

WSR 24-09-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 16, 2024, 9:45 a.m.]

Subject of Possible Rule Making: Monetary penalties and appeals; chapter 296-900 WAC, Administrative rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.180, 49.17.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of occupational safety and health (DOSH) is initiating rule making to update how certain penalties are calculated in order to make penalties more effective and address concerns raised through the Occupational Safety and Health Administration (OSHA) State Activities Mandated Measures (SAMM) report that Washington penalties continue to be below the national average. OSHA uses the SAMM report to determine whether state plans are as-effective-as OSHA. Changes considered under this rule making include adding inflation adjustments to the penalty calculations.

In addition, state-initiated amendments will also be proposed to address other areas and make housekeeping updates in chapter 296-900 WAC relating to penalties and appeals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-791-5048, fax 360-902-5619, email Cynthia.Ireland@Lni.wa.gov, website Rulemaking Activity at L&I (wa.gov).

April 16, 2024
Joel Sacks
Director