can end sooner or later than age eighteen.

(((~~(11)~~))) (13) If paternity has been established by a paternity acknowledgment or an affidavit ((~~or acknowledgment~~)) of paternity, DCS attaches a copy of the acknowledgment, affidavit, or certificate of birth record information to the notice. A party wishing to challenge the acknowledgment or denial of paternity may only bring an action in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335.

(((~~(12)~~))) (14) If the parents filed a paternity ((~~affidavit or~~)) acknowledgment or affidavit of paternity in another state, and by that state's law paternity is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(((~~(13)~~))) (15) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The hearing is not for the purpose of setting a payment schedule on the support debt. The NCP has the burden of proving any defenses to liability.

WSR 12-01-004
PERMANENT RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed December 7, 2011, 12:17 p.m., effective January 7, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending these rules as a result of legislative activity during session and to be consistent with newly passed state laws: ESHB 1548 Implementation of long-term care worker requirements regarding background checks and training which was superseded by Initiative 1163, SSB 5042 Vulnerable adults protection, ESHB 1277 Oversight of licensed or certified long-term care settings for vulnerable adults and 2E2SHB 1738 Changing the designation of medicaid state agency.

The department added WAC 388-76-10037, 388-76-10561, 388-76-10911, and 388-76-10976.

Citation of Existing Rules Affected by this Order: Amending WAC 388-76-10000, 388-76-10015, 388-76-10025, 388-76-10035, 388-76-10064, 388-76-10070, 388-76-10073, 388-76-10080, 388-76-10105, 388-76-10120, 388-76-10130, 388-76-10146, 388-76-10395, 388-76-10540, 388-76-10570, 388-76-10915, 388-76-10945, 388-76-10960, and 388-76-10975.

Statutory Authority for Adoption: Chapter 70.128 RCW.

Adopted under notice filed as WSR 11-18-096 on September 7, 2011.

Changes Other than Editing from Proposed to Adopted Version: Changes are shown with the new language underlined and deleted text lined through.

WAC 388-76-10000 Definitions.

"Inspection" means a review by department personnel to determine the health, ~~and~~ safety, and well-being of residents, and the adult family home's compliance with this chapter and chapters 70.128, 70.129, 74.34 RCW, and other applicable rules and regulations. The department's review may include an on-site visit.

WAC 388-76-10015 License—Adult family home—Compliance required. (1) The licensed adult family home must comply with all the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations including chapter 74.39A RCW; and

(2) The provider is ultimately responsible for the day-to-day operation of ~~the adult family~~ each licensed home.

(3) The provider must promote the health, safety and well-being of each resident residing in each licensed adult family home.

WAC 388-76-10064 Application—Forty-eight hour administration and business planning class training requirements. (1) The applicant, and the entity representative must successfully complete the department approved forty-eight hour adult family home administration and business planning class as required in chapter 388-112 WAC.

(2) An applicant and entity representative may not be required to take the forty-eight hour class if there is a change in ownership and the applicant and entity representative are already participants in the operation of a currently licensed home.

(3) An applicant and entity representative must take the forty-eight hour class when the application is for an additional licensed home and the forty-eight hour class has not already been successfully taken.

(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.

WAC 388-76-10105 Application—Change of ownership. (1) Under this section, "control of the provider" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the adult family home, whether through ownership, voting control, by agreement, by contract or otherwise.

(2) A change of ownership of an adult family home requires both a new license application and a new license.

(3) A change of ownership occurs when there is a change in:

(a) The provider; or

(b) The control of a provider.

(4) Events which constitute a change of ownership include, but are not limited to:

(a) The form of legal organization of the adult family home is changed, such as when an adult family home forms:

(i) A partnership;

(ii) A corporation;

(iii) A limited liability company; or

(iv) When it merges with another legal organization.

(b) The adult family home transfers business operations and management responsibility to another party, whether or not there is a partial or whole transfer of real property, personal property, or both.

(c) Two people are both licensed as a married couple or domestic partners to operate an adult family home and an event, such as a separation, divorce, or death, results in only one person operating the home.

(d) Dissolution of a business partnership that is licensed to operate the adult family home.

(e) If the adult family home is a corporation and the corporation:

(i) Is dissolved;

(ii) Merges with another corporation, resulting in a change in the control of the provider; or

(iii) Consolidates with one or more corporations to form a new corporation;

(iv) Whether by a single transaction or multiple transactions within a continuous twenty-four month period, transfers fifty percent or more of its shares to one or more of the following:

(A) New or former shareholders; or

(B) Present shareholders, each having less than five percent of the shares before the initial transaction.

(f) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the provider's control of the adult family home.

(5) The new owner:

(a) Must obtain a new license from the department before transfer of ownership;

(b) Must not begin operation of the adult family home until the department has granted the license;

(c) Must correct all deficiencies that exist at the time of the ownership change;

(d) Is subject to the provisions of chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations;

(e) Must ensure that any funds in resident's accounts at the time of the ownership change remain in an equivalent account. If any funds in resident's accounts are moved, the new owner must promptly notify residents or resident's representative, in writing of the name, address, and location of the new depository; and

(f) Must provide the department with a copy of the written notice of the change of ownership that was given to each resident, or applicable resident representatives.

WAC 388-76-10146 Qualifications—Training and home care aide certification ~~requirements.~~ (1) The adult family home must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter 388-112 WAC.

(2) The adult family home must ensure all adult family home caregivers, entity representatives, and resident managers hired on or after January 7, 2012, meet the long-term care worker training requirements of chapter 388-112 WAC, including but not limited to:

(a) Orientation and safety;

(b) Basic;

(c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;

(d) Cardiopulmonary resuscitation and first aid; and

(e) Continuing education.

(~~2~~3) All persons listed in subsection (1) of this section must obtain the home care aide certification if required by chapter 246-980 WAC.

(~~3~~4) All adult family home applicants on or after January 7, 2012, must meet the long-term care worker training requirements of chapter 388-112 WAC and obtain the home care aide certification if required by chapter 246-980 WAC.

(~~4~~5) Under RCW 18.88B.040 and chapter 246-980 WAC, certain persons including registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved certified nursing assistant program are exempt from home care aide certification and long-term care worker training requirements. Continuing education requirements still apply as outlined in chapter 388-112 WAC.

(5) The adult family home must ensure that all staff receive the orientation and training necessary to perform their job duties.

(6) The adult family home must ensure that a qualified caregiver is on-site whenever a resident is at the adult family home. For purposes of this subsection, a qualified caregiver means someone who has successfully completed orientation and basic training.

WAC 388-76-10911 Inspections—Multiple adult family home providers. (1) In the event of serious noncompliance leading to the imposition of one or more actions listed in RCW 70.128.160(2) on a home operated by a provider with multiple adult family homes, all other homes operated by the provider must be inspected to determine if the same or related deficiencies are present in those homes.

(2) The department may issue fines under RCW 70.128.065(5) of up to three hundred dollars for each inspection when one or more actions listed in RCW 70.128.160(2) is imposed on a multiple home provider and inspections of the other homes are required to determine whether the same or related deficiencies are present in those homes.

WAC 388-76-10945 Remedies—Imposition of remedies. The department must impose a remedy or remedies listed in WAC 388-76-10940 when violations of chapter 70.128, 70.129 and 74.34 RCW and this chapter are:

(1) ~~Serious~~ Repeated;

(2) ~~Recurring~~ Uncorrected;

(3) ~~Uncorrected~~ Pervasive; or

(4) ~~An immediate~~ Present a threat to the health, safety, or welfare of one or more residents.

~~NEW SECTION~~

~~**WAC 388-76-10946 Remedies—Increasing severity for certain violations.** The department will consider imposing increasingly severe remedies for a provider's deficient practice that is:~~

~~(1) Recurring; or~~

~~(2) Uncorrected.~~

~~NEW SECTION~~

~~**WAC 388-76-10947 Remedies—Criteria considered.** The department will consider several criteria when determining whether to impose remedies, or whether to impose increasingly more severe remedies, for provider noncompliance with the licensing laws and rules. The criteria to be considered includes but is not limited to:~~

~~(1) The seriousness of the harm or possible harm to residents;~~

~~(2) The specific facts of the case;~~

~~(3) The compliance history of the provider including:~~

~~(a) Which remedies have been imposed;~~
~~(b) When the remedies were imposed; and~~
~~(c) The frequency of remedy imposition.~~
~~(4) Whether the noncompliance is:~~
~~(a) Pervasive;~~
~~(b) Recurring; and~~
~~(c) Uncorrected.~~

WAC 388-76-10975 Remedies—Specific—Civil penalties. (1) The department may impose civil penalties of at least ~~not more than~~ one hundred ~~three thousand~~ dollars per day per violation ~~except that~~:

(a) Fines up to one thousand dollars can be issued under RCW 70.128.150 for willful interference with a representative of the long-term care ombudsman; and

(b) Fines up to three thousand dollars can be issued under RCW 74.39A.060 for retaliation against a resident, employee, or any other person making a complaint, providing information to, or cooperating with, the ombudsman, the department, the attorney's general office, or a law enforcement agency.

~~(c) Fines up to three hundred dollars for each inspection may be issued under RCW 70.128.065(5) when one or more actions listed in RCW 70.128.160(2) is imposed on a multiple homes provider and inspections of other homes are required to determine whether the same or related deficiencies are present in those homes.~~

(d) Fines of up to ten thousand dollars may be issued under RCW 70.128.065(2) for a current or former licensed provider who is operating an unlicensed home.

(2) When the adult family home fails to pay a fine under this chapter when due, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider from the department.

(3) Civil monetary penalties are due twenty-eight days after the adult family home or the owner or operator of an unlicensed adult family home is served with notice of the penalty unless the adult family home requests a hearing in compliance with chapter 34.05 RCW, RCW 43.20A.215, and this chapter. If the hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Thirty days after the department serves the adult family home with notice of the penalty, interest begins to accrue at a rate of one percent per month as authorized by RCW 43.20B.695.

NEW SECTION

WAC 388-76-10976 Remedies—Civil fine grid. The department will consider the guidance in the tiered sanction grid below when imposing civil fine remedies ~~imposing civil fine remedies based upon the guidance of the grid below~~:

NO HARM	MINIMAL or MODERATE HARM		SERIOUS HARM		IMMINENT DANGER and/or IMMEDIATE THREAT
Repeat/ Uncorrected	Initial	Repeat/ Uncorrected	Initial	Repeat/ Uncorrected	Any Violation
Civil fine of~~up to~~ at least $100 per violation	Civil fine up to $500 per violation or a daily civil fine of at least $250 per day	Civil fine up to $1,000 per violation or a daily civil fine of at least $500 per day	Civil fine up to $2,000 per violation or a daily civil fine of at least $1,000 per day	Civil fine up to $3,000 per violation or a daily civil fine of at least $1,500 per day	Civil fine of $3,000 or daily civil fine of at least $1,000 per day

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
Another state's regulations were provided as an example.	The department has not taken any action because no specific comments or suggestions were provided.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
Suggest more direction and specific dimensions for hallways and doorways.	Current language in WAC 388-76-10685(3) is consistent with ESHB 1277. The requirements allow adult family home providers to focus on individual needs of residents as opposed to having an explicit rule about calling out hallway and door dimensions.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
WAC 388-76-10000, for the definition of "inspection," please insert the term "welfare" or "wellbeing" as these terms are both used in [ESHB] 1277 sections 201(2) and 206(2) use these terms.	The department has accepted this comment.
WAC 388-76-10000, "recurring" or "repeated," we recommend instead that the department use the definition of "recurring" to be two citations within eighteen months. This would be more similar to nursing home regulations.	The proposed rule would apply if the home received two similar citations anytime within a thirty-six month period thus promoting protections for residents. No change was made.
WAC 388-76-10015(2), take out "the adult family" and replace with "each licensed." This is the language used in section 203(6).	The department has accepted this comment.
WAC 388-76-10015, we recommend including a sentence in this section that was added by section 206(2) of ESHB 1277: "(2) The provider shall promote the health, safety, and wellbeing of each resident residing in each licensed adult family home."	The department has accepted this comment.
WAC 388-76-10037, 388-76-10070, 388-76-10073, for purposes of these sections; if a coprovider dies is it considered a new application?	Current WAC 388-76-10105 includes the death of a coprovider as requiring a change of ownership. Established procedures require a new application for a change of ownership.
New section WAC 388-76-10038 License requirements—Financial solvency, it would be helpful to provide a list showing the types of financial information the department will or may look at. There could be a list for applicants and a list for current providers. I suggest creating a new WAC that would contain all the language relating to financial solvency except the definition.	The department cannot introduce a new rule at this stage. ESHB 1277 requires that financial solvency be defined in rule and the department has done so. The new law does not require a rule explaining how the department will determine financial solvency. The department may consider adopting such a rule during subsequent rulemaking processes.
WAC 388-76-10064, add subsection (4), the class must be a minimum of forty-eight hours of class time. This is the language used in section 205(11).	The department has accepted this comment.
WAC 388-76-10105 (5)(e), please add to the sentence where it says "promptly notify residents" insert "or resident's representative." This is the language used in section 301(8).	The department has accepted this comment.
WAC 388-76-10130, concerns that the term "qualified person" implies some level of training or certification. Define who is a "qualified person."	This section is the exact language in ESHB 1277 and is not intended to require any additional or specialized training or certification.
WAC 388-76-10146, Initiative 1163 becomes effective January 7, 2012. The WAC should be revised to reflect this effective date.	The department has accepted this comment.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
WAC 388-76-10146, this WAC should include language related to ESHB 1277, section 206(16), it requires that the adult family home (AFH) must have a trained caregiver on-site. Under prior law at RCW 70.128.230, the AFH could have a partially trained caregiver on site and the fully trained caregiver off-site but available. Section 206(16) of the new law changed that.	The department has accepted this comment.
WAC 388-76-10146, those exempted still need to meet continuing education requirements.	Department accepted this comment and clarified that continuing education requirements still apply.
WAC 388-76-10395, we recommend that if a genuine emergency admission is necessary, then the AFH should still be required to develop an initial assessment and preliminary service plan, and that this should be done within two calendar days, not five working days.	Through executive order, the governor has limited rule-making activities to changes that are necessary due to emergency or to implement recently enacted federal or state law. This comment will be held for future consideration. This comment is related to language that was not amended as part of this rule-making process and is not necessary to implement newly enacted legislation.
WAC 388-76-10705, ESHB 1277, section 206(5) includes the kitchen as a common use area. Current WAC 388-76-10705 defines common areas but does not include kitchens.	WAC 388-76-10705 is not open at this time. Both the new law and the current rule use a form of the term "including but not limited to" when giving examples of common use areas. Since "kitchens" fall within the definition of "common use areas" under the rule, the adult family home licensing law, chapter 70.128 RCW, includes kitchens, and the provider is required to comply with the law. The department will hold this comment and consider making this change in future rule-making processes.
WAC 388-76-10705, ESHB 1277, section 206 (4) and (5) contained several provisions regarding the physical layout of adult family homes, such as regarding wheelchair accessibility that is nowhere reflected in the proposed WAC amendments. The most appropriate rule to amend is WAC 388-76-10705, as it covers some of the same topics but does not go as far as the new law.	The statutory requirement is already met in current WAC 388-76-10685(3).
WACs do not include several violations for which sanctions are mandatory.	The specific instances of enforcement section is WAC 388-76-10955 and this section is not currently open. The department will keep this suggestion for consideration during future rule making and when the governor's executive order suspending noncritical rule development is lifted.
WAC 388-76-10735, why did you reject our proposed language related to kitchen access?, our language accurately reflects HB 1277, section 206(4).	This is not the appropriate place for this language. This section is not open. The department will hold this comment and consider making this change in future rule-making processes.
WAC 388-76-10911, should include language requiring $300 fine for additional inspections when enforcement action is taken against a multiple home provider.	The department has accepted this comment amending this section and WAC 388-76-10975.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
WAC 388-76-10945, need to remove "immediate" as a requirement, and to add the other statutory reasons for a mandatory sanction: (1) A substantiated complaint involving harm to a resident; (2) retaliation against a resident; (3) willful interference with the ombudsman; (4) pervasive deficiencies; and (5) a threat to the health, safety, or welfare of a resident.	The department has amended this section to be consistent with ESHB 1277, section 208.
WAC 388-76-10946 and 388-76-10947, based on ESHB 1277, the WAC should be amended to reflect that the department must impose incrementally more severe penalties for the violations and deficient practices discussed above.	The department has deleted these sections and amended WAC 388-76-10945 to be consistent with ESHB 1277, section 208.
WAC 388-76-10975 (1)(a) needs to be amended to say that the department can impose a fine up to $3000 for willful interference with the ombudsman.	The scope of this rule making has been limited to the newly passed statute and for this section it is chapter 70.128 RCW. The proposed language is consistent with RCW 70.128.150 that states up to a $1000 fine.
WAC 388-76-10975 (1)(c), language requiring $300 fine for additional inspections when enforcement action is taken against a multiple home provider should be located in WAC 388-76-10911.	The department has accepted this comment amending this section and WAC 388-76-10911.
WAC 388-76-10976, per ESHB 1277, civil fine should be at least $100 per violation and not "up to" $100.	The department has accepted this comment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 19, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 19, Repealed 0.

Date Adopted: December 5, 2011.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-16-082, filed 7/30/10, effective 1/1/11)

WAC 388-76-10000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person 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 on a vulnerable adult:

(1) 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; and

(2) Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) **"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, including but not limited to sending a resident sexually explicit messages, or cuing or encouraging a resident to perform sexual acts. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not consensual.

(b) **"Physical abuse"** means a 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 chemical or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) **"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 vulnerable adult from family, friends, or regular activity, and

verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

"Adult family home" means:

(1) A residential home in which a person or an entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to a licensed operator, resident manager, or caregiver, who resides in the home.

(2) As used in this chapter, the term "entity" includes corporations, partnerships and limited liability companies, and the term "adult family home" includes the person or entity that is licensed to operate an adult family home.

"Affiliated with an applicant" means any person listed on the application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse or domestic partner of the applicant.

"Applicant" means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

"Capacity" means the maximum number of persons in need of personal or special care who are permitted to reside in an adult family home at a given time. The capacity includes:

(1) The number of related children or adults in the home who receive personal or special care and services; plus

(2) The number of residents the adult family home may admit and retain - the resident capacity. The capacity number listed on the license is the "resident capacity."

"Caregiver" means any person eighteen years of age or older responsible for providing direct personal or special care to a resident and who is not the provider, entity representative, a student or volunteer.

"Dementia" is defined as a condition documented through the assessment process required by WAC 388-76-10335.

"Department" means the Washington state department of social and health services.

"Department case manager" means the department authorized staff person or designee assigned to negotiate, monitor, and facilitate a care and services plan for residents receiving services paid for by the department.

"Developmental disability" means:

(1) A person who meets the eligibility criteria defined by the division of developmental disabilities under WAC 388-823-0040; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism); and

(a) The condition was manifested before the person reached age eighteen;

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care;

(ii) Understanding and use of language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction; and

(vi) Capacity for independent living.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training and specialty training if required, or who has been exempted from the basic training requirements and is:

(1) On the premises; and

(2) Quickly and easily available to the caregiver.

"Domestic partners" means two adults who meet the requirements for a valid state registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership.

"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 person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020(6).

"Financial solvency" means that the applicant or provider is able to meet debts or financial obligations with some money to spare.

"Entity representative" means the individual designated by a provider who is or will be responsible for the daily operation of the adult family home and who meets the requirements of this chapter and chapter 388-112 WAC.

"Home" means adult family home.

"Imminent danger" or "immediate threat" means serious physical harm to or death of a resident has occurred, or there is a serious threat to the resident's life, health or safety.

"Indirect supervision" means oversight by a person who:

(1) Has demonstrated competency in the basic training and specialty training if required; or

(2) Has been exempted from the basic training requirements; and

(3) Is quickly and easily available to the care giver, but not necessarily on-site.

"Inspection" means a review by department personnel to determine the health, safety, and well-being of residents, and the adult family home's compliance with this chapter and chapters 70.128, 70.129, 74.34 RCW, and other applicable rules and regulations. The department's review may include an on-site visit.

"Management agreement" means a written, executed agreement between the adult family home and another individual or entity regarding the provision of certain services on behalf of the adult family home.

"Mandated reporter" means an employee of the department, law enforcement, officer, social worker, professional school personnel, individual provider, an employee of a facility, an employee of a social service, welfare, mental

health, adult day health, adult day care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW. For the purpose of the definition of a mandated reporter, **"Facility"** means a residence licensed or required to be licensed under chapter 18.20 RCW (Boarding homes), chapter 18.51 RCW (Nursing homes), chapter 70.128 RCW (Adult family homes), chapter 72.36 RCW (Soldiers' homes), chapter 71A.20 RCW (Residential habilitation centers), or any other facility licensed by the department.

"Medical device" as used in this chapter, means any piece of medical equipment used to treat a resident's assessed need.

(1) A medical device is not always a restraint and should not be used as a restraint;

(2) Some medical devices have considerable safety risks associated with use; and

(3) Examples of medical devices with known safety risks when used are transfer poles, Posey or lap belts, and side rails.

"Medication administration" means giving resident medications by a person legally authorized to do so, such as a physician, pharmacist or nurse.

"Medication organizer" is a container with separate compartments for storing oral medications organized in daily doses.

"Mental illness" is defined as an Axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and disability services administration).

"Minimal" means violations that result in little or no negative outcome and/or little or no potential harm for a resident.

"Moderate" means violations that result in negative outcome and actual or potential harm for a resident.

"Multiple facility provider" means a provider who is licensed to operate more than one adult family home.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

"Nurse delegation" means a registered nurse transfers the performance of selected nursing tasks to competent nursing assistants in selected situations. The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the resident.

"Over-the-counter medication" is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

"Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs and does not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and is not required to treat the resident's medical symptoms.

"Placement agency" is an "elder or vulnerable adult referral agency" as defined in chapter 18.330 RCW and means a business or person who receives a fee from or on behalf of a vulnerable adult seeking a referral to care services or supportive housing or who receives a fee from a care services provider or supportive housing provider because of any referral provided to or on behalf of a vulnerable adult.

"Practitioner" includes a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant licensed in the state of Washington.

"Prescribed medication" refers to any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Provider" means:

(1) Any person who is licensed to operate an adult family home and meets the requirements of this chapter; or

(2) Any corporation, partnership, or limited liability company that is licensed under this chapter to operate an adult family home and meets the requirements of this chapter.

"Recurring" or "repeated" means that the department has cited the adult family home for a violation of applicable licensing laws or rules and the circumstances of (1) and (2) of this definition are present:

(1) The department previously imposed an enforcement remedy for a violation of the same section of law or rule for substantially the same problem following any type of inspection within the preceding thirty-six months; or

(2) The department previously cited a violation under the same section of law or rule for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

(3) If the previous violation in (1) or (2) of this definition was pursuant to a law or rule that has changed at the time of the new violation, a citation to the equivalent current law or rule section is sufficient.

"Resident" means any adult unrelated to the provider who lives in the adult family home and who is in need of care. 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.

"Resident manager" means a person employed or designated by the provider to manage the adult family home and who meets the requirements of this chapter.

"Serious" means violations that result in one or more negative outcomes and significant actual harm to residents that does not constitute imminent danger; and or, there is reasonable predictability of recurring actions, practices, situations or incidents with potential for causing significant harm to a resident.

"Severity" means the seriousness of a violation as determined by actual or potential negative outcomes for residents and subsequent actual or potential for harm. Outcomes include any negative effect on the resident's physical, mental or psychosocial well being (i.e., safety, quality of life, quality of care).

"Significant change" means:

(1) A lasting change, decline or improvement in the resident's baseline physical, mental or psychosocial status;

(2) The change is significant enough so the current assessment and/or negotiated care plan do not reflect the resident's current status; and

(3) A new assessment may be needed when the resident's condition does not return to baseline within a two week period of time.

"Special care" means care beyond personal care services as defined in this section.

"Staff" means any person who:

(1) Is employed or used by an adult family home, directly or by contract, to provide care and services to any resident.

(2) Staff must meet all of the requirements in this chapter and chapter 388-112 WAC.

"Uncorrected" means the department has cited a violation of WAC or RCW following an inspection and the violation remains uncorrected at the time of a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

"Unsupervised" means not in the presence of:

(1) Another employee or volunteer from the same business or organization; or

(2) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the employee, student or volunteer has access during the course of his or her employment or involvement with the business or organization.

"Usable floor space" means resident bedroom floor space exclusive of:

(1) Toilet rooms;

(2) Closets;

(3) Lockers;

(4) Wardrobes;

(5) Vestibules, and

(6) The space required for the door to swing if the bedroom door opens into the resident bedroom.

"Water hazard" means any body of water over twenty-four inches in depth that can be accessed by a resident, and includes but not limited to:

(1) In-ground, above-ground, and on-ground pools;

(2) Hot tubs, spas;

(3) Fixed-in-place wading pools;

(4) Decorative water features;

(5) Ponds; or

(6) Natural bodies of water such as streams, lakes, rivers, and oceans.

"Willful" means the deliberate or nonaccidental action or inaction by an individual that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.

"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;

(2) Found incapacitated under chapter 11.88 RCW;

(3) Who has a developmental disability as defined under RCW 71A.10.020;

(4) Admitted to any facility;

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW;

(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.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10015 License—Adult family home—Compliance required. (1) The licensed adult family home must comply with all the requirements established in chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations including chapter 74.39A RCW; and

(2) The provider is ultimately responsible for the day-to-day operation of ((~~the adult family~~)) each licensed home.

(3) The provider must promote the health, safety, and well-being of each resident residing in each licensed adult family home.

AMENDATORY SECTION (Amending WSR 09-21-075, filed 10/16/09, effective 11/16/09)

WAC 388-76-10025 License annual fee. (1) The adult family home must pay an annual license fee as ((~~required in chapter 70.128 RCW~~)) established in the state omnibus appropriations act and any amendment or additions made to that act.

(2) The home must send the annual license fee to the department upon receipt of notice of fee due.

(3) If the home does not pay the fee when due, the department will impose remedies.

AMENDATORY SECTION (Amending WSR 10-04-008, filed 1/22/10, effective 2/22/10)

WAC 388-76-10035 License requirements—Multiple family home providers. ((~~To be licensed to operate more than one adult family home, the applicant must have~~)) The department will only consider an application for more than one home if the applicant has:

(1) Evidence of successful completion of the forty-eight hour residential care administrator's training to meet the applicable requirements of chapter 388-112 WAC((~~.~~));

(2) ((~~Operated an adult family home in Washington for at least one year without a significant violation of chapters 70.128, 70.129 or 74.34 RCW, this chapter or other applicable laws and regulations; and~~

~~(3)~~)) The ability to operate more than one home((~~.~~));

(((~~(4)~~))) (3) The following plans for each home the applicant intends to operate. Each of the following plans must be updated and maintained:

(a) A twenty-four hour a day, seven day a week staffing plan;

(b) A plan for managing the daily operations of each home; and

(c) A plan for emergencies, deliveries, staff and visitor parking.

(((~~(5)~~))) (4) A ((~~credit~~)) demonstrated history ((~~considered if the history relates~~)) of financial solvency related to the ability to provide care and services((~~.~~)); and

(((~~(6)~~))) (5) An entity representative or a resident manager at each home who is responsible for the care of each resident at all times.

NEW SECTION

WAC 388-76-10037 License requirements—Multiple adult family homes—Additional homes. The department will only accept an application for an additional license as follows:

(1) For a second home, if the applicant has maintained the first adult family home license for at least twenty-four months with no enforcement actions as listed in RCW 70.128.160(2) related to a significant violation of chapters 70.128, 70.129 or 74.34 RCW, this chapter or other applicable laws and regulations; and

(2) For a third or additional homes, if a minimum of twelve months have passed since the previous adult family home license was granted and no enforcement action was taken against any of the currently licensed homes.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10064 Application—Forty-eight hour administration and business planning class training requirements. (1) The applicant, and the entity representative must successfully complete the department approved forty-eight hour adult family home administration and business planning class as required in chapter 388-112 WAC.

(2) An applicant and entity representative may not be required to take the forty-eight hour class if there is a change in ownership and the applicant and entity representative are already participants in the operation of a currently licensed home.

(3) An applicant and entity representative must take the forty-eight hour class when the application is for an additional licensed home and the forty-eight hour class has not already been successfully taken.

(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.

AMENDATORY SECTION (Amending WSR 09-21-075, filed 10/16/09, effective 11/16/09)

WAC 388-76-10070 Application—Fees required. (1) The applicant must pay all processing and license fees established ((~~by chapter 70.128 RCW~~)) in the state omnibus appropriations act and any amendment or additions made to that act.

(2) The applicant must submit the required fees with the application form.

(((~~(3) The processing fee will be returned as required by chapter 70.128 RCW.~~

~~(4) The license fee will be returned to the applicant if the application is withdrawn, voided or the license is denied.~~)))

AMENDATORY SECTION (Amending WSR 09-21-075, filed 10/16/09, effective 11/16/09)

WAC 388-76-10073 Application—Processing fees required. The processing fee, required in ((~~chapter 70.128 RCW~~)) the state omnibus appropriations act and any amendment or additions made to that act, applies to any application submitted to the department, including but not limited to an application for licensure, change of ownership, or a change of location.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10080 Application—Coprovider. Couples who are legally married or domestic partners under Washington state law:

(1) May not apply for separate licenses; and

(2) May apply jointly to be coproviders, if they are both qualified. One person may apply to be a provider without requiring the other person to apply.

AMENDATORY SECTION (Amending WSR 10-14-058, filed 6/30/10, effective 7/31/10)

WAC 388-76-10105 Application—Change of ownership. (1) Under this section, "control of the provider" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the adult family home, whether through ownership, voting control, by agreement, by contract or otherwise.

(2) A change of ownership of an adult family home requires both a new license application and a new license.

(3) A change of ownership occurs when there is a change in:

(a) The provider; or

(b) The control of a provider.

(4) Events which constitute a change of ownership include, but are not limited to:

(a) The form of legal organization of the adult family home is changed, such as when an adult family home forms:

(i) A partnership;

(ii) A corporation;

(iii) A limited liability company; or

(iv) When it merges with another legal organization.

(b) The adult family home transfers business operations and management responsibility to another party, whether or not there is a partial or whole transfer of real property, personal property, or both.

(c) Two people are both licensed as a married couple or domestic partners to operate an adult family home and an event, such as a separation, divorce, or death, results in only one person operating the home.

(d) Dissolution of a business partnership that is licensed to operate the adult family home.

(e) If the adult family home is a corporation and the corporation:

(i) Is dissolved;

(ii) Merges with another corporation, resulting in a change in the control of the provider; or

(iii) Consolidates with one or more corporations to form a new corporation;

(iv) Whether by a single transaction or multiple transactions within a continuous twenty-four month period, transfers fifty percent or more of its shares to one or more of the following:

(A) New or former shareholders; or

(B) Present shareholders, each having less than five percent of the shares before the initial transaction.

(f) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the provider's control of the adult family home.

(5) The new owner:

(a) Must obtain a new license from the department before transfer of ownership;

(b) Must not begin operation of the adult family home until the department has granted the license;

(c) Must correct all deficiencies that exist at the time of the ownership change;

(d) Is subject to the provisions of chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations; and

(e) Must ensure that any funds in the resident's accounts at the time of the ownership change remain in an equivalent account. If any funds in resident's accounts are moved, the new owner must promptly notify residents or resident's representative in writing of the name, address, and location of the new depository; and

(f) Must provide the department with a copy of the written notice of the change of ownership that was given to each resident, or applicable resident representatives.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10120 License—Must be denied. The adult family home license will not be granted if:

(1) The applicant has not successfully completed a department-approved forty-eight hour adult family home administration and business planning class except as provided in WAC 388-76-10064.

(2) It has been less than twenty years since the applicant surrendered or relinquished an adult family home license after receiving notice that the department intended to deny, suspend, not renew or revoke the license.

(3) The applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee or majority owner of the applying entity:

(a) Has a history of significant noncompliance with federal or state laws or regulations in the provision of care or services to children or vulnerable adults;

(b) Has prior violations of federal or state laws or regulations relating to residential care facilities resulting in revocation, suspension, or nonrenewal of a license or contract with the department within the past ten years;

(c) Has been convicted of a crime in federal court or in any other state, and the department determines that the crime is equivalent to a crime under subsections (3)(c), (d), (e), (f), or (g) below;

(((~~(e)~~))) (d) Has been convicted of a "crime against children or other persons" as defined in RCW 43.43.830, unless the crime is simple assault, assault in the fourth degree, or prostitution and more than three years has passed since conviction;

(((~~(d)~~))) (e) Has been convicted of "crimes relating to financial exploitation" as defined in RCW 43.43.830, unless the crime is theft in third degree and more than three years have passed since conviction, or unless the crime is forgery or theft in the second degree and more than five years has passed since conviction;

(((~~(e)~~))) (f) Has been convicted of:

(i) Violation of the Imitation Controlled Substance Act (VICSA);

(ii) Violation of the Uniform Controlled Substances Act (VUCSA);

(iii) Violation of the Uniform Legend Drug Act (VULDA); or

(iv) Violation of the Uniform Precursor Drug Act (VUPDA).

(((~~(f)~~))) (g) Has been convicted of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct;

(((~~(g)~~))) (h) Has been convicted of criminal mistreatment;

(((~~(h)~~))) (i) Has been found to have abused, neglected, exploited, or abandoned a minor or vulnerable adult by court of law or a disciplining authority, including the department of health. Examples of legal proceedings in which such findings could be made include juvenile court proceedings under chapter 13.34 RCW, domestic relations proceeding under Title 26 RCW, and vulnerable adult protection proceedings under chapter 74.34 RCW;

(((~~(i)~~))) (j) Has a finding of abuse or neglect of a child that is:

(i) Listed on the department's background check central unit (BCCU) report; or

(ii) Disclosed by the individual, except for findings made before December, 1998.

(((~~(j)~~))) (k) Has a finding of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult that is:

(i) Listed on any registry, including the department's registry;

(ii) Listed on the department's background check central unit (BCCU) report; or

(iii) Disclosed by the individual, except for adult protective services findings made before October, 2003.

AMENDATORY SECTION (Amending WSR 10-16-082, filed 7/30/10, effective 1/1/11)

WAC 388-76-10130 Qualifications—Provider, entity representative and resident manager. The adult family home must ensure that the provider, entity representative and resident manager have the following minimum qualifications:

(1) Be twenty-one years of age or older;

(2) Have a United States high school diploma or general education development certificate, or any English translated government document of the following:

(a) Successful completion of government approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction a year for twelve years, or no less than twelve thousand hours of instruction;

(b) Graduation from a foreign college, foreign university, or United States community college with a two-year diploma, such as an associate's degree;

(c) Admission to, or completion of course work at a foreign or United States college or university for which credit was awarded;

(d) Graduation from a foreign or United States college or university, including award of a bachelor's degree;

(e) Admission to, or completion of postgraduate course work at, a United States college or university for which credits were awarded, including award of a master's degree; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education was required.

(3) Completion of the training requirements that were in effect on the date they were hired or became licensed providers, including the requirements described in chapter 388-112 WAC;

(4) Have good moral and responsible character and reputation;

(5) Be literate and able to communicate in the English language, ((~~or meet alternative requirements by assuring~~)) and assure that a person is on staff and available at the home who is((~~:~~

~~(a) Able to communicate or make provisions for communicating with the resident in his or her primary language; and~~

~~(b) Capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read, understand and implement resident negotiated care plans~~)) capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read, understand and implement resident negotiated care plans.

(6) Assure that there is a mechanism to communicate with the resident in his or her primary language either through a qualified person on-site or readily available at all times, or other reasonable accommodations, such as a language line.

(7) Be able to carry out the management and administrative requirements of chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations;

(((~~7~~))) (8) Have completed at least ((~~three hundred and twenty~~)) one thousand hours of successful direct care experience in the previous sixty months obtained after age eighteen to vulnerable adults in a licensed or contracted setting before operating or managing a home((~~:~~

~~(8)~~)). Individuals holding one of the following professional licenses are exempt from this requirement:

(a) Physician licensed under chapter 18.71 RCW;

(b) Osteopathic physician licensed under chapter 18.57 RCW;

(c) Osteopathic physician assistant licensed under chapter 18.57A RCW;

(d) Physician assistant licensed under chapter 18.71A RCW;

(e) Registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW.

(9) Have no criminal convictions listed in RCW 43.43.830 or 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation;

(((~~9~~))) (10) Obtain and keep valid cardiopulmonary resuscitation (CPR) and first-aid card or certificate as required in chapter 388-112 WAC; and

(((~~10~~))) (11) Have tuberculosis screening to establish tuberculosis status per this chapter.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10395 Emergency admissions. (1) The adult family home may only admit a resident to the home without an assessment or a preliminary service plan if a true emergency exists.

(2) To establish that a true emergency exists, the home must verify that the resident's life, health or safety is at serious risk due to circumstances in the resident's current place of residence or harm to the resident has occurred.

(3) After establishing that a true emergency exists, the home must:

(a) Ensure the assessment and preliminary service plan are completed within five working days after admitting the resident, if the resident pays for services with private funds; or

(b) Obtain approval from an authorized department case manager before admission if the resident's care and services are paid by the department or health care authority; and

(c) If approval is obtained verbally, document the time, date, and name of the case manager who gave approval.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10540 Resident rights—Disclosure of fees and charges—Notice requirements—Deposits. (1) ((~~Before admission,~~)) If the adult family home requires payment of an admission((~~s~~)) fee, deposit, prepaid charges or ((~~a minimum stay fee~~)) any other fees or charges, by or on behalf of a person seeking admission, the home ((~~must give the resident full disclosure in writing in a language the resident understands~~)):

(a) Must give full disclosure in writing;

(b) In a language the resident understands;

(c) Prior to the receipt of any funds.

(2) The disclosure must include:

(a) A statement of the amount of any admissions fees, security deposits, prepaid charges, ((~~or~~)) minimum stay fees or any other fees or charges specifying what the funds are paid for and the basis for retaining any portion of the funds if the resident dies, is hospitalized, or is transferred or discharged from the home;

(b) The home's advance notice or transfer requirements; and

(c) The amount of the security deposits, admission fees, prepaid charges, ((~~or~~)) minimum stay fees or any other fees or charges that will be refunded to the resident if the resident leaves the home.

(3) The home must ensure that the receipt of the disclosures required under subsection (1) of this section is in writing and signed and dated by the resident and the home. The home must retain a copy of the disclosure and acknowledgement.

(4) If the home does not provide these disclosures, the home must not keep the security deposits, admission fees, prepaid charges, ((~~or~~)) minimum stay fees, or any other fees or charges.

(5) If a resident dies, is hospitalized or is transferred to another facility for more appropriate care and does not return to the home, the adult family home:

(a) Must refund any deposit or charges already paid less the home's per diem rate for the days the resident actually resided, reserved or retained a bed in the home in spite of any minimum stay policy or discharge notice requirements; except that

(b) May keep an additional amount to cover its reasonable and actual expenses incurred as a result of a private-pay resident's move, not to exceed five days per diem charges; unless the resident has given advance notice in compliance with the admission agreement;

(c) May not require the resident to obtain a refund from a placement agency or person.

(6) The adult family home may not retain funds for reasonable wear and tear by the resident or for any basis that would violate RCW 70.129.150.

(((~~(6)~~))) (7) All adult family homes covered under this section are required to refund any and all refunds due the resident within thirty days from the resident's date of discharge from the home.

(((~~(7)~~))) (8) Nothing in this section applies to provisions in contracts negotiated between a home and a certified health plan, health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(((~~(8)~~))) (9) If the home requires an admission agreement by or on behalf of an individual seeking admission the home must ensure the terms of the agreement are consistent with the requirements of this section, chapters 70.128, 70.129 and 74.34 RCW, and other applicable state and federal laws.

NEW SECTION

WAC 388-76-10561 Resident rights—Resident security deposit account. Any funds in excess of one hundred dollars that are paid to an adult family home as a security deposit or as prepayment for charges beyond the first month's residency:

(1) Must be deposited by the adult family home in an interest bearing account that is separate from any of the home's operating accounts and credits all interest earned on the resident's funds to that account. The adult family home must:

(a) Ensure that a record of the account is available upon the request of the resident or their representative;

(b) Not commingle resident funds from these accounts with the adult family home's funds or with the funds of any person other than another resident. If resident funds are commingled, the home must provide each resident with a separate accounting for their share;

(c) Ensure that the account or accounts are held in a financial institution as defined in RCW 30.22.041, and notify each resident in writing of the name, address, and location of the depository.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10570 Resident rights—Financial affairs related to resident death. If a resident's personal funds are deposited with the adult family home, the home must give the resident's funds and a final accounting of the funds within ((~~forty-five~~)) thirty days after the resident's death to the individual or probate jurisdiction administering the resident's estate; except for a resident who received long-term care services paid by the state, the home must send funds and accounting to the state of Washington, department of social and health services, office of financial recovery.

NEW SECTION

WAC 388-76-10911 Inspections—Multiple adult family home providers. (1) In the event of serious noncompliance leading to the imposition of one or more actions listed in RCW 70.128.160(2) on a home operated by a provider with multiple adult family homes, all other homes operated by the provider must be inspected to determine if the same or related deficiencies are present in those homes.

(2) The department may issue fines under RCW 70.128.065(5) of up to three hundred dollars for each inspection when one or more actions listed in RCW 70.128.160(2) is imposed on a multiple home provider and inspections of the other homes are required to determine whether the same or related deficiencies are present in those homes.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10915 Department staff access—Willful interference prohibited. The adult family home must ensure:

(1) Department staff have access to:

(a) The home, residents, including former residents;

(b) Resident records, includes former residents records; ((~~and~~))

(c) Facility staff and relevant staff records; and

(d) Financial records of the business if good cause to believe that a financial obligation related to resident care or services will not be met.

(2) The home and staff do not willfully interfere or fail to cooperate with department staff in the performance of official duties.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10945 Remedies—((~~Serious risk—Recurring violations—Uncorrected violations~~)) Imposition of remedies. The department must impose a remedy or remedies listed in WAC 388-76-10940 when violations of chapter 70.128, 70.129 and 74.34 RCW and this chapter ((~~pose a serious risk to any resident, are recurring or are uncorrected~~)) are:

(1) Repeated;

(2) Uncorrected;

(3) Pervasive; or

(4) Present a threat to the health, safety, or welfare of one or more residents.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10960 Remedies—Department may impose remedies. The department may impose a remedy or remedies if the department finds any person listed in WAC 388-76-10950:

(1) Has been convicted of:

(a) Any felony that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home; or

(b) A crime involving a firearm used in the commission of a felony or in any act of violence against a person.

(2) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;

(3) Has committed an act of domestic violence toward a family or household member;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused, or financially exploited a vulnerable adult, unless such decision requires imposition of a remedy under WAC 388-76-10955;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed;

(6) Has a history of violations of chapter 70.128 RCW, or any law regulating residential care facilities, that resulted in revocation, suspension, or nonrenewal of a license with the department;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;

(9) Has been the subject of a sanction, corrective, or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;

(10) Has obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented, interfered with, or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition or limit imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or any other applicable laws.

(15) Misappropriated property of a resident, unless such action requires a remedy under WAC 388-76-10955;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) In connection with the operation of any facility for the care of children or adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intends to deny, suspend, cancel or revoke the license, unless such action requires imposition of a remedy under WAC 388-76-10955;

(19) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(20) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business involved in the provision of care and services to children or vulnerable adults;

(21) Has failed to meet personal financial obligations and that failure has resulted in a failure to provide necessary care and services to the residents;

(22) Interfered with a long-term care ombudsman or department staff in the performance of his or her duties; or

(23) Failed to relinquish or surrender the license as required.

AMENDATORY SECTION (Amending WSR 10-04-008, filed 1/22/10, effective 2/22/10)

WAC 388-76-10975 Remedies—Specific—Civil penalties. (1) The department may impose civil penalties of ((~~not more than~~)) at least one hundred dollars per day per violation ((~~except that~~)):

(a) Fines up to one thousand dollars can be issued under RCW 70.128.150 for willful interference with a representative of the long-term care ombudsman; and

(b) Fines up to three thousand dollars can be issued under RCW 74.39A.060 for retaliation against a resident, employee, or any other person making a complaint, providing information to, or cooperating with, the ombudsman, the department, the attorney's general office, or a law enforcement agency; and

(c) Fines up to ten thousand dollars may be issued under RCW 70.128.065(2) for a current or former licensed provider who is operating an unlicensed home.

(2) When the adult family home fails to pay a fine under this chapter when due, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider from the department.

(3) Civil monetary penalties are due twenty-eight days after the adult family home or the owner or operator of an unlicensed adult family home is served with notice of the penalty unless the adult family home requests a hearing in compliance with chapter 34.05 RCW, RCW 43.20A.215, and this chapter. If the hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Thirty days after the department serves the adult family home with notice of the penalty, interest begins to accrue at a rate of one percent per month as authorized by RCW 43.20B.695.

NEW SECTION

WAC 388-76-10976 Remedies—Civil fine grid. The department will consider the guidance in the tiered sanction grid below when imposing civil fine remedies:

NO HARM	MINIMAL or MODERATE HARM		SERIOUS HARM		IMMINENT DANGER and/or IMMEDIATE THREAT
Repeat / Uncorrected	Initial	Repeat / Uncorrected	Initial	Repeat / Uncorrected	Any Violation
Civil fine of at least $100 per violation	Civil fine up to $500 per violation or a daily civil fine of at least $250 per day	Civil fine up to $1,000 per violation or a daily civil fine of at least $500 per day	Civil fine up to $2,000 per violation or a daily civil fine of at least $1,000 per day	Civil fine up to $3,000 per violation or a daily civil fine of at least $1,500 per day	Civil fine of $3,000 or daily civil fine of at least $1,000 per day

AMENDATORY SECTION (Amending WSR 10-16-082, filed 7/30/10, effective 1/1/11)

WAC 388-76-10146 Qualifications—Training and home care aide certification. (1) The adult family home must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter 388-112 WAC.

(2) The adult family home must ensure all adult family home caregivers, entity representatives, and resident managers hired on or after ((~~January 1, 2011~~)) January 7, 2012, meet the long-term care worker training requirements of chapter 388-112 WAC, including but not limited to:

(a) Orientation and safety;

(b) Basic;

(c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;

(d) Cardiopulmonary resuscitation and first aid; and

(e) Continuing education.

((~~(2)~~)) (3) All persons listed in subsection (1) of this section, must obtain the home-care aide certification if required by chapter 246-980 WAC.

((~~(3)~~)) (4) All adult family home applicants on or after ((~~January 1, 2011~~)) January 7, 2012, must meet the long-term care worker training requirements of chapter 388-112 WAC and obtain the home-care aide certification if required by chapter 246-980 WAC.

((~~(4)~~)) (5) Under RCW 18.88B.040 and chapter 246-980 WAC, certain persons including registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved certified nursing assistant program are exempt from home care aide certification and long-term care worker training requirements. Continuing education requirements still apply as outlined in chapter 388-112 WAC.

((~~(5)~~)) (6) The adult family home must ensure that all staff receive the orientation and training necessary to perform their job duties.

(7) The adult family home must ensure that a qualified caregiver is on-site whenever a resident is at the adult family home. For purposes of this subsection, a qualified caregiver means someone who has successfully completed orientation and basic training.

WSR 12-01-086
PERMANENT RULES
DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 20, 2011, 9:21 a.m., effective February 1, 2012]

Effective Date of Rule: February 1, 2012.

Purpose: This rule is to address the requirements that employers must follow with regard to inspection, maintenance and operation of cranes used in the construction industry. This rule also includes 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, the Occupational Safety and Health Administration (OSHA) adopted their final rule and this rule 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.

This rule was developed with the assistance of a stakeholder group from the industry representing business and labor.

Citation of Existing Rules Affected by this Order: Repealing 52; and amending 25.

NEW SECTIONS:

WAC 296-155-53302 Signal person qualifications.

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

WAC 296-155-53306 Rigger qualifications.

- Requirements relating to rigger qualifications are located in this section. These requirements were 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 were either federally initiated, were in current rule or were 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 were 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 were 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 were either federally initiated or were 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 were federally initiated.

WAC 296-155-53405 Inspections.

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

WAC 296-155-53406 Signals.

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

WAC 296-155-53409 Training.

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

WAC 296-155-53412 Operational aids.

- Requirements relating to operational aids are located in this section. These requirements were 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 were 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 were federally initiated or were 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 were either federally initiated, state-initiated or were 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 were federally initiated or were 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 were federally initiated or were 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 were either federally initiated, state-initiated, or were in current rule or were 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 were federally initiated.

WAC 296-155-53915 Tower cranes—Operations.

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

WAC 296-155-54320 Derricks—Operations.

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

WAC 296-155-54405 Dedicated pile drivers.

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

WAC 296-155-54410 Sideboom cranes.

- Requirements relating to sideboom cranes are located in this section. These requirements were 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 was 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 were either federally initiated, state-initiated or were 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 were either federally initiated, state-initiated or were 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 were 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 were federally initiated and were 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 were federally initiated.

WAC 296-155-55115 Trial lift.

- Requirements relating to the trial lift are located in this section. These requirements were 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 were 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 were 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 were either federally initiated, state-initiated or were 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 were either federally initiated, state-initiated or were 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 were 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 were federally initiated or were 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 were federally initiated or were 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 were either in the current federal rule, current state rule or were 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 were either in the current federal rule, current state rule or were 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 were either in the current federal rule, current state rule or were 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 were either in the current federal rule, current state rule or were 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 were either in current federal rule, current state rule or were 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 were either in federal rule, current state rule or were 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 were in an industry consensus standard.

WAC 296-155-56105 Shackles.

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

WAC 296-155-56110 Adjustable hardware.

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

WAC 296-155-56115 Compression hardware.

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

WAC 296-155-56125 Rigging blocks.

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

WAC 296-155-56205 Vacuum lifters.

- Requirements relating to vacuum lifters are located in this section. These requirements were in 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 were in 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 were in 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 were in 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 were in 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.

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

WAC 296-54-51160 Leg protection.

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

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

- Updated a reference in subsection (2).

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

- Updated references.

WAC 296-155-325 General requirements for storage.

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

WAC 296-155-329 Qualified person—Rigging.

- Deleted current language from this section and added 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): Clarified the language by adding titles to the referenced sections.
- Renumbered subdivisions (l) through (x).
- Subsection (3)(a): Added a reference for clarity.
- Subsection (3)(c): Added the words "For rigging requirements see WAC 296-155-556 through 296-155-562" for clarity.
- Subsection (3)(e): Replaced language with the federal equivalent language. This language now 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): Replaced language with the federal equivalent language. Also, added a clarifying statement at the end of this paragraph. This 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): Added this new exemption because there is no operator certification for these types of cranes. The language reads, "Overhead/bridge cranes or hoists that travel or trolley manually."
- Subsection (3)(p): Renumbered and added federal equivalent language. The language reads, "Anchor

handling or dredge-related operations with a vessel or barge using an affixed A-frame."

- Subsection (3)(v): Added 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): Added federal equivalent language by adding "helicopter cranes" to the list of exemptions.
- Subsection (4): This subsection was renumbered to (5).
- Added 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."
- Added 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."
- Added 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 C.F.R., Part 213, and that comply with applicable Federal Railroad Administration requirements. See WAC 296-155-53400(39)."

WAC 296-155-52902 Definitions.

- Added 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, multipurpose 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.
- Amended 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."
- Amended 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."
- Amended the definition of tower crane to reads 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.

- Added 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): Deleted 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 sticker 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.
- Deleted 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): Clarified language for consistency. It now reads, "Crane monthly and annual inspection documentation."
- Subsection (2) and (3): Updated references.
- Subsection (5)(d): Corrected a typographical error.
- Subsection (7)(f): Added 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): Removed the words "maximum line pull" in the first sentence and added the words "at least one hundred percent, but not to exceed one hundred and ten percent."
- Subsection (4)(b): Removed 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): Deleted 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.

- Deleted 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): Clarified 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.

- Changed 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): Renumbered the table.

WAC 296-155-53214 Crane decertification and reinstatement.

- Subsection (1): Added the words "and must be inspected ay [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): Added 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."
- Added 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): Added department contact information.
- Subsection (3): Fixed typographical errors and change [changed] "shall" to "must."

WAC 296-155-53300 Operator qualifications and certification.

- Subsection (1): Added 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): Renumbered table.
- Added a new subsection (2)(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."

- Added 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."

- Added 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): Corrected the table number.
- Table: Corrected the number. Changed the words "overhead cranes" to "overhead/bridge and gantry cranes" in the table for consistency. Changed "signalman" to "signal person."
- Subsection (2)(d)(iii): Added clarifying language, it now reads, "In a multiple-crane or multiple load line lift situations; or"
- Subsection (3): Added 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 experience separated out by crane type and capacity. For sample declaration form see WAC 296-155-56425."
- Deleted subsection (5): By adding the note to subsection (3) this subsection was no longer necessary.
- Subsection (6): Renumbered to (5) and added 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): Updated a reference.

WAC 296-155-680 General provisions.

- Moved 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.

- Moved 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): Changed "qualified rigger" to "qualified person" for consistency.
- Subsection (3)(b): Updated the reference to the rigging WACs.
- Subsection (4)(b): Added the following language for consistency with the 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): Updated a reference.
- Subsection (22): Updated a reference.
- Subsection (22)(c)(xix): Updated a reference.

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

- Subsection (3): Updated a reference.

WAC 296-155-820 Removal of steel construction.

- Subsection (2): Updated 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.

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

WAC 296-155-525 Cranes and derricks.

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

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

- Requirements relating to cranes and derricks were 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 were moved to WAC 296-155-77105.

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

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

WAC 296-155-540 Overhead hoists.

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

WAC 296-155-545 Conveyors.

- Requirements relating to conveyors were moved to WAC 296-155-77120.

WAC 296-155-550 Aerial cableways.

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

WAC 296-155-555 Gin poles.

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

WAC 296-155-560 Concrete bucket towers.

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

WAC 296-155-565 Hoisting engines.

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

WAC 296-155-570 Rigging—Wire rope.

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

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.

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

Other Authority: 29 C.F.R. 1926, Subpart CC, Cranes and Derricks in Construction.

Adopted under notice filed as WSR 11-16-022 on July 26, 2011.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

WAC 296-155-52900 Scope.

- In subsection (3)(e), modified the exemption relating to digger derricks. It now reads, "Digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications. Cranes other than digger derricks when used for activities that are covered

under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications are **NOT** exempt."

- In subsection (4), modified the language relating to digger derricks and when the section would apply. It now reads, "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) one hundred and eighty days after the effective date of this section.

WAC 296-155-52902 Definitions.

- In the definition of "boom," the department removed the word "equipment." It now reads, "Boom (other than tower cranes) 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."
- Modified the definition of "construction." It now reads, "Construction work means (for 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 does not include the normal day-to-day activities at manufacturing facilities or powerhouses."
- Deleted the definition of "equipment."
- In the definition of "ground conditions" the department changed the word "equipment" to "crane/derrick," it now reads, "Ground conditions means the ability of the ground to support the crane/derrick (including slope, compaction, and firmness)."

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

- In subsection (7)(f), the department added the words "and certified scale with a current certificate of calibration." 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 and a certified scale with a current certificate of calibration."

WAC 296-155-53300 Operator qualifications and certification.

- In subsection (1)(a), the department added the words "which has an accredited program" after the word "organization." It now reads, "Has a valid crane operator certificate, for the type of crane to be operated, issued by a crane operator testing organization, which has an accredited program, 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 3 and by crane type for mobile cranes."
- In subsection (1)(d), the department added a "/" between the words "crane" and "equipment." The department also added the words "and the applicable ASME standard" after the words "crane/equipment manufacturer." It now reads, "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 and the applicable ASME standard. This process must be documented and made available upon request."
- In Table 3, the department added the words "including digger derricks" to subsections (1)(c) and (d).
- In Table 3, the department added the words "not including digger derricks" to subsection (5).
- In subsection (2)(c), the department added the words "derrick," "crane/derrick" and "derrick." It now reads "Qualified crane/derrick operator. While operating the crane/derrick, the trainee/apprentice must be continuously supervised by a qualified crane/derrick operator who meets the following requirements:"
- In subsection (2)(c)(i), the department added the word "derrick." It now reads, "The qualified crane/derrick operator is an employee or agent of the trainee's/apprentice's employer."
- In subsection (2)(c)(ii), the department added the word "derrick" and replaced the word "equipment" with "crane/derricks." It now reads, "The qualified crane/derrick operator under this section is familiar with the proper use of the crane/derricks controls."
- In subsection (2)(c)(iii), the department added the word "derrick" in two places. It now reads, "While supervising the trainee/apprentice, the qualified crane/derrick operator performs no tasks that detract from the qualified crane/derrick operator's ability to supervise the trainee/apprentice."
- In subsection (2)(c)(iv), the department added the word "derrick." It now reads, "For cranes other than tower cranes: The qualified crane/derrick 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."

WAC 296-155-53408 Power line safety.

- In subsection (2)(c), the department added the words "the utility owner" and deleted an "s" from the word "operator," it now reads, "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."
- In subdivision (4)(e), the department added the words "utility owner" and deleted the words "power line." It now reads, "A planning meeting with the employer and utility owner/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:"

WAC 296-155-53412 Operational aids.

- In subsection (3)(d)(ii)(B), the department corrected a reference in the exception. It now reads, "The requirements in subsection (3)(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."

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

- In the table, the department added the words "including digger derricks" to subsections (1)(c) and (d).
- In the table, the department added the words "not including digger derricks" to subsection (5).

A final cost-benefit analysis is available by contacting Cindy Ireland, P.O. Box 44620, Olympia, WA 98504, phone (360) 902-5522, fax (360) 902-5619, e-mail cynthia.ireland @lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 99, Amended 25, Repealed 52; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 99, Amended 25, Repealed 52.

Number of Sections Adopted on the Agency's Own Initiative: New 99, Amended 25, Repealed 52.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 99, Amended 25, Repealed 52.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 20, 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 potention 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)~~)) Chapter 296-876 WAC
Scaffolds	((~~WAC 296-155-483(7)~~)) Chapter 296-874 WAC
Boom Supported Elevating Work Platforms	((~~WAC 296-155-489~~)) Chapter 296-869 WAC
Vehicle Mounted Elevated and Rotating Work Platforms	((~~WAC 296-155-490 (2)(b)(v)~~)) Chapter 296-869 WAC
Crane and Derrick Supported	((~~WAC 296-155-528 (6)(c)~~)) WAC 296-155-553
Work Platforms	((~~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 98-16-067, 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.

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 certification 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 activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications. Cranes other than digger derricks when used for activities that are covered under chapter 296-45 WAC, Safety standards for electrical workers, or chapter 296-32 WAC, Safety standards for telecommunications are **NOT** exempt.

(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.

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

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

(((~~p~~))) (q) Roustabouts.

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

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

(((~~s~~))) (t) Conveyors.

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

(((~~u~~))) (v) Permanently installed overhead/bridge, gantry cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics 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) one hundred eighty days after the effective date of this section.

(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 initially 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, piledriver, 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 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 that 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.

((~~**Equipment** means equipment covered by this part.~~))

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 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 crane/derrick (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.

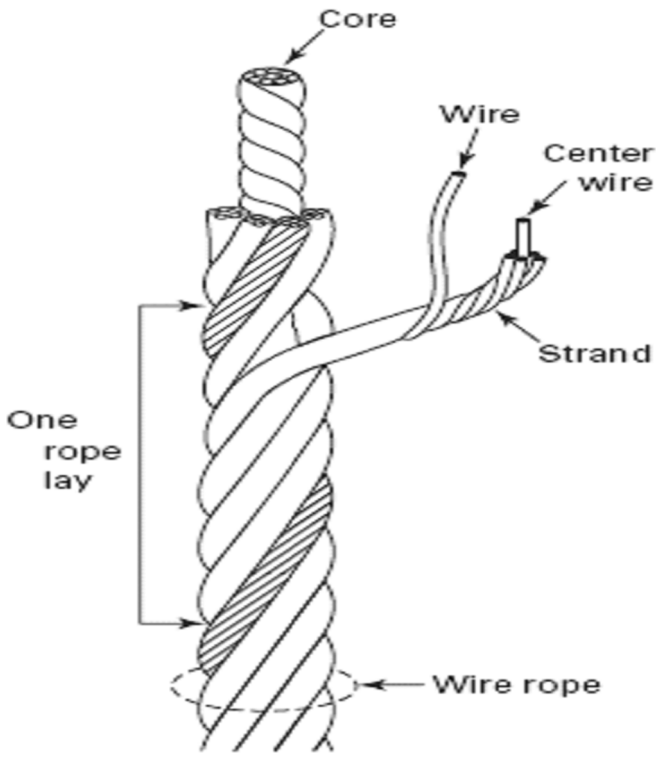


Figure 1 - Wire Rope

(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 and a certified scale with a current certificate of calibration;

(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 recommendations 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 which has an accredited program, 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 and the applicable ASME standard. This process must be documented and made available upon request.

(((~~b~~))) (e) Has crane hours of experience as shown in Table ((~~2~~)) 3; and

(((~~c~~))) (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
(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) (including digger derricks)	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) (including digger derricks)	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 (not including digger derricks)	20 Hours	500 Hours
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.		
Hours of crane related experience: Time as a ((~~signalman~~)) signalperson/bellman, oiler, crane mechanic, crane inspector, formal classroom training, crane simulator operation, and a combination of operating hours on other categories of cranes.		

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/derrick operator. While operating the ((~~equipment~~)) crane/derrick, the trainee/apprentice must be continuously supervised by a qualified crane/derrick operator who meets the following requirements:

(i) The qualified crane/derrick operator is an employee or agent of the trainee's/apprentice's employer.

(ii) The qualified crane/derrick operator under this section is familiar with the proper use of the ((~~equipment's~~)) crane's/derrick's controls.

(iii) While supervising the trainee/apprentice, the qualified crane/derrick operator performs no tasks that detract from the qualified crane/derrick operator's ability to supervise the trainee/apprentice.

(iv) For cranes other than tower cranes: The qualified crane/derrick 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 operator 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 signals 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 assem-

bly/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.

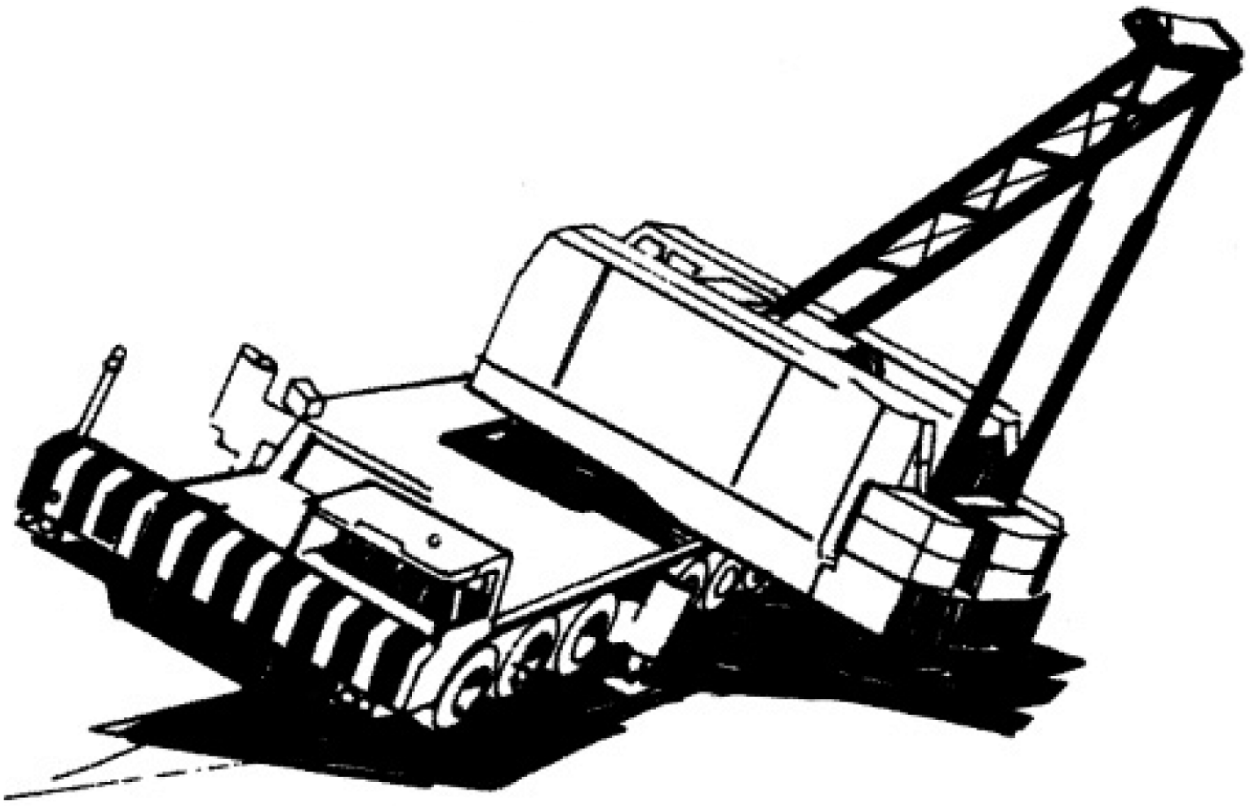


Figure 2. Lack of backward stability results in superstructure toppling.

(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.

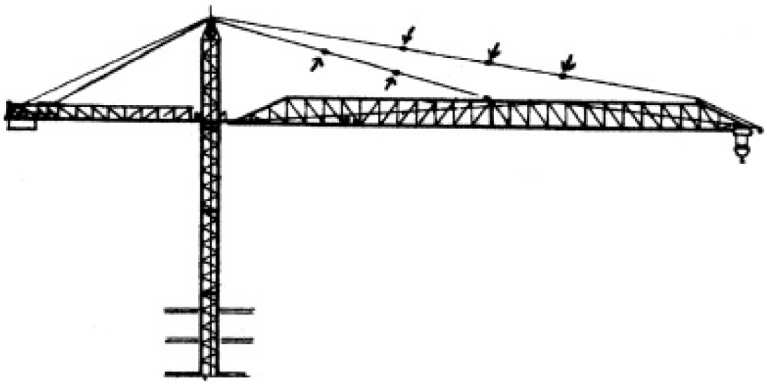


Figure 3. Pins (indicated by arrows) are not to be removed while pendants remain in tension.

(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.

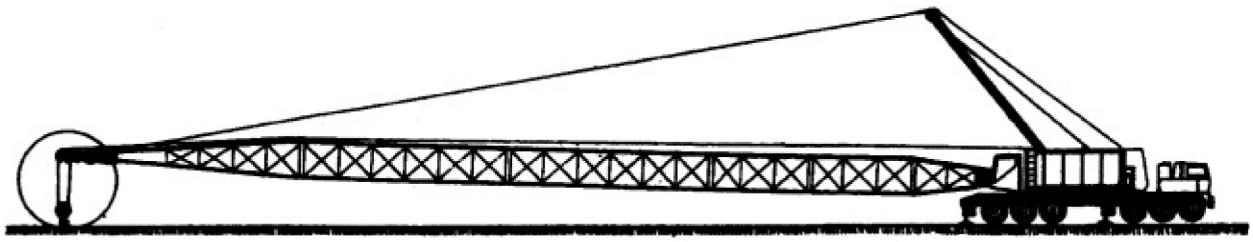


Figure 4. Pendant is in tension while connected to uppermost boom section, and no pins are to be removed.

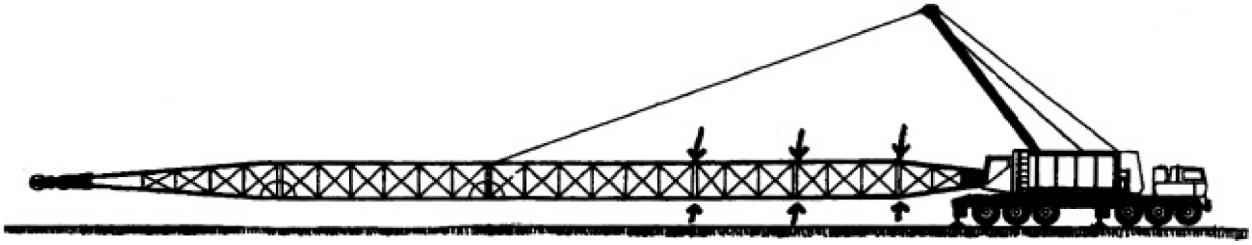


Figure 5. Pendant is in tension, and pins between pendant attachment point and crane body (indicated by arrows) are not to be removed. Note that, because the cantilevered portion of the boom is not supported, only the bottom pins ahead of the pendant may be removed. See Figure 8.

(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.

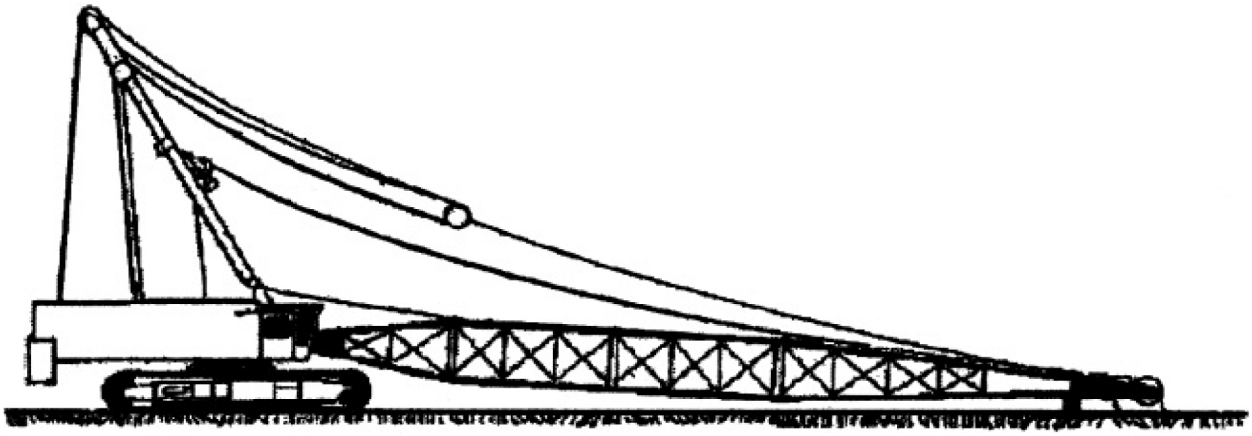


Figure 6. Uppermost boom section is resting on ground, and no pins between uppermost boom section and crane body are to be removed.

(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.

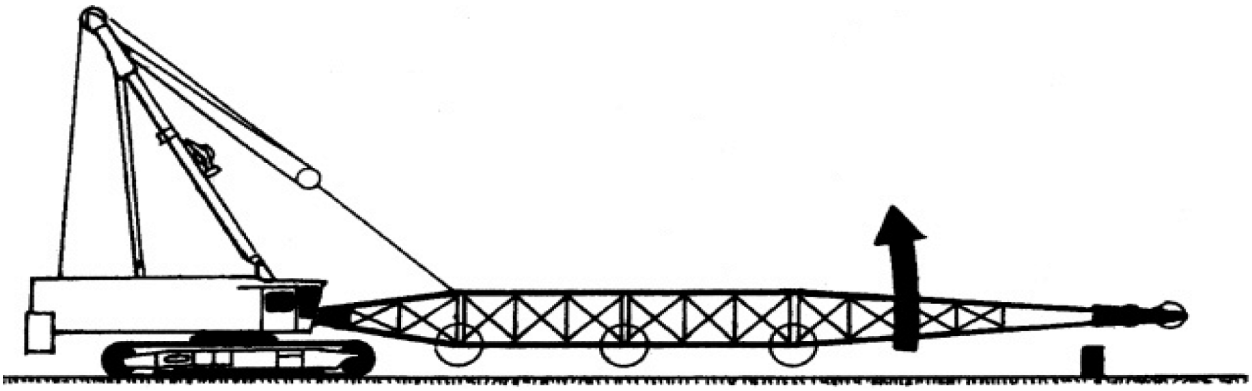


Figure 7. Cantilevered portion of boom is not supported, and top pins therefore are not to be removed. Bottom pins (circled) may be removed.

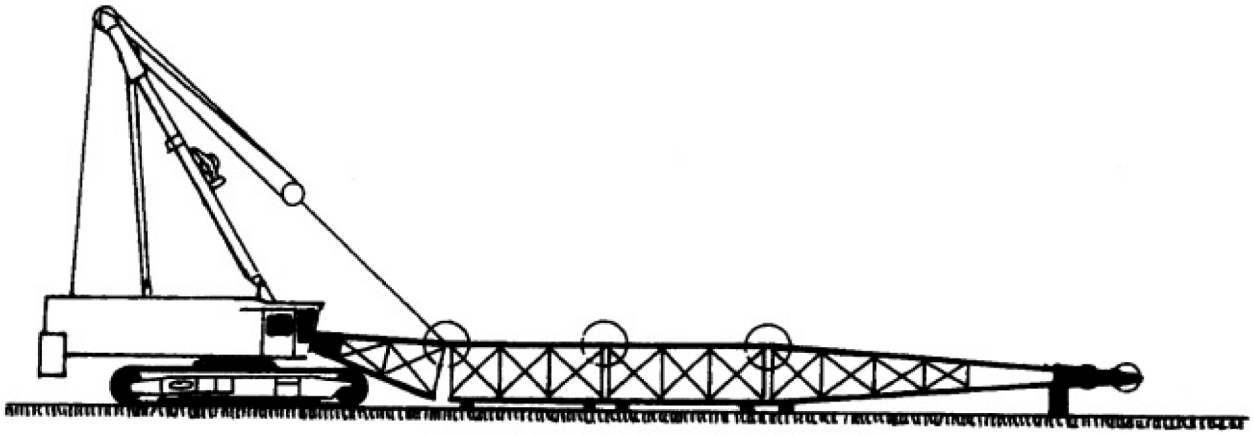


Figure 8. Cantilevered portion of boom is supported, and top pins (circled) may therefore be removed.

(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 substi-

tuted, 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.

(iii) 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, 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.

(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 utility owner/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 onsite.

(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
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)

Voltage (nominal, kV)	While traveling—Minimum clearance distance (feet)
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 (3)(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.

(iii) 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 effec-

tive 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 posi-

tioning 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 overcurrent 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.

(iii) 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, bitts, 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 por-

tion 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, corralling, 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) - Corralling. The crane/derrick is prevented from shifting by installing barricade restraints (i.e., a corralling system). Employers must ensure that corralling 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 engineer 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 corralling, 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 guardrail 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) • Platform • Suspension system	Once each day, before use.
Structure • 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 • 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.

Condition	Situation
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.

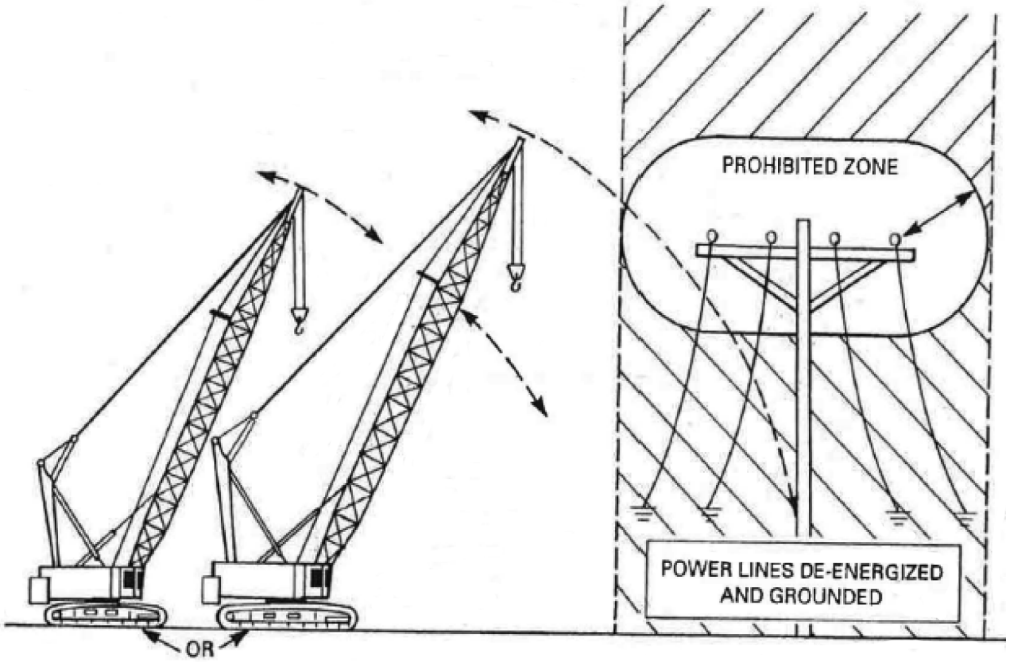
(e) Personnel platform movement restraint, when required, must be done through electrically nonconductive tag lines.

(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.

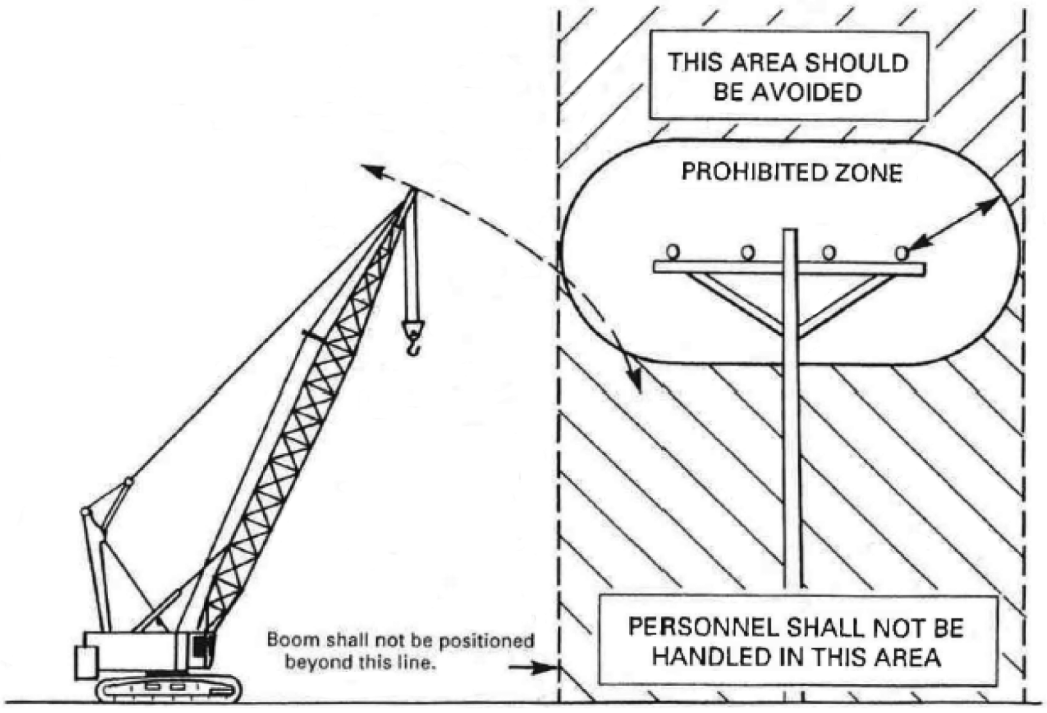
(g) Durable signs must be posted warning that electrocution or serious bodily injury may occur unless the minimum clearance specified in (b) of this subsection is maintained between the crane/derrick and platform and power lines. These signs must be posted at the crane/derrick operating station, on the 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.

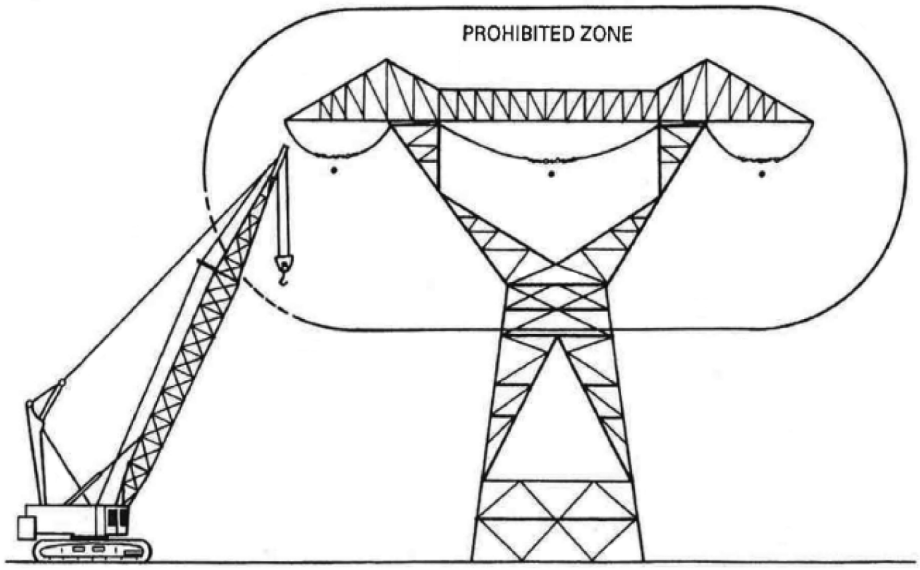
(4) **Condition C.** Lifting personnel under Condition C is prohibited.



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 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: • 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: 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: • 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:
• 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.	• At least once a year for slings in normal service, which means use within the rated load.
• Stretched chain links or components.	• At least once a quarter for slings in severe service, which involves abnormal operating conditions.
• Bent, twisted or deformed chain links or components.	• As recommended by a qualified person for slings in special service, which is anything other than normal or severe.
• 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: – Any visibly apparent bend or twist from the plane of the unbent hook; – Any distortion causing an increase in throat opening of five percent, not to exceed one-quarter inch, or as otherwise recommended by the manufacturer;	

Inspect alloy steel chain slings for the following conditions:	Perform inspections:
– 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). • 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:
• 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.
• 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.
• 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.

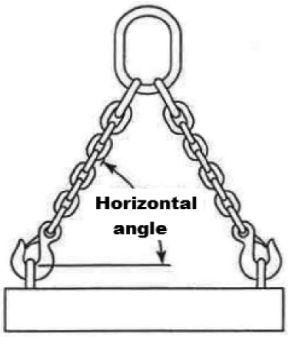


Figure 12
Multiple-Leg Bridle Sling Hitch

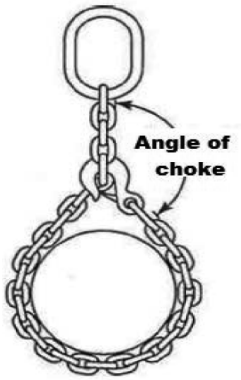


Figure 13
Single-Leg Choker Hitch

(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
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:
• 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.
• 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.

If you have:	Then you need:
• 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.
• Other configurations.	Specific limitation data provided by a qualified person. These slings must meet all other requirements of ASME B30.9-2010.

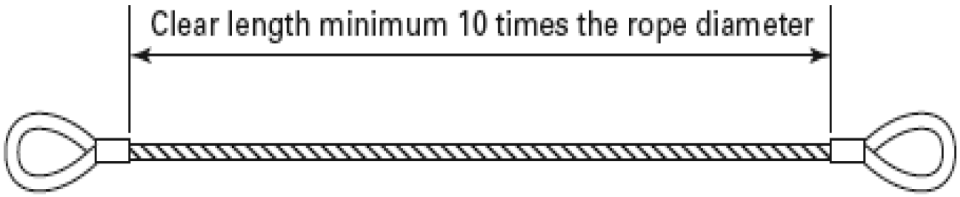


Figure 15
Minimum Sling Length
For rope with 6x19 and 6x36 classification
or Cable Laid Slings

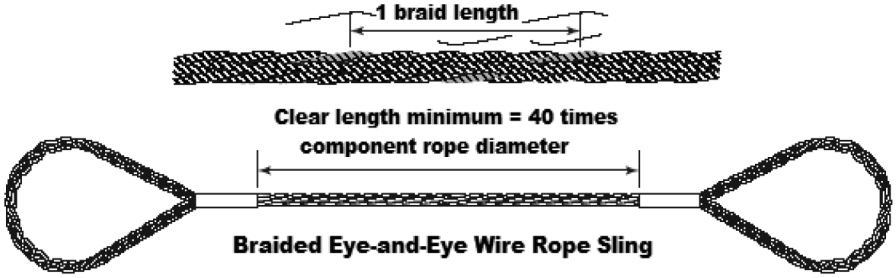


Figure 16
Minimum Braided Sling Length

(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.

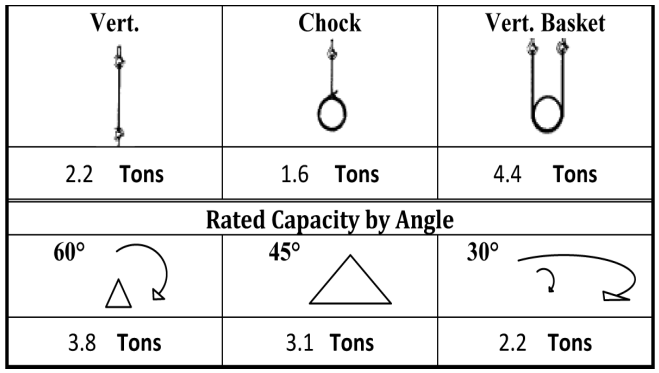


Figure 17
Sample Wire Rope Sling ID Tag

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:
• Missing or illegible sling identification. • Severe localized abrasion or scraping. • Kinking, crushing, birdcaging, or any other condition resulting in damage to the rope structure.	• At least once a year for slings in normal service.
• Evidence of heat damage.	• At least once a quarter for slings in severe service.
• Severe corrosion of the rope, end attachments, or fittings.	• As recommended by a qualified person for slings in special service.
• End attachments that are cracked, deformed, or worn to the extent that the strength of the sling is substantially affected. • Broken wires: – 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: – Any visibly apparent bend or twist from the plane of the unbent hook;	

Inspect wire rope slings for the following conditions:	Perform inspections:
– 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.	

Table 18
Wire Rope Sling Proof Load Test Requirements

Type of equipment:	Proof load test:
• Mechanical splice slings.	Each leg to at least two times the single leg vertical hitch rated load.
• 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.
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.	
• 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

• Master links for two-leg bridle slings.	To at least four times the single-leg vertical hitch rated load.
• Master links for three-leg bridle slings.	To at least six times the single-leg vertical hitch rated load.
• 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.

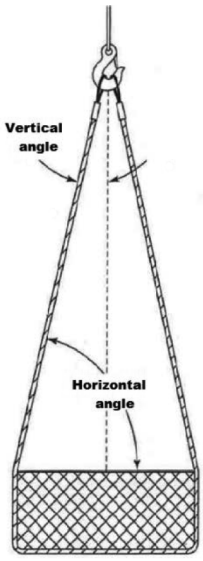


Figure 18
Angle of Loading

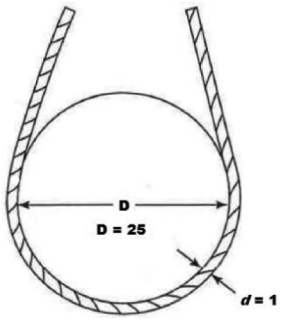


Figure 19
D/*d* Ratio

Note: When D is 25 times the component rope diameter (*d*) the D/*d* ratio is expressed as 25/1.

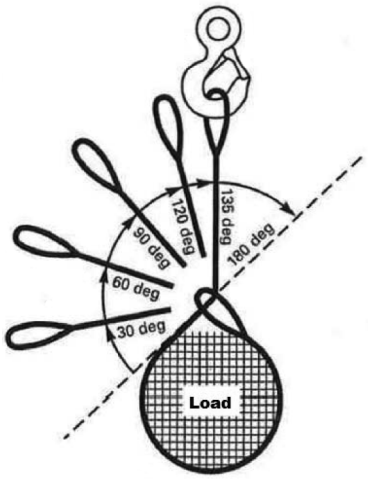


Figure 20
Angle of Choke

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).

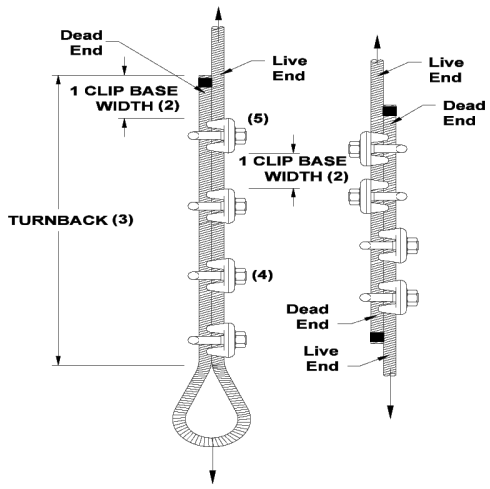


Figure 21
Installation and Loading

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:
• 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: – Twenty-five percent due to abrasion; – Fifteen percent due to corrosion; • Lack of flexibility due to the distortion of the mesh; • 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;	• 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:
• 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.

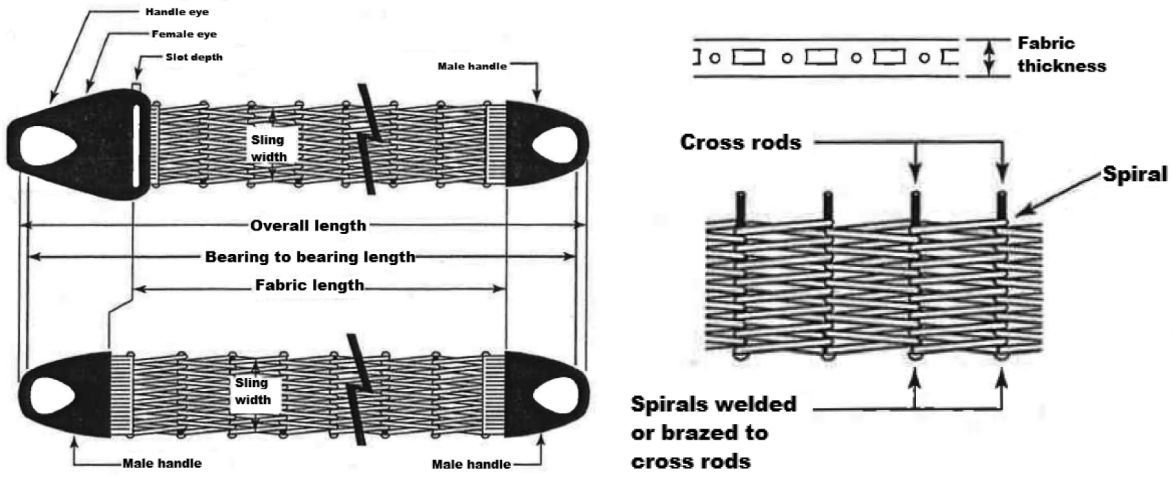


Figure 22
Metal Mesh Sling

(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.

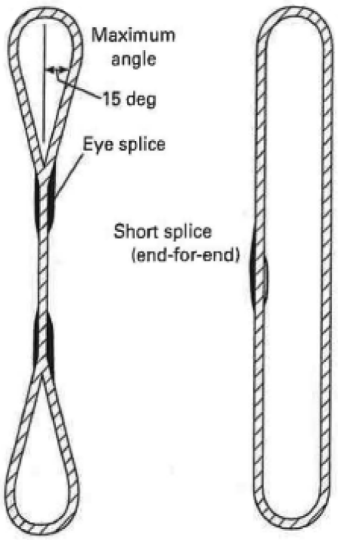


Figure 23
Synthetic Fiber Rope Slings

(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:
• Missing or illegible sling identification; • Cuts, gouges, or areas of extensive fiber breakage along the length;	
• Abraded areas on the rope;	• At least once a year for slings in normal service;
• Damage that is estimated to have reduced the effective diameter of the rope by more than ten percent;	• At least once a quarter for slings in severe service;
• 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; • 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);	• As recommended by a qualified person for slings in special service.

Inspect synthetic rope slings for the following conditions:	Perform inspections:
• 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: – 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 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:
• 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 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.

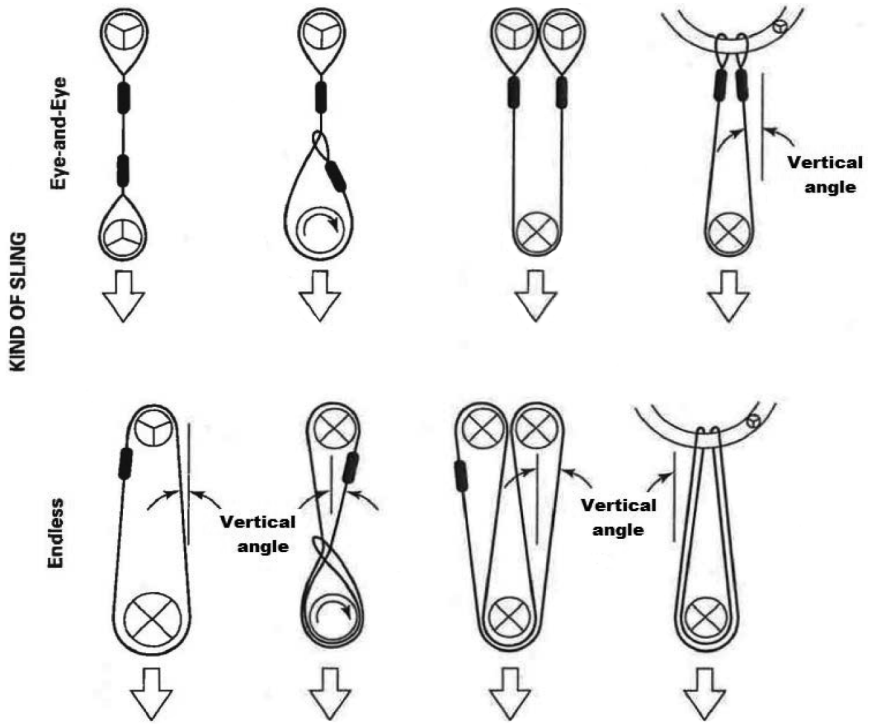


Figure 24
Hitch Types for Synthetic Rope Slings

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 sufficient 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.

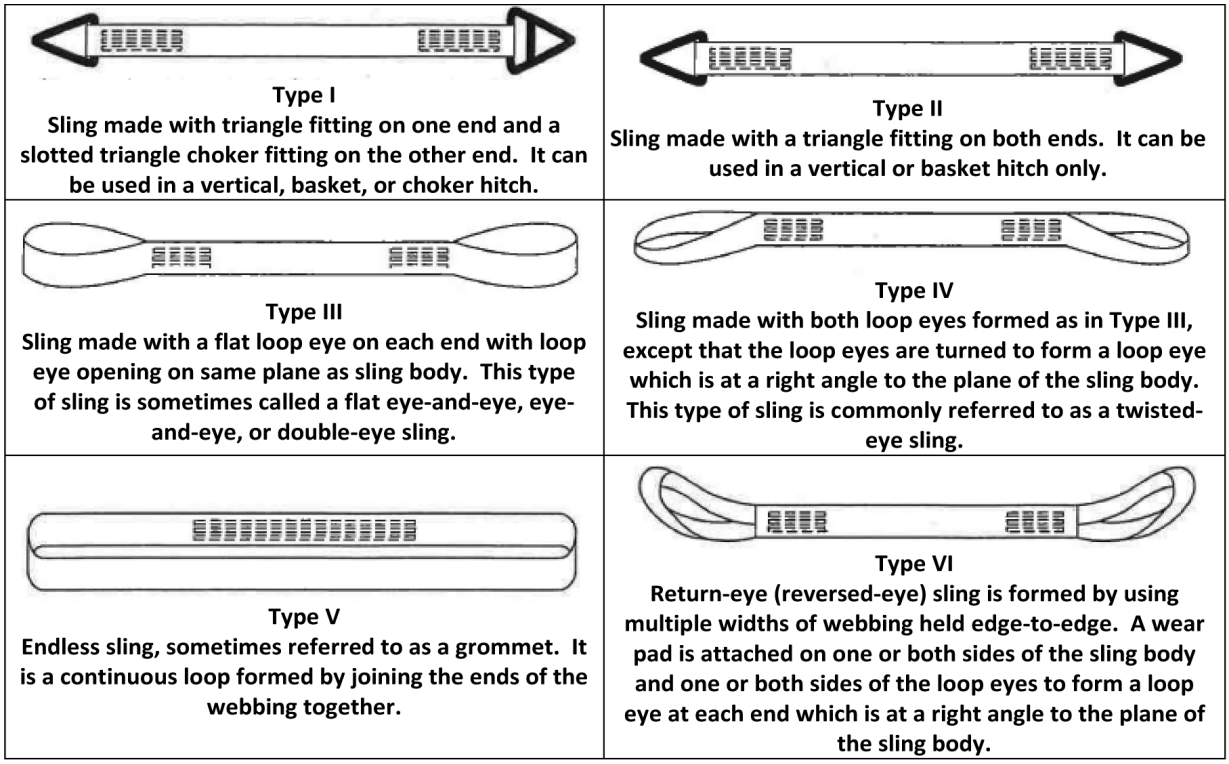


Figure 25
Synthetic Webbing Slings

(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:
• 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;	• 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:
• 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: – 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:
• 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.

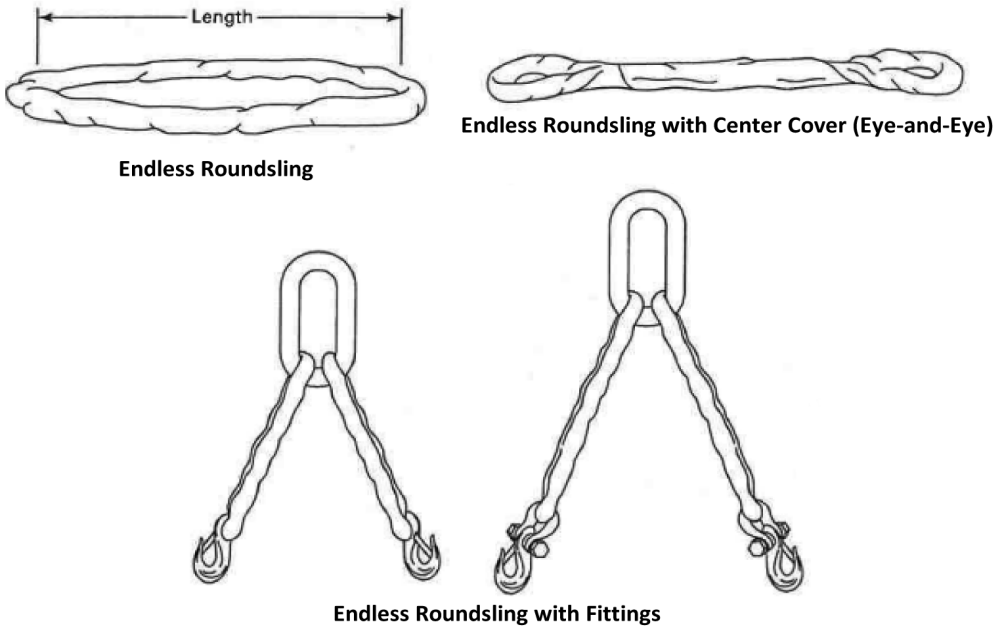


Figure 26
Synthetic Roundslings

(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:
• 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:
• Roundslings that are knotted. • Fittings that are pitted, corroded, cracked, bent, twisted, gouged or broken. • Hooks that have any of the following conditions: – 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.	• 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:
• 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:
• Missing or illegible identification. • For shackles, missing or illegible manufacturer's name or trademark and/or rated load identification.
• Indications of heat damage, including weld spatter or arc strikes.
• Excessive pitting or corrosion.
• Load bearing components that are: – Bent. – Twisted. – Distorted. – Stretched. – Elongated. – Cracked. – Broken.
• Excessive nicks or gouges. For riggings blocks, excessive nicks, gouges and wear.
• Ten percent reduction of the original or catalog dimension at any point. For shackles, this includes at any point around the body or pin.
• 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: – 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: – 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.

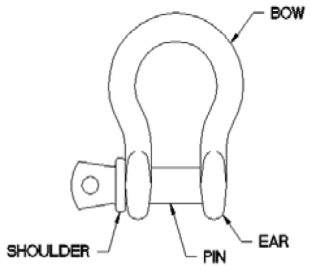
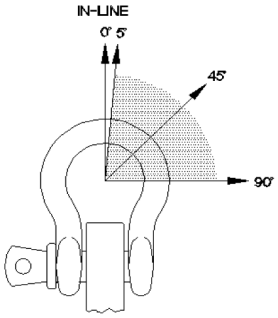


Figure 27
Typical Shackle Components

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



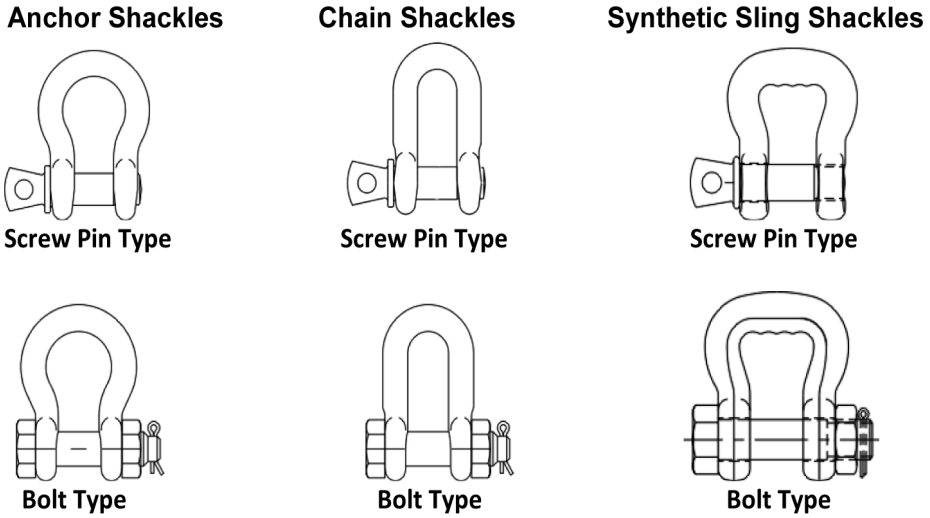


Figure 29
Shackle Types

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.)

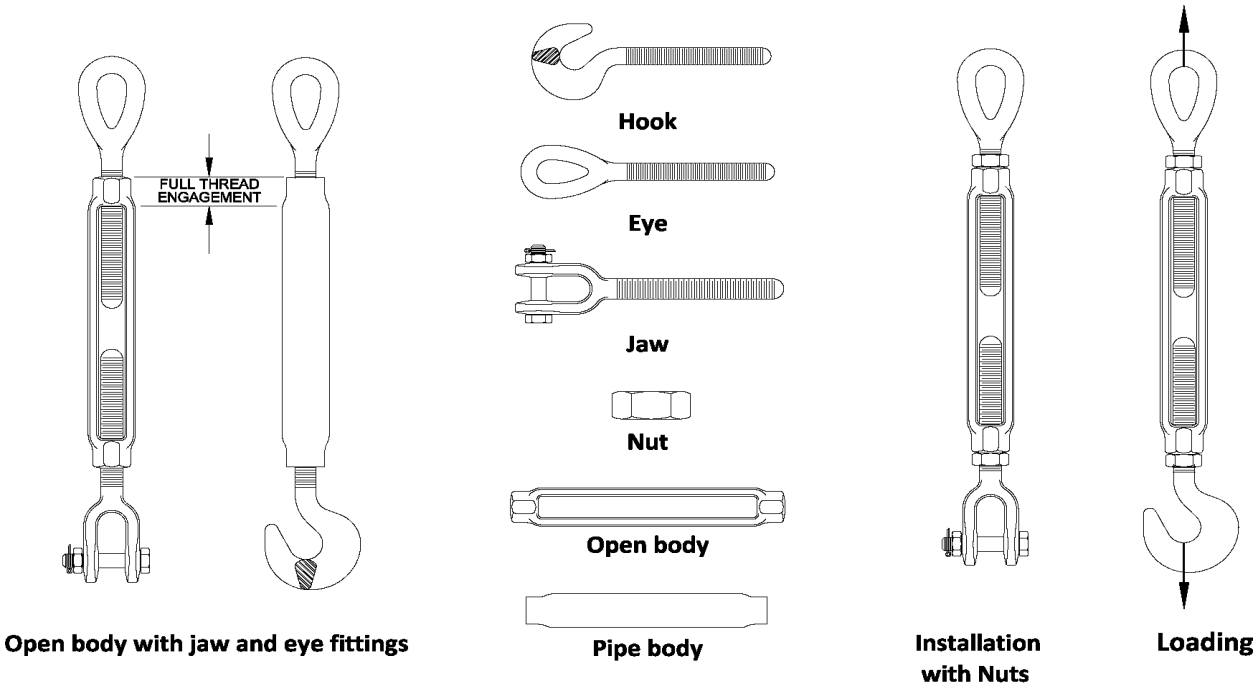


Figure 30
Turnbuckle Types

(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.

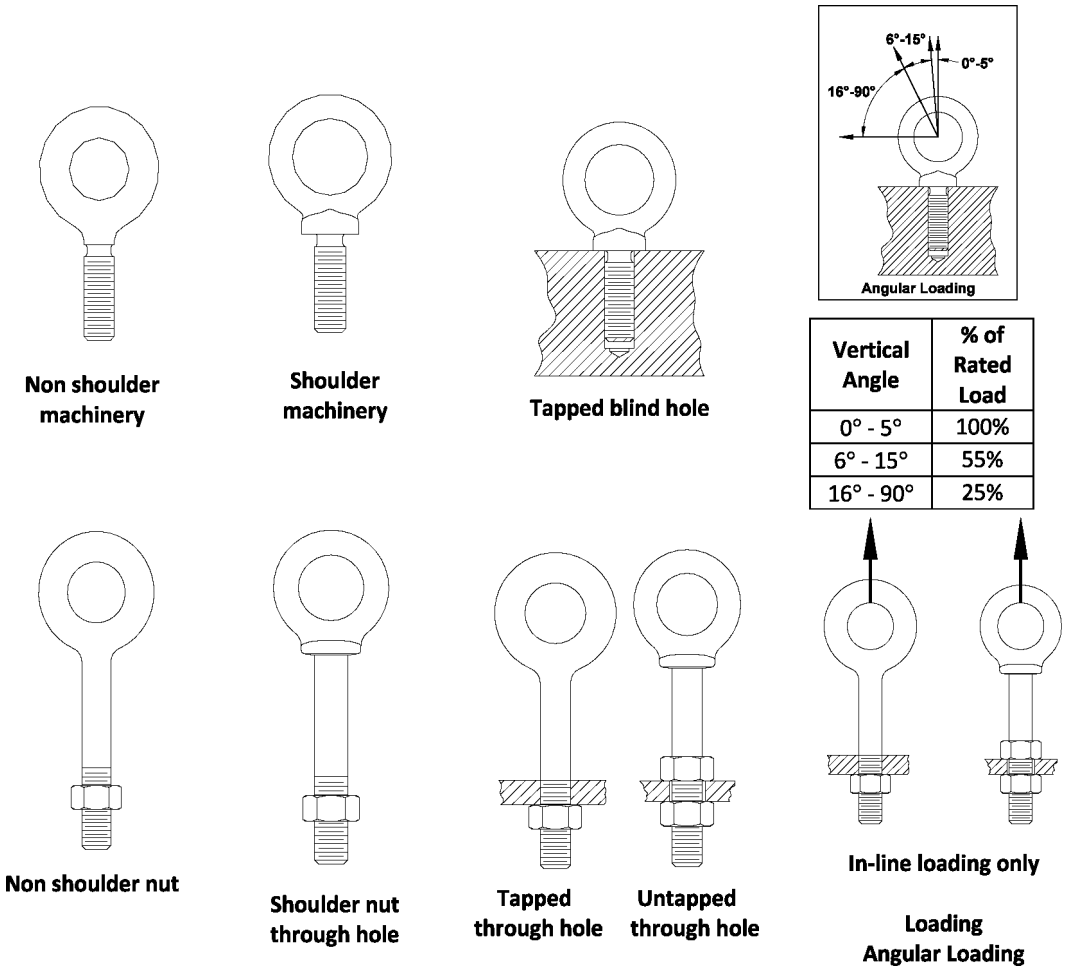


Figure 31
Eyebolts

(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.

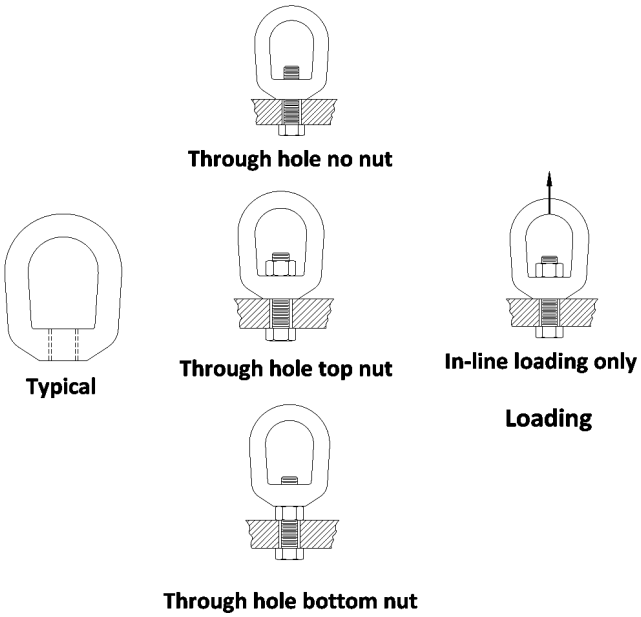


Figure 32
Eye Nuts

(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.

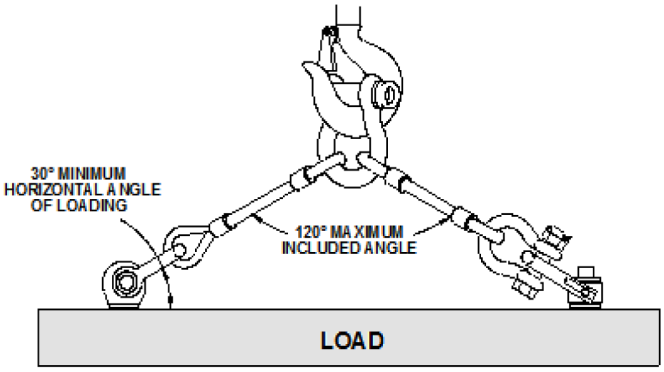


Figure 33
Angle of Loading (Adjustable Hardware)

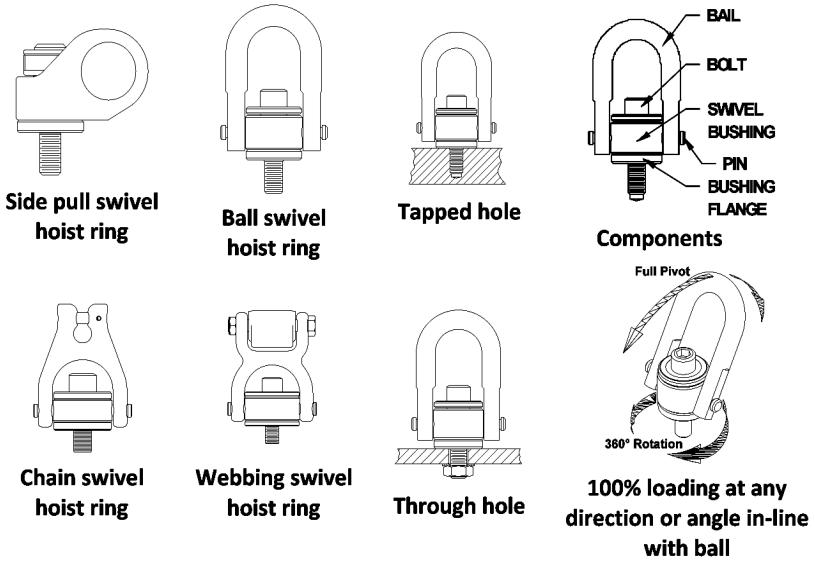


Figure 34
Swivel Hoist Rings

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.

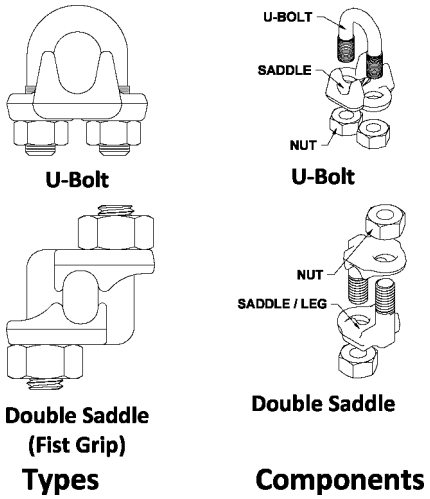


Figure 35
Wire Rope Clips

(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.

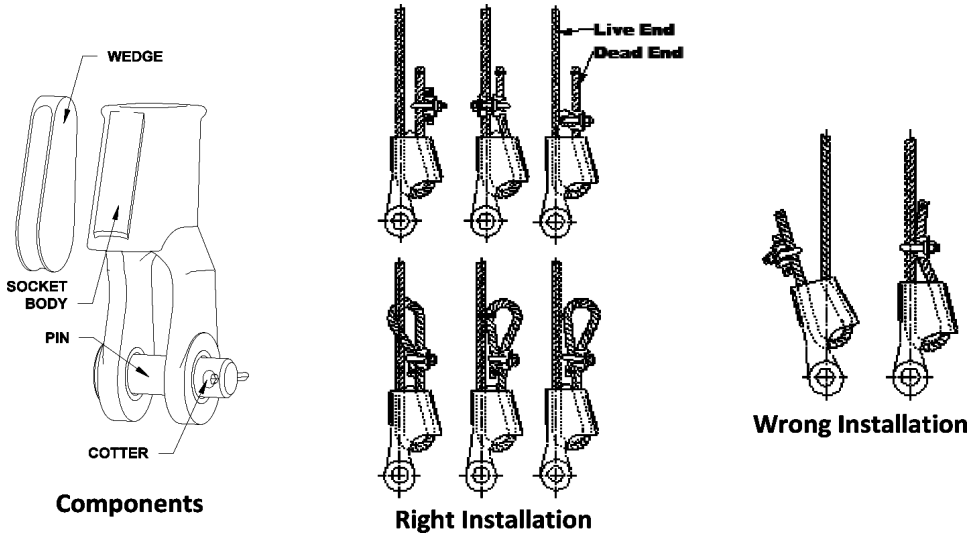


Figure 36
Wedge Sockets

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.

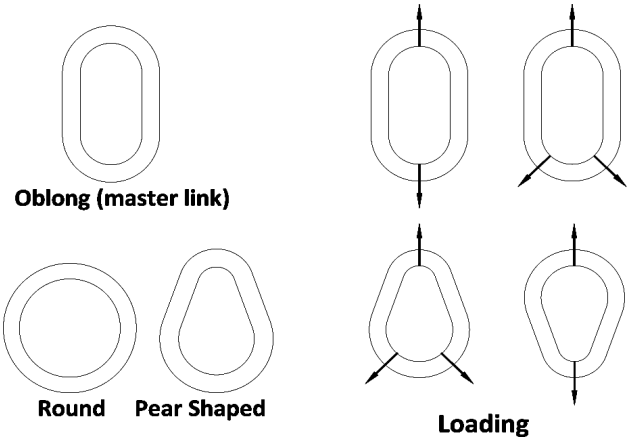


Figure 37
Links and Rings

(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.

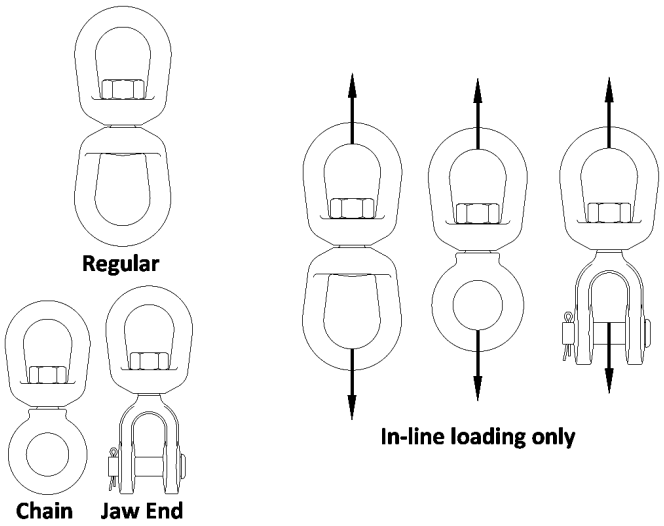


Figure 38
Swivels

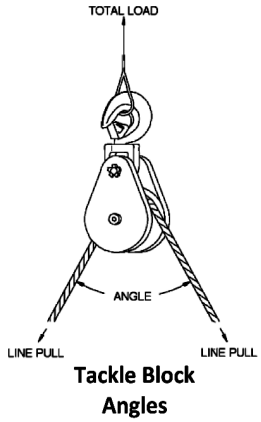
NEW SECTION

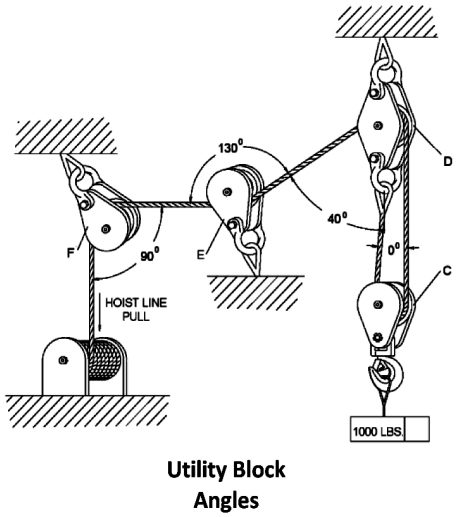
WAC 296-155-56125 Rigging blocks. (1) The rigging block components must be fully engaged, with all fasteners and retaining devices in place and in good working order before use.

(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).





Angle	Factor	Angle	Factor
0°	2.00	100°	1.29
10°	1.99	110°	1.15
20°	1.97	120°	1.00
30°	1.93	130°	.84
40°	1.87	135°	.76
45°	1.84	140°	.68
50°	1.81	150°	.52
60°	1.73	160°	.35
70°	1.64	170°	.17
80°	1.53	180°	.00
90°	1.41	—	—

Block Load = Line Pull X Multiplier Factor

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: • Deformation. • Cracks. • Excessive wear on any part of the lifter.	• 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 device for: • Loose or missing: - Guards. - Fasteners. - Covers. - Stops. - Nameplates.	• Before use, when any lifter has been idle for at least one month.
• All functional operating mechanisms for maladjustments interfering with operation.	
• 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.	• Normal service for equipment in place - Yearly.
Cracked or worn gear, pulleys, sheaves, sprockets, bearings, chains, and belts.	• Heavy service - Semi-annually.

Inspect for:	How often:
Excessive wear of friction pads, linkages, and other mechanical parts.	• Severe service - Quarterly. • 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.
Excessive wear at hoist hooking points and load support clevises or pins.	

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: • Deformation. • Cracks. • Excessive wear.	• 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: • Cuts. • Tears. • Excessive wear. • Foreign particles. Vacuum lines and connections for: • Leakage. • Cuts. • Kinks. • Collapsed areas of hoses.	• Before using, when a lifting device has been idle for more than one month.
The vacuum reservoir for: • Leaks. • Visible damage.	
The entire vacuum system including indicator lights, gages, horns, bells, pointers or other warning devices, and vacuum level indicators: • 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: • Looseness. • Wear. • Deformation.	• Normal service for equipment in place - Yearly. • Heavy service - Semi-annually. • Severe service - Quarterly.

Inspect for:	How often:
• Cracking. • Corrosion.	• 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: • 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.

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:

(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.

Table 34
Close Proximity Lifting Magnet Frequent Inspection

Inspect:	How often:
Structural and suspension members for: • Deformation. • Cracks. • Excessive wear on any part of the lifting magnet.	• 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: • Foreign materials. • Smoothness.	
Condition of lifting bail or sling suspension.	• Before using, when a lifting magnet has been idle for more than one month.
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: • Loose connections. • Continuity. • Corrosion. • Damage to insulation.	
Battery operated electromagnets for:	

Inspect:	How often:
• 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:	
• Deformation.	• Normal service for equipment in place - Yearly.
• Wear.	
• Corrosion.	• 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:	
• Proper operation.	• Severe service - Monthly.
• Condition.	• 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: • 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: • Deformation. • Cracks. • Excessive wear on any part of the lifting magnet.	• 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: • Foreign materials. • Smoothness.	
Electrical conductors that are visible without disassembly.	• Before using, when a lifting magnet has been idle for more than one month.
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: • Deformation. • Wear. • Corrosion.	• Normal service for equipment in place - Yearly. • Heavy service - Quarterly. • Severe service - Monthly.
All electrical components for: • Proper operation. • Condition.	• 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.
Magnet coil for: • 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

(iii) 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 Scrap 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: • Deformation. • Cracks. • Excessive wear on any part of the grapple.	• 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.
Pins and bushings.	
Hydraulic lines.	
Hydraulic cylinders.	• Before using, when a grapple has been idle for more than one month.
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: • Deformation. • Wear. • Corrosion.	• Normal service for equipment in place - Yearly. • Heavy service, unless external conditions indicate that disassembly should be done to permit detailed inspection - Quarterly.
Hydraulic hose, fittings, and tubing for: • Evidence of leakage at the surface of the hose or its junction with metal couplings.	• Severe service - Monthly.
• 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.	• 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 motors for: • 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:
• 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.	
All electrical components, including meters, indicators and alarms for: • Proper operation. • Condition.	

(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;

(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.

NEW SECTION

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

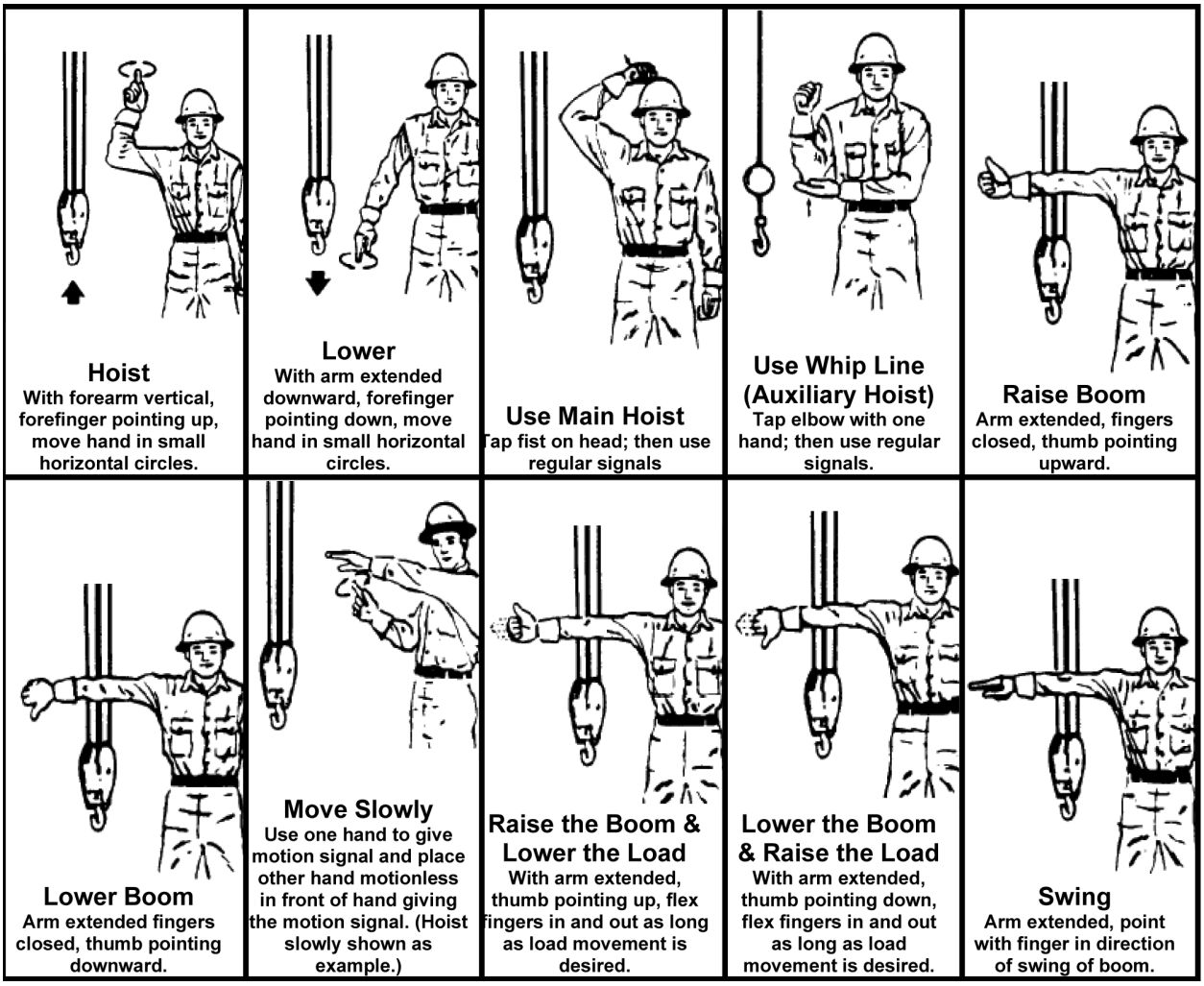


Figure 40

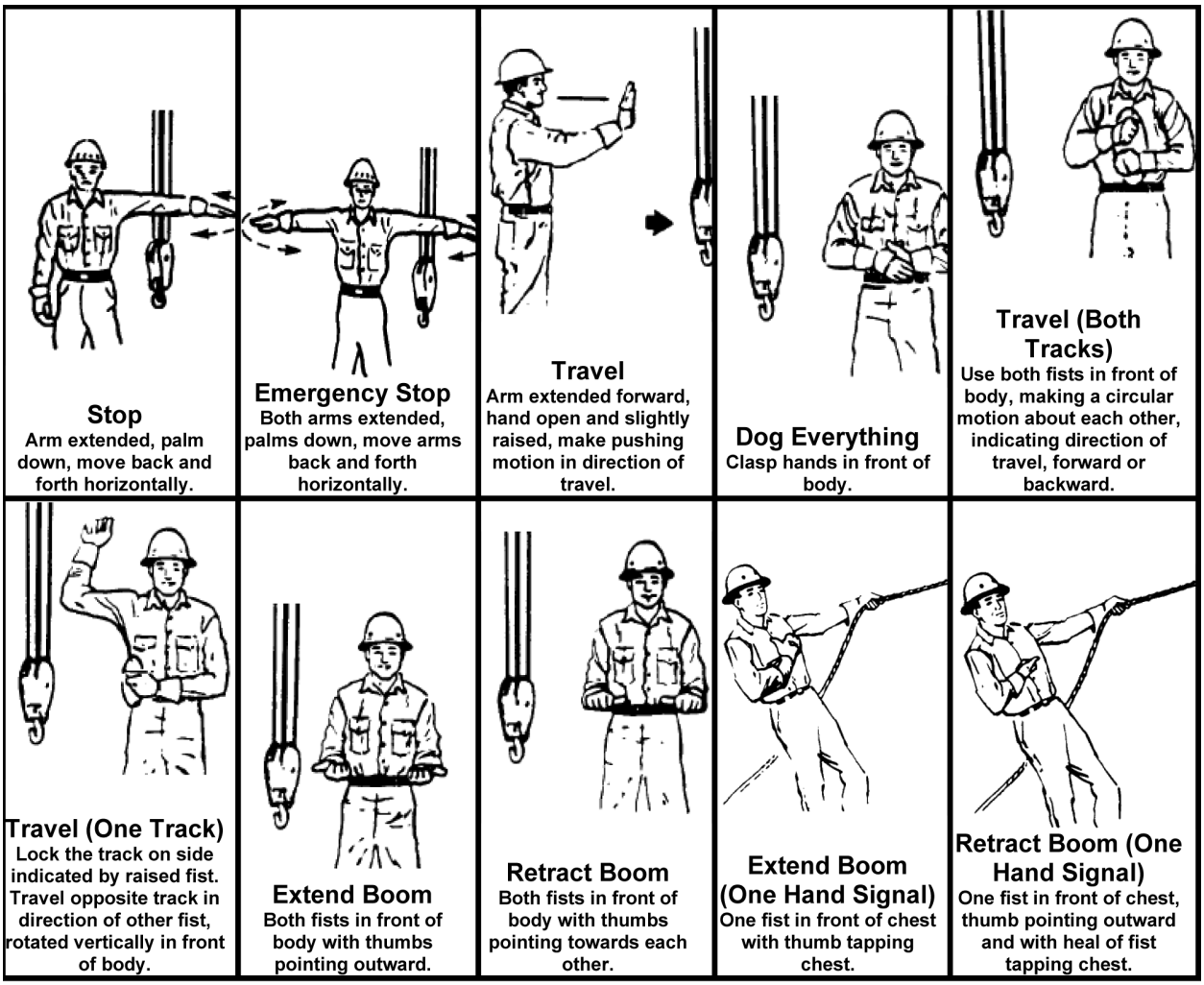
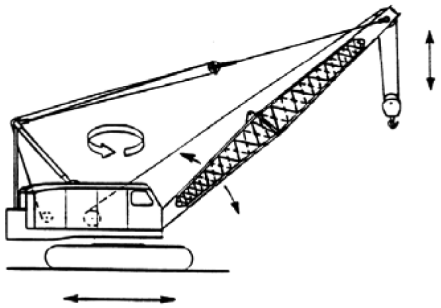

Stop
Arm extended, palm down, move back and forth horizontally.
Emergency Stop
Both arms extended, palms down, move arms back and forth horizontally.
Travel
Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.
Dog Everything
Clasp hands in front of body.
Travel (Both Tracks)
Use both fists in front of body, making a circular motion about each other, indicating direction of travel, forward or backward.
Travel (One Track)
Lock the track on side indicated by raised fist. Travel opposite track in direction of other fist, rotated vertically in front of body.
Extend Boom
Both fists in front of body with thumbs pointing outward.
Retract Boom
Both fists in front of body with thumbs pointing towards each other.
Extend Boom (One Hand Signal)
One fist in front of chest with thumb tapping chest.
Retract Boom (One Hand Signal)
One fist in front of chest, thumb pointing outward and with heal of fist tapping chest.

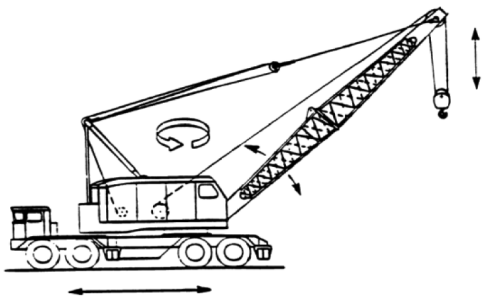
Figure 40

NEW SECTION

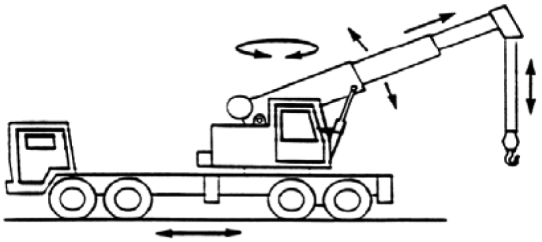
WAC 296-155-56405 Examples of types of cranes.



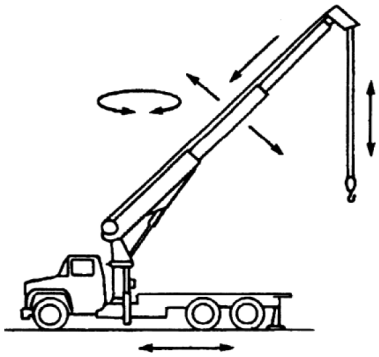
Lattice Boom Crawler Crane (LBC)



Lattice Boom Truck Crane (LBT)

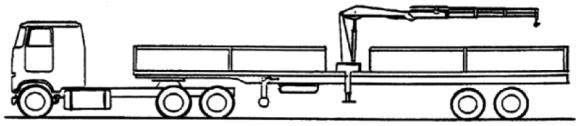


Large Telescoping Boom Crane – (Swing Cab)

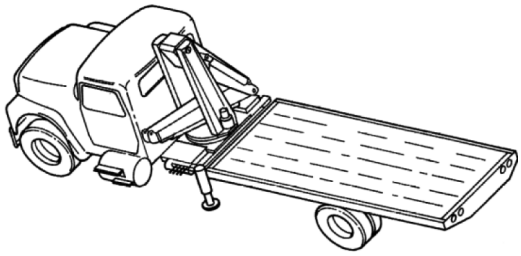


Small Telescoping Boom Crane (Fixed Cab)

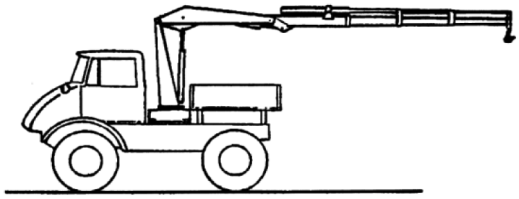
Mobile Crane Types
Figure 41



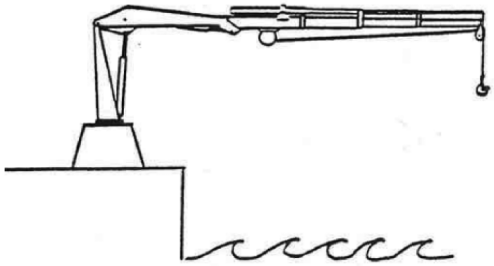
Articulating Boom Crane – Trailer Mounted



Articulating Boom Crane – Truck Mounted

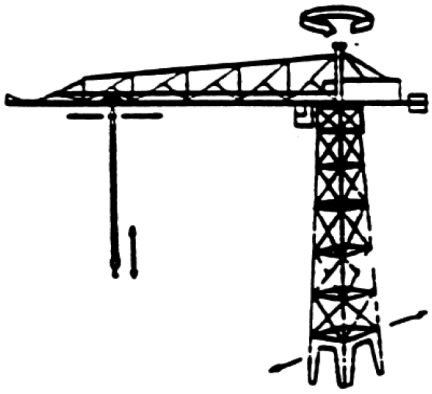


Articulating Boom Crane – Off Road Vehicle

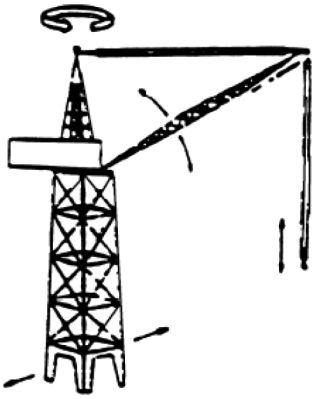


Articulating Crane – Stationary Installation

Articulating Boom Crane Types
Figure 42

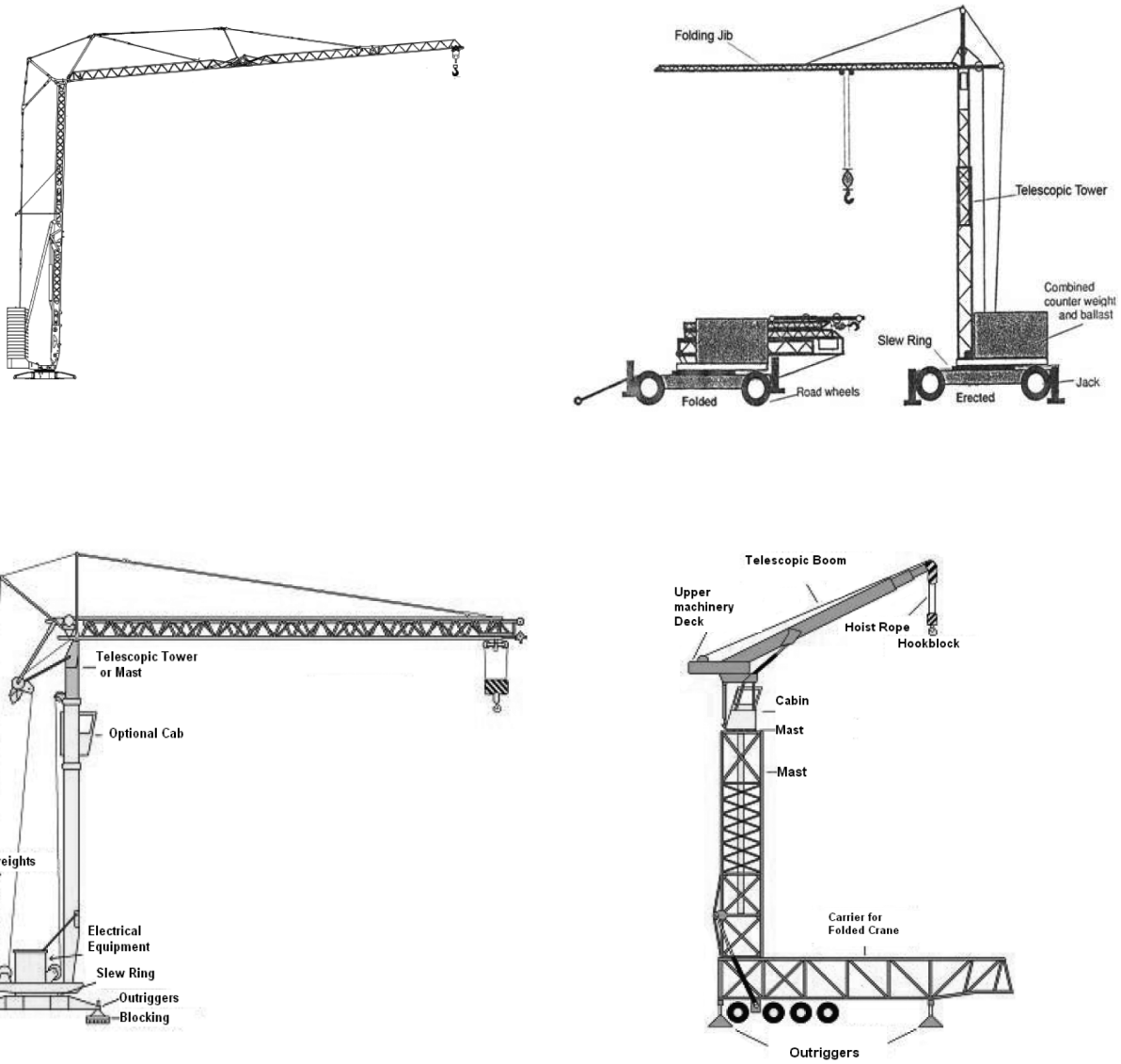


Hammerhead Tower Crane

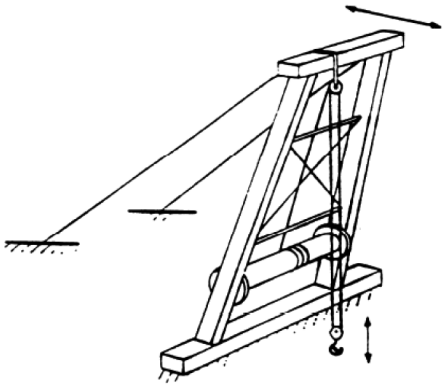


Luffing Boom Tower Crane

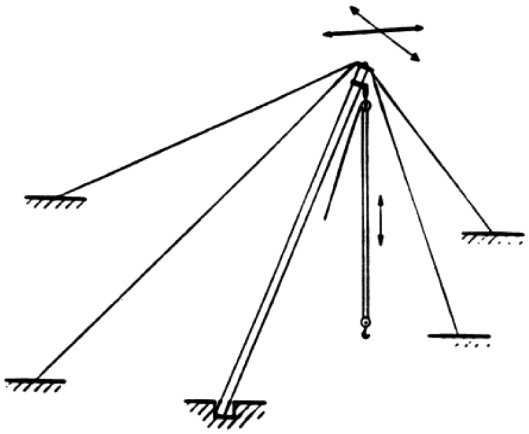
Tower Crane Types
Figure 43



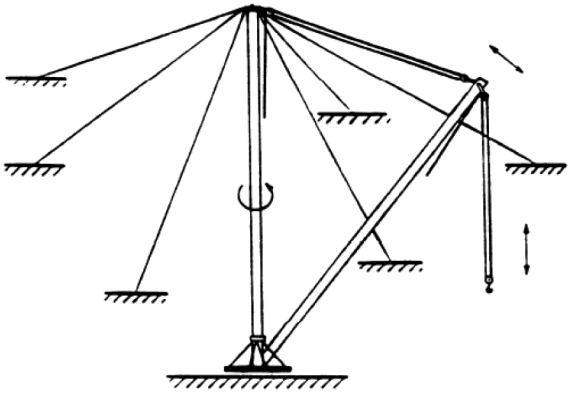
Types of Self-Erecting Tower Cranes
Figure 44



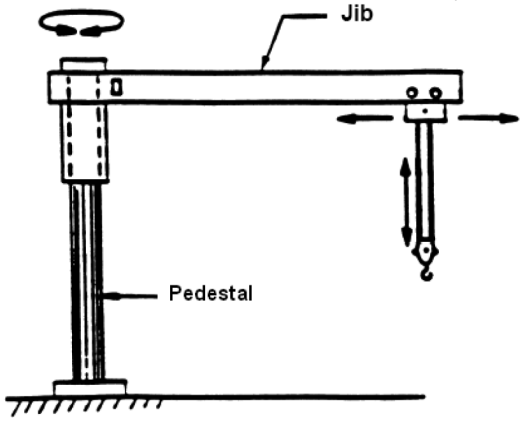
Breast Derrick



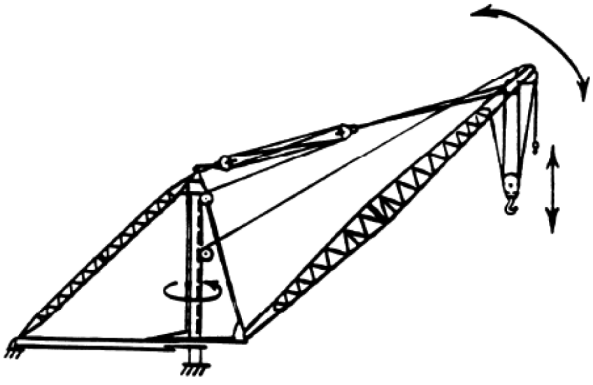
Gin-Pole Derrick



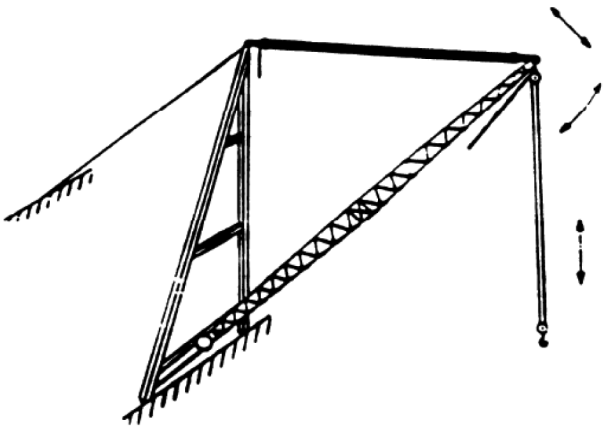
Guyed Derrick



Pedestal-Jib Crane

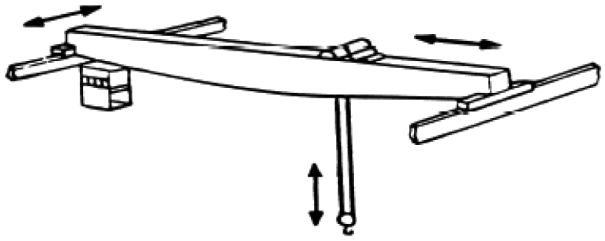


Stiff-Leg Derrick

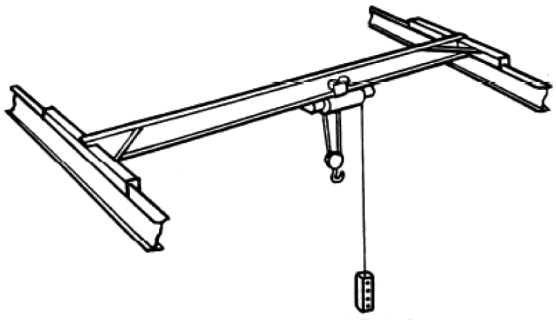


A-Frame Derrick

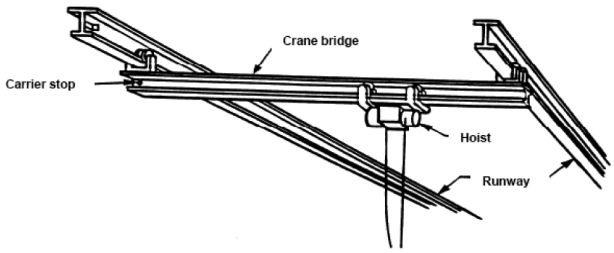
Types of Derricks
Figure 45



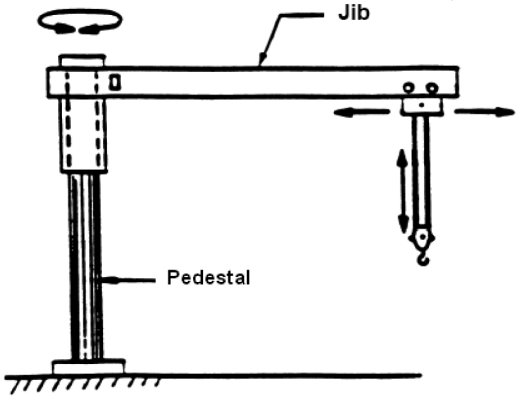
Top Running Bridge/Top Running Trolley



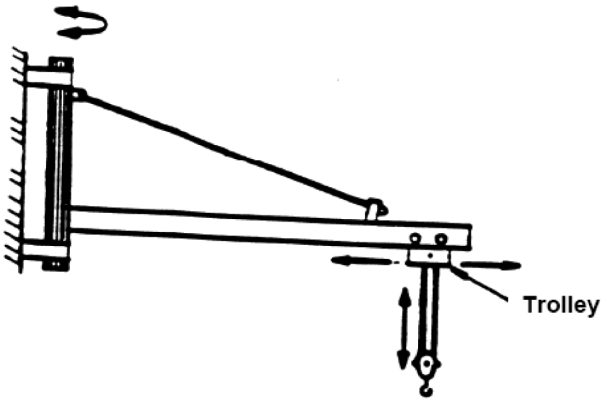
Top Running Bridge/Underhung Trolley



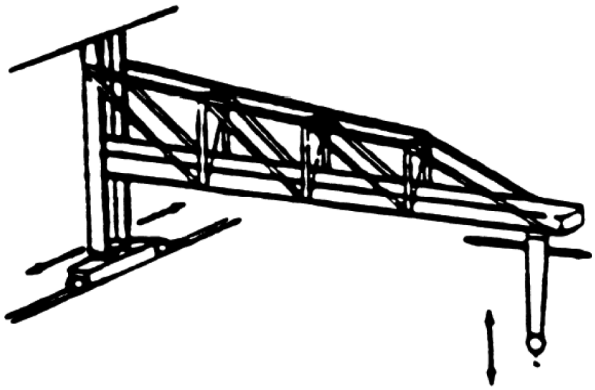
Underhung Bridge/Underhung Trolley



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	• Any special operations or precautions; • Manufacturer's suggested operating procedures; • Storage requirements of the lifter to protect it from damage.
Structural and mechanical Vacuum Close proximity Lifting magnets	• 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: ■ Balance; ■ Surface cleanliness; ■ Flatness; ■ Bending; ■ Load thickness.
Remotely operated lifting magnets	• 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 Close proximity lifting magnets	• Charging of battery (if applicable); • The use and understanding of: ■ 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 multicrane 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 footnotes.
(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) (including digger derricks)	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) (including digger derricks)	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** (not including digger derricks)		_____ Hours	_____ Hours

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.

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.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED at City, Washington, this _____ day of month, 2011.

_____

Signature of Operator

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.

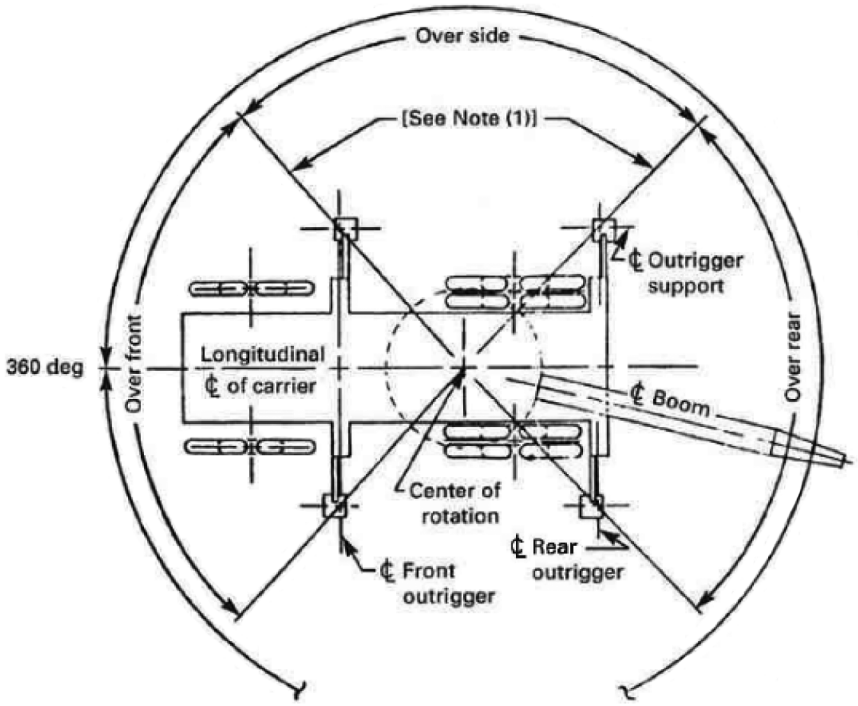
(2) WAC 296-155-53402 (9)(f)(i) provides that, during assembly/disassembly, the center of gravity of the load must be identified if that is necessary for the method used for maintaining stability. WAC 296-155-53402 (9)(f)(ii) states that, where there is insufficient information to accurately identify 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.

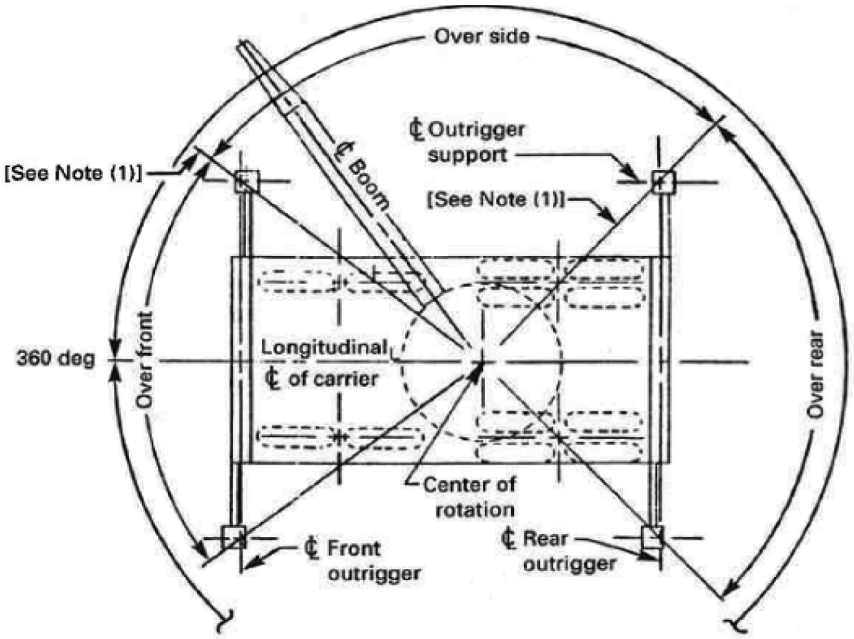
NEW SECTION

WAC 296-155-56435 Work area chart.

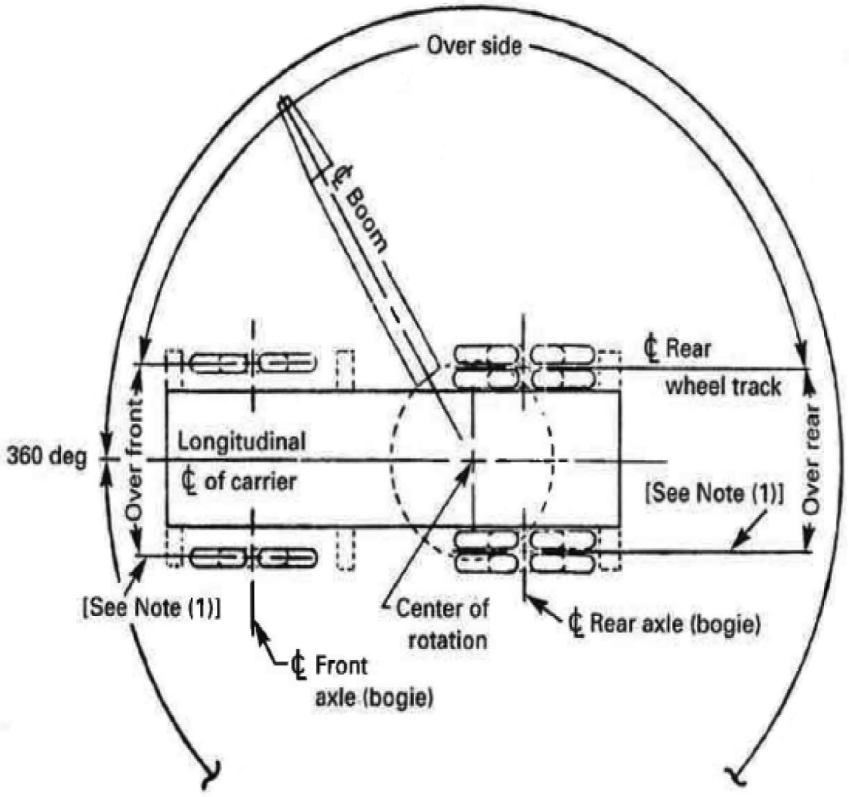
Figure 47
Work Areas



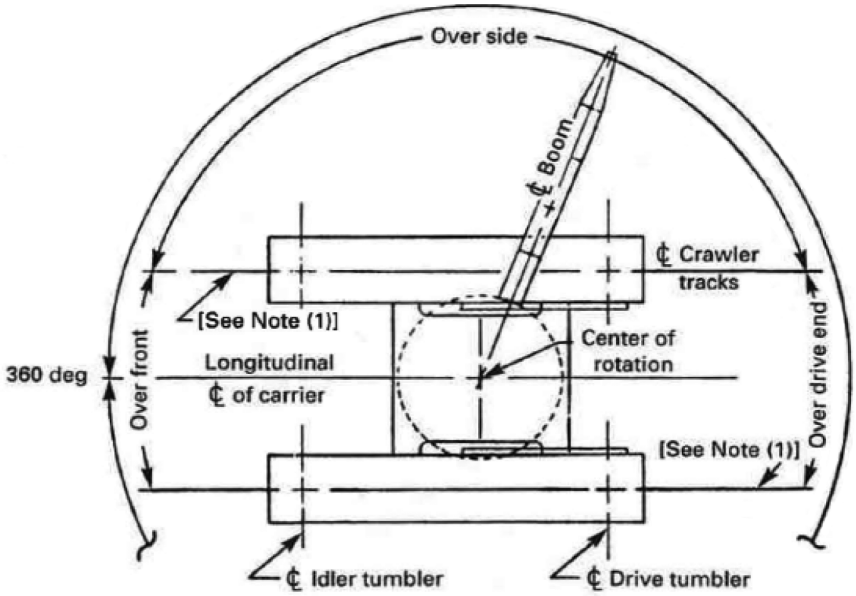
(a) Carrier on Outriggers - Front Outrigger Behind of Front Wheels [Note (2)]



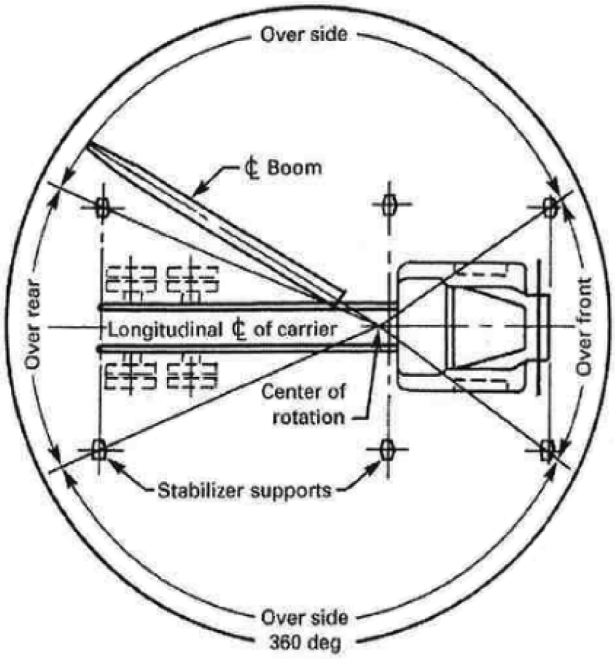
(b) Carrier on Outriggers - Front Outriggers Ahead of Front Wheels [Note (2)]



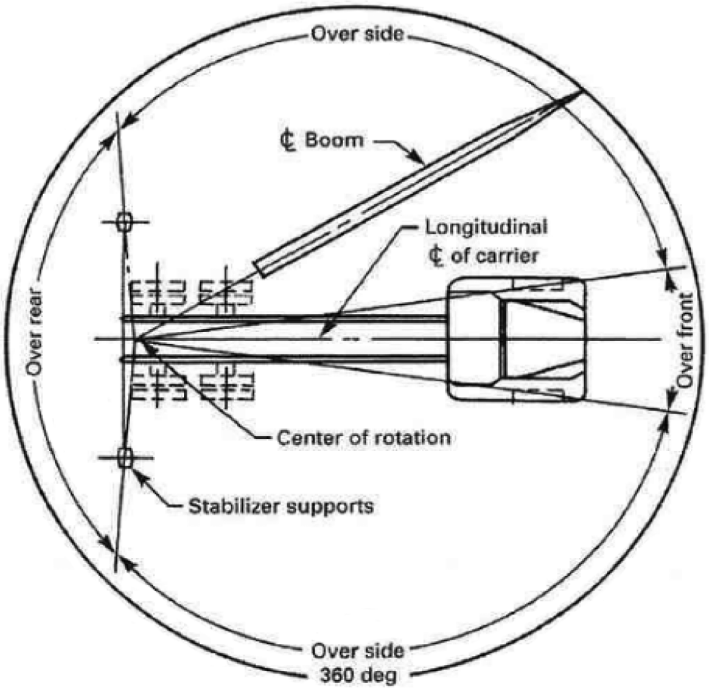
(c) Carrier on Tires [Note (2)]



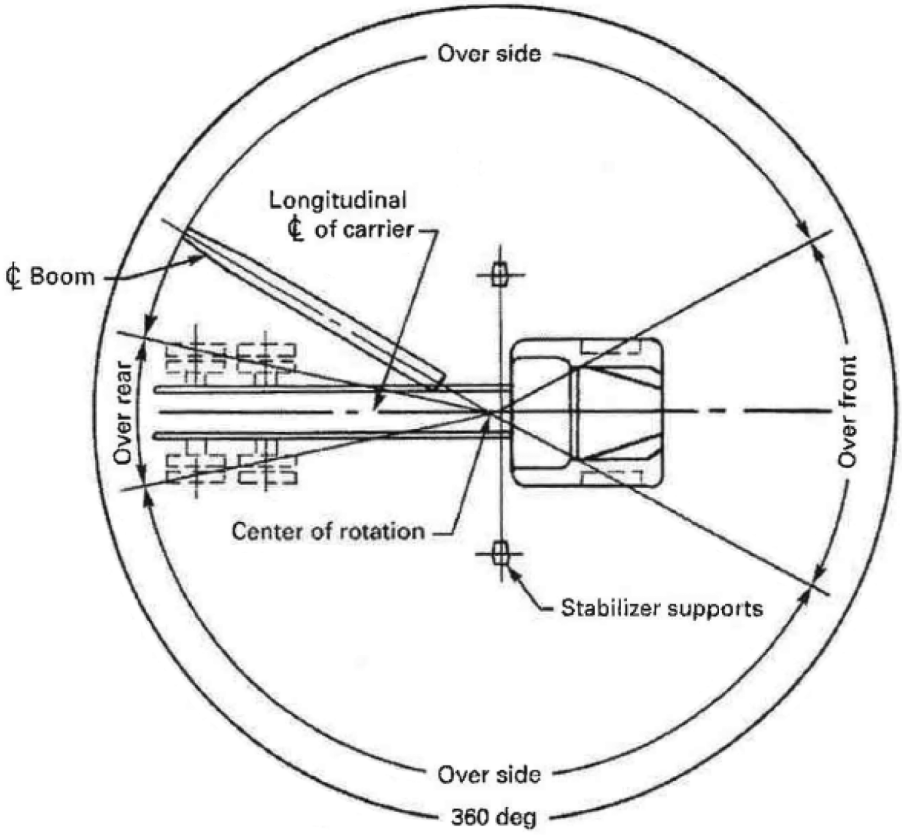
(d) Crawler Type Lower [Note(2)]



(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, testing, 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, bulkheaded, 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 unassisted 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 ventilating 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 reinstituted 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 m^3) 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 m^3) 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 crosshead 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 ((~~L~~)) 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 derricks((~~, 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 12-02-004
PERMANENT RULES
DEPARTMENT OF ENTERPRISE SERVICES

[Filed December 22, 2011, 11:57 a.m., effective January 22, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule is to lay out the department of enterprise services' procedures dealing with public records.

Statutory Authority for Adoption: RCW 43.19.011.

Other Authority: Chapter 42.56 RCW.

Adopted under notice filed as WSR 11-21-042 on October 12, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 17, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 21, 2011.

Jack Zeigler
Rules Coordinator

Chapter 200-01 WAC

PUBLIC RECORDS

NEW SECTION

WAC 200-01-010 Purpose. The purpose of this chapter is to provide rules for the department of enterprise services to implement the provisions of chapter 42.56 RCW relating to public records and to ensure compliance with that chapter.

NEW SECTION

WAC 200-01-015 Definitions. The definitions set forth in RCW 42.56.010 apply throughout this chapter. In addition, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Days" means calendar days unless otherwise stated.

(2) "DES" or "department" means the department of enterprise services established in chapter 43, Laws of 2011. Where appropriate, DES or agency also refers to the staff and employees of the department of enterprise services.

(3) "Director" means the director of the department of enterprise services.

(4) "Page" means one impression on a single side of a sheet of paper. It also applies to one electronic image of one side of a sheet of paper.

(5) "Public records officer" means the public records officer or designee for the department of enterprise services appointed by the director.

NEW SECTION

WAC 200-01-020 Description of the department of enterprise services. The department, created in chapter 43, Laws of 2011, provides centralized leadership in efficiently and cost-effectively managing resources necessary to support the delivery of state government services. The department is an administrative, service and regulatory state agency. The administrative office of the department and its staff are located at 1500 Jefferson Ave., Olympia, Washington 98504.

NEW SECTION

WAC 200-01-025 Organizations, operations, and procedures. The department will provide centralized services to diverse customer groups. DES includes the following divisions, which are responsible for the services set forth below:

(1) IT systems and services. This division assists agency purchases of hardware and software, provides agency IT support, designs system integration and public facing web sites, and, in addition, maintains statewide payroll and financial systems and our network infrastructure.

(2) Services division. This division provides essential services to state agencies, including motor pool, printer, mail and surplus services.

(3) Facilities. This division locates, builds, and maintains office space, including the buildings and grounds on the capitol campus.

(4) Personnel services. This division supports state agencies and state workers by providing training, employee assistance, job seeker support and recruitment services.

(5) Contracts and legal affairs. This division supports agency and government partners in purchasing, and provides claims management and tort resolution through its risk management services.

(6) Policy planning and performance. This division assists the department in optimizing current functions to become more efficient and effective, while planning the department's future development.

(7) Government and stakeholder relations. This division represents the department in the legislature, builds strong customer relations, and supports the department in coordinating with its stakeholder groups on complex issues.

NEW SECTION

WAC 200-01-030 Public records officer. (1) The public records officer is appointed by the director and is located in the contracts and legal affairs division of the department.

(2) The public records officer is in charge of the department's public records program. The public records officer is responsible for the implementation of the department's rules regarding the release of public records for inspection and copying, coordinating the department staff in this regard, and overseeing compliance with the Public Records Act requirements in chapter 42.56 RCW.

(3) The public records officer may choose a designee to act in his or her place to carry out the responsibilities in this chapter, including processing and responding to public records requests. The department's public records officer will provide the fullest assistance to requestors.

NEW SECTION

WAC 200-01-035 Availability of records. Public records are available for inspection and the preparation of requested copying during the department's normal business hours. For the purposes of this chapter, normal business hours of DES are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

Records must be inspected at the main office of the department or other agency location as applicable.

NEW SECTION

WAC 200-01-040 Processing of public records requests—Request. (1) Any person wishing to inspect or copy public records of DES may submit the request in writing using the department's request form, or by letter, fax, or e-mail addressed to the public records officer. The request should include the following information:

• Name of requestor;

• Address of requestor;

• Other contact information, including telephone number and any e-mail address;

• Identification of the public records adequate for the public records officer to locate the records; and

• The date and time of day of the request.

(2) If the requestor wishes to have copies of the records made instead of inspecting them, he or she should so indicate. Costs will be assessed in compliance with WAC 200-01-075.

(3) A request form is available for use by requestors at the office of the public records officer and on-line at http://www.des.wa.gov.

(4) The public records officer may accept public records requests by telephone or in person; however, the requesting party may be asked to reduce the request to writing. In the alternative, the public records officer may confirm receipt of the request and restate the substance of the request in writing.

NEW SECTION

WAC 200-01-045 Processing of public records requests—Response. (1) Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, obtain clarification from the requestor. Such clarification may be obtained and provided by telephone. The public records officer may then revise the estimate of when records will be available; or

(e) Deny the request.

(2) In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure pursuant to RCW 42.56.540. The notice to the affected persons will include a copy of the request.

(3) Some records are exempt from disclosure, in whole or in part. If DES believes that an entire record is exempt from disclosure and should be withheld, the public records officer will identify the record, state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, the public records officer will redact the exempt portions, provide the nonexempt portions, state the specific exemption and provide a brief explanation of why the portions of the record are exempt from disclosure.

(4) When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that DES has closed the request.

NEW SECTION

WAC 200-01-050 Inspection of public records. (1) Consistent with other demands, DES will provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document.

(2) After inspection is complete, the requestor shall identify which documents he or she wishes the agency to copy. Consistent with other demands and the volume of documents requested, DES may copy the document at that time or provide the copies to the requestor at a later date.

(3) Within thirty days of the department's notification that the records are available for inspection or copying, the requestor must claim or review the assembled records. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. If the requestor makes a request for the same records, it will be processed as a new request.

(4) When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that DES has completed its search for the requested records and made any nonexempt records available for inspection.

NEW SECTION

WAC 200-01-055 Protection of public records. (1) The department will maintain its records in a reasonably organized manner. The department will take reasonable actions to protect records from damage and disorganization. A requestor shall not take DES records from DES offices without the permission of the public records officer. A variety of records is available on the DES web site at (web site address). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(2) Records will be made available to the requestor subject to the following restrictions:

(a) The records may not be removed from the area designated.

(b) The quantity of records may be limited in accordance with the requested use.

(c) All possible care will be taken by the requestor to prevent damage to the records.

(d) Records may not be marked, altered, cut or mutilated in any way.

(e) Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is prohibited.

(f) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.

(g) Records must be kept in the order in which received.

(h) All copying of records will be done by departmental personnel.

(i) Records will be returned to the public records officer by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 200-01-035.

NEW SECTION

WAC 200-01-060 Response to public records request—Installments. (1) When a response to a public records request is complex or involves a large number of records, the public records officer may provide access for inspection and copying in installments pursuant to RCW 42.56.080.

(2) The requestor will be notified when an installment is ready for inspection. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer may close the request.

(3) When the request is for copies of public records, the public records officer may require payment for each installment either prior to providing the installment or prior to providing subsequent installments. In addition, the requestor may be required to provide a deposit up to ten percent of the estimated cost of copying all records selected by the requestor. If the requestor fails to pay the required cost within thirty days, the public records officer may close the request.

NEW SECTION

WAC 200-01-065 Processing public records requests—Electronic records. (1) The process for requesting electronic public records is the same as for requesting paper public records.

(2) When a requestor requests records in an electronic format, the public records officer will provide available nonexempt electronic public records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record, or as otherwise agreed to between the requestor and the public disclosure officer.

(3) Whenever possible, DES will provide records in electronic format. If the department has only a paper copy of the record, the department, when feasible, may scan the paper record and provide the resulting electronic copy to the requestor. If the department maintains the record in electronic format, the record will be provided in the maintained electronic format unless the requestor specifically asks to receive the record in paper copies or it is otherwise not feasible to provide the record in electronic format.

(4) If a record exists on a web page, DES will respond to a request for the record by providing the link to the record on the web page.

(5) DES is not required to create a record that does not otherwise exist.

(6) Costs for providing electronic records as provided in this section are governed by WAC 200-01-075.

NEW SECTION

WAC 200-01-070 Exemptions. (1) DES reserves the right to determine that a public record requested is exempt, in whole or in part, under the provisions of chapter 42.56 RCW or other applicable provision of law.

(2) In addition, there are exemptions outside the Public Records Act that restrict the availability of some documents held by DES for inspection and copying; to include, but not limited to, RCW 4.92.210 (information in a claim filed with the office of risk management) and RCW 5.60.060 (attorney-client privilege).

(3) In addition, DES reserves the right to delete identifying details when it makes available any public record in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW.

(4) The department is prohibited by statute from disclosing lists of individuals for commercial purposes pursuant to RCW 42.56.070(9).

NEW SECTION

WAC 200-01-075 Costs of providing public records. (1) There is no fee for inspecting public records. DES may impose a charge for providing public records. DES will maintain a fee schedule on its web site.

(2) The charge for providing public records may be the actual cost incident to providing the records.

(a) The charge may include the actual cost of the postage or delivery, including the cost of the shipping container, cost of duplicating tape recordings, videotapes, photographs, slides, disks or similar media.

(b) There will be no charge for e-mailing electronic records to a requestor, unless another cost applies.

(3) If determining the actual cost is too burdensome or if the cost cannot be determined, DES may charge fifteen cents for each page, however produced.

(4) Before beginning to copy public records, the public records officer may require:

(a) A deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor;

(b) The payment of the remainder of the copying costs before providing all the records; or

(c) The payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.

(5) Payment may be made by cash in the exact amount charged, check, or money order to the department of enterprise services.

NEW SECTION

WAC 200-01-080 Review of denials of public records. (1)(a) Any person who has been denied an opportunity to inspect or copy a public record by an agency or who believes that an agency has not made a reasonable estimate of the time required to respond to a public record request may petition the agency for prompt review of its decision.

(b) The petition shall be in writing and shall include a copy of, or reasonably identify, the written statement by the public records officer denying the request or providing the estimate.

(c) The petition shall be sent to the public records officer who shall promptly provide the petition and any other relevant information to the agency official designated by the agency to conduct the review.

(2) The designated agency official will immediately consider the petition and either affirm or reverse the denial or the estimate. This review will be complete within two business days following DES' receipt of the petition, or within such times as mutually agreed by DES and the requestor.

(3) Administrative remedies shall not be considered exhausted until the department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

NEW SECTION

WAC 200-01-085 Records index. (1) The state general records retention schedule and the department's unique records retention schedule, as established and approved by the state records committee, serve as the index for the identification and location of the department's records, including those described in RCW 42.56.070(5).

(2) The current index, as described in subsection (1) of this section, is available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The index can be found on the DES web site at http://www.des.wa.gov.

NEW SECTION

WAC 200-01-090 Communications with the agency. All communications with DES to access public records of the department or seek assistance in making such a request, or for the purpose of obtaining information, making submittals or requests, or making inquiries concerning the agency's rules for compliance with chapter 42.56 RCW shall be addressed as follows:

Department of Enterprise Services
Public Records Officer
1500 Jefferson Ave.
P.O. Box 42445
Olympia, WA 98504-2445

The telephone number of the public records officer is 360-407-8768, or you can e-mail your request to public disclosure@des.wa.gov.

Information is also available at the DES web site at http://www.des.wa.gov.

WSR 12-02-021
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed December 28, 2011, 8:47 a.m., effective January 28, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order adopts (1) the 2011 edition of the National Institute of Standards and Technology (NIST) Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195; (2) the 2011 edition of NIST Handbook 133 (Checking the Net Contents of Packaged Goods); and (3) modifications to increase rule clarity and readability.

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-100, 16-662-105, 16-662-110, and 16-662-120.

Statutory Authority for Adoption: Chapters 19.94, 19.112, and 34.05 RCW.

Adopted under notice filed as WSR 11-22-098 on November 2, 2011, and WSR 12-01-080 on December 19, 2011.

Changes Other than Editing from Proposed to Adopted Version: Proposed changes regarding NIST Handbook 130 were not adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: December 28, 2011.

Dan Newhouse
Director

AMENDATORY SECTION (Amending WSR 09-19-007, filed 9/3/09, effective 10/4/09)

WAC 16-662-100 ((~~What is the purpose of this chapter?~~)) Purpose. (1) This chapter establishes requirements for the state of Washington that are reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures and that are in effect in other states.

(2) This chapter applies specifically to the:

(a) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices addressed in the *National Institute of Standards and Technology (NIST) NIST Handbook 44*;

(b) Uniform procedures for checking the net contents of packaged goods addressed in *NIST Handbook 133*;

(c) Uniform packaging and labeling regulation addressed in *NIST Handbook 130*;

(d) Uniform regulation for the method of sale of commodities addressed in *NIST Handbook 130*;

(e) Uniform examination procedure for price verification addressed in *NIST Handbook 130*; and

(f) Engine fuels, petroleum products, and automotive lubricants regulation addressed in *NIST Handbook 130*.

(3)(a) *NIST Handbook 44, NIST Handbook 130* and *NIST Handbook 133*, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. They are also available on the National Institute of Standards and Technology web site at ((~~http://ts.nist.gov/WeightsAndMeasures/index.cfm~~)) http://www.nist.gov/pml/wmd/pubs/handbooks.cfm.

(b) For information regarding the contents and application of these publications, contact the weights and measures program at the Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560, telephone number 360-902-1857, or e-mail wts&measures@agr.wa.gov.

AMENDATORY SECTION (Amending WSR 10-18-088, filed 9/1/10, effective 10/2/10)

WAC 16-662-105 ((~~What national weights and measures~~)) Standards ((~~are~~)) adopted by the Washington state department of agriculture (WSDA)((~~?~~)). Except as otherwise modified in this chapter, the WSDA adopts the following national standards:

National standard for:	Contained in the:
(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment	((~~2010~~)) 2011 Edition of *NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*
(2) The procedures for checking the accuracy of the net contents of packaged goods	((~~Fourth~~)) 2011 Edition (((~~January 2005~~))) of *NIST Handbook 133 - Checking the Net Contents of Packaged Goods*
(3) The requirements for packaging and labeling, method of sale of commodities, examination procedures for price verification, and engine fuels, petroleum products and automotive lubricants	2009 Edition of *NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality.* Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1 Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation. Specifically:
(a) Weights and measures requirements for all food and nonfood commodities in package form	*Uniform Packaging and Labeling Regulation* as adopted by the National Conference on Weights and Measures and published in *NIST Handbook 130*, 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation
(b) Weights and measures requirements for the method of sale of food and nonfood commodities	*Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in *NIST Handbook 130*, 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation
(c) Weights and measures requirements for price verification	*Examination Procedure for Price Verification* as adopted by the National Conference on Weights and Measures and published in *NIST Handbook 130*, 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation

National standard for:	Contained in the:
(d) Definitions and requirements for standard fuel specifications; classification and method of sale of petroleum products; retail storage tanks and dispenser filters; condemned product; product registration; and test methods and reproducibility limits	*Uniform Engine Fuels and Automotive Lubricants Regulation* as adopted by the National Conference on Weights and Measures and published in *NIST Handbook 130*, 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation

AMENDATORY SECTION (Amending WSR 10-18-088, filed 9/1/10, effective 10/2/10)

WAC 16-662-110 ((~~Does the WSDA modify~~)) Modifications to NIST Handbook 44((~~?~~)). The WSDA adopts the following modifications to *NIST Handbook 44*, which is identified in WAC 16-662-105(1):

Modified Section:	Modification:
General Code: Section G-UR.4.1. Maintenance of Equipment	In the last sentence of G-UR.4.1., Maintenance of Equipment, change the words "device user" to "device owner or operator." As a result of this modification, the last sentence of G-UR.4.1. will read: "Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device owner or operator (see also Introduction, Section Q) shall not be considered "maintained in a proper operating condition.”"
Liquid-Measuring Devices: Section S.1.6.4.1. Unit Price	((~~Modify subsection (b) under section S.1.6.4.1. Unit Price, to read:~~)) At the end of the first sentence of S.1.6.4.1.(b), Unit Price, add the words "or after prepayment for the product but prior to its delivery." As a result of this modification, the sentence will read: "Whenever a grade, brand, blend, or mixture is offered for sale from a device at more than one unit price, then all of the unit prices at which that product is offered for sale shall be displayed or shall be capable of being displayed on the dispenser using controls available to the ((~~consumer~~)) customer prior to the delivery of the product or after prepayment for the product but prior to its delivery." ((~~It is not necessary that all of the unit prices for all grades, brands, blends, or mixtures be simultaneously displayed prior to the delivery of the product. This subsection shall not apply to fleet sales, other contract sales, or truck refueling sales (e.g., sales from dispensers used to refuel trucks).~~))

AMENDATORY SECTION (Amending WSR 05-10-088, filed 5/4/05, effective 6/4/05)

WAC 16-662-120 ((~~How does the WSDA conduct~~)) Inspections of the net contents of packaged goods under NIST Handbook 133((~~?~~)). WSDA inspects packages using ((~~the~~)) either used dry tare or unused dry tare in accordance with the procedures outlined in *NIST Handbook 133*.

WSR 12-02-024
PERMANENT RULES
PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed December 28, 2011, 11:55 a.m., effective January 28, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Technical edits to WAC 181-79A-223. Corrects language consistent with rest of section.

Citation of Existing Rules Affected by this Order: Amending x [WAC 181-79A-223].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 11-17-005 on August 3, 2011.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252,

Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 28, 2011.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 08-08-045 [11-15-051], filed 3/26/08 [7/15/11], effective 4/26/08 [8/15/11])

WAC 181-79A-223 Academic and experience requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist. Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist certification shall apply directly to the professional education and certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 181-79A-150, except state approved college/university professional preparation program:

(1) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree or higher in nursing from a program accredited by the National League for Nursing Accrediting Commission or the Commission on Collegiate Nursing Education.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include the following course outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed forty-five quarter hours (thirty semester hours) of postbaccalaureate course work in education, nursing, or other health sciences.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(2) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include the following course outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(3) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include the following course outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences or education.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(4) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination: Provided, That if any candidate has not completed a written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include the following outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall hold a master's degree with a major in speech pathology or audiology((~~, with the exception of a candidate who holds a current and valid Washington~~

~~state conditional certificate in speech/language pathology as of June 30, 2003~~)).

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

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

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.

WSR 12-02-025

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed December 28, 2011, 11:59 a.m., effective January 28, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Technical edits to WAC 181-79A-140. Corrects citation.

Citation of Existing Rules Affected by this Order: Amending x [WAC 181-79A-140].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 11-17-004 on August 3, 2011.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 28, 2011.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 08-08-028, filed 3/24/08, effective 4/24/08)

WAC 181-79A-140 Types of certificates. Six types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC ((~~181-79A-220~~)) 181-79A-270, authorizes service as a classroom teacher.

(2) Career and technical. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 181-77 WAC.

(3) First people's language/culture. The first peoples' language, culture, and oral tribal traditions teacher certificate authorizes service as defined under WAC 181-78A-700(8).

(4) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or assistant principal.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet professional educator standards board certification standards for service in the roles of superintendent or program administrator.

(5) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 181-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 181-79A-231:

(a) Conditional certificate.
(b) Substitute certificate.
(c) Emergency certificate.
(d) Emergency substitute certificate.
(e) Nonimmigrant alien exchange teacher.
(f) Intern substitute teacher certificate.
(g) Transitional certificate.
(h) Provisional alternative administrative certificate.

WSR 12-02-027

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed December 28, 2011, 1:20 p.m., effective January 28, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Technical amendments to WAC 181-79A-145 resulting from the deregulation of school social work programs.

Citation of Existing Rules Affected by this Order: Amending x [WAC 181-79A-145].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 11-16-048 on July 28, 2011.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 28, 2011.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 11-12-032, filed 5/25/11, effective 6/25/11)

WAC 181-79A-145 Levels and validity of certificates. Two levels of certification may be issued.

(1) Initial and continuing certificates: Teachers with program completion dates through August 31, 2000, administrators with program completion dates through August 31, 2004, and educational staff associates with program completion dates through August 31, 2005, will be issued the following levels of certificates: Provided, That initial and continuing teachers' certificates after August 31, 2000, initial and continuing principal and program administrator certificates after August 31, 2004, and initial and continuing educational staff associate certificates after August 31, 2005, will be issued only to previous Washington certificate holders, pursuant to WAC 181-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 181-79A-250(1) and 181-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal. Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial administrator and educational staff associate certificate holders shall be issued a residency certificate if their initial certificate has expired or they do not meet the requirements for a continuing certificate.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 181-79A-250(3).

(2) Residency and professional certificates: Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) Residency certificate. The residency certificate will be issued to teachers beginning September 1, 2000, to principal/program administrators beginning September 1, 2004, and to educational staff associate school counselors((,)) and school psychologists((, and school social workers)) no later than September 1, 2005.

(b) The first issue of a residency certificate for teachers, principals, program administrators, and educational staff associates shall be valid until the holder has completed two consecutive years of successful service in the role in Washington with a school district, state approved private school, or state agency that provides educational services for students. When the principal, program administrator, or educational staff associate completes two consecutive years of successful service in the role in the state with the same employer, their residency certificate will be reissued with a five-year expiration date; provided, that the second consecutive year of successful service in the role will be considered to be complete for purposes of reissuance if a contract for the third such year has been signed and returned to the employer. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 181-79A-250.

(c) For teachers, after September 1, 2011, a first issue teacher residency certificate remains undated until the teacher is eligible to register for the professional certificate assessment under WAC 181-79A-206, at which time the residency certificate is dated for three years as verified by the certification office of the superintendent of public instruction: Provided, That teachers who hold an undated initial residency certification and teach in nonpublic school settings as defined under WAC 181-79A-030 are considered to hold a valid certificate and may participate in the professional certificate requirements by submitting proof of experience under WAC 181-79A-206.

(d) Professional certificate. The professional certificate will be issued to teachers beginning September 1, 2001, to principals/program administrators beginning September 1, 2007, and to educational staff associate school counselors((,)) and school psychologists((, and school social workers)) beginning September 1, 2007. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 (3)(b) or 181-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater. Provided further that a professional educational staff associate certificate for school counselors based on the possession of a valid school counselor's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 or 181-79A-206 shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) First peoples' language, culture, and oral tribal traditions certificates: The first peoples' language, culture, and oral tribal traditions certificate will be issued beginning in January 2007. The first peoples' language, culture, and oral tribal traditions certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-252.

WSR 12-02-028
PERMANENT RULES
PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed December 28, 2011, 1:23 p.m., effective January 28, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Technical amendments to WAC 181-78A-100, 181-78A-205 and 181-78A-264, resulting from the deregulation of school social work programs.

Citation of Existing Rules Affected by this Order: Amending x [WAC 181-78A-100, 181-78A-205, 181-78A-209, and 181-78A-264].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 11-16-046 on July 28, 2011.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 28, 2011.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 10-08-017, filed 3/29/10, effective 4/29/10)

WAC 181-78A-100 Existing approved programs. Chapter 181-78A WAC rules shall govern all policies related to programs upon adoption by the professional educator standards board, which shall provide assistance to programs in the revision of their existing programs.

(1) All professional education programs shall be reviewed for approval under the 1997 program approval standards of chapter 181-78A WAC by August 31, 2000. Colleges and universities may permit individuals accepted into teacher preparation programs on or before August 31, 2000, to obtain certification by meeting requirements of programs approved under approval standards described in chapter 181-78 WAC if the individuals complete the program on or before August 31, 2003, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2003: Provided, That the professional educator standards board or its designee may waive this deadline on a case-by-case basis.

(2) All principal/program administrator programs shall be reviewed for approval under the 2002 program approval standards of chapter 181-78A WAC by August 31, 2004. Colleges and universities may permit individuals accepted into principal/program administrator programs on or before August 31, 2004, to obtain a residency certificate by meeting requirements of programs approved under 1997 approval standards described in chapter 181-78A WAC if the individuals complete the program on or before August 31, 2006, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2006. Provided, That the professional educator standards board or its designee may waive this deadline on a case-by-case basis.

(3) All school counselor((,)) or school psychologist((~~, or school social worker~~)) programs shall be approved under the 2004 program approval standards of chapter 181-78A WAC by August 31, 2005. Colleges and universities may permit individuals accepted into the school counselor((,)) or school psychologist((~~, or school social worker~~)) programs on or before August 31, 2005, to obtain a residency certificate by meeting requirements of programs approved under the 1997 approval standards described in chapter 181-78A WAC if the individuals complete the program on or before August 31, 2007, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2007. Provided that the professional educator standards board or its designee may waive this deadline on a case-by-case basis.

(4) Individuals who completed a principal/program administrator program on or before August 31, 2004, shall be granted an initial certificate if the preparing college or university verifies completion by December 31, 2004. Individuals who complete an educational staff associate program on or before August 31, 2005, shall be granted an initial certificate if the preparing college or university verifies completion by December 31, 2005.

(5) Institutions shall be given at least one year notification prior to a professional educator standards board review for compliance with these standards: Provided, That if an institution requests a visit with less than a year's notice, the professional educator standards board shall consider that request.

(6) The professional educator standards board shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards. In determining the schedule for site visits, the board shall take into consider-

ation the partnership agreement between the state and the National Council for the Accreditation of Teacher Education (NCATE) as such agreement relates to the NCATE accreditation cycle and allow NCATE accredited colleges/universities to follow the NCATE schedule for their state site visit. Non-NCATE accredited colleges/universities shall have a state approval site visit every five years. The professional educator standards board may require more frequent site visits at their discretion pursuant to WAC 181-78A-110(2).

(7) Each institution shall submit its program for review when requested by the professional educator standards board to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the professional educator standards board for the year prior to the site visit.

(a) Institutions shall follow professional educator standards board posted timelines to submit an institutional report that shall:

(i) Describe how the program approval standards are met for each educator preparation program scheduled for review (NCATE reports may fulfill this requirement);

(ii) Describe how "unmet" standards or program weaknesses, identified during the previous site visit, have been corrected;

(iii) Describe major program(s) changes implemented since the last site visit;

(iv) Summarize all WEST-E data since the last site visit;

(v) Summarize all program completer survey data compiled since the last site visit;

(vi) Include all professional education advisory board reports submitted since the last site visit;

(vii) Summarize complaints related to the program(s) and actions taken to remedy the complaints; and

(viii) Describe the criteria used by the program(s) to assess, in multiple ways over time, its candidates' knowledge and skills, including evidence of positive impact on student learning.

(b) The site visit shall be conducted by a team whose membership is composed of:

(i) One member of the professional educator standards board;

(ii) One peer institution representative;

(iii) One individual with assessment expertise;

(iv) Two K-12 practitioners with expertise related to the programs scheduled for review; and

(v) A designated professional educator standards board staff member shall serve as team leader. Substitutions, drawn from (b)(i) through (iv) of this subsection, may be assigned when individuals are not available. Additions to the team shall be drawn from (b)(i) through (iv) of this subsection when necessary. The professional educator standards board liaison for that institution may be present, but shall not serve in an evaluative role. All members, including substitutes, shall be trained.

(c) The site visit shall be conducted in compliance with the protocol and process adopted and published by the professional educator standards board.

(d) The final site visit report and other appropriate documentation will be submitted to the professional educator standards board.

(e) Institutions may submit a reply to the report within two weeks following receipt of the report. The reply may address issues for consideration, including a request for appeal per subsection (g) of this section, limited to factual errors, evidence that the review disregarded state standards, failed to follow state procedures for review, or failed to consider evidence that was available at the time of the review.

(f) In considering the report, the professional educator standards board may grant approval according to WAC 181-78A-110 and 181-78A-100(6).

(g) Institutions may request a hearing in instances where it disagrees with the professional educator standards board's decision. The hearing will be conducted through the office of administrative hearings by an administrative law judge per chapter 34.05 RCW. The institution seeking a hearing will provide a written request to the professional educator standards board in accordance with WAC 10-08-035.

(8) Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the professional educator standards board approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

AMENDATORY SECTION (Amending WSR 11-01-047, filed 12/7/10, effective 1/7/11)

WAC 181-78A-205 Required professional education advisory board. Institutions and organizations seeking approval by the professional educator standards board as an approved preparation program, and in order to maintain such approval status, shall establish a professional education advisory board (PEAB) in accordance with the following:

(1) The program areas for which an institution or organization may seek approval and maintain an approved preparation program are:

(a) Teacher.

(b) Administrator.

(c) Educational staff associate (ESA), school counselor.

(d) Educational staff associate, school psychologist.

((~~(e) Educational staff associate, school social worker.~~))

(2) An institution or organization may combine educational staff associate professional education advisory boards as long as one-half or more of the voting members are appointed by the associations representing the ESA roles involved and are divided equally among those roles.

(3) An institution or organization may have separate administrator professional education advisory boards for each administrator role as long as one-half or more of the voting members are appointed by the association representing the administrator role involved: Provided, That each administrator PEAB shall include at least one member appointed by the Association of Washington School Principals (AWSP), one appointed by the Washington Association of School Administrators (WASA), and one appointed by the Washington Federation of Independent Schools (WFIS).

(4) The failure of a designated organization, as specified in WAC 181-78A-209, to make appointments to the designated board, or to make such appointments in a timely manner, shall not cause the preparation program to lose its approval status.

AMENDATORY SECTION (Amending WSR 11-01-047, filed 12/7/10, effective 1/7/11)

WAC 181-78A-209 Professional education advisory boards—Membership. The professional education advisory boards shall at a minimum consist of the following:

(1) **TEACHER.**

(a) One-half or more of the voting members shall be classroom teachers. All, but one, will be appointed by the president of the Washington Education Association. The remaining teacher shall be employed in a state-approved private school and appointed by the Washington Federation of Independent Schools.

(b) At least one principal appointed by the president of the Association of Washington School Principals.

(c) At least one school administrator appointed by the Washington Association of School Administrators.

(d) At least one educational staff associate (school counselor, school psychologist, school social worker, school nurse, school occupational therapist, school physical therapist, or school speech language pathologist or audiologist) appointed by the president of the individual's professional association.

(e) At least one institution or organization representative who may serve in a voting or nonvoting role.

(f) At programs where career and technical education programs are offered, one career and technical education director or career and technical education teacher, with expertise in one of the approved career and technical education programs at the institution or organization, appointed by the Washington Association of Vocational Administrators in cooperation with the institution or organization.

(2) **ADMINISTRATOR.**

(a) One-half or more of the voting members shall be administrators. One-half of these administrators shall be appointed by the president of the Washington Association of School Administrators. The remaining administrators shall be appointed by the president of the Association of Washington School Principals except one who shall be employed in an approved private school and appointed by the Washington Federation of Independent Schools.

(b) At least one or more classroom teachers appointed by the president of the Washington Education Association.

(c) At least one educational staff associate (school counselor, school psychologist, school social worker, school nurse, school occupational therapist, school physical therapist, or school speech language pathologist or audiologist) appointed by the president of the individual's professional association.

(d) At least one institution or organization representative who may serve in a voting or nonvoting role.

(3) **SCHOOL COUNSELOR.**

(a) At least one-half of the voting members shall be school counselors appointed by the president of the Washington School Counselors Association.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one institution or organization representative who may serve in a voting or nonvoting role.

(4) **SCHOOL PSYCHOLOGIST.**

(a) At least one-half of the voting members shall be school psychologists appointed by the president of the Washington State Association of School Psychologists.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one institution or organization representative who may serve in a voting or nonvoting role.

(5) ((~~**SCHOOL SOCIAL WORKER.**~~

~~(a) At least one-half of the voting members shall be school social workers appointed by the president of the Washington Association of School Social Workers.~~

~~(b) At least one teacher appointed by the president of the Washington Education Association.~~

~~(c) At least one principal appointed by the Association of Washington School Principals.~~

~~(d) At least one administrator appointed by the Washington Association of School Administrators.~~

~~(e) At least one institution or organization representative who may serve in a voting or nonvoting role.~~

~~(6)~~)) **MEMBERSHIP APPOINTMENTS.** Applicable to all professional association appointments, if the professional association does not respond to the program's request for an appointment of a representative within sixty days of the receipt of the request, a program may appoint the representative of its choice in the role for which an appointment is being sought. If the program makes an appointment, it must notify the appropriate professional association within one week that the appointment has been made. If an association is unable to appoint a representative due to the geographic restriction of possible candidates, the PEAB will appoint an alternate to represent that association with their consent.

AMENDATORY SECTION (Amending WSR 10-17-029, filed 8/9/10, effective 9/9/10)

WAC 181-78A-264 Approval standard—Program design. Building on the mission to prepare educators who demonstrate a positive impact on student learning, evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 181-78A-220(4):

(1) The conceptual framework establishes the shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. The conceptual framework:

(a) Provides coherence among curriculum, instruction, field experiences, clinical practice, candidate assessment, and program evaluation;

(b) Establishes the philosophy, purpose, goals, and standards of the program or unit;

(c) Reflects renewing commitment to current research and best practices; and

(d) Supports the state's goals for P-12 student learning and program approval Standard V.

(2) Recruitment, admission, retention, and transition to the field.

(a) Programs recruit, admit, retain, and transition candidates to the field who:

(i) Demonstrate the content and pedagogical knowledge and skills for success as educators in schools;

(ii) Demonstrate the dispositions of a professional educator;

(iii) Address the program, state and partner districts' goals for increasing underrepresented populations in the workplace;

(iv) Address the content areas identified by work force data of the state and region.

(b) Learner expectations for program requirements, progression, and completion are identified, published, and accessible.

(c) Faculty regularly review recruitment and retention data for effectiveness of program.

Programs create, implement and communicate a recruitment and retention plan in response to data.

(3) Field experiences and clinical practice.

(a) The program(s) and its school partners design, implement, and evaluate field experiences and clinical practices.

(b) Field experiences are integrated throughout the preparation program.

(i) Field experiences provide opportunity to plan, practice and reflect on methods of instruction and differentiation;

(ii) Field experiences provide opportunity to work in communities with populations dissimilar to the background of the candidate;

(iii) Faculty supervision, including on-site visits, will be provided on an on-going basis.

(c) Mentors are instructional leaders identified collaboratively with the partner school of district.

(i) Mentors and principals are provided with a set of internship expectations;

(ii) Mentors receive or provide evidence of training on mentoring of adult learners;

(iii) Mentors must be fully certificated school personnel and have a minimum of three years of professional experience in the role they are supervising;

(iv) Effectiveness of mentor preparation and communication are reviewed annually by faculty.

(d) All Washington educator preparation programs operating field experiences in Washington state shall establish and maintain field placement agreements with all Washington school districts in which candidates are placed for field experiences leading to certification or endorsement under WAC 181-78A-125.

(e) Entry and exit criteria and a process for mitigating concerns during clinical practice are provided for candidates and the mentor.

(f) Requirements for specific educator preparation programs.

(i) Teacher programs.

(A) Programs shall administer the pedagogy assessment adopted by the professional educator standards board to all candidates in a residency certificate program.

(B) Clinical practice (defined as supervised planning, instruction, and reflection) for teacher candidates should consist of no less than four hundred fifty hours in classroom settings.

(ii) School counselor programs.

(A) Candidates complete a supervised internship in the schools that includes a minimum of four hundred hours of on the job professional service and one hour per week of individual supervision provided by the mentor.

(B) Prior to the internship, the candidate will complete a faculty supervised practicum (a distinctly defined clinical experience intended to enable the candidate to develop basic counseling skills and integrate professional knowledge).

(iii) School psychology programs.

(A) Candidates complete a supervised internship in the schools that includes a minimum of one thousand two hundred hours of on the job professional service and one hour per week of individual supervision provided by the mentor.

(B) Prior to the internship, the candidate will complete a faculty supervised practicum (a distinctly defined clinical experience intended to enable the candidate to develop basic school psychology skills and integrate professional knowledge).

(iv) ((~~School social worker programs.~~

~~(A) Candidates complete a supervised internship in the schools that includes a minimum of three hundred hours of on the job professional service and one hour per week of individual supervision provided by the mentor.~~

~~(B) Prior to the internship, the candidate will complete a faculty supervised practicum (a distinctly defined clinical experience intended to enable the candidate to develop basic school social work skills and integrate professional knowledge).~~

~~(v)~~)) Administrator programs.

(A) The internship for administrators shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which certification is sought.

(B) Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific relevant skills pursuant to WAC 181-78A-270.

(C) An approved preparation program for superintendents shall require an internship of at least three hundred sixty hours.

(D) An approved preparation program for principals shall require for those persons beginning their internship August 1, 2009, and after, an internship which requires practice as an intern during the full school year. A "full school

year" shall mean five hundred forty hours of which at least one-half shall be during school hours, when students and/or staff are present: Provided further, That an approved preparation program for principals shall require an internship that shall include demonstration by the candidate that she or he has the appropriate, specific skills pursuant to the standards identified in WAC 181-78A-270(2) and meets, at minimum, the standards-based benchmarks approved and published by the professional educator standards board. The benchmarks may not be changed without prior professional educator standards board approval.

(4) Program and faculty collaboration.

(a) Faculty within the program and unit collaborate for continuous program improvement.

(b) Faculty collaborate with content area specialists.

(c) Programs collaborate with P-12 schools to assess and respond to work force, student learning, and professional development needs.

(d) Faculty collaborate with members of the broader professional community.

(e) Faculty collaborate with members of under-represented populations for program improvement.

(5) Diversity in learning experiences.

(a) Candidates have significant interaction with diverse populations including colleagues, faculty, P-12 practitioners, and P-12 students and families.

(i) Candidates reflect on interactions with diverse populations in order to integrate professional growth in cultural competency as a habit of practice.

(ii) Candidates integrate their cultural and linguistic backgrounds into classroom activities in order to build the multicultural capacity of the preparation program cohort.

(b) Faculty model equity pedagogy through:

(i) Interaction with diverse populations;

(ii) Reflective practice on their own professional growth in cultural competency;

(iii) Culturally relevant communication and problem solving; and

(iv) Personalized instruction that addresses cultural and linguistic backgrounds.

WSR 12-02-035
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed December 29, 2011, 2:33 p.m., effective February 1, 2012]

Effective Date of Rule: February 1, 2012.

Purpose: Repeal chapter 308-87 WAC, replacing it with a new set of rules under chapter 308-83 WAC. New state law requires the department of licensing to set standards in rule for regulating limousine services. The new rules define prearrangement and operational status, determine requirements for increased recordkeeping, set up examination and recordkeeping processes for certifying chauffeurs, indicate the acceptable form and format for chauffeur and carrier records, define vehicle inspection standards, increase licensing fees, and add detail to licensing procedures and insurance requirements.

Citation of Existing Rules Affected by this Order: Repealing chapter 308-87 WAC.

Statutory Authority for Adoption: Chapters 46.72A, 46.04 RCW.

Other Authority: Chapter 374, Laws of 2011 (session law); RCW 43.24.086.

Adopted under notice filed as WSR 11-22-111 on November 2, 2011.

Changes Other than Editing from Proposed to Adopted Version: In response to comments, the department made minor edits to many of the sections to clarify the regulations. The department also changed several sections in response to comments from constituents:

1. WAC 308-83-125(2) changed to allow limousine owners greater flexibility in short term rentals of limousines.

2. WAC 308-83-155 changed to allow carriers four days instead of one for reporting of traffic incidents.

3. WAC 308-83-150(2) changed to disqualify chauffeurs for 2 or more serious traffic violations in two years instead of one in 5 years.

4. WAC 308-83-200 (1)(c) changed to require fifteen minutes prearrangement instead of thirty, and no additional wait time if arranged through a dispatcher.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 20, Amended 0, Repealed 8.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2011.

Damon G. Monroe
Rules Coordinator

Chapter 308-83 WAC

LIMOUSINE SERVICES

PART 1
DEFINITIONS AND FEES

NEW SECTION

WAC 308-83-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and chapter 46.72A RCW.

(1) "Amenities" means equipment or features added to a vehicle for the comfort or convenience of the occupants:

(a) "Standard amenities" means standard factory amenities normally found in passenger cars;

(b) "Nonstandard amenities" means amenities not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, refrigerator, power-operated dividers, or additional interior lighting.

(2) "Business license" or "limousine carrier business license" means a license issued under chapter 19.02 RCW, which contains an endorsement indicating the business to which the license is issued is authorized to provide limousine carrier services.

(3) "Business licensing service" means the program within the Washington state department of revenue authorized by chapter 19.02 RCW to issue the business license.

(4) "Business office" refers to the physical location where a limousine carrier business maintains its business records, as defined in WAC 308-83-130. The business office is the physical address on file with the business licensing service. The business office is the place where the business license is posted.

(5) "Business owner" means an individual, partnership, corporation, association, or other person(s), or group that holds a substantial interest in a limousine carrier business.

(6) "Chauffeur" means a person with a valid Washington state driver license, who is also certified to drive a limousine under chapter 46.72A RCW and WAC 308-83-145. As provided by WAC 308-83-145(1), a business owner cannot assume the duties of a chauffeur unless the owner is also certified as a chauffeur.

(7) "Decal" means a sticker issued by the department to indicate the vehicle displaying the decal has a valid limousine vehicle certificate.

(8) "Department" means the Washington state department of licensing.

(9) "Dispatch log" refers to a paper or electronic record of assignments made to chauffeurs, and includes all information from the passenger manifest(s) for a given period, as well as the time each ride was arranged, passenger and carrier phone numbers used to make the arrangement, limousine, and the chauffeur assigned to the customer. The dispatch log also documents passengers referred by or to other drivers or businesses.

(10) "Disqualification" means a prohibition against driving a limousine.

(11) "Drugs" are those substances as defined by RCW 69.04.009 including, but not limited to, those substances defined by 49 CFR 40.3.

(12) "Limousine" has the same meaning as in RCW 46.04.274 and includes vehicles that meet one of the following definitions:

(a) "Stretch limousine" means an automobile with a seating capacity behind the driver of not less than four passengers and not more than fourteen passengers, and a maximum wheelbase of two hundred eighty-five inches. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch limousine must be equipped with nonstandard amenities in the rear seating area.

(b) "Executive sedan" means a four-door sedan or crossover automobile having a seating capacity behind the driver of not more than three passengers, and a minimum wheelbase of one hundred fourteen and one-half inches. An executive sedan must at a minimum be equipped with standard amenities, and the wheelbase may not be altered.

(c) "Executive van" means a van or minivan, having a seating capacity behind the driver of not less than seven passengers and not more than fourteen passengers.

(d) "Classic car" means a fine or distinctive, American or foreign automobile that is thirty years old or older.

(e) "Executive sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than three passengers and not more than six passengers, and a minimum wheelbase of one hundred sixteen inches that has not been altered.

(f) "Stretch sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than four and not more than fourteen passengers, and a maximum wheelbase of three hundred twenty-five inches that has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch sport utility vehicle must be equipped with nonstandard amenities in the rear seating area.

(13) "Limousine carrier" or "carrier" is a business licensed, or required to be licensed by the department to provide limousine services, in accordance with RCW 46.04.276 and department regulations.

(14) "Nonresident limousine carrier" refers to a limousine carrier or vehicle owner whose place of business is not in Washington state, and does not have a valid Washington state limousine carrier license.

(15) "Operate" refers to a person engaging in the business of a limousine and includes driving, occupying, or otherwise using a limousine to wait for, pick up, transport, or drop off a passenger for compensation. Specific activities included in the definition of operating a limousine are contained in WAC 308-83-210.

(16) "Passenger capacity" means the maximum number of passengers that may be carried in a vehicle as determined by using the information found on the label that is required by the United States Department of Transportation to be affixed to the vehicle under 49 CFR, parts 567 and 568. This label must be affixed to the vehicle in accordance to 49 CFR, parts 567 and 568. In absence of the label, a member of the Washington state patrol or the department may determine the passenger capacity upon visual inspection of the vehicle.

(17) "Passenger manifest" refers to a daily record that verifies prearranged trips. Specific requirements for the passenger manifest are contained in WAC 308-83-200.

(18) "Person" or "persons" means an individual, a corporation, association, sole proprietorship, joint stock association, partnership, limited liability partnership, limited liability company, or other association of people organized to conduct business. It also includes their lessees, trustees, or receivers.

(19) "Prearranged" refers to a customer or customer's agent having secured and agreed to the services and fare. Prearranged means the agreement was made prior to the time of departure and at a place different than the place of departure.

(20) "Public highway" includes every public street, road, or highway in this state.

(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 CFR 40.281.

(22) "Unified business identifier" or "UBI" is a nine digit number that registers a business with several state agencies and allows an entity to do business in Washington state. It is sometimes called a tax registration number, a business registration number, or a business license number.

(23) "Vehicle certificate" is a document issued by the department, indicating that the vehicle is registered as a limousine. The vehicle certificate must be carried in the limousine at all times. The vehicle certificate is not the vehicle registration document.

NEW SECTION

WAC 308-83-020 Fees. (1) The limousine fees authorized in chapter 46.72A RCW are:

Limousine carrier business license application	$350.00
Limousine carrier business license renewal	350.00
Vehicle certificate	75.00
Vehicle certificate renewal	75.00
Change of vehicle certificate	20.00
Duplicate vehicle certificate	20.00
Training course application	25.00

(2) Applications and renewals submitted to the business licensing service must also include the fees authorized in RCW 19.02.075 and 19.02.085.

PART 2
CARRIERS

NEW SECTION

WAC 308-83-100 License. (1) Applicants for a limousine carrier business license must apply through business licensing service. The department will issue a limousine carrier license only to a person who meets the requirements established in chapter 46.72A RCW and this chapter.

(2) All applications for a limousine carrier business license must be on a form approved by the business license service, and include the appropriate addendum form, chauffeur certification addendum, vehicle registration, vehicle inspection report and insurance documents. The application must be accompanied by the appropriate filing fee, as listed in WAC 308-83-020 and RCW 19.02.075.

(3) A limousine carrier business license may not be leased, assigned, or otherwise transferred.

(4) A limousine carrier business license expires annually. The department will charge additional fees when a limousine carrier business license is renewed after the expiration date, as provided under RCW 19.02.085.

(5) A limousine carrier must have a valid limousine license before it can advertise, sell, or provide limousine services.

(6) A limousine carrier conducting business under a name other than the business owner's full legal name must register its business name as a trade name with business licensing service and pay the fees as required under WAC 308-300-230 and 308-300-280.

(7) The limousine carrier business license must be posted in a conspicuous place at the business office.

NEW SECTION

WAC 308-83-105 Nonresident limousine carrier. Nonresident limousine carrier business owners are subject to the same requirements and restrictions that apply to resident limousine carriers. Nonresident owners may not pick up passengers in Washington state without a valid Washington state limousine carrier business license and Washington state vehicle certificate. The department will accept nonresident insurance certificates, provided the insurance company is approved by the Washington state office of the insurance commissioner. The coverage must be valid in the state of Washington and meet, at least, the levels established in WAC 308-83-115.

NEW SECTION

WAC 308-83-110 Vehicle certificate and reports. (1) A limousine carrier must obtain a vehicle certificate for each vehicle to be operated as a limousine. An application for a new vehicle certificate must include a copy of the vehicle registration. All applications for new vehicle certificates and vehicle certificate renewals must also include:

(a) A valid certificate of insurance issued in the exact name of the legal entity that appears or will appear on the business license;

(b) A current vehicle inspection report no older than four months; and

(c) The fees specified in WAC 308-83-020 and 204-95-030.

(2) The department will issue the vehicle certificate in the name of the limousine carrier. The department may allow continued operation of a limousine for up to sixty calendar days if there is a minor error (for example, misspelling) in the vehicle registration, to allow time for the department to correct the registration document.

(3) Each limousine must display a decal permanently affixed to the back of the vehicle. The decal must be located to the left of the rear license plate, easily observable, and within twelve inches of the plate. The decal must not be affixed to the license plate or a light. The carrier must remove the decal upon the transfer of vehicle ownership, or the termination of the limousine vehicle certificate.

(4) The vehicle registration must have the use class recorded as "F/H."

(5) Vehicle certificates expire. Failure to renew prior to the expiration date may result in penalty fees as provided by chapter 19.02 RCW. A limousine with an expired vehicle certificate may not continue to operate as a limousine.

(6) A request to add a new vehicle, and procure a new vehicle certificate, must be made in writing to the business licensing service and include the fee as specified in WAC 308-83-020.

(7) A request for a duplicate vehicle certificate may be made by contacting the department. A fee as specified in WAC 308-83-020 will be charged for duplicate vehicle certificates.

(8) A copy of the vehicle certificate must be carried in the vehicle at all times and must be displayed on request to any law enforcement officer or department representative.

(9) A limousine carrier must:

(a) Within four business days following a traffic collision involving any of its limousines, report the collision to the department's regulatory office if an accident report is required or was made under the provisions of RCW 46.52.030. Before a limousine involved in a collision may return to service, the limousine carrier must forward to the department a new vehicle inspection report that was performed after the collision. This inspection may be performed by the Washington state patrol or other agency authorized by chapter 46.72A RCW to perform limousine inspections. Alternatively, the department may accept a structural inspection by an ASE Certified Master Collision Repair Technician. The department will not accept an ASE inspection for the initial or annual limousine inspection required under WAC 308-83-120.

(b) Report to the department within ten calendar days when any limousine that has been issued a vehicle certificate is taken out of service.

NEW SECTION

WAC 308-83-115 Insurance. (1) Limousine carriers are required to maintain liability and property damage insurance for each vehicle used by their company as noted below:

Type of Coverage	Minimum Coverage Amount
Combined single limit for bodily injury liability and property damage for one accident	$1,050,000.00

(2) The certificate of insurance shall include the:

(a) Limousine carrier as the insured in the same manner as does or will appear on the business license;

(b) Effective and expiration dates of coverage;

(c) Name of the insurer;

(d) Name of producer;

(e) Coverage and limits;

(f) Thirty-day department notification clause;

(g) Department as certificate holder;

(h) Policy number; and

(i) Year, make, model, and vehicle identification number (VIN) of each vehicle.

(3) The insurance policy may not:

(a) Contain a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be paid by the insurer directly to the claimant, in full and including the deductible amount;

(b) Contain a clause restricting the insured's age in regard to insurance validity; or

(c) Be a "surplus line" policy, as determined by the office of the insurance commissioner and as described in RCW 48.15.040.

(4) In the event of cancellation of the coverage noted on the policy, the insuring company shall notify the department's limousine regulatory office not less than thirty calendar days prior to the cancellation date.

(5) All liability and property damage insurance policies issued to limousine carrier businesses shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(6) A copy of the certificate of insurance must be carried in the vehicle at all times.

NEW SECTION

WAC 308-83-120 Vehicle inspections. The vehicle inspection report must certify that the vehicle meets the following standards:

(1) The legal definition of a limousine, as defined in WAC 308-83-010; and

(2) The standards and criteria set by the Washington state patrol for vehicle inspections, as established under chapter 204-95 WAC.

NEW SECTION

WAC 308-83-125 Leased vehicles. (1) Prior to using a leased or rented vehicle as a limousine, the lessee must provide the department with a release-of-interest letter from the lessor.

(2) A leased or rented limousine must meet all of the requirements for a limousine vehicle certificate, as described in this chapter. The department will issue a short term, or special needs vehicle certificate that the business may use for a consecutive thirty-day period during the following consecutive four months or upon expiration of the business' limousine carrier license, whichever end date occurs sooner. The department may approve a rental or lease of less than thirty calendar days. The department may waive the required vehicle inspection for these short-term rentals or leases. However, these vehicles must be in such a condition, regarding safety, legality and appearance, as to be able to pass a WSP limousine vehicle inspection.

NEW SECTION

WAC 308-83-130 Records. (1) Each limousine carrier business must maintain business records, which must include, at a minimum:

(a) Vehicle inspection reports;

(b) Vehicle ownership registration records, including copies of records required for rental or leased vehicles;

(c) The certificate of vehicle insurance;

(d) Chauffeur records, as identified in WAC 308-83-140;

(e) Records of advertising activities including, but not limited to, any contracts entered into with companies that provide advertising services;

(f) Passenger manifests;

(g) Dispatch logs;

(h) Contracts for related services;

(i) Customer payment records;

(j) Vehicle maintenance records;

(k) Collision and injury reports; and

(l) Written customer comments or complaints received by the business, and responses to the complaints.

(2) A limousine carrier business must maintain records required under this section for at least three years from the date they are created or from the date they become obsolete, whichever date is later, with the exception of records required by subsection (1)(f) and (g). Records required under subsection (1)(f) and (g) must be maintained for at least one year from the date they are created.

(3) Upon the sale or transfer of a limousine carrier business, the business records must be transferred to the new owner and become the property and responsibility of the new owner. The new owner must retain these records for at least one year after sale or transfer.

(4) All business records must be available for inspection by department representatives or enforcement officers at the limousine carriers's business office.

NEW SECTION

WAC 308-83-135 Audit of carrier records. (1) The department may request a carrier to provide records required by chapter 46.72A RCW and this chapter for department inspection for the purpose of determining compliance with this chapter.

(a) The department may request the business owner send copies of records to the department within fourteen calendar days of the request; or

(b) A department representative may examine the records at the carrier's business office on record with the department, or at a mutually agreed upon location. The records will be examined at a mutually agreed upon date and time that is within three business days of the department's request.

(2) Failure to provide requested records to the department shall be subject to administrative action under chapter 18.235 RCW.

NEW SECTION

WAC 308-83-140 Verifying chauffeur qualifications. (1) A limousine carrier must obtain the information listed below and required under RCW 46.72A.090 for each of its chauffeurs. As provided under subsection (2)(e), (g), and (h) of this section, additional documentation will be required for all chauffeurs six months after the effective date of these rules.

(2) The documentation for each chauffeur must include:

(a) A clear photocopy of both front and back of the chauffeur's valid Washington state driver license;

(b) A certificate of completed chauffeur training signed by a training provider approved by the department;

(c) Test scores for both the written and driving portions of the chauffeur training certified by the training provider;

(d) The results of a criminal background check obtained through the Washington state patrol;

(e) A medical certificate, from a licensed physician, validating the chauffeur's fitness to drive a limousine, using department examination criteria on a two-year renewal cycle. Six months after the effective date of this rule, the medical certificate must be a U.S. Department of Transportation Medical Examiner's Certificate completed within the previous ninety calendar days by an examiner meeting the U.S. Department of Transportation standards under 49 CFR 391.41-391.49. For chauffeurs with an approved medical examination on file, this requirement will be effective at the time of renewal, in accordance with a two-year renewal cycle;

(f) An employment record driving abstract issued by the department which is not more than sixty days old at the time of hire. If the chauffeur has resided in another state within the past five years, the chauffeur must also provide a complete driving record from the previous state(s) of residence;

(g) Six months after the effective date of this rule, documentation must include a drug test report obtained within the previous ninety days from a facility meeting the U.S. Department of Transportation standards under 49 CFR 40;

(h) Six months after the effective date of this rule, documentation must include a report or certificate from a drug testing facility meeting the U.S. Department of Transportation standards under 49 CFR 382.305 stating that the chauffeur is participating in a random testing program. The carrier must obtain an updated report each year before recertifying the chauffeur with the annual license renewal application under WAC 308-83-145(2).

NEW SECTION

WAC 308-83-145 Certifying chauffeur qualifications. (1) Any person who is hired, assumes the duties of, or acts as a chauffeur either full-time, part-time, or in an intermittent hire capacity in Washington state, including a business owner, must meet the criteria listed in RCW 46.72A.090.

(2) Before a chauffeur operates a limousine, the limousine carrier must submit to the business licensing service a signed statement on a form provided by the department certifying that the carrier possesses the required documentation under WAC 308-83-140. The carrier must also submit a copy of both the front and back of the chauffeur's valid Washington state driver license. With each annual carrier business renewal application, the limousine carrier must submit to the business licensing service an updated chauffeur certification statement listing each chauffeur employed by or driving for the carrier.

(3) Failure to submit a chauffeur's name and required identification on the certification statement form will result in the removal of a chauffeur from the carrier's limousine license record.

(4) No limousine carrier may allow, permit, or authorize a driver to drive a limousine motor vehicle during any period:

(a) In which the carrier does not have the required proof of all items under WAC 308-83-140;

(b) In which the chauffeur has a driver license suspended, revoked, or canceled by the state, has lost the privilege to drive a limousine in this state, or has been disqualified from driving a limousine; or

(c) In which the chauffeur has more than one driver license.

NEW SECTION

WAC 308-83-150 Disqualification of chauffeurs. As provided under RCW 46.72A.100, a person may be disqualified from driving as a chauffeur and the director may impose any of the sanctions specified in RCW 18.235.110 on the limousine carrier if the carrier employs someone whose documentation indicates that person is not qualified. Disqualification by the limousine carrier or the department is warranted if any of the following is true:

(1) A chauffeur fails to provide proof of meeting all of the criteria in RCW 46.72A.090 in the form and format described in WAC 308-83-140;

(2) A chauffeur is convicted of, or is found to have committed in the previous two years, two or more serious traffic violations, as defined under RCW 46.25.010(1) and WAC 308-100-130, while driving a motor vehicle of any kind;

(3) The chauffeur has had, within the previous five years, a conviction of a crime pertaining to:

(a) Prostitution;

(b) Gambling;

(c) Physical violence;

(d) Use of a machine gun in a felony (RCW 9.41.225);

(e) Felonies not defined by Title 9A RCW, if the maximum sentence of imprisonment authorized by law upon the first conviction of such felony is twenty years or more (RCW 9.94A.035);

(f) Criminal attempt when the crime attempted is murder in the first, murder in the second, or arson in the first (RCW 9A.28.020);

(g) Criminal conspiracy when the object of the conspiratorial agreement is murder in the first (RCW 9A.28.040);

(h) Murder in the first (RCW 9A.32.030);

(i) Murder in the second (RCW 9A.32.050);

(j) Homicide by abuse (RCW 9A.32.055);

(k) Manslaughter in the first (RCW 9A.32.060);

(l) Assault in the first (RCW 9A.36.011);

(m) Assault of a child in the first (RCW 9A.36.120);

(n) Kidnapping in the first (RCW 9A.40.020);

(o) Rape in the first (RCW 9A.44.040);

(p) Rape in the second (RCW 9A.44.050);

(q) Rape of a child in the first (RCW 9A.44.073);

(r) Rape of a child in the second (RCW 9A.44.076);

(s) Child molestation in the first (RCW 9A.44.083);

(t) Arson in the first (RCW 9A.48.020);

(u) Burglary in the first (RCW 9A.52.020);

(v) Robbery in the first (RCW 9A.56.200);

(w) Rendering criminal assistance in the first if to a person who has committed or is being sought for murder in the first or any class A felony or equivalent juvenile offense (RCW 9A.76.070);

(x) Bail jumping if the person was held for, charged with, or convicted of murder in the first (RCW 9A.76.170);

(y) Leading organized crime as defined under RCW 9A.82.060 (1)(a);

(z) Malicious placement of an explosive in the first (RCW 70.74.270);

(aa) Malicious explosion of a substance in the first (RCW 70.74.280);

(bb) Malicious explosion of a substance in the second (RCW 70.74.280);

(cc) Homicide by watercraft (RCW 79A.60.050); or

(dd) Any crime directly related to the occupation of chauffeur, including: Crimes concerning honesty and integrity including, but not limited to, fraud, larceny, burglary, and extortion;

(4) A chauffeur is a registered sex offender;

(5) A chauffeur has been found to have exhibited past conduct in driving or operating a limousine that would lead the director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to driver and operator conduct and the safe operation of the vehicle;

(6) The medical examiner's certificate is expired or is incomplete or the chauffeur's physical fitness has been called into question; or

(7) A report has been received by the department under RCW 46.72A.090 that the chauffeur has received a verified positive drug test or positive alcohol confirmation test as part of the testing program conducted under 49 CFR 40. A report that a chauffeur has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 CFR 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this section.

NEW SECTION

WAC 308-83-151 Reinstatement after disqualification. (1) The department may reinstate a chauffeur when a limousine carrier contacts the department to request reinstatement.

(2) A disqualification under WAC 308-83-150(7) remains in effect until the person undergoes a drug and alcohol assessment by a substance abuse professional meeting the requirements of 49 CFR 40, and the person presents evidence of satisfactory participation in or successful completion of a drug or alcohol treatment or education program as recommended by the substance abuse professional, and until the person has met the requirements of RCW 46.72A.090. The substance abuse professional must forward a diagnostic evaluation and treatment recommendation to the department for use in determining the person's eligibility for driving a limousine.

(3) When a chauffeur has been disqualified from operating a limousine based on a medical report under WAC 308-83-150(6), the person is not entitled to operate a limousine until the limousine carrier has received a medical examiner's certificate completed within the previous ninety calendar days by an examiner meeting the U.S. Department of Transportation standards under 49 CFR 391.41-391.49. If at any time the chauffeur's physical fitness has been called into

question, the department may require the person to undergo an additional physical medical examination.

(4) All costs associated with compliance with orders issued under this section are the responsibility of the chauffeur.

NEW SECTION

WAC 308-83-155 Reporting an unfit chauffeur. A limousine carrier must:

(1) Within four business days, report in writing to the department any driving or traffic-related incidents involving a chauffeur associated with the business. The report must include:

(a) The chauffeur's name and driver license number;

(b) The carrier's name, UBI number, and phone number.

(2) When available, all limousine business owners must also provide to the department notification in writing of any:

(a) Conviction for a traffic violation; and

(b) Suspension, revocation, cancellation, or denial of driving privileges.

(3) If a limousine carrier knows that a chauffeur in his or her employ has refused to submit to drug or alcohol testing, the carrier shall, within one business day of knowing the fact, notify the department that the driver has refused to submit to the required testing.

(4) Notify the department regarding the employment status of any chauffeur who meets one or more of the conditions specified in RCW 46.72A.100 within one business day of becoming aware of the chauffeur meeting the condition(s).

PART 3
CHAUFFEURS

NEW SECTION

WAC 308-83-200 Prearrangement. (1) Chauffeurs must have a passenger manifest in their possession to operate a limousine:

(a) The passenger manifest must be available for immediate examination upon request from an enforcement officer. If the chauffeur is inside the limousine, the manifest must be inside the limousine. If the chauffeur is outside the limousine, the manifest must be carried by the chauffeur;

(b) The chauffeur must document with the limousine carrier business office, and note on the passenger manifest the times, to the hour and minute, when the chauffeur is on duty;

(c) Trips must be prearranged at least fifteen minutes before the passenger is scheduled to be picked up unless dispatched from a limousine carrier's business office.

(2) The passenger manifest may be a paper or electronic record and must contain information to verify prearrangement of limousine services. The records must be in English. The manifest must contain:

(a) The full name and daytime telephone number for the person who prearranged the limousine service;

(b) The time, date, and location where the passenger requested to be picked up;

(c) The destination point; and

(d) If payment was due or was prepaid.

(3) The manifest is to cover all rides that have been scheduled up to that point for that day.

(4) A limousine carrier must ensure that chauffeurs operating limousines do not:

(a) Pick up persons who have not prearranged services;

(b) Load passengers or their luggage into their vehicle without having a passenger manifest that includes the customer information for that passenger;

(c) Ask persons on the street if they want to hire the limousine or try to attract customers for immediate services;

(d) Use a third-party to provide passengers for them as a substitute for prearranging the service. This section does not preclude hotels from contracting with limousine carriers to prearrange rides for guests;

(e) Stand near doors or walkways to businesses or transportation centers in a manner so that persons must walk around them to enter or exit;

(f) Touch members of the public or touch their luggage or packages without consent; or

(g) Park and leave the limousine in a designated passenger load zone or overstay the time limit within a passenger load zone.

NEW SECTION

WAC 308-83-210 Operating a limousine. (1) A chauffeur is considered to be engaged in operating a limousine when:

(a) The chauffeur has documented with the limousine carrier business office the times when the chauffeur is on duty, which includes start and end of shift, meal breaks, and personal use of the vehicle;

(b) The chauffeur is displaying a sign showing the name of the passenger for whom the chauffeur is waiting, while sitting in a parked limousine or standing away from the vehicle;

(c) The chauffeur has a passenger manifest showing the prearranged passenger name;

(d) The chauffeur's limousine is parked, stopped, or standing:

(i) In a designated passenger load zone, or public or private short-term parking area located in the same or adjacent block of any transportation company, hotel, restaurant, sport stadium, convention center, or any other business that is regularly serviced by limousines; or

(ii) In a public street located in the same or adjacent block of any transportation company, hotel, restaurant, sport stadium, convention center, or any other business that is regularly serviced by limousines;

(e) The chauffeur is present for more than thirty minutes on the sidewalk or any public place located in the same or adjacent block of any transportation company, hotel, restaurant, sport stadium, convention center, or any other business that is regularly serviced by limousines; or

(f) The chauffeur offers transportation services to persons including, but is not limited to:

(i) Asking whether a person wants or needs a ride; asking whether a person wants or needs a cab, taxi or taxicab;

(ii) Stating to the person that the person can arrange for the chauffeur's service by calling a telephone number;

(iii) Asking whether the person is going to the airport or another destination;

(iv) Informing the person that the chauffeur has a vehicle available;

(v) Stating that the price for a trip is the same as a taxicab;

(vi) Stating a price to a person;

(vii) Reaching for or touching the person's bags or luggage;

(viii) Motioning for a person to come;

(ix) Honking a horn at a person; or

(x) Using any similar action or speech that a reasonable person would interpret as offering transportation services.

(2) At all times of operation, chauffeurs must carry on their person a valid Washington state driver license and present it upon request to any enforcement officer.

(3) Any chauffeur accepting payment at the time of a trip must provide a written receipt to the payor immediately upon payment or completion of the trip, showing:

(a) The name, UBI number, and phone number of the carrier business;

(b) The name of the chauffeur conducting the trip;

(c) All fees and costs charged to the customers for their specific services;

(d) Pickup and drop-off date, time, and location.

PART 4
TRAINING PROVIDERS

NEW SECTION

WAC 308-83-300 Training course. Each training provider must have their chauffeur training course approved by the department before engaging in training of chauffeurs. Providers must have their course approved even if they believe it is the same course used by another training provider.

(1) To ensure the quality of the training given, the department will provide written guidelines concerning course content. A training course acceptable to the department must include at least all of the following components:

(a) The National Safety Council Defensive Driving course;

(b) Situational awareness;

(c) Knowledge of local surrounding area;

(d) Laws and regulations pertaining to limousines;

(e) Two hours of riding with a qualified limousine driver as an observer;

(f) Three hours of street driving training during daylight hours;

(g) Three hours of street driving training during hours of darkness;

(h) Comprehensive written examination, administered in the chauffeur's preferred language if practicable; and

(i) Driving skills examination.

(2) Courses which are submitted for approval must include a comprehensive examination(s) and answer key(s) of no fewer than fifteen questions for each training component listed in subsection (1) of this section, for a minimum of sixty questions. The course review submission must include a plan for cycling through the list of sixty questions to alter the examination from time to time, but still present at least five questions from each training component to a trainee at the course examination phase. The plan should also describe methods of keeping the examination questions and answers relatively secure from distribution outside the training environment.

(3) The passing score for each examination must be at least seventy percent correct answers.

(4) The provider's course application shall identify learning objectives and include a detailed course outline with any curriculum revision dates.

(5) Upon request by the department, the provider shall provide copies of materials used in the course such as textbooks and videos.

(6) Changes to course curriculum must be approved by the department prior to use.

NEW SECTION

WAC 308-83-310 Training course approval withdrawn. Effective April 30, 2012, the department withdraws approval of all limousine chauffeur training course applications approved by the department prior to January 1, 2012.

Chauffeurs with training certificates issued by a department-approved provider prior to January 1, 2012, are not required to be retrained as a result of this section.

NEW SECTION

WAC 308-83-320 Training records. (1) The training provider must maintain individual student records. Student records shall document for each student:

(a) Course starting and completion dates;

(b) The dates and times for each session attended by the student;

(c) The number of hours spent on each component of instruction covered;

(d) Scores for both the written and driving examinations; and

(e) The name and signature of the instructor who provided each session of instruction or training.

(2) Student records must be maintained by the training provider for three years from the date instruction or training ended and must be made available for inspection at the request of the department.

(3) Upon satisfactory completion of all components of the training course, the training provider must issue to the student a dated and numbered certificate of completion on a form prescribed by the department. The certificate must be signed by the training provider. A certificate issued under this subsection must be retained by the student and used to demonstrate to the carrier that the chauffeur has met the minimum requirements required under WAC 308-83-140 (2)(b) and (c).

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-87-010	Definitions.
WAC 308-87-020	Limousine carrier business liability and property damage insurance.
WAC 308-87-030	Nonresident.
WAC 308-87-040	Applications/vehicle certificates.
WAC 308-87-050	Licenses.
WAC 308-87-060	Fees.
WAC 308-87-070	Special needs vehicles and certificates.
WAC 308-87-080	Chauffeurs.

WSR 12-02-040
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 29, 2011, 3:00 p.m., effective January 1, 2012]

Effective Date of Rule: January 1, 2012.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The forest land value and stumpage value rules are required by statute (RCW 84.33.140 and 84.33.091) to be effective on January 1, 2012.

Purpose: WAC 458-40-540 contains the forest land values, which must be adjusted annually by a statutory formula contained in RCW 84.33.140(3). This rule has been amended to provide county assessors with forest land values for the 2012 assessment year.

WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2012.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540 Forestland values—2012 and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091 and 84.33.140.

Adopted under notice filed as WSR 11-22-104 on November 2, 2011.

A final cost-benefit analysis is available by contacting Mark Bohe, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 534-1574, e-mail markbohe@dor.wa.gov. An analysis was prepared for WAC 458-40-660 only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 29, 2011.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-02-019, filed 12/29/10, effective 1/1/11)

WAC 458-40-540 Forest land values—((~~2011~~)) 2012. The forest land values, per acre, for each grade of forest land for the ((~~2011~~)) 2012 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	((~~2011~~)) 2012 VALUES ROUNDED
1	1	$((~~204~~)) 195
	2	((~~202~~)) 193
	3	((~~189~~)) 181
	4	((~~137~~)) 131
2	1	((~~171~~)) 164
	2	((~~166~~)) 159
	3	((~~159~~)) 152
	4	((~~114~~)) 109
3	1	((~~134~~)) 128
	2	((~~130~~)) 124
	3	((~~129~~)) 123
	4	((~~99~~)) 95
4	1	((~~103~~)) 99
	2	((~~100~~)) 96
	3	((~~99~~)) 95
	4	((~~75~~)) 72
5	1	((~~74~~)) 71
	2	((~~67~~)) 64
	3	((~~66~~)) 63
	4	((~~46~~)) 44
6	1	((~~38~~)) 36
	2	((~~35~~)) 34
	3	((~~35~~)) 34
	4	((~~33~~)) 32
7	1	((~~17~~)) 16
	2	((~~17~~)) 16
	3	((~~16~~)) 15
	4	((~~16~~)) 15
8	1	1

AMENDATORY SECTION (Amending WSR 11-14-051, filed 6/29/11, effective 7/1/11)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((~~July~~)) January 1 through ((~~December 31, 2011~~)) June 30, 2012:

((~~**PROPOSED STUMPAGE VALUE TABLE**~~
~~**STUMPAGE VALUE AREA 1**~~
~~July 1 through December 31, 2011~~

~~Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]~~

~~Species Name~~	~~Species Code~~	~~Timber Quality Code Number~~	~~Hauling Distance Zone Number~~				
			~~1~~	~~2~~	~~3~~	~~4~~	~~5~~
~~Douglas-Fir~~	~~DF~~	~~1~~	~~$394~~	~~$387~~	~~$380~~	~~$373~~	~~$366~~
		~~2~~	~~394~~	~~387~~	~~380~~	~~373~~	~~366~~
		~~3~~	~~394~~	~~387~~	~~380~~	~~373~~	~~366~~
		~~4~~	~~394~~	~~387~~	~~380~~	~~373~~	~~366~~
~~Western Redcedar[2]~~	~~RC~~	~~1~~	~~701~~	~~694~~	~~687~~	~~680~~	~~673~~
~~Western Hemlock[3]~~	~~WH~~	~~1~~	~~371~~	~~364~~	~~357~~	~~350~~	~~343~~
		~~2~~	~~371~~	~~364~~	~~357~~	~~350~~	~~343~~
		~~3~~	~~371~~	~~364~~	~~357~~	~~350~~	~~343~~
		~~4~~	~~371~~	~~364~~	~~357~~	~~350~~	~~343~~
~~Red Alder~~	~~RA~~	~~1~~	~~419~~	~~412~~	~~405~~	~~398~~	~~391~~
		~~2~~	~~388~~	~~381~~	~~374~~	~~367~~	~~360~~
~~Black Cottonwood~~	~~BC~~	~~1~~	~~94~~	~~87~~	~~80~~	~~73~~	~~66~~
~~Other Hardwood~~	~~OH~~	~~1~~	~~210~~	~~203~~	~~196~~	~~189~~	~~182~~
~~Douglas-Fir Poles & Piles~~	~~DFL~~	~~1~~	~~665~~	~~658~~	~~651~~	~~644~~	~~637~~
~~Western Redcedar Poles~~	~~RCL~~	~~1~~	~~1358~~	~~1351~~	~~1344~~	~~1337~~	~~1330~~
~~Chipwood[4]~~	~~CHW~~	~~1~~	~~12~~	~~11~~	~~10~~	~~9~~	~~8~~
~~RC Shake & Shingle Blocks[5]~~	~~RCS~~	~~1~~	~~164~~	~~157~~	~~150~~	~~143~~	~~136~~
~~RC & Other Posts[6]~~	~~RCP~~	~~1~~	~~0.45~~	~~0.45~~	~~0.45~~	~~0.45~~	~~0.45~~
~~DF Christmas Trees[7]~~	~~DFX~~	~~1~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.25~~
~~Other Christmas Trees[7]~~	~~TFX~~	~~1~~	~~0.50~~	~~0.50~~	~~0.50~~	~~0.50~~	~~0.50~~

~~[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.~~
~~[2] Includes Alaska-Cedar.~~
~~[3] Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this page.~~
~~[4] Stumpage value per ton.~~
~~[5] Stumpage value per cord.~~
~~[6] Stumpage value per 8 lineal feet or portion thereof.~~
~~[7] Stumpage value per lineal foot.~~

~~**PROPOSED STUMPAGE VALUE TABLE**~~
~~**STUMPAGE VALUE AREA 2**~~
~~July 1 through December 31, 2011~~

~~Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]~~

~~Species Name~~	~~Species Code~~	~~Timber Quality Code Number~~	~~Hauling Distance Zone Number~~				
			~~1~~	~~2~~	~~3~~	~~4~~	~~5~~
~~Douglas-Fir~~	~~DF~~	~~1~~	~~$425~~	~~$418~~	~~$411~~	~~$404~~	~~$397~~
		~~2~~	~~425~~	~~418~~	~~411~~	~~404~~	~~397~~
		~~3~~	~~425~~	~~418~~	~~411~~	~~404~~	~~397~~
		~~4~~	~~425~~	~~418~~	~~411~~	~~404~~	~~397~~
~~Western Redcedar[2]~~	~~RC~~	~~1~~	~~701~~	~~694~~	~~687~~	~~680~~	~~673~~
~~Western Hemlock[3]~~	~~WH~~	~~1~~	~~381~~	~~374~~	~~367~~	~~360~~	~~353~~
		~~2~~	~~381~~	~~374~~	~~367~~	~~360~~	~~353~~
		~~3~~	~~381~~	~~374~~	~~367~~	~~360~~	~~353~~
		~~4~~	~~381~~	~~374~~	~~367~~	~~360~~	~~353~~
~~Red Alder~~	~~RA~~	~~1~~	~~419~~	~~412~~	~~405~~	~~398~~	~~391~~
		~~2~~	~~388~~	~~381~~	~~374~~	~~367~~	~~360~~
~~Black Cottonwood~~	~~BC~~	~~1~~	~~94~~	~~87~~	~~80~~	~~73~~	~~66~~
~~Other Hardwood~~	~~OH~~	~~1~~	~~210~~	~~203~~	~~196~~	~~189~~	~~182~~
~~Douglas-Fir Poles & Piles~~	~~DFL~~	~~1~~	~~665~~	~~658~~	~~651~~	~~644~~	~~637~~
~~Western Redcedar Poles~~	~~RCL~~	~~1~~	~~1358~~	~~1351~~	~~1344~~	~~1337~~	~~1330~~
~~Chipwood[4]~~	~~CHW~~	~~1~~	~~12~~	~~11~~	~~10~~	~~9~~	~~8~~
~~RC Shake & Shingle Blocks[5]~~	~~RCS~~	~~1~~	~~164~~	~~157~~	~~150~~	~~143~~	~~136~~
~~RC & Other Posts[6]~~	~~RCP~~	~~1~~	~~0.45~~	~~0.45~~	~~0.45~~	~~0.45~~	~~0.45~~
~~DF Christmas Trees[7]~~	~~DFX~~	~~1~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.25~~
~~Other Christmas Trees[7]~~	~~TFX~~	~~1~~	~~0.50~~	~~0.50~~	~~0.50~~	~~0.50~~	~~0.50~~

~~[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.~~
~~[2] Includes Alaska-Cedar.~~
~~[3] Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this page.~~
~~[4] Stumpage value per ton.~~
~~[5] Stumpage value per cord.~~
~~[6] Stumpage value per 8 lineal feet or portion thereof.~~
~~[7] Stumpage value per lineal foot.~~

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$399	$392	$385	$378	$371
		2	399	392	385	378	371
		3	399	392	385	378	371
		4	307	300	293	286	279
Western Redcedar[3]	RC	1	701	694	687	680	673
Western Hemlock[4]	WH	1	334	327	320	313	306
		2	334	327	320	313	306
		3	334	327	320	313	306
		4	334	327	320	313	306
Red Alder	RA	1	419	412	405	398	391
		2	388	381	374	367	360
Black Cottonwood	BC	1	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
Douglas-Fir Poles & Piles	DFL	1	665	658	651	644	637
Western Redcedar Poles	RCL	1	1358	1351	1344	1337	1330
Chipwood[5]	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
RC & Other Posts[7]	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees[8]	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[8]	TFX	1	0.50	0.50	0.50	0.50	0.50

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-cedar.
[4] Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed in this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$436	$429	$422	$415	$408
		2	436	429	422	415	408
		3	436	429	422	415	408
		4	436	429	422	415	408
Lodgepole Pine	LP	1	123	116	109	102	95
Ponderosa Pine	PP	1	203	196	189	182	175
		2	147	140	133	126	119
Western Redcedar[3]	RC	1	701	694	687	680	673
Western Hemlock[4]	WH	1	324	317	310	303	296
		2	324	317	310	303	296
		3	324	317	310	303	296
		4	324	317	310	303	296
Red Alder	RA	1	419	412	405	398	391
		2	388	381	374	367	360
Black Cottonwood	BC	1	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
Douglas-Fir Poles & Piles	DFL	1	665	658	651	644	637
Western Redcedar Poles	RCL	1	1358	1351	1344	1337	1330
Chipwood[5]	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
RC & Other Posts[7]	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees[8]	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[8]	TFX	1	0.50	0.50	0.50	0.50	0.50

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$417	$410	$403	$396	$389
		2	417	410	403	396	389
		3	417	410	403	396	389
		4	417	410	403	396	389
Lodgepole Pine	LP	1	123	116	109	102	95
Ponderosa Pine	PP	1	203	196	189	182	175
		2	147	140	133	126	119
Western Redcedar[3]	RC	1	701	694	687	680	673
Western Hemlock[4]	WH	1	353	346	339	332	325
		2	353	346	339	332	325
		3	353	346	339	332	325
		4	353	346	339	332	325
Red Alder	RA	1	419	412	405	398	391
		2	388	381	374	367	360
Black Cottonwood	BC	1	94	87	80	73	66
Other Hardwood	OH	1	210	203	196	189	182
Douglas-Fir Poles & Piles	DFL	1	665	658	651	644	637
Western Redcedar Poles	RCL	1	1358	1351	1344	1337	1330
Chipwood[5]	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
RC & Other Posts[7]	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees[8]	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[8]	TFX	1	0.50	0.50	0.50	0.50	0.50

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 6
July 1 through December 31, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$125	$118	$111	$104	$97
Lodgepole Pine	LP	1	123	116	109	102	95
Ponderosa Pine	PP	1	203	196	189	182	175
		2	147	140	133	126	119
Western Redcedar[3]	RC	1	428	421	414	407	400
True Firs and Spruce[4]	WH	1	123	116	109	102	95
Western White Pine	WP	1	150	143	136	129	122
Hardwoods	OH	1	32	25	18	11	4
Western Redcedar Poles	RCL	1	428	421	414	407	400
Small Logs[5]	SML	1	18	17	16	15	14
Chipwood[5]	CHW	1	4	3	2	1	1
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
LP & Other Posts[7]	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees[8]	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[9]	TFX	1	0.25	0.25	0.25	0.25	0.25

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
[9] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 7
July 1 through December 31, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$125	$118	$111	$104	$97
Lodgepole Pine	LP	1	123	116	109	102	95

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 7
July 1 through December 31, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Ponderosa Pine	PP	1	203	196	189	182	175
		2	147	140	133	126	119
Western Redcedar(3)	RC	1	428	421	414	407	400
True Firs and Spruce(4)	WH	1	123	116	109	102	95
Western White Pine	WP	1	150	143	136	129	122
Hardwoods	OH	1	32	25	18	11	4
Western Redcedar Poles	RCL	1	428	421	414	407	400
Small Logs(5)	SML	1	18	17	16	15	14
Chipwood(5)	CHW	1	4	3	2	1	1
RC Shake & Shingle Blocks(6)	RCS	1	164	157	150	143	136
LP & Other Posts(7)	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees(8)	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(9)	TFX	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
(2) Includes Western Larch.
(3) Includes Alaska-Cedar.
(4) Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this page.
(5) Stumpage value per ton.
(6) Stumpage value per cord.
(7) Stumpage value per 8 lineal feet or portion thereof.
(8) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
(9) Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 2011

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir(2)	DF	1	$422	$415	$408	$401	$394
		2	422	415	408	401	394
		3	422	415	408	401	394
		4	422	415	408	401	394
Lodgepole Pine	LP	1	123	116	109	102	95
Ponderosa Pine	PP	1	203	196	189	182	175
		2	147	140	133	126	119
Western Redcedar(3)	RC	1	687	680	673	666	659
Western Hemlock(4)	WH	1	310	303	296	289	282
		2	310	303	296	289	282
		3	310	303	296	289	282
		4	310	303	296	289	282
Red Alder	RA	1	405	398	391	384	377
		2	374	367	360	353	346
Black Cottonwood	BC	1	80	73	66	59	52
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles & Piles	DFL	1	651	644	637	630	623
Western Redcedar Poles	RCL	1	1344	1337	1330	1323	1316
Chipwood(5)	CHW	1	12	11	10	9	8
RC Shake & Shingle Blocks(6)	RCS	1	164	157	150	143	136
RC & Other Posts(7)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(8)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(8)	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
(2) Includes Western Larch.
(3) Includes Alaska-Cedar.
(4) Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed in this page.
(5) Stumpage value per ton.
(6) Stumpage value per cord.
(7) Stumpage value per 8 lineal feet or portion thereof.
(8) Stumpage value per lineal foot.))

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir	DF	1	$397	$390	$383	$376	$369
		2	397	390	383	376	369
		3	397	390	383	376	369
		4	397	390	383	376	369
Western Redcedar(2)	RC	1	743	736	729	722	715
Western Hemlock(3)	WH	1	423	416	409	402	395

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
		2	423	416	409	402	395
		3	423	416	409	402	395
		4	423	416	409	402	395
Red Alder	RA	1	489	482	475	468	461
		2	489	482	475	468	461
Black Cottonwood	BC	1	97	90	83	76	69
Other Hardwood	OH	1	237	230	223	216	209
Douglas-Fir Poles & Piles	DFL	1	735	728	721	714	707
Western Redcedar Poles	RCL	1	1326	1319	1312	1305	1298
Chipwood(4)	CHW	1	20	19	18	17	16
RC Shake & Shingle Blocks(5)	RCS	1	164	157	150	143	136
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Alaska-Cedar.

(3) Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed on this page.

(4) Stumpage value per ton.

(5) Stumpage value per cord.

(6) Stumpage value per 8 lineal feet or portion thereof.

(7) Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir	DF	1	$424	$417	$410	$403	$396
		2	424	417	410	403	396
		3	424	417	410	403	396
		4	424	417	410	403	396
Western Redcedar(2)	RC	1	743	736	729	722	715
Western Hemlock(3)	WH	1	425	418	411	404	397
		2	425	418	411	404	397
		3	425	418	411	404	397
		4	425	418	411	404	397
Red Alder	RA	1	489	482	475	468	461
		2	489	482	475	468	461
Black Cottonwood	BC	1	97	90	83	76	69
Other Hardwood	OH	1	237	230	223	216	209
Douglas-Fir Poles & Piles	DFL	1	735	728	721	714	707
Western Redcedar Poles	RCL	1	1326	1319	1312	1305	1298
Chipwood(4)	CHW	1	20	19	18	17	16
RC Shake & Shingle Blocks(5)	RCS	1	164	157	150	143	136
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Alaska-Cedar.

(3) Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed on this page.

(4) Stumpage value per ton.

(5) Stumpage value per cord.

(6) Stumpage value per 8 lineal feet or portion thereof.

(7) Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir(2)	DF	1	$413	$406	$399	$392	$385
		2	413	406	399	392	385
		3	413	406	399	392	385
		4	413	406	399	392	385
Western Redcedar(3)	RC	1	743	736	729	722	715
Western Hemlock(4)	WH	1	422	415	408	401	394
		2	422	415	408	401	394
		3	422	415	408	401	394
		4	422	415	408	401	394
Red Alder	RA	1	489	482	475	468	461
		2	489	482	475	468	461
Black Cottonwood	BC	1	97	90	83	76	69
Other Hardwood	OH	1	237	230	223	216	209
Douglas-Fir Poles & Piles	DFL	1	735	728	721	714	707
Western Redcedar Poles	RCL	1	1326	1319	1312	1305	1298
Chipwood(5)	CHW	1	20	19	18	17	16
RC Shake & Shingle Blocks(6)	RCS	1	164	157	150	143	136
RC & Other Posts(7)	RCP	1	0.45	0.45	0.45	0.45	0.45

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
DF Christmas Trees[8]	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[8]	TFX	1	0.50	0.50	0.50	0.50	0.50

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce, true Fir species and Pines, or any other conifer not listed on this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$432	$425	$418	$411	$404
		2	432	425	418	411	404
		3	432	425	418	411	404
		4	432	425	418	411	404
Lodgepole Pine	LP	1	130	123	116	109	102
Ponderosa Pine	PP	1	156	149	142	135	128
		2	156	149	142	135	128
Western Redcedar[3]	RC	1	743	736	729	722	715
Western Hemlock[4]	WH	1	379	372	365	358	351
		2	379	372	365	358	351
		3	379	372	365	358	351
		4	379	372	365	358	351
Red Alder	RA	1	489	482	475	468	461
		2	489	482	475	468	461
Black Cottonwood	BC	1	97	90	83	76	69
Other Hardwood	OH	1	237	230	223	216	209
Douglas-Fir Poles & Piles	DFL	1	735	728	721	714	707
Western Redcedar Poles	RCL	1	1326	1319	1312	1305	1298
Chipwood[5]	CHW	1	20	19	18	17	16
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
RC & Other Posts[7]	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees[8]	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[8]	TFX	1	0.50	0.50	0.50	0.50	0.50

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$405	$398	$391	$384	$377
		2	405	398	391	384	377
		3	405	398	391	384	377
		4	405	398	391	384	377
Lodgepole Pine	LP	1	130	123	116	109	102
Ponderosa Pine	PP	1	156	149	142	135	128
		2	156	149	142	135	128
Western Redcedar[3]	RC	1	743	736	729	722	715
Western Hemlock[4]	WH	1	395	388	381	374	367
		2	395	388	381	374	367
		3	395	388	381	374	367
		4	395	388	381	374	367
Red Alder	RA	1	489	482	475	468	461
		2	489	482	475	468	461
Black Cottonwood	BC	1	97	90	83	76	69
Other Hardwood	OH	1	237	230	223	216	209
Douglas-Fir Poles & Piles	DFL	1	735	728	721	714	707
Western Redcedar Poles	RCL	1	1326	1319	1312	1305	1298
Chipwood[5]	CHW	1	20	19	18	17	16
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
RC & Other Posts[7]	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees[8]	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[8]	TFX	1	0.50	0.50	0.50	0.50	0.50

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 6
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$140	$133	$126	$119	$112
Lodgepole Pine	LP	1	130	123	116	109	102
Ponderosa Pine	PP	1	156	149	142	135	128
		2	156	149	142	135	128
Western Redcedar[3]	RC	1	457	450	443	436	429
True Firs and Spruce[4]	WH	1	128	121	114	107	100
Western White Pine	WP	1	158	151	144	137	130
Hardwoods	OH	1	86	79	72	65	58
Western Redcedar Poles	RCL	1	457	450	443	436	429
Small Logs[5]	SML	1	20	19	18	17	16
Chipwood[5]	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
LP & Other Posts[7]	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees[8]	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[9]	DFX	1	0.25	0.25	0.25	0.25	0.25

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
[9] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 7
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$140	$133	$126	$119	$112
Lodgepole Pine	LP	1	130	123	116	109	102
Ponderosa Pine	PP	1	156	149	142	135	128
		2	156	149	142	135	128
Western Redcedar[3]	RC	1	457	450	443	436	429
True Firs and Spruce[4]	WH	1	128	121	114	107	100
Western White Pine	WP	1	158	151	144	137	130
Hardwoods	OH	1	86	79	72	65	58
Western Redcedar Poles	RCL	1	457	450	443	436	429
Small Logs[5]	SML	1	20	19	18	17	16
Chipwood[5]	CHW	1	10	9	8	7	6
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
LP & Other Posts[7]	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees[8]	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[9]	DFX	1	0.25	0.25	0.25	0.25	0.25

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
[2] Includes Western Larch.
[3] Includes Alaska-Cedar.
[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.
[5] Stumpage value per ton.
[6] Stumpage value per cord.
[7] Stumpage value per 8 lineal feet or portion thereof.
[8] Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
[9] Stumpage value per lineal foot.

PROPOSED STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
January 1 through June 30, 2012

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-Fir[2]	DF	1	$418	$411	$404	$397	$390
		2	418	411	404	397	390
		3	418	411	404	397	390
		4	418	411	404	397	390
Lodgepole Pine	LP	1	130	123	116	109	102
Ponderosa Pine	PP	1	156	149	142	135	128
		2	156	149	142	135	128
Western Redcedar[3]	RC	1	729	722	715	708	701
Western Hemlock[4]	WH	1	365	358	351	344	337
		2	365	358	351	344	337
		3	365	358	351	344	337
		4	365	358	351	344	337
Red Alder	RA	1	475	468	461	454	447
		2	475	468	461	454	447
Black Cottonwood	BC	1	83	76	69	62	55
Other Hardwood	OH	1	223	216	209	202	195
Douglas-Fir Poles & Piles	DFL	1	721	714	707	700	693
Western Redcedar Poles	RCL	1	1312	1305	1298	1291	1284
Chipwood[5]	CHW	1	20	19	18	17	16

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
RC Shake & Shingle Blocks[6]	RCS	1	164	157	150	143	136
RC & Other Posts[7]	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees[8]	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees[8]	TFX	1	0.50	0.50	0.50	0.50	0.50

[1] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

[2] Includes Western Larch.

[3] Includes Alaska-Cedar.

[4] Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.

[5] Stumpage value per ton.

[6] Stumpage value per cord.

[7] Stumpage value per 8 lineal feet or portion thereof.

[8] Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.,) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber—**Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber—**Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((~~July~~)) January 1 through ((~~December 31, 2011~~)) June 30, 2012:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((~~July~~)) January 1 through ((~~December 31, 2011~~)) June 30, 2012

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-$50.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((~~July~~)) January 1 through ((~~December 31, 2011~~)) June 30, 2012

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-$8.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-$145.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 5, and 10	$ ((~~5.00~~)) 12.00
Class 2:	SVA 6 and 7	$0.00

Note: This adjustment only applies to published MBF sawlog values.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass,** has a $0/ton stumpage value.

WSR 12-02-042
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed December 30, 2011, 7:28 a.m., effective January 30, 2012]

Effective Date of Rule: Thirty-one days after filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The amendment to the marketing order (chapter 16-540 WAC) was approved in a referendum of affected mint producers pursuant to RCW 15.65.170.

Purpose: The Washington state mint commission petitioned the director to amend its marketing order, specifically WAC 16-540-040 Assessments and collections. The amendment increases 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. The increase in assessment was approved by referendum vote of affected producers and will become effective July 1, 2012.

Citation of Existing Rules Affected by this Order: Amending WAC 16-540-040.

Statutory Authority for Adoption: Chapters 15.65 and 34.05 RCW.

Adopted under notice filed as WSR 11-17-138 on August 24, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 30, 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 12-02-047
PERMANENT RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 30, 2011, 11:31 a.m., effective February 1, 2012]

Effective Date of Rule: February 1, 2012.

Purpose: The department is amending WAC 388-436-0002 to:

- Reduce additional requirements for emergent needs (AREN) issuances from an annual limit to a lifetime limit, and
- Require that AREN payments be issued directly to registered vendors.

These changes are necessary to uphold fiscal accountability for the 2011-2013 biennium.

Citation of Existing Rules Affected by this Order: Amending WAC 388-436-0002.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.250.

Adopted under notice filed as WSR 11-22-103 on November 2, 2011.

Changes Other than Editing from Proposed to Adopted Version: The department amended language [in] subsection (1)(d) to count all AREN lifetime payments received by any adult TANF recipient in the assistance unit from August 1997 to April 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2011.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-07-023, filed 3/8/04, effective 4/8/04)

WAC 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities? DSHS has a program called additional requirements for emergent needs (AREN). If your family has an emergency and you need assistance to get or keep safe housing or utilities, you may be eligible. The special AREN payment is in addition to the regular monthly cash grant your family may already get.

(1) To get AREN, you must:

(a) Be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), or refugee cash assistance (RCA);

(b) Have an emergency housing or utility need; ((~~and~~))

(c) Have a good reason that you do not have enough money to pay your housing or utility costs; and

(d) Have not previously received the AREN maximum lifetime limit of seven hundred fifty dollars. We will count all AREN payments received since April 2001 by any adult in

your TANF assistance unit, for any assistance unit, when we calculate your lifetime AREN limit.

(2) To get AREN, you must be eligible for TANF, SFA, or RCA. This means you must:

(a) Get benefits through TANF, SFA, or RCA. For RCA you must also be pregnant or have an eligible child; or

(b) Apply for TANF, SFA, and RCA, and meet all eligibility criteria including:

(i) The maximum earned income limit under WAC 388-478-0035;

(ii) The requirement that your unearned income not exceed the grant payment standard;

(iii) The requirement that your countable income as defined under WAC 388-450-0162 must be below the payment standard in WAC 388-478-0020 when you have both earned income and unearned income;

(iv) The resource limits under chapter 388-470 WAC;

(v) The program summary rules for either TANF (WAC 388-400-0005); SFA (WAC 388-400-0010); or RCA (WAC 388-400-0030); and

(vi) The requirement that you must be pregnant or have an eligible child.

(3) If you do not get or do not want to get TANF, SFA or RCA, you cannot get AREN to help with housing or utility costs. We will look to see if you are eligible for diversion cash assistance (DCA) under WAC 388-432-0005.

(4) To get AREN, you must have an emergency housing or utility need. You may get AREN to help pay to:

(a) Prevent eviction or foreclosure;

(b) Get housing if you are homeless or need to leave your home because of domestic violence;

(c) Hook up or prevent a shut off of utilities related to your health and safety. We consider the following utilities to be needed for health and safety:

(i) Electricity or fuel for heating, lighting, or cooking;

(ii) Water;

(iii) Sewer; and

(iv) Basic local telephone service if it is necessary for your basic health and safety. If you receive TANF or SFA, the Washington telephone assistance program (WTAP) may be used to help you pay for basic local telephone service.

(d) Repair damage or defect to your home when it causes a risk to your health or safety:

(i) If you own the home, we may approve AREN for the least expensive method of ending the risk to your health or safety;

(ii) If you do not own the home, you must ask the landlord in writing to fix the damage according to the Residential Landlord-Tenant Act at chapter 59.18 RCW. If the landlord refuses to fix the damage or defect, we may pay for the repair or pay to move you to a different place whichever cost is lower.

(e) If you receive TANF or SFA, WorkFirst support services under WAC 388-310-0800 may be used to help you relocate to new housing to get a job, keep a job, or participate in WorkFirst activities. Nonhousing expenses that are not covered under AREN may be paid under WorkFirst support services. This includes expenses such as car repair, diapers, or clothing.

(5) To get AREN, you must have a good reason for not having enough money to pay for your housing or utility costs. You must prove that you:

(a) Did not have money available that you normally use to pay your rent and utilities due to an emergency situation that reduced your income (such as a long-term illness or injury);

(b) Had to use your money to pay for necessary or emergency expenses. Examples of necessary or emergency expenses include:

(i) Basic health and safety needs for shelter, food and clothing;

(ii) Medical care;

(iii) Dental care needed to get a job or because of pain;

(iv) Emergency child care;

(v) Emergency expenses due to a natural disaster, accident, or injury; and

(vi) Other reasonable and necessary expenses.

(c) Are currently homeless; or

(d) Had your family's cash grant reduced or suspended when we budgeted your expected income for the month, but the income will not be available to pay for the need when the payment is due. You must make attempts to negotiate later payments with your landlord or utility company before you can get AREN.

(6) In addition to having a good reason for not having enough money to pay for your costs, you must also explain how you will afford to pay for the on-going need in the future. We may deny AREN if your expenses exceed your income (if you are living beyond your means). We may approve AREN to help you get into housing you can afford.

(7) If you meet the above requirements, we decide the amount we will pay based on the following criteria.

(a) AREN payments may be made up to a maximum of seven hundred fifty dollars in a ((~~consecutive twelve-month period~~)) lifetime.

(b) The number of AREN payments you can receive ((~~in a twelve-month period~~)) is not limited, as long as the total amount received by all adults in the assistance unit for any assistance unit, does not exceed the seven hundred fifty ((~~dollars~~)) dollar lifetime limit. If you or another adult in your assistance unit have already received the lifetime limit, you may not be eligible to receive additional payments.

(c) ((~~The department may approve~~)) We will determine if any adult TANF/SFA recipient living in your household has already received the AREN lifetime limit.

(d) We have the discretion to approve an AREN payment above the seven hundred fifty dollar ((~~maximum for health and safety reasons~~)) lifetime limit when your health and safety are in imminent danger.

(((~~(d)~~))) (e) The amount of AREN is in addition to the amount of your monthly TANF, SFA, or RCA cash grant.

(((~~(e)~~))) (f) We will decide the lowest amount we must pay to end your housing or utility emergency. We will contact your landlord, utility company, or other vendor for information to make this decision. We may take any of the following steps when deciding the lowest amount to pay:

(i) We may ask you to arrange a payment plan with your landlord or utility company. This could include us making a

partial payment, and you setting up a plan for you to repay the remaining amount you owe over a period of time.

(ii) We may have you use some of the money you have available in cash, checking, or savings to help pay for the expense. We will look at the money you have available as well as your bills when we decide how much we will pay.

(iii) We may consider income that is excluded or disregarded for cash assistance benefit calculations, such as SSI, as available to meet your emergency housing need.

(iv) We may consider money other individuals such as family or friends voluntarily give you. We will not count loans of money that you must repay to friends or family members.

(v) We may consider money from a nonneedy caretaker relative that lives in the home.

(vi) We may look at what other community resources you currently have to help you with your need.

(((~~f~~))) (g) The seven hundred fifty dollar lifetime limit ((~~every twelve months~~)) applies to the following people even if they leave the assistance unit:

(i) Adults; and

(ii) Minor parents that get AREN when no adults are in the assistance unit.

(8) We pay AREN((~~:~~

~~(a)~~)) directly to the landlord, mortgage company, utility, or other vendor ((~~whenever we can~~)).

(((~~(b) If we cannot pay AREN directly to the landlord or other vendor, we will issue the AREN as a part of your TANF, SFA, or RCA cash grant. If we issue the AREN as a part of your grant, you must use it for your emergency need.~~))

(9) We may assign you a protective payee for your monthly grant under WAC 388-460-0020.

WSR 12-02-048
PERMANENT RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed December 30, 2011, 11:32 a.m., effective January 30, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of amending these rule is to comply with changes to state law made by the 2011 legislature in SSB 5042, 2E2SHB 1738, and ESHB 1548. Amending these rules is also necessary to protect the public health, safety, and welfare by clarifying the definition of "sexual abuse."

Highlights of proposed changes related to SSB 5042:

- Expands the definition of "financial exploitation" to include improper control over or withholding of a vulnerable adult's resources by another person or entity.
- Refers to examples of "financial exploitation" found in chapter 74.34 RCW.

Highlights of proposed changes related to 2E2SHB 1738:

- Adds term "health care authority" to WAC 388-101-3545 to reflect change in responsibility for the medicaid program.

Highlights of proposed changes related to ESHB 1548:

- Proposed rules revert back to long-term care working training requirements in effect prior to January 1, 2011.
- Deletes changes to criminal background check requirements that were to become effective after January 1, 2012.

The definition of "sexual abuse" is amended to include examples of interactions that do not involve physical touching.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-101-3253; and amending WAC 388-101-3000, 388-101-3050, 388-101-3220, 388-101-3245, 388-101-3250, 388-101-3255, 388-101-3258, 388-101-3302, and 388-101-3545.

Statutory Authority for Adoption: RCW 71A.12.030 and [71A.12].080.

Adopted under notice filed as WSR 11-20-100 on October 5, 2011.

Changes Other than Editing from Proposed to Adopted Version: Changes are shown below with new language underlined and deleted text lined through.

WAC 388-101-3000 Definitions.

"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 the use of chemical or physical restraints unless the restraint is consistent with certification 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, including but not limited to sending a client sexually explicit messages, or cuing or encouraging a ~~resident/~~client to perform sexual acts. 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.

[Statutory Authority: Chapter 74.34 RCW, RCW 74.08.090, and 71A.12.030. 11-07-025, § 388-111-0001, filed 3/10/11, effective 4/10/11.]

WAC 388-101-3258 Training requirements. ~~for staff~~ The service provider must ensure that individuals identified under WAC 388-101-3302 ~~staff~~ have met the training requirements under WAC 388-101-3260 through 388-101-3300.

[Statutory Authority: RCW 71A.12.080, chapter 74.39A RCW. 10-16-084, § 388-101-3258, filed 7/30/10, effective 1/1/11.]

The changes were made because of comments received and to make the requirements clearer.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
WAC 388-101-3000 Definitions. Under the definition of "sexual abuse," specify that the sexually explicit messages are sent to clients.	A change was made in response to this comment. Wording was changed to clarify that the rule applies to sexually explicit messages sent to a client.
WAC 388-101-3258 Training requirements for staff. Specify which staff is subject to the training requirements.	A change was made in response to this comment. Wording was changed to specify that individuals identified in WAC 388-101-3302 must satisfy the training requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 9, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 9, Repealed 1.

Date Adopted: December 20, 2011.

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means:

(1) The willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult;

(2) 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; and

(3) Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) **"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, including but not limited to sending a client sexually explicit messages, or cuing or encouraging a client to perform sexual acts. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) **"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 the use of chemical restraints or physical restraints unless the restraints are consistent with licensing and certification requirements, and includes restraints that are otherwise being used inappropriately.

(c) **"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 vulnerable adult from family, friends, regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

"Associated with the applicant" means any person listed on the application as a partner, officer, director, or majority owner of the applying entity, or who is the spouse or domestic partner of the applicant.

"Case manager" means the division of developmental disabilities case resource manager or social worker assigned to a client.

"Certification" means a process used by the department to determine if an applicant or service provider complies with

the requirements of this chapter and is eligible to provide certified community residential services and support to clients.

"Chaperone agreement" means a plan or agreement that describes who will supervise a community protection program client when service provider staff is not present. This plan or agreement is negotiated with other agencies and individuals who support the client, including the client's legal representative and family.

"Chemical restraint" means the use of psychoactive medications for discipline or convenience and not prescribed to treat the client's medical symptoms.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(3) and who also has been determined eligible to receive services by the division of developmental disabilities under chapter 71A.16 RCW. For purposes of informed consent and decision making requirements, the term "client" includes the client's legal representative to the extent of the representative's legal authority.

"Client services" means instruction and support services that service providers are responsible to provide as identified in the client's individual support plan.

"Crisis diversion" means temporary crisis residential services and supports provided to clients at risk of psychiatric hospitalization and authorized by the division of developmental disabilities.

"Crisis diversion bed services" means crisis diversion that is provided in a residence maintained by the service provider.

"Crisis diversion support services" means crisis diversion that is provided in the client's own home.

"Department" means the Washington state department of social and health services.

"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 person or entity for any person's 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).

"Functional assessment" means a comprehensive evaluation of a client's challenging behavior(s). This evaluation is the basis for developing a positive behavior support plan.

"Group home" means a residence that is licensed as either a boarding home or an adult family home by the department under chapters 388-78A or 388-76 WAC. Group homes provide community residential instruction, supports, and services to two or more clients who are unrelated to the provider.

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"Immediate" or **"immediately"** means within twenty-four hours for purposes of reporting abandonment, abuse, neglect, or financial exploitation of a vulnerable adult.

"Individual financial plan" means a plan describing how a client's funds will be managed when the service provider is responsible for managing any or all of the client's funds.

"Individual instruction and support plan" means a plan developed by the service provider and the client. The individual instruction and support plan:

(1) Uses the information and assessed needs documented in the individual support plan to identify areas the client would like to develop;

(2) Includes client goals for instruction and support that will be formally documented during the year; and

(3) Must contain or refer to other applicable support or service information that describes how the client's health and welfare needs are to be met (e.g. individual financial plan, positive behavior support plan, cross system crisis plan, individual support plan, individual written plan, client-specific instructions).

"Individual support plan" means a document that authorizes and identifies the division of developmental disabilities paid services to meet a client's assessed needs.

"Instruction" means goal oriented teaching that is designed for acquiring and enhancing skills.

"Instruction and support services staff" means long-term care workers of the service provider whose primary job function is the provision of instruction and support services to clients. Instruction and support services staff shall also include employees of the service provider whose primary job function is the supervision of instruction and support services staff. In addition, both applicants, prior to initial certification, and administrators, prior to assuming duties, who may provide instruction and support services to clients shall be considered instruction and support services staff for the purposes of the applicable training requirements ((~~of chapter 388-112 WAC~~)).

"Legal representative" means a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

"Managing client funds" means that the service provider:

(1) Has signing authority for the client;

(2) Disperses the client's funds; or

(3) Limits the client's access to funds by not allowing funds to be spent.

"Mechanical restraint" means a device or object, which the client cannot remove, applied to the client's body that restricts his/her free movement.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the client by an individual legally authorized to do so.

"Medication assistance" means assistance with self administration of medication rendered by a nonpractitioner to a client receiving certified community residential services and supports in accordance with chapter 69.41 RCW and chapter 246-888 WAC.

"Medication service" means any service provided by a certified community residential services and support provider related to medication administration or medication assistance provided through nurse delegation and medication assistance.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

"Physical intervention" means the use of a manual technique intended to interrupt or stop a behavior from occurring. This includes using physical restraint to release or escape from a dangerous or potentially dangerous situation.

"Physical restraint" means physically holding or restraining all or part of a client's body in a way that restricts the client's free movement. This does not include briefly holding, without undue force, a client in order to calm him/her, or holding a client's hand to escort the client safely from one area to another.

"Psychoactive" means possessing the ability to alter mood, anxiety level, behavior, cognitive processes, or mental tension, usually applied to pharmacological agents.

"Psychoactive medications" means medications prescribed to improve or stabilize mood, mental status or behavior. Psychoactive medications include anti-psychotics/neuroleptics, atypical antipsychotics, antidepressants, stimulants, sedatives/hypnotics, and antimania and antianxiety drugs.

"Qualified professional" means a person with at least three years' experience working with individuals with developmental disabilities and as required by RCW 71A.12.220 (12).

"Restrictive procedure" means any procedure that restricts a client's freedom of movement, restricts access to client property, requires a client to do something which he/she does not want to do, or removes something the client owns or has earned.

"Risk assessment" means an assessment done by a qualified professional and as required by RCW 71A.12.230.

"Service provider" means a person or entity certified by the department who delivers services and supports to meet a client's identified needs. The term includes the state operated living alternative (SOLA) program.

"Support" means assistance a service provider gives a client based on needs identified in the individual support plan.

"Supported living" means instruction, supports, and services provided by service providers to clients living in homes that are owned, rented, or leased by the client or their legal representative.

"Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case manager, therapist, the service provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

"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; 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.

"Willful" means the deliberate, or nonaccidental, action or inaction by an individual that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain, or anguish.

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3050 Application for initial certification. (1) To apply for initial certification an applicant must submit to the department:

(a) A letter of intent that includes:

(i) Contact information;

(ii) Geographical area of service; and

(iii) Type of service provided, including group home, supported living, community protection, or group training home.

(b) A completed and signed application on forms designated by the department;

(c) All attachments specified in the application and any other information the department may request including but not limited to:

(i) Administrator resumes;

(ii) Statements of financial stability;

(iii) Professional references;

(iv) Relevant experiences and qualifications of the individual or agency; and

(v) ((~~On or after January 1, 2011, a certificate of completion of the instruction and support services staff training required under chapter 388-112 WAC, if the applicant may provide instruction and support services to a client or may supervise staff who provide such services; and~~

~~(vi)~~)) Assurances the applicant will not discriminate against any client or employee.

(d) A copy of the license if applying for certification as a group home;

(e) The name of the administrator of the program; and

(f) The department background authorization form for:

(i) The applicant;

(ii) Anyone associated with the applicant; and

(iii) The individual or individuals designated to serve as administrator of the proposed program.

(2) The applicant must submit a revised application, if any information on the application changes before the initial certification is issued.

(3) The department will only process a completed application.

(4) Each person named in the application for initial certification is considered separately and jointly by the department.

(5) Based on the documentation received, the department will notify the applicant in writing regarding the department's certification decision.

(6) The applicant must comply with additional requirements identified in this chapter if intending to support community protection clients.

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3220 Administrator responsibilities and training. (1) The service provider must ensure that the administrator delivers services to clients consistent with this chapter, and the department's residential services contract. This includes but is not limited to:

(a) Overseeing all aspects of staffing, such as recruitment, staff training, and performance reviews;

(b) Developing and maintaining policies and procedures that give staff direction to provide appropriate services and support as required by this chapter and the department contract; and

(c) Maintaining and securely storing client, personnel, and financial records.

(2) Before assuming duties, an administrator ((~~hired on or after January 1, 2011,~~)) must complete ((~~the~~)) required instruction and support services staff training ((~~requirements under chapter 388-112 WAC~~)) if the administrator may provide instruction and support services to clients or may supervise instruction and support services staff.

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3245 Background check—General. (1) Background checks conducted by the department and required in this chapter include but are not limited to((~~:~~

~~(a)~~)) Washington state background checks including:

(((~~i~~))) (a) Department and department of health findings; and

(((~~ii~~))) (b) Criminal background check information from the Washington state patrol and Washington state courts((~~; and~~

~~(b) After January 1, 2012, a national fingerprint based check in accordance with RCW 74.39A.055~~)).

(2) Nothing in this chapter should be interpreted as requiring the employment of a person against the better judgment of the service provider.

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3250 Background checks—Washington state. (1) Service providers must follow the background check requirements described in chapter 388-06 WAC and in this chapter. In the event of an inconsistency, this chapter applies. ((~~The service provider must also follow background check requirements under WAC 388-101-3253.~~))

(2) The service provider must obtain background checks from the department for all administrators, employees, volunteers, students, and subcontractors who may have unsupervised access to clients.

(3) The service provider must not allow the following persons to have unsupervised access to clients until the service provider receives the department's background check results, verifying that the person does not have any convictions, pending criminal charges, or findings described in WAC 388-101-3090:

(a) Administrators;

(b) Employees;

(c) Volunteers or students; and

(d) Subcontractors.

(4) If the background check results show that the individual has a conviction, pending criminal charge, or finding that is not disqualifying under WAC 388-101-3090, then the service provider must conduct a character, suitability, and competence review as described in WAC 388-06-0190.

(5) The service provider must:

(a) Inform the person of the results of the background check;

(b) Inform the person that they may request a copy in writing of the results of the background check. If requested, a copy of the background check results must be provided within ten working days of the request;

(c) Notify the department and other appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(6) The service provider must renew the Washington state background check at least every thirty-six months and keep current background check results for each administrator, employee, volunteer, student, or subcontractor of a service provider.

(7) Licensed boarding homes or adult family homes must adhere to the current regulations in this chapter and in the applicable licensing laws.

(8) Service providers must prevent unsupervised access to clients by any administrator, employee, subcontractor, student, or volunteer who has a disqualifying conviction, pending criminal charge, or finding described in WAC 388-101-3090.

(9) All applicants for certification must have a background check.

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3255 Background checks—Provisional hire—Pending results. (((~~1~~))) Persons identified in WAC 388-101-3250(2) ((~~who are hired on or before January 1, 2012~~)) and who have lived in Washington state less than three years, or who are otherwise required to complete a fingerprint-based background check, may be hired for a one hundred twenty-day provisional period when:

(((~~a~~))) (1) The person is not disqualified based on the initial results of the background check from the department; and

(((~~b~~))) (2) A national fingerprint-based background check is pending.

(((~~(2) Persons identified in WAC 388-101-3250(2) who are hired after January 1, 2012, may be hired for a one hundred twenty-day provisional period when:~~

~~(a) The person is not disqualified based on the initial result of the background check from the department; and~~

~~(b) A national fingerprint-based background check is pending.~~))

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3258 Training requirements ((~~for staff hired before January 1, 2011~~)). The service provider must ensure that ((~~staff hired before January 1, 2011~~)) individuals identified under WAC 388-101-3302 have met the training requirements under WAC 388-101-3260 through 388-101-3300.

AMENDATORY SECTION (Amending WSR 10-16-084, filed 7/30/10, effective 1/1/11)

WAC 388-101-3302 Certified community residential services and supports—General training requirements. (1) ((~~On or after January 1, 2011,~~)) The service provider must ensure the following instruction and support services staff meet the training requirements ((~~under~~)) of this chapter ((~~388-112 WAC, including orientation and safety training, and basic training~~)):

(a) Administrators((~~, hired on or after the effective date,~~)) who may provide instruction and support services to clients or may supervise instruction and support services staff; and

(b) Instruction and support services staff including their supervisors((~~, who are hired on or after the effective date~~)).

(2) ((~~On or after January 1, 2011,~~)) Applicants for initial certification and applicants for change of ownership that are not current providers, who may provide instruction and support services to clients or may supervise instruction and support services staff must meet the training requirements of this chapter ((~~388-112 WAC, including orientation and safety training, and basic training~~)).

(((~~(3) Under RCW 18.88B.040 and chapter 246-980 WAC, certain persons including registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved certified nursing assistant program are exempt from long-term care worker training requirements.~~))

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-3545 Using client funds for health services. The service provider must document all denials for client health services from the ((~~department's medical assistance administration~~)) health care authority, the department, and medical insurance companies. The service provider:

(1) Must notify the case manager of the denial in writing; and

(2) May use client funds for the client's health services if no other funding is available.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-101-3253	National fingerprint-based background checks—Required.

WSR 12-02-050
PERMANENT RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed December 30, 2011, 2:58 p.m., effective January 30, 2012]

Effective Date of Rule: Thirty-one days after filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Compliance is necessary pursuant to ESSB [2ESHB] 1087, the 2011/13 biennial operating budget, 2011 1st sp. sess. Compliance is also necessary with federal waiver and state plan amendment program requirements.

Purpose: Effective July 1, 2011, the department increased the daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and who reside in adult family homes or who reside in boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. Under ESSB [2ESHB] 1087, the 2011/13 biennial operating budget, 2011 1st sp. sess., adult family home rates are enhanced to compensate for the licensing fee increase. Boarding home rates are restored to March 31, 2011, levels. However, because new training requirements are delayed pursuant to ESHB 1548, 2011 1st sp. sess., the previously given rate enhancement for training is removed from the boarding home rate until such time that the new training requirements are reinstated.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0005.

Statutory Authority for Adoption: New chapter 74.34 RCW based on chapter 7, Laws of 2011 1st sp. sess.

Adopted under notice filed as WSR 11-23-012 on November 7, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 30, 2011.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-21-035, filed 10/12/10, effective 10/29/10)

WAC 388-105-0005 The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and boarding homes contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE

KING COUNTY

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	$((~~66.65~~)) 66.52	$((~~72.07~~)) 71.94	$((~~47.19~~)) 47.06	$((~~47.19~~)) 47.06	$((~~46.39~~)) 46.61
A Med	$((~~72.15~~)) 72.02	$((~~77.57~~)) 77.44	$((~~53.52~~)) 53.39	$((~~53.52~~)) 53.39	$((~~52.64~~)) 52.86
A High	$((~~80.94~~)) 80.81	$((~~86.36~~)) 86.23	$((~~58.76~~)) 58.63	$((~~58.76~~)) 58.63	$((~~58.90~~)) 59.12
B Low	$((~~66.65~~)) 66.52	$((~~72.07~~)) 71.94	$((~~47.19~~)) 47.06	$((~~47.19~~)) 47.06	$((~~46.62~~)) 46.84
B Med	$((~~74.35~~)) 74.22	$((~~79.77~~)) 79.64	$((~~59.85~~)) 59.72	$((~~59.85~~)) 59.72	$((~~59.19~~)) 59.41
B Med-High	$((~~84.18~~)) 84.05	$((~~89.60~~)) 89.47	$((~~63.63~~)) 63.50	$((~~63.63~~)) 63.50	$((~~63.42~~)) 63.64
B High	$((~~88.61~~)) 88.48	$((~~94.03~~)) 93.90	$((~~72.71~~)) 72.58	$((~~72.71~~)) 72.58	$((~~72.51~~)) 72.73
C Low	$((~~72.15~~)) 72.02	$((~~77.57~~)) 77.44	$((~~53.52~~)) 53.39	$((~~53.52~~)) 53.39	$((~~52.64~~)) 52.86
C Med	$((~~80.94~~)) 80.81	$((~~86.36~~)) 86.23	$((~~67.13~~)) 67.00	$((~~67.13~~)) 67.00	$((~~67.22~~)) 67.44
C Med-High	$((~~100.71~~)) 100.58	$((~~106.13~~)) 106.00	$((~~89.42~~)) 89.29	$((~~89.42~~)) 89.29	$((~~88.06~~)) 88.28
C High	$((~~101.71~~)) 101.58	$((~~107.13~~)) 107.00	$((~~90.27~~)) 90.14	$((~~90.27~~)) 90.14	$((~~89.29~~)) 89.51
D Low	$((~~74.35~~)) 74.22	$((~~79.77~~)) 79.64	$((~~72.27~~)) 72.14	$((~~72.27~~)) 72.14	$((~~68.52~~)) 68.74
D Med	$((~~82.59~~)) 82.46	$((~~88.01~~)) 87.88	$((~~83.70~~)) 83.57	$((~~83.70~~)) 83.57	$((~~83.87~~)) 84.09
D Med-High	$((~~106.74~~)) 106.61	$((~~112.16~~)) 112.03	$((~~106.39~~)) 106.26	$((~~106.39~~)) 106.26	$((~~100.92~~)) 101.14
D High	$((~~115.01~~)) 114.88	$((~~120.43~~)) 120.30	$((~~115.01~~)) 114.88	$((~~115.01~~)) 114.88	$((~~114.90~~)) 115.12
E Med	$((~~138.95~~)) 138.82	$((~~144.37~~)) 144.24	$((~~138.95~~)) 138.82	$((~~138.95~~)) 138.82	$((~~138.84~~)) 139.06

E High	$((~~162.89~~)) 162.76	$((~~168.31~~)) 168.18	$((~~162.89~~)) 162.76	$((~~162.89~~)) 162.76	$((~~162.79~~)) 163.01

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE

METROPOLITAN COUNTIES*

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	$((~~61.15~~)) 61.02	$((~~66.07~~)) 65.94	$((~~47.19~~)) 47.06	$((~~47.19~~)) 47.06	$((~~46.39~~)) 46.61
A Med	$((~~64.46~~)) 64.33	$((~~69.38~~)) 69.25	$((~~51.41~~)) 51.28	$((~~51.41~~)) 51.28	$((~~50.55~~)) 50.77
A High	$((~~78.74~~)) 78.61	$((~~83.66~~)) 83.53	$((~~56.04~~)) 55.91	$((~~56.04~~)) 55.91	$((~~55.76~~)) 55.98
B Low	$((~~61.15~~)) 61.02	$((~~66.07~~)) 65.94	$((~~47.19~~)) 47.06	$((~~47.19~~)) 47.06	$((~~46.62~~)) 46.84
B Med	$((~~69.94~~)) 69.81	$((~~74.86~~)) 74.73	$((~~56.69~~)) 56.56	$((~~56.69~~)) 56.56	$((~~56.04~~)) 56.26
B Med-High	$((~~79.20~~)) 79.07	$((~~84.12~~)) 83.99	$((~~60.27~~)) 60.14	$((~~60.27~~)) 60.14	$((~~60.10~~)) 60.32
B High	$((~~86.42~~)) 86.29	$((~~91.34~~)) 91.21	$((~~70.66~~)) 70.53	$((~~70.66~~)) 70.53	$((~~70.46~~)) 70.68
C Low	$((~~64.46~~)) 64.33	$((~~69.38~~)) 69.25	$((~~51.62~~)) 51.49	$((~~51.62~~)) 51.49	$((~~50.93~~)) 51.15
C Med	$((~~78.74~~)) 78.61	$((~~83.66~~)) 83.53	$((~~66.27~~)) 66.14	$((~~66.27~~)) 66.14	$((~~65.58~~)) 65.80
C Med-High	$((~~97.40~~)) 97.27	$((~~102.32~~)) 102.19	$((~~83.09~~)) 82.96	$((~~83.09~~)) 82.96	$((~~81.82~~)) 82.04
C High	$((~~98.37~~)) 98.24	$((~~103.29~~)) 103.16	$((~~88.37~~)) 88.24	$((~~88.37~~)) 88.24	$((~~86.81~~)) 87.03
D Low	$((~~69.94~~)) 69.81	$((~~74.86~~)) 74.73	$((~~71.28~~)) 71.15	$((~~71.28~~)) 71.15	$((~~67.01~~)) 67.23
D Med	$((~~80.34~~)) 80.21	$((~~85.26~~)) 85.13	$((~~82.03~~)) 81.90	$((~~82.03~~)) 81.90	$((~~81.61~~)) 81.83
D Med-High	$((~~103.24~~)) 103.11	$((~~108.16~~)) 108.03	$((~~103.76~~)) 103.63	$((~~103.76~~)) 103.63	$((~~97.84~~)) 98.06
D High	$((~~111.85~~)) 111.72	$((~~116.77~~)) 116.64	$((~~111.85~~)) 111.72	$((~~111.85~~)) 111.72	$((~~111.16~~)) 111.38
E Med	$((~~134.64~~)) 134.51	$((~~139.56~~)) 139.43	$((~~134.64~~)) 134.51	$((~~134.64~~)) 134.51	$((~~133.95~~)) 134.17
E High	$((~~157.43~~)) 157.30	$((~~162.35~~)) 162.22	$((~~157.43~~)) 157.30	$((~~157.43~~)) 157.30	$((~~156.74~~)) 156.96

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE
NONMETROPOLITAN COUNTIES**

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	$((~~60.07~~)) 59.94	$((~~65.31~~)) 65.18	$((~~47.19~~)) 47.06	$((~~47.19~~)) 47.06	$((~~46.39~~)) 46.61
A Med	$((~~64.46~~)) 64.33	$((~~69.70~~)) 69.57	$((~~50.36~~)) 50.23	$((~~50.36~~)) 50.23	$((~~49.52~~)) 49.74
A High	$((~~78.74~~)) 78.61	$((~~83.98~~)) 83.85	$((~~55.14~~)) 55.01	$((~~55.14~~)) 55.01	$((~~54.73~~)) 54.95
B Low	$((~~60.07~~)) 59.94	$((~~65.31~~)) 65.18	$((~~47.19~~)) 47.06	$((~~47.19~~)) 47.06	$((~~46.62~~)) 46.84
B Med	$((~~69.94~~)) 69.81	$((~~75.18~~)) 75.05	$((~~55.64~~)) 55.51	$((~~55.64~~)) 55.51	$((~~55.00~~)) 55.22
B Med-High	$((~~79.20~~)) 79.07	$((~~84.44~~)) 84.31	$((~~59.14~~)) 59.01	$((~~59.14~~)) 59.01	$((~~58.92~~)) 59.14
B High	$((~~86.42~~)) 86.29	$((~~91.66~~)) 91.53	$((~~66.84~~)) 66.71	$((~~66.84~~)) 66.71	$((~~66.64~~)) 66.86
C Low	$((~~64.46~~)) 64.33	$((~~69.70~~)) 69.57	$((~~50.36~~)) 50.23	$((~~50.36~~)) 50.23	$((~~49.52~~)) 49.74
C Med	$((~~78.74~~)) 78.61	$((~~83.98~~)) 83.85	$((~~62.65~~)) 62.52	$((~~62.65~~)) 62.52	$((~~63.07~~)) 63.29
C Med-High	$((~~97.40~~)) 97.27	$((~~102.64~~)) 102.51	$((~~79.92~~)) 79.79	$((~~79.92~~)) 79.79	$((~~78.70~~)) 78.92
C High	$((~~98.37~~)) 98.24	$((~~103.61~~)) 103.48	$((~~83.54~~)) 83.41	$((~~83.54~~)) 83.41	$((~~82.10~~)) 82.32
D Low	$((~~69.94~~)) 69.81	$((~~75.18~~)) 75.05	$((~~67.39~~)) 67.26	$((~~67.39~~)) 67.26	$((~~63.37~~)) 63.59
D Med	$((~~80.34~~)) 80.21	$((~~85.58~~)) 85.45	$((~~77.55~~)) 77.42	$((~~77.55~~)) 77.42	$((~~77.17~~)) 77.39
D Med-High	$((~~103.24~~)) 103.11	$((~~108.48~~)) 108.35	$((~~98.08~~)) 97.95	$((~~98.08~~)) 97.95	$((~~92.52~~)) 92.74
D High	$((~~105.73~~)) 105.60	$((~~110.97~~)) 110.84	$((~~105.73~~)) 105.60	$((~~105.73~~)) 105.60	$((~~105.10~~)) 105.32
E Med	$((~~127.27~~)) 127.14	$((~~132.51~~)) 132.38	$((~~127.27~~)) 127.14	$((~~127.27~~)) 127.14	$((~~126.64~~)) 126.86
E High	$((~~148.81~~)) 148.68	$((~~154.05~~)) 153.92	$((~~148.81~~)) 148.68	$((~~148.81~~)) 148.68	$((~~148.19~~)) 148.41

** Nonmetropolitan counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.

WSR 12-02-053
PERMANENT RULES
DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 3, 2012, 8:25 a.m., effective January 1, 2014]

Effective Date of Rule: January 1, 2014, for all sections except for WAC 296-62-50050 is July 1, 2014, and WAC 296-62-50025(2) is January 1, 2015.

Purpose: The 2011 legislature passed ESSB 5594 which requires the department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) alert on safe handling of hazardous drugs. The legislation requires the rules be consistent with the recommendations set forth in NIOSH's alert and states that the rules may not exceed these recommendations. The department may incorporate Centers for Disease Control and Prevention (CDC) updates and changes to the alert.

NEW SECTIONS:

WAC 296-62-500 Hazardous drugs.

- There are no requirements in this section.
- Statement that hazardous drugs are also covered under WAC 296-800-170 and the most protective requirement will take precedent.

WAC 296-62-50005 Scope.

- Requirements relating to occupational exposure are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50010 Definitions.

- There are no requirements in this section.

WAC 296-62-50015 Hazardous drugs control program.

- Requirements relating to hazardous drugs control program are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50020 Hazard assessment.

- Requirements relating to hazard assessment are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50025 Engineering controls.

- Requirements relating to engineering controls are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50030 Personal protective equipment (PPE).

- Requirements relating to PPE are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50035 Safe handling practices.

- Requirements relating to safe handling practices are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50040 Cleaning and housekeeping.

- Requirements relating to cleaning and housekeeping procedures are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50045 Spill control.

- Requirements relating to spill control are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50050 Training.

- Requirements relating to training are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50055 Implementation plan.

- Requirements relating to the effective dates of various subsections of the rule are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

This rule 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, 49.17.060, and chapter 39, Laws of 2011.

Other Authority: Chapter 39, Laws of 2011.

Adopted under notice filed as WSR 11-21-080 on October 18, 2011.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 12, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 12, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 12, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 12, Amended 0, Repealed 0.

Date Adopted: January 3, 2012.

Judy Schurke
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 12-03 issue of the Register.

WSR 12-02-055
PERMANENT RULES
DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 3, 2012, 8:29 a.m., effective July 1, 2012]

Effective Date of Rule: July 1, 2012.

Purpose: During the 2011 legislative session, the legislature passed chapter 91, Laws of 2011 (ESSB 5068) regarding the abatement of serious safety and health violations during appeal of a Washington Industrial Safety and Health Act citation. ESSB 5068 requires employers to abate violations classified and cited as serious, willful, repeated serious or failure to abate a serious violation during an appeal unless a stay of abatement is granted by the department of labor and industries (department) or the board of industrial insurance appeals (BIIA). The department conducted two stakeholder meetings to gather input from business and labor stakeholders for use in developing the draft rules.

NEW SECTION:

WAC 296-900-17006 Stay of abatement date request.

- The process employers would use to request a stay of abatement is located in this section.

AMENDED SECTIONS:

WAC 296-900-170 Appeals.

- Added new section WAC 296-900-17006 Stay of abatement date request.

WAC 296-900-17005 Appealing a citation and notice (C&N).

- Added language relating to requests for stay of abatement. Made administrative changes to language for clarity and consistency.

WAC 296-900-17010 Appealing a corrective notice of redetermination (CNR).

- Added language that requires employers to request a stay of abatement. Made administrative change to language for clarity and consistency.

WAC 296-900-17015 Posting appeals.

- Added language "or stay of abatement date request."
- Changed WISHA to DOSH.

Citation of Existing Rules Affected by this Order: Amending WAC 296-900-170, 296-900-17005, 296-900-17010, and 296-900-17015.

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

Other Authority: Chapter 91, Laws of 2011 (ESSB 5068).

Adopted under notice filed as WSR 11-21-079 on October 18, 2011.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

WAC 296-900-17006 Stay of abatement date request.

- In subsection (3), deleted the sentence "DOSH will make its determination based on what a reasonable person would conclude based on the same circumstances."
- In subsection (6), "stay of violation date" was changed to "stay of abatement date."

WAC 296-900-17010 Appealing a corrective notice of redetermination (CNR).

- Clarification that the requirement to appeal a CNR within fifteen working days after it was received applies to employers as well as employees and their representatives.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Date Adopted: January 3, 2012.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-170 Appeals.

Summary:

Employer responsibility:

To post information regarding appeals in a conspicuous area where notices to employees are normally posted:

Appealing a citation and notice (C&N)
WAC 296-900-17005.
Stay of abatement date request
WAC 296-900-17006.
Appealing a corrective notice of redetermination (CNR)
WAC 296-900-17010.
Posting appeals
WAC 296-900-17015.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-17005 Appealing a citation and notice (C&N). IMPORTANT:

• Employers may appeal C&Ns.

• Employees of the cited employer, or their designated representatives, may only appeal ((~~correction~~)) abatement dates.

• The filing of an appeal does not stay the abatement date for violations classified as serious, willful, repeat serious, or failure to abate serious. Employers may request a stay of abatement date for these classifications of violations when they appeal a C&N.

You must:

• When appealing, submit a written appeal to ((~~WISHA~~)) DOSH within fifteen working days after receiving the C&N. Include the following information:

– Business name, address, and telephone number.

– Name, address, and telephone number of any employer representative.

– C&N number.

– What you believe is wrong with the C&N and any related facts.

– What you believe should be changed, and why.

– Requests for stay of abatement date according to WAC 296-900-17006.

– A signature and date.

• Send appeals in any of the following ways:

– Mail to:

Assistant Director for ((~~WISHA~~)) DOSH Services
Attn: ((~~WISHA~~)) DOSH Appeals
P.O. Box 44604
Olympia, WA 98504-4604

– Fax to: 360-902-5581

– Take to any department service location.

Reference: See the resources section of the Safety and health core rules, chapter 296-800 WAC, for a list of the local offices.

Note: The postmark is considered the submission date of a mailed request.

Employees or their designated representatives must:

• When appealing C&N ((~~correction~~)) abatement dates, submit a written request to ((~~WISHA~~)) DOSH within fifteen working days after the C&N is received. Include the following information:

– Name of employee, address, telephone number.

– Name, address, and telephone number of any designated representative.

– C&N number.

– What is believed to be wrong with the ((~~correction~~)) abatement date.

– A signature and date.

• Send appeals in any of the following ways:

– Mail to:

Assistant Director for ((~~WISHA~~)) DOSH Services
Attn: ((~~WISHA~~)) DOSH Appeals
P.O. Box 44604
Olympia, WA 98504-4604

– Fax to: 360-902-5581

– Take to any L&I service location.

Reference: See the resources section of the Safety and health core rules, chapter 296-800 WAC, for a list of the local offices.

Note: The postmark is considered the submission date of a mailed request.

What to expect from ((~~WISHA~~)) DOSH:

• After receiving an appeal, ((~~WISHA~~)) DOSH will do one of the following:

– Reassume jurisdiction over the C&N, and notify the person who submitted the appeal.

– Forward the appeal to the board of industrial insurance appeals. The board will send the person submitting the appeal a notice with the time and location of any board proceedings.

Definition:

Reassume jurisdiction means that ((~~WISHA~~)) DOSH has decided to provide the employer with an informal conference to discuss their appeal.

• When reassuming jurisdiction over a C&N, ((~~WISHA~~)) DOSH has thirty working days after receiving the appeal to review it, gather more information, and decide whether to make changes to the C&N. The review period:

– Begins the first working day after the appeal is received. For example, if an appeal is received on Friday, the thirty days will begin on the following Monday unless ((~~it is~~)) it's a state holiday.

– May be extended fifteen additional working days, if everyone involved agrees and signs an extension agreement within the initial thirty-day period.

– Will include an informal conference about the appeal that is an opportunity for interested parties to:

• Briefly explain their positions.

• Provide any additional information they would like ((~~WISHA~~)) DOSH to consider when reviewing the C&N.

• Provide any additional information they would like DOSH to consider when reviewing stay of abatement date requests.

Note: ((~~WISHA~~)) DOSH might reassume jurisdiction over a C&N to do any of the following:

- Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference.
- Give an employer, affected employees, and the department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases.
- Educate employers about the C&N, the ((~~WISHA~~)) DOSH appeals process, and ((~~WISHA~~)) DOSH compliance.
- Review citations, penalties, and ((~~correction~~)) abatement dates. Although informal, the conference is an official meeting and it may be either partially or totally recorded. Participants will be told if the conference is recorded.
- Review requests to stay abatement dates.

• On or before the end of the thirty working day review period, ((~~WISHA~~)) or forty-five working days if everyone involved agrees to the fifteen additional working day extension, DOSH will issue a corrective notice of redetermination that:

– Reflects any changes made to the C&N.

– Grants or denies requests to stay abatement dates and includes the basis of the decision.

– Is sent to the employer, employees, and employee representatives participating in the appeal process.

NEW SECTION

WAC 296-900-17006 Stay of abatement date request. (1) Employers may request stay of abatement dates for any violation classified as serious, willful, repeat serious, or failure to abate serious. Stay requests must be made in the notice of appeal under WAC 296-900-17005.

(2) Stay requests must include:

(a) Each violation and item number for which a stay is requested.

(b) The reason for the stay request.

(3) DOSH will review requests for stay of abatement dates for each violation requested. DOSH will stay the abatement date when an appeal is filed for any serious, willful, repeat serious, or failure to abate serious violation where DOSH cannot determine that the preliminary evidence shows a substantial probability of death or serious physical harm to workers.

(4) The basis for decisions on stay requests will be in the CNR.

(5) If a stay of abatement date is granted in the CNR and the employer appeals the CNR, the stay will remain in place until there is a final order on the appeal.

(6) If a stay of abatement date is denied in the CNR and the employer appeals the CNR further, the request for a stay of abatement date must be renewed according to WAC 296-900-17010. (7) There is no requirement to abate a violation for which a stay request is pending.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-17010 Appealing a corrective notice of redetermination (CNR).

IMPORTANT:

• Employers may appeal CNRs.

• Employees who could be affected by a CNR, or their designated representatives, may appeal ((~~correction~~)) abatement dates.

((~~Employees or their representatives~~)) • Employers must renew requests to stay abatement dates if a stay request is denied when they appeal CNRs.

You must:

• Appeal a CNR, if desired, in writing within fifteen working days after it was received to the:

Board of Industrial Insurance Appeals
2430 Chandler Court S.W.
P.O. Box 42401
Olympia, WA 98504-2401

• Send a copy of the appeal to the CNR to the:

Assistant Director for ((~~WISHA~~)) DOSH Services
Attn: ((~~WISHA~~)) DOSH Appeals
P.O. Box 44604
Olympia, WA 98504-4604
– Fax to: 360-902-5581
– Take to any department service location.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-17015 Posting appeals.

You must:

• Immediately post notices and information related to any appeal or stay of abatement date request in the same place where ((~~WISHA~~)) DOSH citation and notices (C&Ns) are posted. These notices and information include:

– The notice of appeal, until the appeal is resolved.

– Notices about ((~~WISHA~~)) DOSH reassuming jurisdiction, and any extension of the review period until the end of review period.

– A notice of an informal conference until after the conference is held.

– A corrective notice of redetermination for as long as C&Ns are to be posted.

Reference: For C&N posting requirements, see Posting citation and notices, WAC 296-900-13015.

WSR 12-02-058
PERMANENT RULES
DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 3, 2012, 11:15 a.m., effective February 3, 2012]

Effective Date of Rule: Thirty-one days after filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: SSB 5801, chapter 6, Laws of 2011 amends RCW 51.36.010 and directs the department of labor and industries to establish a statewide medical provider network and expand Centers of Occupational Health Education (COHEs). Rules are necessary to implement the changes. This initial set of rules includes establishing minimum standards for the credentialing of medical providers and other requirements for network participation, and defines "risk of harm" to injured workers.

Purpose: The department will create necessary rules in phases. This initial set of rules includes:

(1) Establishing minimum standards for the credentialing of medical providers and other requirements for network participation; and

(2) Clarifying what constitutes patterns of risk of physical or psychiatric harm or death that determines when the department may remove a provider from the network. Under the new statute, workers of state fund and self-insured employers must obtain health services through the medical provider network, except for the initial medical visit.

Reasons Supporting Proposal: SSB 5801 enables the department to set credentialing standards for medical providers, while still allowing injured workers to choose their provider. The changes will help return more workers to good health and get them back on the job after an injury, while reducing costs for employers, workers, and the state.

Statutory Authority for Adoption: RCW 51.36.010, 51.04.020, and 51.04.030.

Adopted under notice filed as WSR 11-22-078 on November 1, 2011.

Changes Other than Editing from Proposed to Adopted Version:

- No substantive changes were made.
- Some language was added, deleted, or amended to respond to questions we received during the comment period. These changes did not modify the intent of the amended section. They simply clarified language that was unclear.

The purpose of this rule making is to establish a new statewide medical provider network. The department is adopting the proposed medical provider network rules, with clarifying changes as specified below.

WAC 296-20-01010 Scope of health care provider network.

The department made six clarifying changes to this section: Five minor wording changes to ensure consistency in terms throughout the rule, and one to clarify the exception for emergency room providers.

WAC 296-20-01020 Health care provider network enrollment.

The department made four clarifying changes to this section: One editorial correction, one correction to clarify the department's response time, and two changes to clarify application to both the department and self-insurers.

WAC 296-20-01030 Minimum health care provider network standards.

The department made seven clarifying changes to this section: Two changes to make terms consistent, one editorial correction, two corrections to clarify the department's intent to provide opportunity for comment, and two changes to clarify that termination is based on cause.

WAC 296-20-01040 Health care provider network continuing requirements.

The department made two clarifying changes to this section: One editorial correction, and one correction to ensure consistency with the statute about applicability of treatment guidelines.

WAC 296-20-01050 Health care provider network further review and denial.

The department made eleven clarifying changes to this section: Two editorial corrections, six corrections to ensure consistency with either other rule or statutory language, one clarification to simplify the text, and two clarifications based on public comment about confusion on department intent.

WAC 296-20-01060 Delegation of credentialing and recredentialing activities.

The department made one clarifying change based on public comment about confusion of department intent to emphasize that the authority to approve remains with the department.

WAC 296-20-01070 Waiting periods for reapplying to the network.

The department made one clarifying change based on public comment to clarify that the ineligibility period does not apply to terminations for convenience.

WAC 296-20-01080 Management of the provider network.

The department made eight clarifying changes to this section: Seven corrections to ensure consistency with either other rule or statutory language, and one editorial correction based on public comment.

WAC 296-20-01090 Request for reconsideration of department decision.

The department made one clarifying change to indicate that the health care provider network decisions are subject to appeal under chapter 51.52 RCW.

WAC 296-20-01100 Risk of harm.

The department made no changes to this section.

A final cost-benefit analysis is available by contacting Leah Hole-Curry, Department of Labor and Industries, P.O. Box 44321, Olympia, WA 98504-4321, phone (360) 902-4996, fax (360) 902-6315, e-mail leah.hole-curry@Lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 10, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 0, Repealed 0.

Date Adopted: January 3, 2012.

Judy Schurke
Director

NEW SECTION

WAC 296-20-01010 Scope of health care provider network. (1) The rules establish the development, enrollment, and oversight of a network of health care providers approved to treat injured workers. The health care provider network rules apply to care for workers covered by Washington state fund and self-insured employers.

(2) As of January 1, 2013, the following types of health care providers (hereafter providers) must be enrolled in the network with an approved provider agreement to provide and be reimbursed for care to injured workers in Washington state beyond the initial office or emergency room visit:

(a) Medical physicians and surgeons;
(b) Osteopathic physicians and surgeons;
(c) Chiropractic physicians;
(d) Naturopathic physicians;
(e) Podiatric physicians and surgeons;
(f) Dentists;
(g) Optometrists;

(h) Advanced registered nurse practitioners; and

(i) Physician assistants.

(3) The requirement in subsection (2) of this section does not apply to providers who practice exclusively in acute care hospitals or within inpatient settings in the following specialties:

(a) Pathologists;

(b) Consulting radiologists working within a hospital radiology department;

(c) Anesthesiologists or certified registered nurse anesthetists (CRNAs) except anesthesiologists and CRNAs with pain management practices in either hospital-based or ambulatory care settings;

(d) Emergency room providers; or

(e) Hospitalists.

(4) The department may phase implementation of the network to ensure access within all geographic areas. The department may expand the health care provider network scope to include additional providers not listed in subsection (2) of this section, listed in subsection (3) of this section, and to out-of-state providers. For providers outside the scope of the health care provider network rule, the department and self-insured employers may reimburse for treatment beyond the initial office or emergency room visit.

NEW SECTION

WAC 296-20-01020 Health care provider network enrollment. (1) The department or its delegated entity will review the provider's application, supporting documents, and any other information requested or accessed by the department that is relevant to verifying the provider's application, clinical experience or ability to meet or maintain provider network requirements.

(2) The department will notify providers of incomplete applications, including when credentialing information obtained from other sources materially varies from information on the provider application. The provider may submit a supplement to the application with corrections or supporting documents to explain discrepancies within thirty days of the date of the notification from the department. Incomplete applications will be considered withdrawn within forty-five days of notification.

(3) The provider must produce adequate and timely information and timely attestation to support evaluation of the application. The provider must produce information and respond to department requests for information that will help resolve any questions regarding qualifications within the time frames specified in the application or by the department.

(4) The department's medical director or designee is authorized to approve, deny, or further review complete applications consistent with department rules and policies. Providers will be notified in writing of their approval or denial, or that their application is under further review within a reasonable period of time.

(5) Providers who meet the minimum provider network standards, have not been identified for further review, and are in compliance with department rules and policies, will be approved for enrollment into the network.

(6) Enrollment of a provider is effective no earlier than the date of the approved provider application. The department and self-insured employers will not pay for care provided to workers prior to application approval, regardless of whether the application is later approved or denied, except as provided in this subsection.

(7) The department and self-insured employers may pay a provider without an approved application only when:

(a) The provider is outside the scope of the provider network per WAC 296-20-01010; or

(b) The provider is provisionally enrolled by the department after it obtains:

(i) Verification of a current, valid license to practice;

(ii) Verification of the past five years of malpractice claims or settlements from the malpractice carrier or the results of the National Practitioner Data Bank (NPDB) or Healthcare Integrity and Protection Data Bank (HIPDB) query; and

(iii) A current and signed application with attestation.

(c) A provider may only be provisionally enrolled once and for no more than sixty calendar days. Providers who have previously participated in the network are not eligible for provisional enrollment.

NEW SECTION

WAC 296-20-01030 Minimum health care provider network standards. The department will deny an application if a provider does not meet minimum health care provider network standards. To be eligible for enrollment and participation in the provider network, a provider must meet and maintain the following minimum health care provider network standards:

(1) The provider must submit an accurate and complete provider application, including any required supporting documentation and sign without modification, a provider agreement with the department.

(2) The provider must have current professional liability coverage, individually or as a member of a group, through a commercial carrier or provide documentation of self-insurance.

(a) Professional liability coverage must be at least in the amounts of one million dollars per occurrence and three million dollars annual aggregate; or in the amounts otherwise published by the department for the provider type's scope of practice, after notice and opportunity for comment.

(b) Providers in a group practice who are self-insured for professional liability coverage must provide evidence that liabilities in amounts at least equivalent to liability limits in (a) of this subsection are booked on audited financial statements in accordance with generally accepted accounting standards.

(3) The provider must not have had clinical admitting and management privileges denied, limited or terminated for quality of care issues.

(4) The provider must not have been excluded, expelled, terminated, or suspended from any federally or state funded health care programs including, but not limited to, medicare or medicaid programs based on cause or quality of care issues.

(5) The provider must not have made any material misstatement or omission to the department concerning licensure, registration, certification, disciplinary history or any other material matter covered in the application or credentialing materials.

(6) The provider must not have been convicted of a felony or pled guilty or no contest to a felony for a crime including, but not limited to, health care fraud, patient abuse and the unlawful manufacture, distribution, prescription or dispensing of controlled substances.

The department may grant an exception for a felony that the provider has had expunged (vacated criminal conviction) from the provider's record.

(7) The provider must be currently licensed, certified, accredited or registered according to Washington state laws and rules or in any other jurisdiction where the applicant treats injured workers.

(a) The license, registration or certification must be free of any restrictions, limitations or conditions relating to the provider's clinical practice.

(b) The provider must not have surrendered, voluntarily or involuntarily his or her professional state license in any state while under investigation or due to findings by the state resulting from the provider's acts, omissions, or conduct.

(c) The department may grant an exception for any restriction, limitation or condition deemed by the department to be minor or clerical in nature or for a case where the restriction, limitation, or condition has been removed.

(8) The provider must have a current Drug Enforcement Administration (DEA) registration, if applicable to the provider's scope of licensure.

(a) The DEA registration must be free of restrictions, limitations or conditions related to the provider's acts, omissions or conduct.

(b) The provider must not have surrendered, voluntarily or involuntarily his or her DEA registration in any state while under investigation or due to findings resulting from the provider's acts, omissions, or conduct.

(c) The department may grant an exception for any restriction, limitation or condition deemed by the department to be minor or clerical in nature or for a case where the restriction, limitation or condition has been removed.

NEW SECTION

WAC 296-20-01040 Health care provider network continuing requirements. To continue to provide care for workers and be paid for those services, a provider must:

(1) Provide services without unlawful discrimination;

(2) Provide services and bill according to federal and state laws and rules, department rules, policies, and billing instructions;

(3) Maintain material compliance with minimum provider network standards, department credentialing and recredentialing standards, and department's evidence-based coverage decisions and treatment guidelines, policies; and must follow other national treatment guidelines appropriate for their patient;

(4) Inform the department or an applicable delegated credentialing entity of any material changes to the provider's application or agreement within fourteen calendar days including, but not limited to, changes in:

(a) Ownership or business name;

(b) Address or telephone number;

(c) Professionals practicing under the billing provider number;

(d) Any informal or formal disciplinary order, decision, disciplinary action or other action(s), including any criminal action, in any state;

(e) Provider clinical privileges;

(f) Malpractice claims or professional liability coverage;

(5) Retain a current professional state license, registration, certification and/or applicable business license for the service being provided, and update the department of all changes;

(6) Comply with department recredentialing process; and

(7) Comply with the instructions contained in a department action, including documentation of compliance and participation in mentoring, monitoring, or restrictions.

NEW SECTION

WAC 296-20-01050 Health care provider network further review and denial. (1) The department may further review a complete provider application based on information within the application or credentialing information obtained from other sources.

(2) For complete applications requiring further review, the department's medical director or designee has the authority to approve or deny consistent with department rules and policies, and may seek advice, expertise, consultation or recommendations on applications from:

(a) Peer or clinical review individuals or entities;

(b) The industrial insurance medical or chiropractic advisory committee (including a subcommittee);

(c) A department appointed credentialing committee.

(3) The department may deny a provider application during credentialing or recredentialing based on the provider's professional qualifications and practice history including:

(a) The provider fails to meet minimum health care provider network standards;

(b) The provider has been disciplined based on an allegation of sexual misconduct or admitted to sexual misconduct;

(c) The provider is noncompliant with the department of health's or other state health care agency's stipulation to informal disposition (STID), agreed order, or similar licensed restriction;

(d) The provider has any pending statement of charges or notice of proposed disciplinary action or equivalent from any state or governmental professional disciplinary board at the time of application or recredentialing;

(e) The provider is excluded, expelled, terminated, or suspended by medicare, medicaid or any other state or federally funded health care program;

(f) The provider has a denial, suspension or termination of participation or privileges by any health care institution, insurance plan, facility, or clinic; except where such decision was solely related to broad network or business management changes, instead of an individual determination;

(g) The provider has surrendered, voluntarily or involuntarily, his or her hospital privileges in any state while under investigation or due to findings resulting from the provider's acts, omissions, or conduct;

(h) The provider performs invasive or surgical procedures without:

(i) Clinical admitting and management privileges, in good standing; or

(ii) An inpatient coverage plan with participating practitioner(s), hospitalists, or inpatient service teams for the purpose of admitting patients. Any inpatient coverage plan must be specified by the provider and found to be acceptable by the department.

(i) The provider has significant malpractice claims or professional liability claims (based on materiality to current practice, severity, recency, frequency, or repetition);

(j) The provider has been materially noncompliant with the department's rules, administrative and billing policies, evidence-based coverage decisions and treatment guidelines, and policies and other national treatment guidelines appropriate for their patient (based on severity, recency, frequency, repetition, or any mitigating circumstances);

(k) The provider was or is found to be involved in acts of dishonesty, fraud, deceit or misrepresentation that, in the department's determination, could relate to or impact the provider's professional conduct or the safety or welfare of injured or ill workers;

(l) The provider was or is found to have committed negligence, incompetence, inadequate or inappropriate treatment or lack of appropriate follow-up treatment which results in injury to a worker or creates unreasonable risk that a worker may be harmed (based on severity, recency, frequency, repetition, or any mitigating circumstances);

(m) The provider uses health care providers or health care staff who are unlicensed to practice or who provide health care services outside their recognized scope of practice or the standard of practice in Washington state;

(n) The provider with a history of alcohol or chemical dependency fails to furnish documentation demonstrating that the provider complied or is complying with all conditions limitations, or restrictions to the provider's practice and received or is receiving treatment adequate to ensure that the dependency problem will not affect the quality of the provider's practice;

(o) The provider has informal licensure actions, conditions, agreements, orders;

(p) The provider has a history of probation, suspension, termination, revocation or a surrendered professional license, certification, accreditation, or registration listed in the National Provider Data Bank/Healthcare Integrity and Protection Data Bank or any like entity; or by a nationally recognized specialty board; or by a state authority in any jurisdiction including, but not limited to, the Washington state department of health, when such charges involve conduct or behavior as defined under chapter 18.130 RCW, Uniform Disciplinary Act;

(q) The provider engaged in billing fraud or abuse or has a history of other significant billing irregularities;

(r) There are material complaints or allegations demonstrating a pattern of behavior(s) or misrepresentations including, but not limited to incidents, misconduct, or inappropriate prescribing of controlled substances (based on severity, recency, frequency, repetition, or any mitigating circumstances);

(s) The provider has a criminal history which includes, but is not limited to, any criminal charges, criminal investigations, convictions, no contest pleas and guilty pleas; or

(t) A finding of risk of harm pursuant to WAC 296-20-01100.

(4) The department and self-insured employers will not pay for any care to injured workers, other than an initial visit, by a provider whose application has been denied.

NEW SECTION

WAC 296-20-01060 Delegation of credentialing and recredentialing activities. (1) The department may delegate credentialing and recredentialing review activities to the following entities:

(a) Medical and dental group(s) and clinics;

(b) Physician organizations;

(c) Credentials verification organizations (CVOs); or

(d) Other organizations that employ and/or contract with providers.

(2) Any delegation by the department of credentialing or recredentialing review activities will be documented through a written delegation agreement.

(3) The department retains the authority to review, approve, suspend, deny, or terminate any provider who has been credentialed by a delegated entity.

NEW SECTION

WAC 296-20-01070 Waiting periods for reapplying to the network. (1) Providers are not eligible to reapply for enrollment in the network if they have been denied or removed from network participation due to:

(a) A finding of risk of harm, pursuant to WAC 296-20-01100;

(b) Having been excluded, expelled or suspended, other than for convenience, from any federally or state funded programs including, but not limited to, medicare or medicaid programs;

(c) Having been convicted of a felony or pled guilty to a felony for a crime and the felony has not been expunged from the provider's record including, but not limited to, health care fraud, patient abuse and the unlawful manufacture, distribution, prescription or dispensing of controlled substances;

(d) Sexual misconduct as defined in profession specific rules of any state or jurisdiction, including Washington state department of health.

(2) Providers who are denied or removed from the network or terminated for any other reason than those set forth in subsection (1) of this section are not eligible to reapply for enrollment in the network for five years. The department may grant an exception where the reason for denial or removal is related to pending actions or charges which have been resolved or deemed by the department to be minor or clerical in nature.

NEW SECTION

WAC 296-20-01080 Management of the provider network. (1) Appropriate action(s) by the department to monitor quality of care and assure efficient management of the provider network may include, but are not limited to:

(a) Monitoring the provider;

(b) Mentoring the provider;

(c) Restricting payment for services rendered by the provider;

(d) Suspending the provider from the network; or

(e) Removing the provider from the network.

(2) The department must first notify the provider, and may take action in any order or combination, depending on the severity of the issue or risk of harm.

(3) For risk of harm issues, where imminent or actual harm is not life-threatening or substantially disabling, the department may provide an opportunity for the provider to remediate through education or other less severe actions first. Where the department action includes suspension or removal from the network for risk of harm issues, the department may also request expedited hearing and immediate suspension of authority to provide services under RCW 51.52.075.

(4) In taking appropriate action for risk of harm issues, the department will take into account unique mitigating circumstances related to the clinical severity and complexity of the providers' patient population. Unique mitigating circumstances could include practice at a care facility recognized for its receipt of particularly severe cases, such as catastrophic injuries. Duration of disability and/or chronic pain shall not, in and of themselves, be considered uniquely mitigating.

The department may not take action against a provider for risk of harm, if the harm was related to an isolated instance of health care service delivery that was conducted within coverage policies and treatment guidelines established by the department or other evidence-based coverage decisions made by the Washington state health technology committee, or the prescription drug program and appropriate to the patient's specific circumstances.

(5) The department may also terminate a provider network agreement for cause based on the provider's professional qualifications, billing, and practice history including, but not limited to, the following:

(a) The provider fails to maintain the minimum health care provider network standards per WAC 296-20-01030;

(b) The provider fails to comply with health care provider network continuing requirements per WAC 296-20-01040;

(c) The provider engages in action or inaction for which the department may deny an application;

(d) The provider violates the terms of the agreement; or

(e) A finding of risk of harm, pursuant to WAC 296-20-01100 including, but not limited to, prescribing drug therapy in an unsafe manner and/or failure to identify substance abuse/addiction or failure to refer the patient for substance abuse treatment once abuse/addiction is identified.

(6) The department will notify the provider of agreement termination according to the terms of the agreement, identify the reason for agreement termination, and include an effective date of termination. If a provider agreement is terminated for cause, the department or self-insured employer will pay for authorized services provided only up to the date specified in the notice.

NEW SECTION

WAC 296-20-01090 Request for reconsideration of department decision. (1) A provider may request reconsideration of the department's decision to deny enrollment or remove or suspend a provider from the health care provider network. The request for reconsideration must be received by the department within sixty calendar days from the date the department's decision is communicated to the provider.

(2) A provider must:

(a) Specify the department decision(s) that the provider is disputing;

(b) State the basis for disputing the department's decision; and

(c) Include documentation to support the provider's position.

(3) The department may request additional information or documentation. The provider must submit the additional information within thirty calendar days of the date on the department's request.

(4) The department will review the original decision, information supporting the original decision, the provider's reconsideration request and supporting documentation and will notify the provider of the status of its reconsideration decision within ninety days. This is the final department decision, and a provider may appeal pursuant to chapter 51.52 RCW.

NEW SECTION

WAC 296-20-01100 Risk of harm. (1) It is the intent of the department, through authority granted by RCW 51.36.010 to protect workers from physical or psychiatric harm by identifying, and taking appropriate action, including removal of providers from the statewide network, when:

(a) There is **harm**; and

(b) There is a **pattern(s)** of **low quality care;** and

(c) The harm is related to the pattern(s) of low quality care.

(2) It is not the intent of the department to remove or otherwise take action when providers are practicing within department policies and guidelines, or within best practices established or developed by the department, or established in collaboration with its industrial insurance medical and chiropractic advisory committees.

(3) The department may permanently remove a provider from the statewide network or take other appropriate action when that provider's treatment of injured workers exhibits a **pattern or patterns** of conduct of **low quality care** that exposes patients to a risk of physical or psychiatric **harm** or death.

(4) **Harm** is defined as (intended or unintended) physical or psychiatric injury resulting from, or contributed to, by health care services that result in the need for additional monitoring, treatment or hospitalization or that worsens the condition(s), increases disability, or causes death. Harm includes increased, chronic, or prolonged pain or decreased function.

(5) **Pattern or patterns** of low quality care is/are defined as including one or more of the following:

(a) For health services where the department can calculate normative data on frequency, a provider's cases are in the lowest decile (at or below the tenth percentile); or

(b) For health services where the department cannot calculate normative data on frequency, at least twenty percent of requested or conducted services meet the definition of low quality care; or

(c) For health services where department data or scientific literature has reported expected rates of adverse events, a provider's adverse event rates are at least twenty percent above the expected rate; or

(d) A review of a random sample of the provider's cases demonstrates that at least twenty percent of cases do not meet peer matched criteria for acceptable quality; or

(e) Two or more deaths or life-threatening events; or

(f) Provider behavior(s) and/or practices that result in revocation or limitation of hospital privileges or professional licensure sanctions.

(6) **Low quality care in the statewide workers' compensation network is defined as treatments or treatment regimens:**

(a) That have not been shown to be safe or effective or for which it has been shown that the risks of harm exceed the benefits that can reasonably be expected, based on available peer-reviewed scientific studies; or

(b) That uses diagnostic tests or treatment interventions not in compliance with the department's policies, the department's applicable utilization review criteria, or the department's guidelines; or

(c) That includes repeated unsuccessful surgical or other invasive procedures; or

(d) That is outside the provider's scope of practice or training; or

(e) That results in revocation or limitation of hospital privileges or in professional licensure sanctions; or

(f) That fails to include or deliver appropriate and timely health care services as identified in available department guidelines or policies; or

(g) That includes repetitive provision of care that is not curative or rehabilitative per WAC 296-20-01002 for extended periods that does not contribute to recovery, return to work, or claim resolution; or

(h) That includes repeated testing including, but not limited to, routine use of a diagnostic test or procedure by either the provider prescribing or the provider performing the test, when any of the following apply:

(i) The test(s) have been demonstrated to be unsafe or of poor quality; or

(ii) High quality, peer-reviewed scientific studies do not show that the test has the technical capacity (reliable and valid) and accuracy to result in successful clinical outcomes for their intended use (utility); or

(iii) The test is conducted or interpreted in a manner inconsistent with high quality evidence-based clinical practice guidelines; or

(iv) The test is likely to lead to treatment that does not meet department guidelines or policies or is otherwise harmful.

WSR 12-02-065
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed January 3, 2012, 2:10 p.m., effective February 3, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Required by RCW 18.85.035. This rule will require designated brokers to establish a written policy for their real estate firms to use when a licensee is referring a home inspector to a client.

Statutory Authority for Adoption: RCW 18.85.041.

Other Authority: RCW 18.85.035.

Adopted under notice filed as WSR 11-23-160 on November 22, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: January 3, 2012.

Damon G. Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-20-100, filed 9/30/10, effective 10/31/10)

WAC 308-124C-125 Designated broker responsibilities. Designated broker responsibilities include, but are not limited to:

(1) Assuring all real estate brokerage services in which he/she participated are in accordance with chapters 18.85, 18.86, 18.235 RCW and the rules promulgated thereunder.

(2) Cooperating with the department in an investigation, audit or licensing matter.

(3) Ensuring accessibility of the firm's offices and records to the director's authorized representatives, and ensure that copies of required records are made available upon demand.

(4) Ensuring monthly reconciliation of trust bank accounts are completed, up-to-date and accurate.

(5) Ensuring monthly trial balances are completed, accurate and up-to-date.

(6) Ensuring that the trial balance and the reconciliation show the account(s) are in balance.

(7) Ensuring policies or procedures are in place to account for safe handling of customer or client funds or property.

(8) Maintaining up-to-date written assignments of delegations of managing brokers and branch manager duties. The

delegation agreement(s) must be signed by all parties to the agreement. Delegations must:

(a) Only be made to managing brokers licensed to the firm.

(b) Address duties of record maintenance, advertising, trust accounting, safe handling of customer/client funds and property, authority to bind, review of contracts, modify or terminate brokerage service contracts on behalf of the firm, supervision of brokers and managing brokers, and heighten supervision of brokers that are licensed for less than two years.

(c) Address hiring, transferring and releasing licensees to or from the firm.

(9) Maintaining, implementing and following a written policy that addresses:

(a) ((~~Referral of home inspectors in compliance with Washington Administrative Code.~~)) Procedures for referring a home inspector to buyers or sellers. The policy will address the consumer's right to freely pick a home inspector of the buyer's or seller's choice and prevent any collusion between the home inspector and a real estate licensee. If a licensee refers a home inspector to a buyer or seller with whom they have or have had a relationship including, but not limited to, a business or familial relationship, then full disclosure of the relationship must be provided in writing prior to the buyer or seller using the services of the home inspector.

(b) Levels of supervision of all brokers, managing brokers and branch managers of the firm.

(c) Review of all brokerage service contracts involving any broker of the firm licensed for less than two years. Review must be completed by the designated broker or their delegated managing broker within five business days of mutual acceptance. Documented proof of review shall be maintained at the firm's record locations.

(10) Ensuring that all persons performing real estate brokerage services on behalf of the firm and the firm itself are appropriately licensed.

(11) Ensuring affiliated licensees submit their transaction documents to the designated broker, branch manager or delegated managing broker ((~~in a~~)) within two business days of mutual acceptance.

(12) Being knowledgeable of chapters 18.85, 18.86, and 18.235 RCW and their related rules.

WSR 12-02-067
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed January 3, 2012, 3:16 p.m., effective February 3, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department proposed to add a new section to chapter 16-54 WAC to align with legislation that was enacted in the 2011 legislative session. The proposed new section designates when a certificate of veterinary inspection, permit, and other transportation documents require a physical address for the destination when animals are imported into Washington and when those animals are be delivered or transported directly to the physical address of that destination. Animals that are not transported and delivered to the physical address on the official animal health document may be assessed a civil penalty in accordance with chapter 16-90 WAC.

Statutory Authority for Adoption: RCW 16.36.040, 16.36.113, and 16.36.140.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 11-22-097 on November 2, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 3, 2012.

Dan Newhouse
Director

NEW SECTION

WAC 16-54-031 Physical address requirements. (1) Certificate of veterinary inspection, entry permit, movement permit, and temporary grazing permits shall contain the destination physical address for animals entering Washington state except where specifically exempted in this section. For purposes of this section, a physical address is the actual street location of the destination.

(2) All animals must be transported and delivered directly to the physical address noted on the certificate of veterinary inspection, entry permit, movement permit, or temporary grazing permit.

(a) Animals shall not be diverted to any other physical address except for a temporary destination due to a medical emergency where the immediate health of the animal is in jeopardy. If a physical address destination change is necessary for a medical emergency, the notification requirements listed in subsection (3) of this section shall apply.

(b) Notification requirements listed in subsection (3) of this section will apply to category two restricted holding facilities, as defined in chapter 16-30 WAC, when cattle are not transported and delivered to the destination physical address as permitted on the original entry permit. Category two restricted holding facilities may only change the destination physical address as permitted on the original permit if the cattle will be transported and delivered to a lot of like status.

(3) Requirements for reporting changes to physical address destinations noted in subsection (2) of this section.

(a) Contact the department within twenty-four hours by phone at 360-902-1878 or by e-mail at ahealth@agr.wa.gov.

(b) Report the official document number and the physical address to where the animal(s) was transported and delivered to.

(4) Failing to provide the required destination physical address or acceptable alternative per subsection (5)(a) of this section or diverting animals from the destination physical address may result in a civil penalty as authorized by RCW 16.36.113 and defined in chapter 16-90 WAC.

(5) Exemptions to destination physical address requirements.

(a) If the destination physical address cannot be determined due to no physical address assigned by the appropriate county jurisdiction or local emergency services, the following shall apply:

(i) Descriptive driving directions to the physical location of where the animal(s) is being transported and delivered to must be included on the certificate of veterinary inspection, entry permit, movement permit or temporary grazing permit; or

(ii) The global positioning system (GPS) coordinates of the physical location of where the animal(s) is being transported and delivered to must be included on the certificate of veterinary inspection, entry permit, movement permit or temporary grazing permit. GPS coordinates must contain two latitude or three longitude digits to the left of the decimal point and six digits to the right of the decimal point.

(b) Poultry, or other animals, that are permitted under this chapter and chapter 16.30 RCW and are approved by the United States Postal Service's (USPS) list of mailable live animals are exempt from the destination physical address requirement. For a list of mailable live animals, please visit http://pe.usps.com/text/pub52/pub52c5_007.htm.

WSR 12-02-068
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed January 3, 2012, 3:16 p.m., effective February 3, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department proposed to add a new section to chapter 16-610 WAC to align with legislation that was enacted in the 2011 legislative session. The proposed new section designates when inspection certificates, certificates of permit, and other transportation documents require a physical address of a destination. The department also proposed to amend WAC 16-610-095 to establish a penalty for physical address and diversion violations.

Citation of Existing Rules Affected by this Order: Amending WAC 16-610-095.

Statutory Authority for Adoption: Chapters 16.57 and 34.05 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 11-22-096 on November 2, 2011.

Changes Other than Editing from Proposed to Adopted Version: Minor edits were made within the proposed rule language (WAC 16-610-095 Penalty schedule for notices of infraction) as a result of the office of the code reviser codifying the Laws of 2011 into RCW citations:

~~Chapter 204, Laws of 2011~~ RCW 16.57.440	Transporting or delivering cattle or horses to any destination other than the designated physical address.
~~Chapter 204, Laws of 2011~~ RCW 16.57.160	Failing to designate a physical address.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: January 3, 2012.

Dan Newhouse
Director

NEW SECTION

WAC 16-610-053 Physical address requirements. (1) Livestock inspection certificates, certificate of permits, and equine bill of sales shall contain a destination physical address except where specifically exempted in this section. For purposes of this section, a physical address is the actual street location of the destination.

(2) All cattle and horses must be transported and delivered directly to the physical address noted on a livestock inspection certificate, certificate of permit, and/or equine bill of sale. Cattle and horses shall not be diverted to any other physical address or location except for:

(a) A temporary destination due to a medical emergency where the immediate health of the animal is in jeopardy; or

(b) A category two restricted holding facility as defined in chapter 16-30 WAC if the cattle will be transported and delivered to a lot of like status.

(3) If the destination physical address cannot be determined due to no physical address assigned by the appropriate county jurisdiction or local emergency services, the following can be used:

(a) Descriptive driving directions to the physical location of where the cattle or horse(s) is being transported and delivered to; or

(b) The global positioning system (GPS) coordinates of the physical location of where the cattle or horse(s) is being transported and delivered to. GPS coordinates must contain two latitude or three longitude digits to the left of the decimal point and six digits to the right of the decimal point.

(4) Failing to provide the required destination physical address or acceptable alternative as defined in subsection (3) of this section or diverting cattle and horses from the destina-

tion physical address may result in a civil infraction per WAC 16-610-095.

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-095 Penalty schedule for notices of infraction. (1) If any person fails to comply with the requirements of chapters 16-610 WAC and 16.57 RCW (Identification of livestock), the director may issue that person a notice of infraction and may assess a penalty.

(2) The following infractions have the base penalty listed, not including statutory assessments.

Livestock Identification Program
Civil Infraction Schedule for Violations of Chapter 16.57 RCW

Violation	Base Penalty
RCW 16.57.260	Removal of cattle and horses from Washington state without an inspection certificate.
First offense	$100.00
2nd offense within three years	$150.00
3rd offense within three years	$250.00
RCW 16.57.267	Failing to present an animal for mandatory inspection.
First offense	$100.00
2nd offense within three years	$150.00
3rd offense within three years	$250.00
RCW 16.57.270	Refusing to assist in establishing ownership and identity.
First offense	$100.00
2nd offense within three years	$150.00
3rd offense within three years	$250.00
RCW 16.57.350	Interfering with the director in the performance of livestock identification duties.
First offense	$100.00
2nd offense within three years	$150.00
3rd offense within three years	$250.00
RCW 16.57.440	Transporting or delivering cattle or horses to any destination other than the designated physical address.
First offense	$100.00
2nd offense within three years	$150.00
3rd offense within three years	$250.00
RCW 16.57.050	Using an unrecorded brand.
Each offense	$37.00
RCW 16.57.160	Failing to designate a physical address
Each offense	$37.00
RCW 16.57.243	Moving cattle without proof of ownership.
Each offense	$37.00
RCW 16.57.275	Transporting a carcass without proof of ownership.
Each offense	$37.00
RCW 16.57.277	Failing to attach custom slaughter tags.
Each offense	$37.00
RCW 16.57.410	Acting as a registering agency without a permit.
Each offense	$37.00

WSR 12-02-070

PERMANENT RULES

OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-26—Filed January 4, 2012, 7:50 a.m., effective February 4, 2012]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule making repeals unnecessary sections in WAC that have been replaced by WAC 284-83-400 through 284-83-425.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-85-005, 284-85-010, 284-85-015, 284-85-030, 284-85-040, 284-85-045, 284-85-050, 284-85-055, 284-85-060, 284-85-070, 284-85-075, 284-85-080, 284-85-085, 284-85-090, 284-85-100, 284-85-110, and 284-85-900.

Statutory Authority for Adoption: RCW 48.02.060, 48.85.020.

Adopted under notice filed as WSR 11-22-071 on November 1, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 17.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 17.

Date Adopted: January 4, 2012.

Mike Kreidler
Insurance Commissioner

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 284-85-005	Purpose and authority.
WAC 284-85-010	Applicability and scope.
WAC 284-85-015	Standards for definitions used in this chapter and chapter 48.85 RCW.
WAC 284-85-030	Minimum standards for long-term care partnership policies.
WAC 284-85-040	Standards related to rates.
WAC 284-85-045	Conversion from group to individual coverage or replacement of coverage.
WAC 284-85-050	Disclosure and suitability standards.
WAC 284-85-055	Termination of participation in the Washington long-term care partnership program.
WAC 284-85-060	Applications for long-term care partnership coverage.
WAC 284-85-070	Advertising standards.
WAC 284-85-075	Summary of insurance benefits.
WAC 284-85-080	Consumer education program.
WAC 284-85-085	Standards for education of licensees soliciting long-term care partnership contracts.
WAC 284-85-090	Standards for case management services.
WAC 284-85-100	Recordkeeping.
WAC 284-85-110	Records retention.
WAC 284-85-900	Chapter not exclusive.