

WSR 13-13-064
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 18, 2013, 10:44 a.m.]

June 18, 2013
 Joel Sacks
 Director

Title of Rule and Other Identifying Information: eRules; chapter 296-829 WAC, Helicopters used as lifting machines; chapter 296-832 WAC, Late night retail; chapter 296-876 WAC, Ladders, portable and fixed; chapter 296-878 WAC, Window cleaning; and chapter 296-900 WAC, Administrative rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tamara Jones, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY August 20, 2013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- No requirements are changing because of this rule making.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and table [tablet] users.
- Bookmarks in the rules allow easy navigation in PDF files.
- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

Reasons Supporting Proposal: Stakeholders have expressed frustration that our rules on the web are confusing and difficult to access in real time. When the agency updated its web site, template DOSH rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, which caused more confusion. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules.

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

Statute Being Implemented: Chapter 49.17 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Jeff Killip, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Anne Soiza, Tumwater, Washington, (360) 905-5090.

NEW SECTION

WAC 296-829-099 Definitions. (1) **Aviation gasoline.** Gasoline fuel for reciprocating piston engine helicopters, also known as avgas.

(2) **Cargo hook.** A device attached to a helicopter that is used to hold suspended loads.

(3) **Competent person.** 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.

(4) **Deadman controls.** A control, switch or device that will automatically shut off whenever the operator releases it.

(5) **Deposit area.** An area that is designated for dropping off and picking up suspended loads.

(6) **Downwash.** The wind created by the rotating blades of a helicopter.

(7) **Ground device.** A device used to dissipate the static electricity charge that has built up on a suspended load.

(8) **Helicopter crane.** A helicopter that carries cargo or equipment suspended underneath it.

(9) **Jet A type fuel.** A kerosene grade fuel suitable for helicopters with turbine engines.

(10) **Jet B type fuel.** A blend of gasoline and kerosene fuel.

(11) **Powered hoist.** A powered device designed to lift and lower equipment and cargo.

(12) **Tag line.** A line or rope used to control suspended loads that can swing freely.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-100 Scope. Chapter 296-829 WAC applies to helicopters when used to carry loads, suspended with a cargo sling, powered hoist, or other attaching methods.

~~(Exemption)~~

EXEMPTION:

This chapter does **not** apply to the use of helicopters:
 ((*) 1. In the logging industry.

((*) 2. For rescue operations when a winch or hoist is used.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-200 Design and installation requirements for helicopters.

Summary:

Your responsibility: To make sure your helicopters meet design specifications and are equipped properly.

~~((You must~~

~~Follow Federal Aviation Administration (FAA) requirements~~

~~WAC 296-829-20005.~~

~~Install and test hooks on helicopters correctly~~

~~WAC 296-829-20010.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Follow Federal Aviation Administration (FAA) requirements</u>	<u>WAC 296-829-20005</u>
<u>Install and test hooks on helicopters correctly</u>	<u>WAC 296-829-20010</u>

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-20005 Follow Federal Aviation Administration (FAA) requirements. You must((:

•) make sure helicopter cranes and their use meet the applicable requirements of the Federal Aviation Administration (FAA).

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-20010 Install and test hooks on helicopters correctly. ((You must:

• Make sure electrically operated cargo hooks are:
 — Designed and installed to prevent accidental operation.
 — Equipped with an emergency mechanical control to release the load.

• Make sure a competent person tests all hooks before each day's operation to make sure both the electrical and mechanical releases work properly.)) (1) You must make sure electrically operated cargo hooks are:

(a) Designed and installed to prevent accidental operation.

(b) Equipped with an emergency mechanical control to release the load.

(2) You must make sure a competent person tests all hooks before each day's operation to make sure both the electrical and mechanical releases work properly.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-300 Maintenance.

Summary:

Your responsibility: To keep helicopters in safe operating condition.

~~((You must:~~

~~Keep landing and deposit areas safe~~

~~WAC 296-829-30005.~~

~~Follow safe refueling procedures~~

~~WAC 296-829-30010.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Keep landing and deposit areas safe</u>	<u>WAC 296-829-30005</u>
<u>Follow safe refueling procedures</u>	<u>WAC 296-829-30010</u>

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-30005 Keep landing and deposit areas safe. ((You must:

(1) Make sure precautions are taken to prevent loose objects from being caught in the downwash and flying around.

• Secure or remove all loose gear:

— Within one hundred feet of lift and deposit areas.

— In all other areas affected by rotor downwash.

(2) Make sure employees do not work under hovering craft, except where necessary to hook or unhook loads.

(3) Make sure safe access and exit, including an emergency escape route, is provided for employees who hook or unhook loads.

(4) Prohibit open fires in any area that could be affected by the rotor downwash.

(5) Make sure unauthorized people do not go within fifty feet of the helicopter when the rotor blades are turning.

(6) Make sure all employees:

• Stay in full view of the pilot, in a crouched position, when approaching or leaving a helicopter with rotating blades.

• Stay away from the area behind the cockpit or cabin unless the operator authorizes them to work there.

(7) Take precautions to eliminate reduced visibility.

(8) Make sure ground personnel take special care to stay clear of rotors when visibility is reduced by dust or other conditions.)) (1) You must make sure precautions are taken to prevent loose objects from being caught in the downwash and flying around. Secure or remove all loose gear:

(a) Within one hundred feet of lift and deposit areas.

(b) In all other areas affected by rotor downwash.

(2) You must make sure employees do not work under hovering craft, except where necessary to hook or unhook loads.

(3) You must make sure safe access and exit, including an emergency escape route, is provided for employees who hook or unhook loads.

(4) You must prohibit open fires in any area that could be affected by the rotor downwash.

(5) You must make sure unauthorized people do not go within fifty feet of the helicopter when the rotor blades are turning.

(6) You must make sure all employees:

• Stay in full view of the pilot, in a crouched position, when approaching or leaving a helicopter with rotating blades.

• Stay away from the area behind the cockpit or cabin unless the operator authorizes them to work there.

(7) You must take precautions to eliminate reduced visibility.

(8) You must make sure ground personnel take special care to stay clear of rotors when visibility is reduced by dust or other conditions.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-30010 Follow safe refueling procedures. ((You must:

- ~~Make sure refueling areas are safe.~~
- ~~Post "NO SMOKING" signs at all entrances to the refueling area.~~
- ~~Provide at least one thirty pound fire extinguisher, or a combination totaling thirty pounds, good for class A, B, and C fires, within one hundred feet on the upwind side of the refueling operation.~~

Reference: For additional requirements relating to portable fire extinguishers, see WAC 296-800-300 in the safety and health core rules.

You must:

- ~~Make sure workers involved in refueling are trained in both:~~
 - ~~The refueling operation;~~
- ~~AND~~
- ~~The use of fire extinguishing equipment they may need.~~

- ~~Make sure the following precautions are taken before and during refueling:~~

- ~~Keep unauthorized people at least fifty feet away from the refueling operation or equipment.~~
- ~~Prohibit smoking and open flames within fifty feet of the refueling area or fueling equipment.~~
- ~~Make sure helicopter engines are shut down before refueling, if using aviation gasoline or jet B type fuel.~~
- ~~Pump fuel, either by hand or power.~~
- ~~Use self-closing nozzles or deadman controls:~~
 - ~~Do not allow these to be blocked open.~~
 - ~~Make sure nozzles are not dragged along the ground.~~
 - ~~Make sure the helicopter and the fueling equipment are grounded.~~

- ~~Electrically bond the fueling nozzle to the helicopter:~~
 - ~~Do not use conductive hose for this bonding.~~
 - ~~Make sure all grounding and bonding connections are:~~
 - ~~Electrically and mechanically firm.~~
 - ~~On clean unpainted metal parts.~~
 - ~~Stop fueling **immediately** if there is a spill:~~
 - ~~Do not continue operation until the person in charge has determined it is safe.)) (1) You must make sure refueling areas are safe.~~

(a) Post "NO SMOKING" signs at all entrances to the refueling area.

(b) Provide at least one thirty-pound fire extinguisher, or a combination totaling thirty pounds, good for class A, B, and C fires, within one hundred feet on the upwind side of the refueling operation.

Reference: For additional requirements relating to portable fire extinguishers, see WAC 296-800-300 in the safety and health core rules.

(2) You must make sure workers involved in refueling are trained in both:

- (a) The refueling operation; and
- (b) The use of fire extinguishing equipment they may need.

(3) You must make sure the following precautions are taken before and during refueling:

(a) Keep unauthorized people at least fifty feet away from the refueling operation or equipment.

(b) Prohibit smoking and open flames within fifty feet of the refueling area or fueling equipment.

(c) Make sure helicopter engines are shut down before refueling, if using aviation gasoline or jet B type fuel.

(d) Pump fuel, either by hand or power.

(e) Use self-closing nozzles or deadman controls:

(i) Do not allow these to be blocked open.

(ii) Make sure nozzles are not dragged along the ground.

(iii) Make sure the helicopter and the fueling equipment are grounded.

(iv) Electrically bond the fueling nozzle to the helicopter.

(v) Do not use conductive hose for this bonding.

(f) Make sure all grounding and bonding connections are:

(i) Electrically and mechanically firm.

(ii) On clean unpainted metal parts.

(4) Stop fueling **immediately** if there is a spill. Do not continue operation until the person in charge has determined it is safe.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-400 Operating the helicopter.

Summary:

Your responsibility: To make sure helicopters are operated safely.

((You must:

Hold daily briefings

WAC 296-829-40005.

Make sure employees are dressed correctly

WAC 296-829-40010.

Make sure loads are attached correctly

WAC 296-829-40015.

Make sure the load is handled correctly

WAC 296-829-40020.))

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Hold daily briefings</u>	<u>WAC 296-829-40005</u>
<u>Make sure employees are dressed correctly</u>	<u>WAC 296-829-40010</u>
<u>Make sure loads are attached correctly</u>	<u>WAC 296-829-40015</u>
<u>Make sure the load is handled correctly</u>	<u>WAC 296-829-40020</u>

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-40005 Hold daily briefings. You must((:

•) make sure the helicopter pilot and ground personnel hold a briefing before each day's operation to discuss cargo-handling plans.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-40010 Make sure employees are dressed correctly. ((You must:

~~• Make sure employees receiving the load:
— Do NOT wear loose-fitting clothes that could snag on the hoist line.~~

~~— Wear personal protective equipment (PPE), including complete eye protection and hard hats that are secured by chin straps-)) You must make sure employees receiving the load:~~

~~(1) Do not wear loose-fitting clothes that could snag on the hoist line.~~

~~(2) Wear personal protective equipment (PPE), including complete eye protection and hard hats that are secured by chin straps.~~

Reference: For other requirements relating to PPE, see WAC 296-800-160 in the safety and health core rules.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-40015 Make sure loads are attached correctly. ((You must:

~~• Make sure loads are properly slung so tag lines cannot be drawn up into rotors.~~

~~• Make sure precautions are taken on all freely suspended loads to keep hand splices from spinning open or cable clamps from loosening, such as using pressed sleeves or swedged eyes.~~

~~• Make sure the weight of the load does not exceed the manufacturer's load ratings.~~

~~• Make sure hoist wires and other gear are not attached to or allowed to catch on any fixed structure-)) (1) You must make sure loads are properly slung so tag lines cannot be drawn up into rotors.~~

~~(2) You must make sure precautions are taken on all freely suspended loads to keep hand splices from spinning~~

~~open or cable clamps from loosening, such as using pressed sleeves or swedged eyes.~~

~~(3) You must make sure the weight of the load does not exceed the manufacturer's load ratings.~~

~~(4) You must make sure hoist wires and other gear are not attached to or allowed to catch on any fixed structure.~~

~~((Exemption))
EXEMPTION:~~

This requirement does not apply to pulling lines or conductors that "pay out" from a container or reel.

AMENDATORY SECTION (Amending WSR 04-09-099, filed 4/20/04, effective 9/1/04)

WAC 296-829-40020 Make sure the load is handled correctly. ((You must:

~~• Make sure signal systems, whether radio or hand signals, are checked before hoisting the load:~~

~~— When using hand signals, use those shown in Figure 1.~~

~~• Make sure workers on the ground do either of the following before touching the suspended load:~~

~~— Use a ground device to safely discharge any static charge;~~

~~**OR**~~

~~— Put on and wear rubber gloves.~~

~~• Make sure there are enough employees for safe loading and unloading operations.~~

~~• Make sure constant communications are maintained between the pilot and signal person:~~

~~— The signal person must be distinctly recognizable from other ground personnel-)) (1) You must make sure signal systems, whether radio or hand signals, are checked before hoisting the load. When using hand signals, use those shown in Figure 1.~~

~~(2) You must make sure workers on the ground do either of the following before touching the suspended load:~~

~~(a) Use a ground device to safely discharge any static charge; or~~

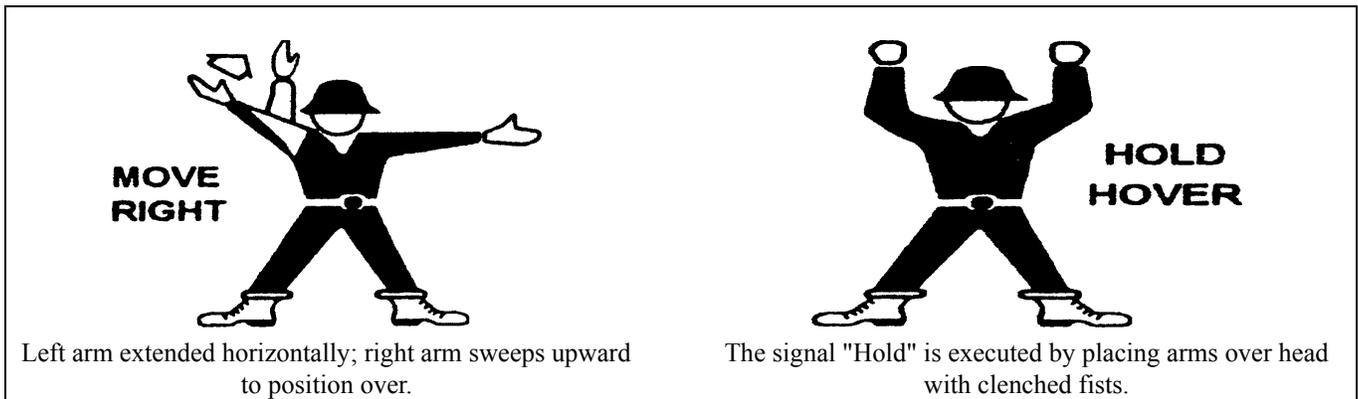
~~(b) Put on and wear rubber gloves.~~

~~(3) You must make sure there are enough employees for safe loading and unloading operations.~~

~~(4) You must make sure constant communications are maintained between the pilot and signal person.~~

~~(5) You must make sure the signal person is distinctly recognizable from other ground personnel.~~

HELICOPTER HAND SIGNALS



**MOVE
LEFT**



Right arm extended horizontally; left sweeps upward to position over head.

TAKEOFF



Right hand behind back; left hand pointing up.

**MOVE
FORWARD**



Combination of arm and hand movement in a collecting motion pulling toward head.

LAND



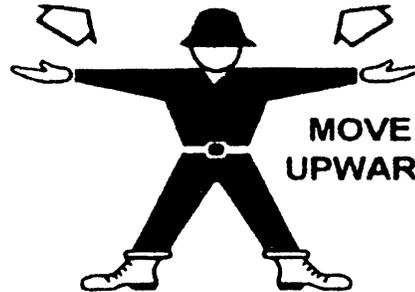
Arms crossed in front of body and pointing downward.

**MOVE
REARWARD**



Hands above arm, palms out using a noticeable showing motion.

**MOVE
UPWARD**



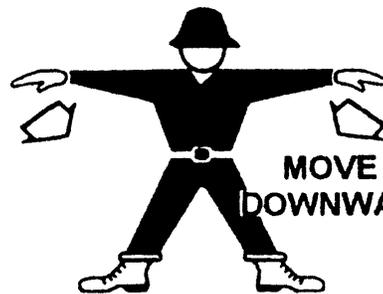
Arms extended, palms up; arms sweeping up.

**RELEASE
SLING
LOAD**



Left arm held down away from body. Right arm cuts across left arm in a slashing movement from above.

**MOVE
DOWNWARD**



Arms extended, palms down; arms sweeping down.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-829-500 Definitions.

AMENDATORY SECTION (Amending WSR 02-16-087, filed 8/7/02, effective 10/1/02)

WAC 296-832-200 Training.

SUMMARY

Your responsibility: To make sure all employees receive crime prevention training as part of your accident prevention program.

~~((You must:~~

~~Provide crime prevention training to your employees
WAC 296-832-20005~~

~~Provide crime prevention retraining to your employees annually~~

~~WAC 296-832-20010.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Provide crime prevention training to your employees</u>	<u>WAC 296-832-20005</u>
<u>Provide crime prevention retraining to your employees annually</u>	<u>WAC 296-832-20010</u>

AMENDATORY SECTION (Amending WSR 02-16-087, filed 8/7/02, effective 10/1/02)

WAC 296-832-20005 Provide crime prevention training to your employees.

~~((Note:))~~

~~Note:~~ These training requirements apply only to employees working any time during the hours of 11:00 p.m. to 6:00 a.m. This training must be conducted prior to the employee working this time period.

~~((You must:~~

~~• Provide crime prevention training as part of your accident prevention program.~~

~~—Make sure you have instructed your employees on the purpose and function of robbery and violence prevention to provide them with the knowledge and skills required to maintain their personal safety.~~

~~• Provide training and training materials that outline your company's:~~

~~—Security policies~~

~~—Safety and security procedures~~

~~—Personal safety and crime prevention techniques.~~

~~• Provide formal instruction about crime prevention through a training seminar or training video presentation that includes these topics:~~

~~—How keeping the store clean, neat and uncluttered discourages potential robbers~~

~~—Why the cash register should be kept in plain view from outside the store, if your store layout allows~~

~~—Reasons for operating your business with only a minimum number of cash registers at night~~

~~—Reasons for keeping cash register funds to a minimum~~

~~—How to take extra precautions after dark such as ways to keep alert, making sure appropriate lights are on, inspecting dark corners, and identifying possible hiding places for robbers~~

~~—Violence prevention procedures in case of a robbery.~~

~~• Have employees sign a statement indicating the date, time, and place they received their crime prevention training.~~

~~• Keep a record of this information readily available for review when requested by the department of labor and industries.)~~

(1) You must provide crime prevention training as part of your accident prevention program. Make sure you have instructed your employees on the purpose and function of robbery and violence prevention to provide them with the knowledge and skills required to maintain their personal safety.

(2) You must provide training and training materials that outline your company's:

(a) Security policies;

(b) Safety and security procedures;

(c) Personal safety and crime prevention techniques.

(3) You must provide formal instruction about crime prevention through a training seminar or training video presentation that includes these topics:

(a) How keeping the store clean, neat and uncluttered discourages potential robbers;

(b) Why the cash register should be kept in plain view from outside the store, if your store layout allows;

(c) Reasons for operating your business with only a minimum number of cash registers at night;

(d) Reasons for keeping cash register funds to a minimum;

(e) How to take extra precautions after dark such as ways to keep alert, making sure appropriate lights are on, inspecting dark corners, and identifying possible hiding places for robbers;

(f) Violence prevention procedures in case of a robbery.

(4) You must have employees sign a statement indicating the date, time, and place they received their crime prevention training.

(5) You must keep a record of this information readily available for review when requested by the department of labor and industries.

~~((Note:))~~

~~Note:~~ Employers may keep electronic records of employee training and verification.

~~((• Have a videotape or other materials about crime prevention available to all employees at their request.))~~

~~(6) You must have a videotape or other materials about crime prevention available to all employees at their request.~~

~~(6) You must have a videotape or other materials about crime prevention available to all employees at their request.~~

~~(6) You must have a videotape or other materials about crime prevention available to all employees at their request.~~

AMENDATORY SECTION (Amending WSR 02-16-087, filed 8/7/02, effective 10/1/02)

WAC 296-832-20010 Provide crime prevention retraining to your employees annually. You must((:

~~•)) provide a refresher course in crime prevention training annually.~~

AMENDATORY SECTION (Amending WSR 02-16-087, filed 8/7/02, effective 10/1/02)

WAC 296-832-300 Store safety.

SUMMARY

Your responsibility: To take certain safety measures to discourage crime in your store.

~~((You must:~~

~~Have a safe in your store~~

~~WAC 296-832-30005~~

~~Post a notice about your store's safe and cash register~~

~~WAC 296-832-30010~~

~~Provide outside lighting~~

~~WAC 296-832-30015.))~~

<u>You must meet the require-ments...</u>	<u>in this Section:</u>
<u>Have a safe in your store</u>	<u>WAC 296-832-30005</u>
<u>Post a notice about your store's safe and cash register</u>	<u>WAC 296-832-30010</u>
<u>Provide outside lighting</u>	<u>WAC 296-832-30015</u>

AMENDATORY SECTION (Amending WSR 02-16-087, filed 8/7/02, effective 10/1/02)

WAC 296-832-30005 Have a safe in your store. You must(~~:~~

~~•)) have a drop-safe, limited access safe, or comparable device in your store.~~

AMENDATORY SECTION (Amending WSR 02-16-087, filed 8/7/02, effective 10/1/02)

WAC 296-832-30010 Post a notice about your store's safe and cash register. (~~You must:~~

~~• Post a notice in an obvious place on a window or door stating:~~

~~— There is a safe in the store~~

~~— Employees have no access to the safe~~

~~— The cash register contains only enough cash to do business.)) You must post a notice in an obvious place on a window or door stating:~~

- (1) There is a safe in the store.
- (2) Employees have no access to the safe.
- (3) The cash register contains only enough cash to do business.

~~• Post a notice in an obvious place on a window or door stating:~~

~~((Notes:))~~

~~Notes: ((*) 1. You will not be cited by ((WISHA)) DOSH for having money in the cash register over the minimal amount needed to do business.~~

~~((*) 2. All displays and other materials posted in the window(s) or door(s) should be arranged to provide an unobstructed view of the cash register if it is visible from the street.~~

AMENDATORY SECTION (Amending WSR 02-16-087, filed 8/7/02, effective 10/1/02)

WAC 296-832-30015 Provide outside lighting. You must(~~:~~

~~•)) light the store's approach area and parking lot during all night hours your business is open.~~

~~((Notes:))~~

~~Note: You can do this by:~~

~~((-) 1. Providing surveillance lighting to observe pedestrian and vehicle entrances.~~

~~((-) 2. Providing lighting of a minimum of one foot candle to comply with ANSI/IES RP7-1983. Lighting levels can be measured with a light meter; for comparison purposes 1 foot-candle = 1 lumen incident per square foot = 10.76 lux.~~

NEW SECTION

WAC 296-876-099 Definitions.

(1) **Cage.** An enclosure that encircles the climbing space of a fixed ladder. It is fastened to the ladder side rails or to the structure and may also be called a cage or basket guard.

(2) **Cleat.** A ladder crosspiece used in climbing or descending. Also called a step or rung.

(3) **Equivalent.** Alternative design, material, or method to protect against a hazard. You have to demonstrate it provides an equal or greater degree of safety for employees than the method, material, or design specified in the rule.

(4) **Extension ladder.** A nonself-supporting portable ladder consisting of two or more sections. The sections travel in guides or brackets that allow the length of the ladder to be changed. The size is designated by the sum of the lengths of each section, measured along the side rails.

(5) **Failure.** The ladder or ladder component loses the ability to carry the load, breaks, or separates into component parts.

(6) **Fastenings.** Devices to attach a ladder to a structure, building, or equipment.

(7) **Fixed ladder.** A ladder permanently attached to a structure, building, or equipment.

(8) **Grab bars.** Handholds placed adjacent to or as an extension above ladders for the purpose of providing access beyond the limits of the ladder.

(9) **Job-made ladder.** A ladder that is made, not commercially manufactured, to fit a specific job situation. They are for temporary use until a particular phase of construction is completed or until permanent stairways or fixed ladders are ready to use.

(10) **Individual-rung/step ladder.** A fixed ladder consisting of individual steps or rungs mounted directly to the side or wall of the structure, building, or equipment.

(11) **Ladder.** A device having steps, rungs, or cleats that can be used to climb or descend.

(12) **Ladder safety device.** Any device, other than a cage or well, designed to arrest the fall of a person using a fixed ladder.

(13) **Ladder type.** The designation that identifies the maximum intended load (working load) of the ladder. Ladder types are as follows:

Duty Rating	Ladder Type	Use	Maximum Intended Load (pounds)
Extra Heavy-Duty	IA	Industry, utilities, contractors	300

Duty Rating	Ladder Type	Use	Maximum Intended Load (pounds)
Heavy-Duty	I	Industry, utilities, contractors	250
Medium-Duty	II	Painters, offices, light maintenance	225
Light-Duty	III	General household use	200

(14) **Landing.** Any area such as the ground, roof, or platform that provides access or egress to a ladder.

(15) **Maximum intended load.** The total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a ladder or ladder component at any one time. Sometimes referred to as working load.

(16) **Pitch.** The included angle between the horizontal and the ladder, measured on the opposite side of the ladder from the climbing side.

(17) **Portable ladder.** A ladder that can be readily moved or carried.

(18) **Reinforced plastic.** A plastic that has high-strength fillers embedded in the base resin to increase strength.

(19) **Reinforced plastic ladder.** A ladder whose side rails are reinforced plastic. The crosspieces, hardware, and fasteners may be made of metal or other suitable material.

(20) **Rung.** A ladder crosspiece used in climbing or descending. Also called a cleat or step.

(21) **Side-step ladder.** A fixed ladder that requires a person to step to the side of the ladder side rails to reach the landing.

(22) **Single ladder.** A nonself-supporting portable ladder, nonadjustable in length, consisting of one section. The size is designated by the overall length of the side rail.

(23) **Single-rail ladder.** A portable ladder with crosspieces mounted on a single rail. Single-rail ladders are prohibited from use.

(24) **Special-purpose ladder.** A portable ladder that is made by modifying or combining design or construction features of the general-purpose types of ladders in order to adapt the ladder to special or specific uses.

(25) **Step.** A ladder crosspiece used in climbing or descending. Also called a cleat or rung.

(26) **Stepladder.** A self-supporting portable ladder, nonadjustable in length, with flat steps and hinged at the top. The size is designated by the overall length of the ladder measured along the front edge of the side rails.

(27) **Through ladder.** A fixed ladder that requires a person to step between the side rails of the ladder to reach the landing.

(28) **Trestle ladder.** A self-supporting portable ladder, nonadjustable in length, consisting of two sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(29) **Well.** A walled enclosure around a fixed ladder that provides a person climbing the ladder with the same protection as a cage.

(30) **Working length.** The length of a nonself-supporting ladder, measured along the rails, from the base support point of the ladder to the point of bearing at the top.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-100 Scope. This chapter applies to portable and fixed ladders, including job-made wooden ladders.

~~((Exemption))~~

EXEMPTION:

This chapter does not apply to:

((*) 1. Portable ladders used by the fire services for fire combat that are covered by safety standards for firefighters, chapter 296-305 WAC;

((*) 2. Agriculture activities covered by safety standards for agriculture, chapter 296-307 WAC.

AMENDATORY SECTION (Amending WSR 06-22-024, filed 10/24/06, effective 12/1/06)

WAC 296-876-150 Training—Section contents.

Your responsibility: To train employees who use ladders.

~~((Training-~~

~~WAC 296-876-15005-))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Training</u>	<u>WAC 296-876-15005</u>

AMENDATORY SECTION (Amending WSR 06-22-024, filed 10/24/06, effective 12/1/06)

WAC 296-876-15005 Training. (1) You must((= (*) train employees to recognize ladder hazards and the procedures to minimize these hazards.

((*) (2) You must have a competent person train employees that use ladders in at least the following topics:

((-) (a) The proper construction, use, placement, and care in handling ladders.

((-) (b) The maximum intended load capacities of ladders that are used.

((-) (c) The requirements of this chapter.

((*) (3) You must retrain employees as necessary to make sure they know and understand the content of the original training.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-200 Design and construction—Section contents.

Summary

Your responsibility: To make sure portable ladders meet design and construction requirements.

~~((Design and construction~~

~~WAC 296-876-20005-))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Design and construction</u>	<u>WAC 296-876-20005</u>

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-20005 Design and construction.

~~((IMPORTANT:))~~ **Important:**

Design and construction requirements of this section; Do not apply to special purpose ladders.

~~((Definition:~~

~~A **special purpose ladder** is a portable ladder that is made by modifying or combining design or construction features of the general purpose types of ladders in order to adapt the ladder to special or specific uses.))~~

~~(1) You must(:~~

~~*) make sure portable ladders and job-made wooden ladders manufactured **on or after January 1, 2006**, meet the design and construction requirements and specifications of the appropriate American National Standards Institute (ANSI) standard:~~

~~((-) (a) ANSI A14.1-2000, American National Standard for Ladders-Portable Wood-Safety Requirements.~~

~~((-) (b) ANSI A14.2-2000, American National Standard for Ladders-Portable Metal-Safety Requirements.~~

~~((-) (c) ANSI A14.5-2000, American National Standard for Ladders-Portable Reinforced Plastic-Safety Requirements.~~

~~((-) (d) ANSI A14.4-2002, American National Standard Safety Requirements for Job-Made Wooden Ladders.~~

~~((*) (2) You must make sure portable ladders manufactured **before January 1, 2006**, meet the design and construction requirements and specifications of the appropriate ANSI standard in effect on the date of manufacture:~~

~~((-) (a) ANSI A14.1, American National Standard for Ladders-Portable Wood-Safety Requirements.~~

~~((-) (b) ANSI A14.2, American National Standard for Ladders-Portable Metal-Safety Requirements.~~

~~((-) (c) ANSI A14.5, American National Standard for Ladders-Portable Reinforced Plastic-Safety Requirements.~~

Note: A commercially manufactured portable ladder should have a label indicating it meets the requirements of the ANSI standard. If in doubt, check with the manufacturer.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-300 Ladder care~~((—Section contents)).~~

Summary

Your responsibility: To make sure portable ladders are inspected, maintained, stored, and transported properly.

~~((Condition and inspection~~

~~WAC 296-876-30005.~~

~~Repair~~

~~WAC 296-876-30010.~~

~~Storage~~

~~WAC 296-876-30015.~~

Transport

~~WAC 296-876-30020.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Condition and inspection</u>	<u>WAC 296-876-30005</u>
<u>Repair</u>	<u>WAC 296-876-30010</u>
<u>Storage</u>	<u>WAC 296-876-30015</u>
<u>Transport</u>	<u>WAC 296-876-30020</u>

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-30005 Condition and inspection. (1)

You must(:

*) keep portable ladders in good, usable condition. Good, usable condition includes, but is not limited to:

((-) (a) Joints between the steps or rungs and the side rails are tight.

((-) (b) Rungs, cleats, or steps are not bent, broken, or missing.

((-) (c) Side rails are not bent, broken, or split.

((-) (d) All bolts and rivets are in place and secure.

((-) (e) Hardware, fittings, and accessories are securely attached and working properly.

((-) (f) Ropes are not frayed or badly worn.

((-) (g) Moveable parts operate freely without binding or excessive play.

((-) (h) Safety feet and other auxiliary equipment are not excessively worn.

((-) (i) Metal components are not corroded.

((-) (j) There are no other faulty or defective components.

((*) (2) You must make sure wood ladders are not coated with an opaque covering except for the minimum amount necessary for identification and warning information which may be placed on one face only of a side rail.

((*) (3) You must have a competent person inspect a ladder:

((-) (a) When required by Table 1, Ladder Inspection Criteria; ~~((AND))~~ and

((-) (b) After any other occurrence that could affect safe use.

((*) (4) You must make sure any ladder with structural damage or other hazardous defect is:

((-) (a) Marked to identify it as defective or tagged with "do not use" or similar language; ~~((AND))~~ and

((-) (b) Removed from service.

Note: Ladders subjected to certain acids or alkali materials may experience chemical corrosion and a reduction in strength. Consult the manufacturer or a qualified person prior to use.

**Table 1
Ladder Inspection Criteria**

When the ladder is:	Do the following:
First placed into service and periodically while in service	<p>((*) 1. Inspect the ladder for visible defects, including, but not limited to:</p> <p>((-) 1. Working parts; ((*) 2) and</p> <p>((-) 2. Rung or step connections to the side rails.</p>
Damaged by impact or tips over	<p>((*) 1. Visually inspect the ladder for(-) dents, bends, cracks or splits</p> <p>((*) 2. Check:</p> <p>((-) a. Rung or step connections to the side rails.</p> <p>((-) b. Hardware connections.</p> <p>((-) c. Rivets for shear damage.</p> <p>((-) d. All other components.</p>
Exposed to excessive heat such as a fire	<p>((*) 1. Visually inspect the ladder for damage.</p> <p>((*) 2. Test for deflection and strength characteristics using the "in-service use tests" contained in the appropriate ANSI.</p> <p>((Exemption)) EXEMPTION: Job-made wooden ladders are not to be subjected to load or impact tests. Those tests may weaken lumber components or fasteners, causing hidden damage that could result in sudden failure during use.</p>

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-30010 Repair. (1) You must(
) make sure repairs restore the ladder to a condition meeting its original design criteria.
(*) (2) Prohibit repairs to a defective side rail.

Note: A commercially manufactured ladder with a defective side rail cannot be repaired by the user. Side rail repair can only be done by the manufacturer.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-30015 Storage. You must(
) make sure material is not put on ladders in storage.

Note: ((*) Store portable ladders on racks designed to protect them when not in use. The racks should have enough supporting points to prevent the ladder from sagging. ((*) Do not store wood ladders near sources of heat, moisture, or dampness.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-30020 Transport. (1) You must(
) properly support ladders while transporting them on vehicles.

((*) (2) You must make sure ladders transported in a truck rack are positively secured in a fixed position that prevents chafing or abrasion.

Note: Securing the ladder to each support point will greatly reduce damage due to road shock.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-400 Use(~~(—Section contents)~~).

Summary

Your responsibility: To use portable ladders safely.

~~((Designed use~~

~~WAC 296-876-40005.~~

~~Workplace activities or traffic~~

~~WAC 296-876-40010.~~

~~Support~~

~~WAC 296-876-40015.~~

~~Set-up~~

~~WAC 296-876-40020.~~

~~Climbing and descending~~

~~WAC 296-876-40025.~~

~~Getting on and off ladders at upper levels~~

~~WAC 296-876-40030.~~

~~Exposed electrical hazards~~

~~WAC 296-876-40035.~~

~~Persons on ladders~~

~~WAC 296-876-40040.~~

~~Multisection ladders~~

~~WAC 296-876-40045.~~

~~Self-supporting ladders~~

~~WAC 296-876-40050.)~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Designed use</u>	<u>WAC 296-876-40005</u>
<u>Workplace activities or traffic</u>	<u>WAC 296-876-40010</u>
<u>Support</u>	<u>WAC 296-876-40015</u>
<u>Set-up</u>	<u>WAC 296-876-40020</u>
<u>Climbing and descending</u>	<u>WAC 296-876-40025</u>
<u>Getting on and off ladders at upper levels</u>	<u>WAC 296-876-40030</u>
<u>Exposed electrical hazards</u>	<u>WAC 296-876-40035</u>
<u>Persons on ladders</u>	<u>WAC 296-876-40040</u>
<u>Multisection ladders</u>	<u>WAC 296-876-40045</u>
<u>Self-supporting ladders</u>	<u>WAC 296-876-40050</u>

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40005 Designed use. (1) You must(
) use ladders only for their intended purpose.

Note: Unless specifically recommended by the manufacturer, do not use a ladder as a:

((*) Brace.

((*) Skid.

((*) Lever.

- (*) Guy or gin pole.
- (*) Gangway.
- (*) Platform.
- (*) Scaffold plank.
- (*) Material hoist.

(2) You must(=

*) make sure not to overload ladders. Do not exceed either the:

- (-) (a) Maximum intended load; ((OR)) or
- (-) (b) Manufacturer's rated capacity.

(Definitions:

—The **maximum intended load** is the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a ladder or ladder component at any one time.

—**Ladder type.** The designation that identifies the maximum intended load (working load) of the ladder. Ladder types are as follows:

Duty Rating	Ladder Type	Use	Maximum-Intended-Load-(Pounds)
Extra-Heavy-Duty	IA	Industry, utilities, contractors	300
Heavy-Duty	I	Industry, utilities, contractors	250
Medium-Duty	H	Painters, offices, light maintenance	225
Light-Duty	III	General household use	200))

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40010 Workplace activities or traffic.

(1) You must(=

*) protect ladders that are ((set-up)) set up in a location where they could be displaced by workplace activities or traffic by either:

- (-) (a) Securing the ladder to prevent accidental displacement; ((OR)) or
- (-) (b) Using a barricade to keep the activities or traffic away from the ladder.

(*) (2) You must protect ladders that are set-up in front of doors that open towards the ladder by doing at least one of the following:

- (-) (a) Block the door open.
- (-) (b) Lock the door.
- (-) (c) Guard the door to keep it from opening into the ladder.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40015 Support. (1) You must(=

*) place the ladder either:

(-) (a) With a secure footing on a firm, level support surface; ((OR)) or

(-) (b) Secure the ladder to prevent accidental displacement.

(*) (2) You must make sure a ladder is not placed on ice, snow, or other slippery surface unless the ladder is prevented from accidental displacement by either:

- (-) (a) Securing it; ((OR)) or
- (-) (b) Providing the ladder with slip-resistant feet.

Note: Slip-resistant feet are not a substitute for care in placing, lashing, or holding a ladder that is used on a slippery surface.

(3) You must(=

*) make sure ladders are not placed on boxes, barrels, or other unstable bases to obtain additional height.

(*) (4) You must place a straight ladder so the side rails are equally supported by the top support, unless the ladder is equipped with a single support attachment.

(*) (5) You must make sure the top support of the ladder is reasonably rigid and able to support the load.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40020 Set-up. (1) You must(=

*) set up nonself-supporting ladders at a safe angle. The ladder is set at the proper angle when the horizontal distance from the top support to the foot of the ladder is approximately one-quarter the working length of the ladder.

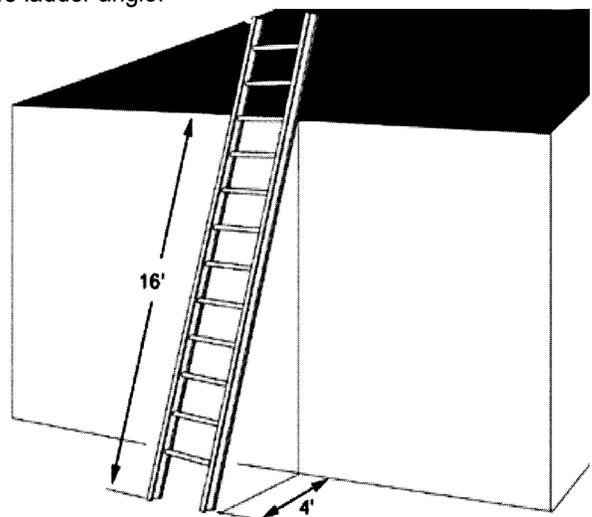
(*) (2) You must set up job-made ladders with spliced side rails so that the horizontal distance from the top support to the foot of the ladder is not greater than one-eighth the working length of the ladder.

(Definition:

The **working length** of a nonself-supporting ladder is the length, measured along the rails, from the base support point of the ladder to the point of bearing at the top.)

Safe Ladder Angle

Note: Safe ladder angle.



AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40025 Climbing and descending. (1)

- You must((=
-)) have both hands free to hold on to the ladder.
 - ((•) (2) You must face the ladder when climbing or descending.
 - ((•) (3) You must keep ladders free of oil, grease, or other slippery materials.
 - ((•) (4) You must keep the area around the top and bottom of ladders clear.
 - ((•) (5) You must make sure single-rail ladders are not used.

~~(Definition:~~

~~A **single-rail ladder** is a portable ladder with crosspieces mounted on a single rail.))~~

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40030 Getting on and off ladders at upper levels. (1) You must((=

-)) make sure a ladder used to access an upper level has the side rails extended at least three feet (.9 m) above the landing surface if the ladder length permits.
- ((•) (2) You must do the following if a ladder used to access an upper level is not long enough to obtain a three-foot side rail extension above the landing surface:
 - ((-) (a) Secure the ladder at the top to a rigid support that will not deflect.
 - ((-) (b) Provide a grasping device, such as a grabrail, to assist in mounting and dismounting the ladder.
 - ((-) (c) Make sure the ladder deflection under a load would not, by itself, cause it to slip off its support.
- ((•) (3) You must make sure, if two or more separate ladders are used to reach an elevated work area, that the ladders are offset with a platform or landing between them.

~~((Exemption))~~

~~EXEMPTION: A platform or landing is not required when a portable ladder is used to reach a fixed ladder on structures such as utility towers and billboards where the bottom of the fixed ladder is elevated to limit access.~~

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40035 Exposed electrical hazards.

- You must((=
-)) use ladders with nonconductive side rails where the ladder could contact uninsulated, energized electric lines or equipment. ((-) Metal ladders or other ladders specifically designed to permit grounding or dissipation of static electricity may be used around high static electrical fields if all of the following are met:
 - ((•) (1) Using nonconductive ladders would present a greater hazard than using conductive ladders.
 - ((•) (2) Ladders are prominently marked and identified as being conductive.
 - ((•) (3) Ladders are grounded when used near energized lines or equipment.

Note: Examples of ladders with conductive side rails are metal ladders, and wood or reinforced plastic ladders with metal side rail reinforcement.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40040 Persons on ladders. (1) You must((=

-)) make sure a ladder is not moved, shifted, or adjusted while anyone is on it.
- ((•) (2) You must secure the ladder at the top and bottom when working from it.
- ((•) (3) You must use a safety belt with a lanyard that is secured to the ladder when doing any work that:
 - ((-) (a) Requires the use of both hands; ((AND)) and
 - ((-) (b) Is done from a ladder more than twenty-five feet above the ground or floor.
- ((•) (4) You must prohibit work being done from a ladder more than twenty-five feet above the ground or floor if the work requires wearing eye protection or a respirator.

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40045 Multisection ladders. (1) You must((=

-)) make sure not to tie or fasten ladder sections together to make longer ladders unless:
 - ((-) (a) The ladder manufacturer endorses this type of use; ((AND)) and
 - ((-) (b) You have hardware fittings specifically designed for this purpose.
- ((•) (2) You must make sure each section of a multisection ladder, when fully extended and locked in position to be used, overlaps the adjacent section as indicated in Table 2, Minimum Required Overlap for Extension Ladders.

Table 2
Minimum Required Overlap for Extension Ladders

If the ladder size (feet) is:	Minimum required overlap for a two-section ladder is (feet):
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

AMENDATORY SECTION (Amending WSR 05-20-068, filed 10/4/05, effective 1/1/06)

WAC 296-876-40050 Self-supporting ladders. (1) You must((=

-)) make sure self-supporting ladders are not used as single ladders or in the partially closed position.
- ((•) (2) You must make sure stepladders are fully opened with the spreaders locked.

((*) (3) You must make sure not to climb on the rear braces of a self-supporting ladder unless they are designed and recommended for that purpose by the manufacturer.

((*) (4) you must prohibit standing or stepping on the:

((-) (a) Top cap and top step of a step or trestle ladder.

((-) (b) Bucket or pail shelf of a self-supporting ladder.

(Exemption)

EXEMPTION: The restriction against using the top step is not applicable if it is eighteen inches or more below the top cap.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-500 Fixed ladder design and construction ((Section contents)).

Summary

Your responsibility: To make sure fixed ladders installed on or after December 1, 2006, meet design and construction requirements.

~~((Design and construction—Fixed ladders installed on or after December 1, 2006.~~

~~WAC 296-876-50010))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Design and construction—Fixed ladders installed on or after December 1, 2006</u>	<u>WAC 296-876-50010</u>

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-50010 Design and construction—Fixed ladders installed on or after December 1, 2006. You must((=

*) make sure fixed ladders installed on or after December 1, 2006, meet the design and construction requirements of ANSI A14.3-2002, American National Standard for Ladders-Fixed-Safety Requirements.

Note: Ladders will be considered to have met the requirements of this section: If they meet the design and construction requirements of ANSI A14.3, American National Standard for Ladders-Fixed-Safety Requirements, in effect at the time they are installed.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-600 Fixed ladder design and construction ((—Section contents)).

Summary

Your responsibility: To make sure fixed ladders installed before December 1, 2006, meet design and construction requirements.

~~((Design and construction—Fixed ladders installed before December 1, 2006.~~

~~WAC 296-876-60005~~

~~Design loads:~~

~~WAC 296-876-60010~~

~~Pitch:~~

~~WAC 296-876-60015~~

~~Welding:~~

~~WAC 296-876-60020~~

~~Ladder surfaces:~~

~~WAC 296-876-60025~~

~~Rungs, cleats and steps:~~

~~WAC 296-876-60030~~

~~Side rails:~~

~~WAC 296-876-60035~~

~~Clearances:~~

~~WAC 296-876-60040~~

~~Step-across distance:~~

~~WAC 296-876-60045~~

~~Extensions and grab bars:~~

~~WAC 296-876-60050~~

~~Hatches:~~

~~WAC 296-876-60055~~

~~Platforms:~~

~~WAC 296-876-60060~~

~~Protective structures and equipment:~~

~~WAC 296-876-60065~~

~~Cages:~~

~~WAC 296-876-60070~~

~~Wells:~~

~~WAC 296-876-60075~~

~~Ladder safety devices:~~

~~WAC 296-876-60080))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Design and construction—Fixed ladders installed before December 1, 2006.</u>	<u>WAC 296-876-60005</u>
<u>Design loads</u>	<u>WAC 296-876-60010</u>
<u>Pitch</u>	<u>WAC 296-876-60015</u>
<u>Welding</u>	<u>WAC 296-876-60020</u>
<u>Ladder surfaces</u>	<u>WAC 296-876-60025</u>
<u>Rungs, cleats and steps</u>	<u>WAC 296-876-60030</u>
<u>Side rails</u>	<u>WAC 296-876-60035</u>
<u>Clearances</u>	<u>WAC 296-876-60040</u>
<u>Step-across distance</u>	<u>WAC 296-876-60045</u>
<u>Extensions and grab bars</u>	<u>WAC 296-876-60050</u>
<u>Hatches</u>	<u>WAC 296-876-60055</u>
<u>Platforms</u>	<u>WAC 296-876-60060</u>
<u>Protective structures and equipment</u>	<u>WAC 296-876-60065</u>
<u>Cages</u>	<u>WAC 296-876-60070</u>
<u>Wells</u>	<u>WAC 296-876-60075</u>
<u>Ladder safety devices</u>	<u>WAC 296-876-60080</u>

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60005 Design and construction—Fixed ladders installed before December 1, 2006.

You must((=

•)) make sure fixed ladders installed **before** December 1, 2006, meet the requirements of WAC 296-876-60010 through 296-876-60080.

Note: Ladders will be considered to have met the requirements of this section: If they meet the design and construction requirements of ANSI A14.3, American National Standard for Ladders-Fixed-Safety Requirements, in effect at the time they are installed.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60010 Design loads. (1) You must((=

•)) make sure each ladder is able to support, without failure, the total of the following loads:

((-) (a) At least two loads of two hundred and fifty pounds each, concentrated between any two consecutive attachments.

((-) (b) Any additional concentrated loads of two hundred and fifty pounds each determined from the anticipated use of the ladder.

((-) (c) Anticipated loads caused by all of the following that apply:

((•) (i) Ice buildup.

((•) (ii) Winds.

((•) (iii) Rigging attached to the ladder, including the load to be lifted.

((•) (iv) Impact loads resulting from the use of ladder safety devices.

((•) (2) You must make sure the design of rails, supports, and fastenings includes:

((-) (a) Live loads to be supported by the ladder ((~~and~~); and

((-) (b) The weight of the ladder and everything attached to it.

((•) (3) You must consider all live loads to be concentrated at the point or points that will cause the maximum stress on the ladder or structural member.

((•) (4) You must make sure each step or rung is capable of supporting a single concentrated load of at least two hundred fifty pounds applied in the middle of the step or rung.

((•) (5) You must make sure the design stresses for wood components of ladders meet the requirements and specifications of ANSI A14.1, American National Standard for Ladders-Portable Wood-Safety Requirements, in effect when the ladder was installed.

((•) (6) You must make sure fastenings are designed to meet the ladder load requirements.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60015 Pitch. You must((=

•)) make sure the pitch of the ladder is no greater than ninety degrees from the horizontal.

Note: ((•)) The preferred pitch of fixed ladders is within the range of seventy-five to ninety degrees from the horizontal. Ladders with a pitch range of sixty to seventy-five degrees from the horizontal are considered substandard and are only permitted if necessary to meet the installation requirements.

((•)) Fixed stairs are an alternative for installations where a pitch angle of less than sixty degrees is necessary. See Fixed industrial stairs, WAC 296-24-765, in the General Safety and Health Standards, chapter 296-24 WAC.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60020 Welding. You must((=

•)) make sure welding meets the requirements of the ANSI A14.3, American National Standard for Ladders-Fixed-Safety Requirements, in effect at the time the ladder was installed.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60025 Ladder surfaces. You must((=

•)) make sure all parts and surfaces of the ladder are free of splinters, sharp edges, burrs, or projections that may be hazardous to persons using the ladder.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60030 Rungs, cleats and steps. (1) You must((=

•)) make sure rungs have a minimum diameter as follows:

((-) (a) Rungs of wood ladders are at least one and one-eighth inches.

((-) (b) Rungs of metal ladders subject to unusually corrosive exposures, such as individual metal rungs imbedded in concrete which serve as access to pits and to other areas under floors, are at least one inch.

((-) (c) Rungs of all other metal ladders are at least three-quarters inch.

((•) (2) You must make sure rungs, cleats, and steps are all of the following:

((-) (a) Parallel.

((-) (b) Level.

((-) (c) Uniformly spaced throughout the length of the ladder.

((-) (d) Spaced so the distance from the centerline of one rung to the centerline of the next rung does not exceed twelve inches.

Exception: The vertical distance from the ground, floor, or roof at the access level to the first rung may be adjusted within a range of fourteen inches.

(3) You must((=

~~•) Make sure the minimum inside clear width of the stepping surface of rungs, steps, or cleats is sixteen inches.~~

•)) make sure individual rung or step-type ladders have rungs or steps that are shaped so that a person's foot cannot slide off the end.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60035 Side rails. (1) You must(=

•) make sure the shape of the side rail:

((-) (a) Provides an adequate gripping surface ((and)); and

((-) (b) Is uniform throughout the length of climb.

((•) (2) You must make sure a side rail that has been spliced to obtain a longer length is at least equivalent in strength to a one-piece side rail made of the same material.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60040 Clearances. (1) You must(=

•) make sure ladders without wells or cages are at least thirty inches from the nearest permanent object on the climbing side, measured perpendicular to the ladder from the centerline of the rungs, cleats, or steps.

((Exemption))

EXEMPTION: When unavoidable obstructions are encountered, the minimum perpendicular clearance between the centerline of the rungs, cleats, or steps and an obstruction on the climbing side may be reduced to twenty-four inches if a deflection device is installed to guide persons around the obstruction.

(2) You must(=

•) make sure ladders without wells or cages have a clear width from the nearest permanent object on each side of the ladder of at least fifteen inches, measured from the center of the rungs, cleats, or steps.

((•) (3) You must make sure the distance from the centerline of the rungs, cleats, or steps to the nearest permanent object in back of the ladder is at least seven inches.

((Exemption))

EXEMPTION: Fixed ladders in elevator pits may reduce the minimum clearance from the ladder to the nearest permanent object in back of the ladder to four and one-half inches.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60045 Step-across distance. (1) You must(=

•) make sure a through ladder at the point of access or egress has a step-across distance, measured from the centerline of the steps or rungs to the nearest edge of the landing area, that is:

((-) (a) Not less than seven inches ((or)); or

((-) (b) Greater than twelve inches.

((•) (2) You must make sure a side-step ladder at the point of access or egress has a step-across distance, measured from the side rail of the ladder to the nearest edge of the landing area, that is:

((-) (a) Not less than seven inches ((or)); or

((-) (b) Greater than twelve inches.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60050 Extensions and grab bars. (1)

You must(=

•) make sure the side rails of through or side-step ladders extend forty-two inches above the top of the access level or landing platform.

Note: For a parapet ladder, the access level is:

((-) The roof if the parapet is cut to permit passage through it

((or)); or

((-) The top of the parapet if it is continuous and uncut.

(2) You must(=

•) make sure the extension of a through ladder above the access level or landing platform has:

((-) (a) Steps or rungs omitted from the extension ((and)); and

((-) (b) Clearance between the side rails that is:

((•) (i) Not less than twenty-four inches ((or)); or

((•) (ii) Greater than thirty inches.

((Exemption))

EXEMPTION: The maximum clearance between side rails of the extension may be increased to thirty-six inches if the ladder has a ladder safety device.

(3) You must(=

•) make sure the side rails of through or side-step ladders extend forty-two inches above the top of the access level or landing platform.

((•) (4) You must make sure side-step ladders have the steps or rungs and the side rails continuous in the extension.

((•) (5) You must make sure individual rung-step ladders are extended at least forty-two inches above the access level or landing platform by:

((-) (a) Continuing the rung spacings as horizontal grab bars ((or)); or

((-) (b) Providing vertical grab bars that have the same lateral spacing as the vertical legs of the rungs.

((Exemption))

EXEMPTION: Extensions are not required for individual rung-step ladders with access openings through a manhole or hatch.

(6) You must(=

•) make sure grab bars:

((-) (a) Are at least four inches from the nearest permanent object in back of the grab bar, measured from the centerline of the grab bar ((and)); and

((-) (b) Do not extend beyond the rungs on the climbing side of the ladder.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60055 Hatches. (1) You must(=

•) make sure counterbalanced hatch covers open at least seventy degrees from the horizontal.

((•) (2) You must make sure the inside clear width of the hatch is a nominal thirty inches.

((•) (3) You must make sure the distance from the centerline of the rungs or cleats to the edge of the hatch opening

on the climbing side, measured perpendicular to the ladder, is:

- (-)(a) Not less than twenty-four inches ~~((or))~~; or
- (-)(b) Greater than thirty inches.

(*) (4) You must make sure hatches with clearance on the climbing side of the ladder that is between twenty-four and twenty-seven inches are fitted with a deflector plate mounted at an angle of sixty degrees from the horizontal.

Note: The springs or other counterbalance mechanisms for the hatch may project into the hatch opening provided they do not reduce clearance to less than twenty-four inches and a deflector plate is installed to guide persons around the obstruction.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60060 Platforms. (1) You must(=) make sure landing platforms for side-step ladders extend at least thirty inches on the climbing side of the ladder.

(*) (2) You must make sure landing platforms are:

- (-)(a) At least thirty inches wide ~~((and))~~; and
- (-)(b) Equipped with standard railings and toeboards placed to allow safe access to the ladder.

Reference: Requirements for standard railings and toeboards are in Railing, toeboards, and cover specifications, WAC 296-24-75011, the General Safety and Health Standards, chapter 296-24 WAC.

(3) You must(=) make sure the top rung or step of the ladder is level with the landing served by the ladder.

(*) (4) You must make sure the spacing from the landing platform to the first rung below the platform of a through ladder is the same as the rung spacing of the ladder.

(*) (5) You must make sure, if two or more separate ladders are used to reach an elevated work area, that the ladders are offset with a platform or landing between them.

~~((Exemption))~~

EXEMPTION:

A platform or landing is not required when a portable ladder is used to reach a fixed ladder on structures such as utility towers and billboards where the bottom of the fixed ladder is elevated to limit access.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60065 Protective structures and equipment. (1) You must(=)

make sure a cage, well, or ladder safety system is provided if:

(-)(a) The length of climb is less than twenty-four feet ~~((and))~~; and

(-)(b) The top of the ladder is more than twenty-four feet above the ground, floor, or roof.

(*) (2) You must make sure a ladder with a single length of climb that is equal to or greater than twenty-four feet is either:

(-)(a) Equipped with a ladder safety device ~~((or))~~; or

(-)(b) Uses multiple ladder sections and meets all of the following:

(*) (i) Each section is provided with a cage or well.

(*) (ii) The length of climb of any ladder section is not greater than fifty feet.

(*) (iii) Each ladder section is offset from adjacent sections.

(*) (iv) Landing platforms are provided at maximum intervals of fifty feet.

~~((Exemption))~~

EXEMPTION:

During construction activities, a self-retracting lifeline with landing platforms provided at maximum intervals of one hundred ~~((and))~~ fifty feet may be used instead of a ladder safety device or multiple ladder sections.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60070 Cages. (1) You must(=) make sure the cage meets all of the following:

(-)(a) Extends at least forty-two inches above the top of the platform or above the point of access and egress at the top of the ladder.

(-)(b) Has provisions for accessing and egressing the platform or the point of access or egress of the ladder.

(-)(c) There is at least twenty-seven inches, but not more than thirty inches, from the cage to the centerline of the step or rung at all points except where the cage flares at the bottom of the ladder.

(-)(d) The cage is at least twenty-seven inches wide.

(-)(e) There are no projections inside the cage.

(*) (2) You must make sure the bottom of the cage is:

(-)(a) At least seven feet but not more than eight feet above the point of access to the bottom of the ladder ~~((and))~~; and

(-)(b) Flared at least four inches all around within the distance between the bottom horizontal band and the next higher band.

(*) (3) You must make sure vertical bars are:

(-)(a) Spaced at intervals of nine and one-half inches or less on center around the circumference of the cage ~~((and))~~; and

(-)(b) Fastened to the inside of the horizontal bands.

(*) (4) You must make sure the horizontal bands meet all of the following:

(-)(a) The vertical intervals between horizontal bands is not more than four feet on center.

(-)(b) The horizontal bands of ladders with side rails are fastened to the side rails.

(-)(c) The horizontal bands of individual-rung ladders are fastened directly to the structure, building, or equipment.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60075 Wells. (1) You must(=) make sure there is at least twenty-seven inches, but not more than thirty inches, from the centerline of the step or rung to the inside face of the well on the climbing side of the ladder.

(*) (2) You must make sure the inside clear width is at least thirty inches.

(*) (3) You must make sure the well:

- ((-)) (a) Completely encircles the ladder (~~((and))~~); and
- ((-)) (b) Is free of projections.

((*) (4) You must make sure the bottom of the wall on the access side is at least seven feet, but not more than eight feet, above the point of access to the bottom of the ladder.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-60080 Ladder safety devices. (1) You must((:

((*) make sure ladder safety devices and related support systems meet all of the following:

((-)) (a) Are capable of withstanding, without failure, the test drop of a five hundred pound weight for a free-fall distance of eighteen inches.

((-)) (b) The device does not require a person to continually hold, push, or pull any part of the device and allows them to have both hands free to grip the ladder.

((-)) (c) In the event of a fall, the device:

((*) (i) Is activated within two feet (~~((and))~~); and

((*) (ii) Limits the fall velocity to seven feet per second or less.

((-)) (d) Uses a connection between the carrier or lifeline and the point of attachment on the full body harness that is not longer than nine inches.

((*) (2) You must make sure ladder safety devices with rigid carriers have mountings that:

((-)) (a) Are attached at each end of the carrier (~~((and))~~); and

((-)) (b) Have intermediate mountings that are all of the following:

((*) (i) Spaced along the entire length of the carrier in accordance with the manufacturer's recommendations.

((*) (ii) Installed within one foot below each splice on the carrier.

((*) (iii) Have a maximum distance between mountings that is twenty-five feet or less.

((*) (3) You must make sure ladder safety devices with flexible carriers have:

((-)) (a) Mountings that are attached at each end of the carrier (~~((and))~~); and

((-)) (b) Cable guides that are spaced at least twenty-five feet, but no further than forty feet, apart along the entire length of the carrier.

((*) (4) You must make sure the design and installation of mountings and cable guides does not reduce the design strength of the ladder.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-700 Fixed ladders inspection and maintenance(~~(—Section contents)~~).

Summary

Your responsibility: To make sure fixed ladders are inspected and maintained properly.

~~((Protection against corrosion and deterioration.~~

~~WAC 296-876-70005~~

~~Inspection and repair.~~

~~WAC 296-876-70010))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Protection against corrosion and deterioration</u>	<u>WAC 296-876-70005</u>
<u>Inspection and repair</u>	<u>WAC 296-876-70010</u>

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-70005 Protection against corrosion and deterioration. (1) You must((:

((*) paint or otherwise treat metal ladders or metal parts to resist rust and corrosion if they are:

((-)) (a) Exposed to the elements (~~((or))~~); or

((-)) (b) Located where rust or corrosion could be expected.

((*) (2) You must treat wood ladders used in conditions where decay may occur with a nonirritating preservative.

((*) (3) You must make sure wood ladders are not coated with an opaque covering except for the minimum amount necessary for identification and warning information which may be placed on one face only of a side rail.

((*) (4) You must treat the interface between different materials or use other means to prevent:

((-)) (a) One material from damaging or having a harmful effect on another material (~~((and))~~); and

((-)) (b) Electrolytic action between dissimilar metals.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-70010 Inspection and repair. (1) You must((:

((*) keep ladders in safe condition.

((*) (2) You must have a competent person inspect a ladder for visual defects:

((-)) (a) Periodically (~~((and))~~); and

((-)) (b) After any occurrence that could affect safe use.

((*) (3) You must make sure any ladder with structural damage or other hazardous defect is immediately removed from service.

Note: ((*) 1. Structural damage includes, but is not limited to, any of the following:

((-)) a. Broken or missing rungs, cleats, or steps.

((-)) b. Broken or split rails.

((-)) c. Corroded components.

((-)) d. Bolts and welds missing or not secure.

((*) 2. A ladder is considered to be removed from service if any of the following are done:

((-)) a. It is marked to identify it as defective.

((-)) b. It is tagged with "do not use" or similar language.

((-)) c. It is blocked so that it cannot be used, for example, by using a plywood attachment that spans several rungs.

(4) You must((:

((*) make sure repairs restore the ladder to a condition meeting its original design criteria.

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-800 Fixed ladder use (~~Section contents~~).

Summary

Your responsibility: To use fixed ladders safely.

~~((Designed load:~~

~~WAC 296-876-80005~~

~~Climbing and descending:~~

~~WAC 296-876-80010))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Design load</u>	<u>WAC 296-876-80005</u>
<u>Climbing and descending</u>	<u>WAC 296-876-80010</u>

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-80005 Designed load. You must(~~(-~~ ~~•)) make sure not to overload ladders. Do not exceed either the:~~

~~((-~~ (1) Maximum intended load (~~(•)~~); or

~~((-~~ (2) Manufacturer's rated capacity.

~~((Definition:~~

~~The maximum intended load is the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a ladder or ladder component at any one time.))~~

AMENDATORY SECTION (Amending WSR 06-16-020, filed 7/24/06, effective 12/1/06)

WAC 296-876-80010 Climbing and descending. (1) You must(~~(-~~ ~~•))~~

~~•)) have both hands free to hold on to the ladder.~~

~~((•)) (2) You must face the ladder when climbing or descending.~~

~~((•)) (3) You must keep ladders free of oil, grease, or other slippery materials.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-876-900 Definitions.

NEW SECTION

WAC 296-878-099 Definitions.

(1) **Anchor, window-cleaner's belt.** Fall-preventing attachment points for direct attachment of the terminal portion of a window-cleaner's belt.

(2) **Belt terminal.** That part of the safety belt that is attached to the anchor during the window-cleaning operation.

(3) **Block and tackle.** A lifting device consisting of one or more pulley blocks reeved with chains, wire ropes, or fiber

ropes used solely for raising and lowering a load or moving a load horizontally.

(4) **Boatswain's chair.** A single-point adjustable suspension scaffold consisting of a seat or sling designed to support one worker in a sitting position.

(5) **Capstan device.** An upright, spool-shaped cylinder used for hoisting or lifting weights that is turned by a motor or by hand.

(6) **Carabiner.** An oblong metal ring with an openable spring-hinged side, used to clip a rope to an anchoring device.

(7) **Competent person.** 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.

(8) **Drop (drop zone).** A vertical area or work zone accessed by the worker or piece of equipment during one descent.

(9) **Drop line.** A vertical line from a fixed anchorage, independent of the work surface.

(10) **Fixture.** Attachments, anchors, anchorages, tie backs or support equipment permanently dedicated to a given site.

(11) **Grade.** Means the ground, floor, sidewalk, roof, or any level surface that is considered a safe place to work.

(12) **Lanyard.** A flexible line to secure a wearer of a safety belt or harness to a drop line, lifeline or fixed anchorage.

(13) **Mullion.** A slender, vertical dividing bar between windows, panels, etc.

(14) **Primary support/suspension.** A working line or approved anchorage used for attachment of a working line.

(15) **Qualified person.** A person is qualified if they have one of the following:

(a) Extensive knowledge, training, and experience about the subject matter, work, or project;

(b) A recognized degree, certificate, or professional standing;

(c) Successful demonstration of problem solving skills in connection with the subject, work, or project.

(16) **Rated capacity.** The combined weight of workers, tools, equipment, and other materials that the device is designed and installed to lift and support.

(17) **Rope descent system (RDS).** An assembly of components that allows the operator to control the rate of descent at any time. A rope descent system includes the following components:

(a) Suspension devices;

(b) Certified roof anchorages;

(c) Primary support ropes or lines;

(d) The descent device;

(e) Carabiners or shackles;

(f) A seatboard or boatswain's chair.

(18) **Terminal strap.** The strap or rope attached to the waist band on one end, and to the belt terminals on the other end.

(19) **Window cleaning.** Cleaning, wiping, restoring or other methods of cleaning windows.

(20) **Working line.** A rope suspended from an anchorage and used to access parts of a building.

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

WAC 296-878-10005 Summary.

Your responsibility: Make sure workers clean windows safely, and properly use and maintain their window-cleaning equipment.

~~((IMPORTANT))~~ Important:

Window-cleaning equipment includes window-cleaner's belts, boatswains' chairs, rope descent systems, ladders, supported scaffolds and the support equipment used to suspend employees cleaning windows.

~~((You must:~~

~~Training~~

~~Train workers to use window-cleaning equipment~~

~~WAC 296-878-11005~~

~~Building surfaces and fixtures~~

~~Make sure building surfaces and fixtures are safe to use~~

~~WAC 296-878-12005~~

~~Inspection procedures~~

~~Inspect the area to be cleaned~~

~~WAC 296-878-13005~~

~~Inspect window-cleaning equipment before use~~

~~WAC 296-878-13010~~

~~Develop site-specific service and emergency plans~~

~~Develop a site-specific service and emergency recovery plan for window-cleaning operations~~

~~WAC 296-878-14005~~

~~Equipment~~

~~Select and use appropriate equipment~~

~~WAC 296-878-15005~~

~~Select appropriate rope for suspended equipment~~

~~WAC 296-878-15015~~

~~Select appropriate carabiners~~

~~WAC 296-878-15020~~

~~Use fall protection equipment~~

~~WAC 296-878-15025~~

~~Warning signs and barricades~~

~~Provide warning signs and barricades when suspended equipment is used~~

~~WAC 296-878-16005~~

~~Power line clearances~~

~~Maintain clearance between window cleaners and power lines~~

~~WAC 296-878-17005~~

~~Window cleaners' belts and anchors~~

~~Select appropriate window cleaners' belts and anchors~~

~~WAC 296-878-18005~~

~~Inspect the anchors you plan to use for window-cleaning~~

~~WAC 296-878-18010~~

~~Use window cleaners' belts safely~~

~~WAC 296-878-18015~~

~~Move safely on the outside of buildings~~

~~WAC 296-878-18020~~

~~Boatswains' chairs~~

~~Select appropriate boatswains' chairs~~

~~WAC 296-878-19005~~

~~Safely use boatswains' chairs rigged with a block and tackle~~

~~WAC 296-878-19010~~

~~Rope descent systems~~

~~Select appropriate rope descent systems~~

~~WAC 296-878-20005~~

~~Safely use rope descent systems~~

~~WAC 296-878-20010~~

~~Safely use rope descent devices~~

~~WAC 296-878-20015~~

~~Equipment prohibited~~

~~Prohibit equipment from use~~

~~WAC 296-878-21005~~

~~Definitions~~

~~WAC 296-878-220.))~~

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-110 Training.

Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Train workers to use window-cleaning equipment</u>	<u>WAC 296-878-11005</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-11005 Train workers to use window-cleaning equipment. (1) You must((*

***) provide the following training to workers before they use window-cleaning equipment on the job:**

((-)) (a) Proper care and maintenance of the equipment;

((-)) (b) Review manufacturer's instructions for proper equipment use;

((-)) (c) Methods for inspection, assembly, and dismantling of components;

((-)) (d) Identify anchorages;

((-)) (e) A complete understanding of safe working conditions;

((-)) (f) How employees will be rescued.

((*) (2) You must provide additional training to workers using window-cleaners' belts in all the following areas:

((-)) (a) How to select the proper-sized belt;

((-)) (b) How to use anchors and terminals;

((-)) (c) How to deal with obstructions and slippery/wet surfaces.

((*) (3) You must provide additional training to workers using boatswains' chairs and rope descent systems in all the following areas:

((-)) (a) Proper rigging practices;

((-)) (b) Fall arrest requirements;

((-)) (c) Proper methods of descending;

((-)) (d) The effects of wind on window-cleaning operations when a worker is suspended;

((-)) (e) Proper methods of hoisting for ascents.

((*) (4) You must document the training by recording all of the following:

((-)) (a) The name and signature of the trainer/educator;

((-)) (b) The name and signature of the student;

((-)) (c) The subjects in which the workers were trained;

((-)) (d) The date of the training;

((-)) (e) The location of the training.

Note: ((*) You do not need a specialized educator to provide training. You may use a qualified person to conduct the training. A qualified person is defined as a person who has:

- ((-) 1. Extensive knowledge, training, and experience about the subject matter, work, or project;
- ((-) 2. A recognized degree, certificate, or professional standing;
- ((-) 3. Successful demonstration of problem solving skills in connection with the subject, work, or project.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-120 Building surfaces and fixtures.

Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Make sure building surfaces and fixtures are safe to use</u>	<u>WAC 296-878-12005</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use. You must((+)

(*) make sure building surfaces and fixtures are safe to be used before you begin the window-cleaning operation. This includes:

- ((-) (1) Guardrails, parapets, cornices and other building surfaces used to support suspended loads;
- ((-) (2) Permanently installed fixtures used as anchorages and tiebacks;
- ((-) (3) Window-cleaning equipment support systems permanently dedicated to the building.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-130 Inspection procedures.

Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Inspect the area to be cleaned</u>	<u>WAC 296-878-13005</u>
<u>Inspect window-cleaning equipment before use</u>	<u>WAC 296-878-13010</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-13005 Inspect the area to be cleaned.

(1) You must((+)

(*) inspect the building before cleaning to make sure there are no areas that can damage worker fall protection equipment and window-cleaning equipment. Inspect:

- ((-) (a) Sharp edges of parapets;
- ((-) (b) Window frames;
- ((-) (c) Open projected windows;
- ((-) (d) Cornices;

((-) (e) Overhangs;

((-) (f) Any other areas that may abrade, sever, weaken, or damage the equipment.

((*) (2) You must make sure all working surfaces are safe and free from hazards such as:

- ((-) (a) Grease;
- ((-) (b) Oil;
- ((-) (c) Other slippery substances.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-13010 Inspect window-cleaning equipment before use. (1) You must((+)

(+) store your window-cleaning equipment in a way that:

- ((*) (a) Is easy to get to, inspect, and safely take out for use;
- ((*) (b) Provides protection from moisture, sunlight, or corrosion.

(2) You must make sure a competent person inspects these items before each use:

- ((*) (a) Window-cleaners' belts;
- ((*) (b) Boatswains' chairs;
- ((*) (c) All components of rope descent systems;
- ((*) (d) Suspension devices;
- ((*) (e) Certified roof anchorages;
- ((*) (f) Primary support ropes or lines;
- ((*) (g) The descent device;
- ((*) (h) Carabiners or shackles;
- ((*) (i) A seatboard or boatswain's chair;
- ((*) (j) Wear points on rope descent system components exposed to constant friction.

(3) You must make sure you do not use any piece of window-cleaning equipment with defects.

((*) (a) Prohibit makeshift repairs to any piece of window-cleaning equipment;

((*) (b) Label any piece of window-cleaning equipment that is defective "dangerous, do not use."

(4) You must secure any padding or softeners so they do not come loose from:

- ((*) (a) The surface of the building;
- ((*) (b) The rope if not attached to the building.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-140 Develop site-specific service and emergency plans.

Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Develop a site-specific service and emergency recovery plan for window-cleaning operations</u>	<u>WAC 296-878-14005</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-14005 Develop a site-specific service and emergency recovery plan for window-cleaning operations. (1) You must((+)

+) make sure that a qualified person develops a written plan for each location to be cleaned that identifies:

((-)) (a) Hazardous areas;

((-)) (b) Drop zones;

((-)) (c) Safety features;

((-)) (d) Methods for emergency recovery of workers working from suspended equipment, or other types of installations, in the event of equipment failure or any other kind of disability.

((+)) (2) You must keep the plan at the work site during the entire cleaning operation.

Note: You may use an outside service for rescue and recovery (such as a fire department) if:

((+)) 1. The rescue personnel will be able to reach the victims without undue delay;

((+)) 2. They have the necessary equipment to retrieve the victims;

((+)) 3. They are trained and proficient in high angle rescue techniques.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-150 Equipment.

Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Select and use appropriate equipment</u>	<u>WAC 296-878-15005</u>
<u>Select appropriate rope for suspended equipment</u>	<u>WAC 296-878-15015</u>
<u>Select appropriate carabiners</u>	<u>WAC 296-878-15020</u>
<u>Use fall protection equipment</u>	<u>WAC 296-878-15025</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-15005 Select and use appropriate equipment. (1) You must((+)

(+)) make sure that all equipment provided to workers for window-cleaning operations is engineered, designed, and intended for use in commercial applications.

Note: Equipment that is designed or labeled for recreational use or rescue use only is prohibited for use in window-cleaning operations.

((2)) You must((+)

(+)) make sure that the window-cleaning equipment is not altered unless it is specifically approved in writing by the original manufacturer or a registered professional engineer.

((3)) You must provide manufacturer's instructions to employees for all window-cleaning equipment they will use.

Reference: Use Table 1 for other window-cleaning equipment requirements.

Table 1
Other Window-Cleaning Equipment

	If you use:	Then follow all requirements in:
((1-))	Portable ladders	WAC ((296-800-290, Portable ladders)) 296-800-876, Ladders portable and fixed
((2-))	Supported scaffolds	Chapter 296-24 WAC, ((PART J-2,)) Scaffolds
((3-))	Suspension ropes and lifelines Powered and manual hoists Suspended scaffold equipment	Chapter 296-24 WAC, ((PART J-2,)) Scaffolds
((4-))	Single and multipoint adjustable suspension scaffolds	Chapter 296-24 WAC, ((PART J-2,)) Scaffolds
((5-))	Powered platforms	Chapter 296-24 WAC, PART J-3, Powered platforms

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-15015 Select appropriate rope for suspended equipment. You must((+)

+) make sure all rope used for suspended equipment has a minimum breaking strength of five thousand pounds.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-15020 Select appropriate carabiners.

(1) You must((+)

+) use carabiners for connecting hardware or attaching boatswains' chairs, descent devices, and lifelines to anchors.

((+)) (2) You must use carabiners with a minimum tensile load of five thousand pounds.

((+)) (3) You must make sure carabiners are either manual or auto-locking.

Note: You may secure a rope to an anchor with a knot if normal daily use of the rope will not decrease its initial breaking strength below five thousand pounds.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-15025 Use fall protection equipment.

(1) You must((+)

(+)) make sure the fall arrest system meets the requirements of WAC 296-24-88050 mandatory Appendix C, Part I, Personal fall arrest systems.

((+)) (2) You must use and inspect fall arrest equipment in accordance with the requirements of WAC 296-24-88050, mandatory Appendix C, Part I, Personal fall arrest systems.

((+)) (3) You must make sure all workers suspended from a boatswain's chair or rope descent system use an independent fall arrest system where the fall arrest anchorage is separate from the suspension system anchorage.

((+)) (4) You must make sure workers operating powered platforms wear and use a fall arrest system.

((*) (5) You must make sure workers assemble and wear their personal fall arrest equipment before they approach the point of suspension.

((*) (6) You must make sure workers are connected at all times to the fall arrest system while they are suspended.

((2)) (7) You must make sure the boatswain's chair or rope descent system is connected at all times to the suspension line.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-160 Warning signs and barricades. Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Provide warning signs and barricades when suspended equipment is used</u>	<u>WAC 296-878-16005</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-16005 Provide warning signs and barricades when suspended equipment is used. (1) You must((+)

((+)) place warning signs below suspended equipment.

(2) You must block the ground area with barricades directly under or next to the work zone.

(3) You must assign a competent person to decide if additional protection is necessary.

(4) You must make sure all tools used by the worker are attached to the worker, seatboard, or boatswain's chair.

Reference: Rules for protecting workers from overhead hazards are listed in WAC 296-800-16055, Make sure your employees use appropriate head protection.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-170 Power line clearances. Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Maintain clearance between window cleaners and power lines</u>	<u>WAC 296-878-17005</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-17005 Maintain clearance between window cleaners and power lines. (1) You must((+)

((+)) maintain clearances between window cleaners and power lines as indicated in Tables 2 and 3.

Table 2

Minimum Clearances from Power Lines – Insulated Lines

Voltage	Minimum distance	Alternatives
Less than 300 volts	3 feet (0.9 m)	----
300 volts to 50 kv	10 feet (3.1 m)	----
More than 50 kv	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv	2 times the length of the line insulator, but never less than 10 feet (3.1 m)

Table 3

Minimum Clearances from Power Lines – Uninsulated Lines

Voltage	Minimum distance	Alternatives
Less than 50 kv	10 feet (3.1 m)	----
More than 50 kv	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv	2 times the length of the line insulator, but never less than 10 feet (3.1 m)

(2) You must((+)) follow these procedures when window cleaners need to get closer to power lines than allowed in Tables 2 and 3:

((-) (a) Notify the utility company or electrical system operator of the need to work closer than the minimum clearances to power lines before starting the work.

((-) (b) Begin the work only when the utility company or electrical system operator has deenergized or relocated the lines, or installed protective coverings to prevent accidental contact with the lines.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-180 Window-cleaners' belts and anchors. Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Select appropriate window-cleaners' belts and anchors</u>	<u>WAC 296-878-18005</u>
<u>Inspect the anchors you plan to use for window cleaning</u>	<u>WAC 296-878-18010</u>
<u>Use window-cleaners' belts safely</u>	<u>WAC 296-878-18015</u>
<u>Move safely on the outside of buildings</u>	<u>WAC 296-878-18020</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors. You must((+)

•) make sure window-cleaners' belts and anchors conform to the:

((-) (1) Design, manufacture, and maintenance requirements of ANSI/TWCA 1-14.1-2001;

AND

((-) (2) Manufacturer's specifications.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-18010 Inspect the anchors you plan to use for window cleaning. (1) You must(•)

•) make sure you do not use anchors if they:

((-) (a) Appear to be damaged;

((-) (b) Appear deteriorated;

((-) (c) Appear to be worn;

((-) (d) Appear to be loose;

((-) (e) Appear to be unsecured to the building or window frame;

((-) (f) Will not allow the belt terminal to easily slip over the anchor head.

(•) (2) You must use window-cleaner's belts only if:

((-) (a) The area to be cleaned is safe;

((-) (b) All anchors intended for use are safe.

(•) (3) You must make sure window ledges and frames will not impair the safe use of the window-cleaner's belt.

Note: If unsafe anchors are found, report them to the building owner or manager and do not use them.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-18015 Use window-cleaners' belts safely. (1) You must(•)

•) make sure workers do not extend more than one arm beyond the window sash when cleaning windows from inside a building.

(•) (2) You must attach one belt terminal to an anchor before you put more than one arm outside the window.

(•) (3) You must pull on the terminal strap and look for signs of damage to the anchor.

(•) (4) You must attach both belt terminals to anchors before climbing out the window.

(•) (5) You must keep all belt terminals attached during the entire cleaning operation.

(•) (6) You must make sure the worker keeps one terminal attached to an anchor when reentering the window and until the worker is inside.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-18020 Move safely on the outside of buildings. You must(•)

•) make sure you travel on the outside of the building only when:

((-) (1) You keep at least one window-cleaner's belt terminal attached at all times;

((-) (2) The anchors are not more than forty-eight inches apart.

Note: Anchors can be up to seventy-two inches apart if

((•) 1. The sill or ledge is continuous;

((•) 2. The sill or ledge is at least twelve inches wide;

((•) 3. The sill or ledge has a slope less than five degrees;

((•) 4. There is at least six inches of window sill in front of the mullions.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-190 Boatswains' chairs.

Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Select appropriate boatswains' chairs</u>	<u>WAC 296-878-19005</u>
<u>Safely use boatswains' chairs rigged with a block and tackle</u>	<u>WAC 296-878-19010</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-19005 Select appropriate boatswains' chairs. (1) You must(•)

(+) make sure that when you use a block and tackle, it is the correct size, including:

((•) (a) Correctly((-)sized ball bearings or bushed blocks;

((•) (b) Safety hooks;

((•) (c) Eye-spliced rope;

((•) (d) A minimum breaking strength of five thousand pounds.

(2) You must make sure all rope used with a boatswain's chair has a minimum breaking strength of five thousand pounds, including rope used for:

((•) (a) Suspension;

((•) (b) Block and tackle;

((•) (c) Seat slings.

(3) You must make sure the ropes on boatswain's chair seat slings:

((•) (a) Are reeved through the four corner holes in the seat;

((•) (b) Cross each other on the underside of the seat;

((•) (c) Are rigged so the chair cannot slip out of a level position.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-19010 Safely use boatswains' chairs rigged with a block and tackle. (1) You must(•)

(+) make sure the rated capacity or the maximum intended load, whichever is less, is not exceeded.

(2) You must make sure the suspension rope stays vertical between the boatswain's chair and suspension device unless all of these requirements are met:

((•) (a) The rigging has been designed by a qualified person;

((•) (b) The scaffold can be easily reached by rescuers;

((*) (c) The suspension rope is protected from damage when a change in direction occurs;

((*) (d) The scaffold will not swing and contact another surface.

(3) You must make sure a suspension height of seventy-five feet above grade or building setback is not exceeded.

(Exemption)

EXEMPTION:

Suspension height may be up to one hundred thirty feet above grade or building setback if the boatswain's chair block and tackle has all of the following:

- ((*) 1. An automatic braking system;
- ((*) 2. A design that minimizes the amount of force required to raise or lower the suspended worker;
- ((*) 3. An automatic braking system that automatically maintains an elevation when no force is applied to the tackle;
- ((*) 4. A system that does not slip.

(4) You must((+)

(4)) prohibit tying any kind of knot in a block and tackle system to maintain elevation.

(5) You must make sure another worker is stationed below any boatswain's chair rigged with a block and tackle who can assist the suspended employee.

(6) You must make sure workers do not attempt to increase the work area by swinging, swaying, or other maneuvers.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-200 Rope descent systems.

Summary

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Select appropriate rope descent systems</u>	<u>WAC 296-878-20005</u>
<u>Safely use rope descent systems</u>	<u>WAC 296-878-20010</u>
<u>Safely use rope descent devices</u>	<u>WAC 296-878-20015</u>

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-20005 Select appropriate rope descent systems. (1) You must((+)

(+)) make sure the rope descent system is designed, used, and maintained according to:

- ((-) (a) ANSI/IWCA 1-14.1-2001;
- ((-) (b) The manufacturer's instructions.

((*) (2) You must make sure the rope descent system has been manufactured and is intended to be used for window cleaning.

Note: Equipment that is designed or labeled for recreational use or rescue use only is prohibited for use in window-cleaning operations.

(3) You must((+)

(+)) make sure the rope descent system components are compatible and have a minimum tensile strength of five thousand pounds. ((-) This does not apply to the seatboard.

((*) (4) You must make sure the rope descent system has specific use instructions for each component.

AMENDATORY SECTION (Amending WSR 10-08-069, filed 4/6/10, effective 6/1/10)

WAC 296-878-20010 Safely use rope descent systems. (1) You must((+)

(+)) make sure workers use extreme care when using rope descent equipment around electrical service, heat sources, and turbulent areas, such as air vents.

(2) You must connect the seatboard or boatswain's chair to the descent device with a manual or auto locking carabiner.

(3) You must make sure workers are positioned in the seatboard or boatswain's chair before being suspended.

(4) You must make sure workers do not reach more than six feet in any direction as measured from a centerline straight down from where the suspension rope bears on the building.

(5) You must make sure workers do not descend rapidly, swing excessively, or stop suddenly.

(6) You must make sure that, in addition to the suspended worker, there is one other person at the ((jobsite)) job site who is skilled in using the rope descent system and rescue procedures.

(7) You must make sure you do not exceed a three hundred-foot height of descent as measured from grade or building setback unless the windows cannot be safely and practicably accessed by other means.

(8) You must make sure your site-specific service plan addresses the following hazards for descents over one hundred thirty feet as measured from grade or building setback:

- ((*) (a) Sudden weather changes, such as wind gusts, micro bursts, or tunneling wind currents;
- ((*) (b) Inability of the rope descent system to function without using excessive force;
- ((*) (c) Workers suspended for long periods of time;
- ((*) (d) Rerigging and movement of main suspension and safety lines.

(9) You must stabilize workers suspended from a rope descent system whenever the descent is higher than one hundred thirty feet, as measured from grade or building setback.

(10) You must prohibit workers from working when wind speed makes any stabilization equipment ineffective.

Note: Provisions for stabilizing workers may include:

- ((*) 1. Continuous stabilization, such as mullion tracks;
- ((*) 2. Intermittent stabilization, such as detent pins/buttons;
- ((*) 3. Work station stabilization, such as suction cups.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-20015 Safely use rope descent devices.

(1) You must make sure the rated capacity or the maximum intended load, whichever is less, is not exceeded.

(2) You must make sure the descent device manufacturer's specifications for rope diameter and construction are followed.

(3) You must make sure the rope is rigged through the descent device for a controlled rate of descent.

(4) You must make sure the attachment point on the descent device is one piece with no gates or openings.

(5) You must make sure the descent device will remain stationary when positive action is taken.

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-210 Equipment prohibited.
Summary

<u>You must meet the require- ments...</u>	<u>in this Section:</u>
Prohibit equipment from use	WAC 296-878-21005

AMENDATORY SECTION (Amending WSR 02-22-027, filed 10/28/02, effective 1/1/03)

WAC 296-878-21005 Prohibit equipment from use.

You must((+
•)) prohibit use of the following equipment for window-cleaning operations:
 ((-) (1) Portable sills;
 ((-) (2) Window jacks;
 ((-) (3) Capstan devices to suspend workers;
 ((-) (4) Suspension or fall-arrest ropes that are made entirely of polypropylene.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-878-220 Definitions.

NEW SECTION

WAC 296-900-099 Definitions. (1) **Affected employees.** Employees who could be one of the following:

- (a) Exposed to unsafe conditions or practices.
- (b) Affected by a request for, or change in, a variance from Division of Occupational Safety and Health (DOSH) requirements.
- (2) **Applicant.** The entity submitting an application and formal proposal for a safety and health investment projects award.
- (3) **Assistant director.** The assistant director for DOSH at the department of labor and industries or his/her designated representative.
- (4) **Board.** The board of industrial insurance appeals.
- (5) **Certification.** An employer's written statement describing when and how a citation violation was corrected.
- (6) **Citation.** See citation and notice.
- (7) **Citation and notice.** Issued to an employer for any violation of DOSH safety and health requirements. Also known as a citation and notice of assessment, or simply citation. A citation and notice is a document issued to an employer notifying them of:
 - (a) Inspection results.

(b) Any specific violations of DOSH safety and health requirements.

- (c) Any monetary penalties assessed.
- (d) Employer certification of correction requirements.
- (8) **Correction action plans.** Your written plans for correcting a DOSH violation.
- (9) **Correction date.** The date by which you must meet the DOSH requirements listed on either a:
 - (a) Citation and notice (C&N); or
 - (b) A Corrective notice of redetermination (CNR).
- (10) **Corrective notice of redetermination (CNR).** Issued by DOSH after DOSH has reassumed jurisdiction over an appealed citation and notice.

(11) **Department.** The department of labor and industries.

(12) **Designated representative.** Any of the following:
 (a) Any individual or organization to which an employee gives written authorization.

(b) A recognized or certified collective bargaining agent without regard to written employee authorization.

(c) The legal representative of a deceased or legally incapacitated employee.

(13) **Documentation.** Material that an employer submits to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and labor.

(14) **Failure to abate (FTA).** A violation that was cited previously which the employer has not fixed.

(15) **Final order.** Any of the following (unless an employer or other party files a timely appeal):

- (a) Citation and notice.
- (b) Corrective notice of redetermination.
- (c) Decision and order from the board of industrial insurance appeals.
- (d) Denial of petition for review from the board of industrial insurance appeals.
- (e) Decision from a Washington state superior court, court of appeals, or the state supreme court.

(16) **Final order date.** The date a final order is issued.

(17) **Funding cycle** means how frequently safety and health investment project awards are given.

(18) **Hazard.** Any condition, potential or inherent, which can cause injury, death, or occupational disease.

(19) **Imminent danger violation.** Any violation resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

(20) **Interim order.** An order allowing an employer to vary from DOSH requirements until a permanent or temporary variance is granted.

(21) **Medical aid fund.** Industrial insurance funds established in chapter 51.44 RCW.

(22) **Milestones.** Critical points of achievement for the safety and health investment projects, showing progress toward project completion. Milestones are interim accomplishments that define project progress.

(23) **Monetary penalties.** Fines assessed against an employer for violations of safety and health requirements.

(24) **Movable equipment.** A hand-held or nonhand-held machine or device that:

- (a) Is powered or nonpowered.
- (b) Can be moved within or between worksites.

(25) **Must.** Mandatory.

(26) **Permanent variance.** Allows an employer to vary from DOSH requirements when an alternate means, that provides equal protection to workers, is used.

(27) **Probability rate.** A number that describes the likelihood of an injury, illness, or disease occurring, ranging from 1 (lowest) to 6 (highest).

(28) **Product.** Any of the following that are developed as the result of a safety and health investment project: Written materials; manufactured materials; designs; equipment; programs; services; workplace changes; or other results of any kind, tangible or intangible.

(29) **Reassume jurisdiction.** DOSH has decided to provide the employer with an informal conference to discuss their appeal.

(30) **Recipient.** An agency, firm, organization, individual or other legal entity receiving project award funds from the safety and health investment projects.

(31) **Repeat violation.** A violation where the employer has been cited one or more times previously for a substantially similar hazard, and the prior violation has become a final order no more than three years prior to the employer committing the violation being cited.

(32) **Serious violation.** When there is a substantial probability that death or serious physical harm could result from one of the following in the workplace:

- (a) A condition that exists.
- (b) One or more practices, means, methods, operations, or processes that have been adopted or are in use.

(33) **Temporary variance.** Allows an employer to vary from DOSH requirements under certain circumstances.

(34) **Variance.** Provides an approved alternative to DOSH requirements to protect employees from a workplace hazard. Variances can be permanent or temporary.

(35) **WAC.** An acronym for Washington Administrative Code, which are rules developed to address state law.

(36) **WISHA.** An acronym for the Washington Industrial Safety and Health Act.

(37) **You.** An employer.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-100 Scope. This chapter applies to the following requirements and information regarding administration of the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW:

((*) (1) Employer requests for using an alternative to ((WISHA)) DOSH requirements.

((*) (2) Workplace inspections conducted by ((WISHA)) DOSH.

((*) (3) Citations and penalties for violations of ((WISHA)) DOSH safety and health requirements.

((*) (4) How to respond to actions that ((WISHA)) DOSH may take when requirements have been violated.

((*) (5) Employer correction of cited violations, and notification to ((WISHA)) DOSH when the corrections are made.

((*) (6) Employer obligations to inform employees.

((*) (7) Reporting alleged safety and health hazards.

((*) (8) Appeal and hearing processes for employers and employees.

((*) (9) Safety and health investment projects (SHIP).

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-110 Variances.

Summary((*)

Employer responsibility: To follow requirements on granted variances((-)).

((Applying for a variance

~~WAC 296-900-11005.~~

~~Interim orders~~

~~WAC 296-900-11010.~~

~~Renewing a temporary variance~~

~~WAC 296-900-11015.~~

~~Changing a variance~~

~~WAC 296-900-11020.~~

~~Variance hearings~~

~~WAC 296-900-11025.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Applying for a variance</u>	<u>WAC 296-900-11005</u>
<u>Interim orders</u>	<u>WAC 296-900-11010</u>
<u>Renewing a temporary variance</u>	<u>WAC 296-900-11015</u>
<u>Changing a variance</u>	<u>WAC 296-900-15020</u>
<u>Variance hearings</u>	<u>WAC 296-900-15025</u>

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-11005 Applying for a variance.

~~((IMPORTANT))~~ **Important:**

((*) A variance provides an approved alternative to ((WISHA)) DOSH requirements to protect employees from a workplace hazard. Variances can be permanent or temporary.

((*) Variances will **not** be retroactive. Employers are obligated to follow ((WISHA)) DOSH requirements until the variance is granted.

(1) You must((*

*) follow steps 1-5 to apply for a variance when you wish to use an alternative to ((WISHA)) DOSH requirements as a means to protect your employees.

Step 1: Decide what type of variance is needed by reviewing the types of variances in Table 1, Requesting a Variance.

Step 2: Complete a written application for the variance, following the requirements in Table 1, Requesting a Variance.

Note: ((*)) A form, Variance Application (F414-021-000), is available for requesting variances:
 ((-)) 1. From any L&I office.
 ((-)) 2. On our web site under Safety Forms, Variance Application <http://www.lni.wa.gov/FormPublications/Tables-Forms/Safety/SafetyHealth.asp>

Assistant Director
 ((WISHA Services)) L&I - DOSH
 P.O. Box 44650
 Olympia, WA 98504-4650
 ((*) b. Fax to: 360-902-5438
 ((*) c. Take to any L&I office.

Reference: ((*)) For a list of the local L&I offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC.

Step 5: After receiving a written decision from ((WISHA)) DOSH about your request, immediately notify affected employees of the decision by using the methods in Step 3.

Step 3: Notify employees before submitting any type of variance request by doing all of the following:

((*) a. Posting a copy of the request on your safety bulletin board.

((*) b. Using other appropriate means for notifying employees who may not be expected to receive notices posted on the safety bulletin board. For example, provide a copy to a designated representative or the safety committee.

Step 4: Submit the written request, using one of the following means:

((*) a. Mail to:

(2) You must((*) follow the specific requirements of the variance that ((WISHA)) DOSH has granted.

Note: ((*) 1. If employers fail to follow Steps 1-5 above, the variance cannot be granted.
 ((*) 2. Citations may be issued for failing to follow a variance.
 ((*) 3. Employers can always follow the original ((WISHA)) DOSH requirements instead of the variance requirements.
 ((*) 4. If your variance is no longer necessary and you decide to follow the ((WISHA)) DOSH requirements instead, please advise ((WISHA)) DOSH in writing.

Table 1
Requesting a Variance

For this type of variance:	Include the following on your written application:
<p>Permanent variance</p> <p>((-)) Request a permanent variance if you can show that you will be providing alternate methods of protecting employees from hazards that are as effective as those provided by the requirements from which you are requesting relief.</p> <p>Note:</p> <p>((*) A permanent variance remains in effect unless ((WISHA)) <u>DOSH</u> modifies or revokes it. Examples of reasons a variance might be revoked include:</p> <p>((-) 1. An employer requests the variance be revoked</p> <p>((-) 2. Requirements that existed when the variance was approved are modified</p> <p>((-) 3. The work location is changed</p>	<p>((*) 1. Employer name and address</p> <p>((*) 2. Employer or employer representative signature</p> <p>((*) 3. Work locations and situations that apply to the variance</p> <p>((*) 4. Which specific requirements you want to vary from, with WAC numbers</p> <p>((*) 5. Description of proposed alternative methods of protection, and how they will protect employees.</p> <p>((*) 6. How employees will be notified:</p> <p>((-) a. About the variance request, as required in Step 2</p> <p>((-) b. That they may request a hearing</p> <p>((*) 7. The following notice on the first page of your posted application, written in large and clear enough print to be easily read:</p> <p>"Attention Employees: Your employer is applying to ((WISHA)) <u>DOSH</u> for a variance from safety and health requirements. You have a right to ask ((WISHA)) <u>DOSH</u> for a hearing on the variance request, but you must ask for the hearing in writing by (date*). If no hearing is requested, ((WISHA)) <u>DOSH</u> will act on the variance request without a hearing."</p> <p>*This date must be 21 calendar days after the variance request is mailed or delivered.</p>

For this type of variance:	Include the following on your written application:
<p>Temporary variance Request a temporary variance if both of the following apply:</p> <p>((*) <u>1.</u> New ((WISHA)) <u>DOSH</u> requirements can't be met for any of the following reasons:</p> <p>((-) <u>2.</u> Professional or technical people are not available</p> <p>((-) <u>a.</u> Materials or equipment are not available</p> <p>((-) <u>b.</u> Construction or alteration of facilities cannot be completed by the effective date of the requirements</p> <p>((*) <u>3.</u> You have an effective plan for meeting ((WISHA)) <u>DOSH</u> requirements as soon as possible.</p> <p>Note:</p> <p>((*) <u>1.</u> Temporary variances remain in effect:</p> <p>((-) <u>1.</u> Until current ((WISHA)) <u>DOSH</u> requirements are met</p> <p>((-) <u>2.</u> No longer than one year, unless extended</p>	<p>((*) <u>1.</u> Provide all the information required above for permanent variances</p> <p>((*) <u>2.</u> Also provide all of the following:</p> <p>((-) <u>a.</u> An explanation of why ((WISHA)) <u>DOSH</u> requirements can't be met, including documentation that supports this belief</p> <p>((-) <u>b.</u> Steps that will be taken to protect employees until ((WISHA)) <u>DOSH</u> requirements can be met</p> <p>((-) <u>c.</u> When ((WISHA)) <u>DOSH</u> requirements will be met</p> <p>((-) <u>d.</u> A statement that this request is from a qualified person who has first hand knowledge of the facts represented</p>

What to expect from ((WISHA)) DOSH:

- ((*) (3) A review of all variance requests.
- ((-) (a) If more information is needed to make a decision, ((WISHA)) DOSH may:
 - ((*) (i) Contact you or others who may have the needed information.
 - ((*) (ii) Visit your workplace after contacting you to make arrangements.
 - ((*) (iii) Deny your request if you don't provide information needed to make a decision on it.
- ((*) (iv) A decision at least twenty-one calendar days from when the request was posted for employees.
- ((-) (b) The twenty-one-day period allows employees time to request a hearing on your variance application. See Variance hearings, WAC 296-900-11025.
- ((*) (4) A written decision either granting or denying the variance.
 - ((-) (a) If granted, the written decision will include all of the following:
 - ((*) (i) The requirement for which the variance applies.
 - ((*) (ii) The locations where the variance applies.
 - ((*) (iii) What you must do as an alternative means of protecting employees.
 - ((*) (iv) The effective date of the variance.
 - ((*) (v) An expiration date for the variance, if applicable.
 - ((*) (vi) The requirement to post the decision.
 - ((-) (b) If denied, the written decision will include:

- ((*) (i) A brief statement with reasons for the denial.
- ((*) (ii) The requirement to post the decision.

((WISHA)) (5) DOSH will review permanent variances periodically after they have been in effect for six months, to decide whether they are still needed or need to be changed.

Note: If there's an appealed ((WISHA)) DOSH citation and notice that relates to the variance request, the decision on the variance may be delayed until the appeal is resolved.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-11010 Interim orders. ~~((Definition: An interim order allows an employer to vary from WISHA requirements until a permanent or temporary variance is granted.))~~ You must((*)

*) request an interim order if alternate methods of protecting employees are needed while waiting for a permanent or temporary variance.

Note: An interim order may be requested at the same time a permanent or temporary variance is requested, or anytime after that.

What to expect from ((WISHA)) DOSH:

- ((*) (1) A review of the request for an interim order.
- ((-) If more information is needed to make a decision, ((WISHA)) DOSH may:
 - ((*) (a) Contact the employer or others who may have the needed information.

((■)) (b) Visit the workplace after contacting the employer to make arrangements.

((■)) (c) Deny the request if the employer doesn't provide information needed to make a decision.

((★)) (2) A decision at least twenty-one calendar days from when the request was posted for employees.

((-)) (a) The twenty-one-day period allows employees time to request a hearing on your temporary variance renewal. See Variance hearings, WAC 296-900-11025.

((★)) (3) A written decision either granting or denying the interim order request.

((-)) (a) If granted, the decision will include all of the following:

((■)) (i) The requirement for which the interim order applies.

((■)) (ii) The locations where the interim order applies.

((■)) (iii) What you must do as an alternative means of protecting employees.

((■)) (iv) The effective date of the interim order.

((■)) (v) An expiration date for the interim order.

((■)) (vi) The requirement to post the decision.

((-)) (b) If denied, the decision will include:

((■)) (i) A brief statement with reasons for the denial.

((■)) (ii) The requirement to post the decision.

Note: ((★-WISHA's)) 1. DOSH's decision to grant or deny an interim order request will not affect the decision on a permanent or temporary variance request.

((★-WISHA)) 2. DOSH may choose to issue an interim order in response to a variance request, even when the interim order wasn't specifically requested.

((★)) 3. Interim orders are effective until they are revoked, or until the variance request is granted or denied.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-11015 Renewing a temporary variance.

((IMPORTANT!)) Important:

Temporary variances can be renewed up to two times, for up to one hundred eighty days each time.

(1) You must((★

★)) apply for a temporary variance renewal at least ninety days before the temporary variance expires.

((★)) (2) You must send a letter, explaining why more time is needed to fulfill the current requirements.

What to expect from ((WISHA)) DOSH:

((★)) (3) A review of the temporary variance renewal request.

((-)) (4) If more information is needed to make a decision, ((WISHA)) DOSH may:

((■)) (a) Contact you or others who may have the needed information.

((■)) (b) Visit your workplace after contacting you to make arrangements.

((■)) (c) Deny your request if you don't provide information needed to make a decision.

((★)) (5) A decision at least twenty-one calendar days from when the request was posted for employees. ((-)) The twenty-one-day period allows employees time to request a

hearing on your temporary variance renewal. See Variance hearings, WAC 296-900-11025.

((★)) (6) A written decision either granting or denying the temporary variance renewal request.

((-)) (a) If granted, the written decision will include all of the following:

((■)) (i) The requirements for which the temporary variance applies.

((■)) (ii) The locations where the temporary variance applies.

((■)) (iii) What you must do as an alternative means of protecting employees.

((■)) (iv) The effective date of the temporary variance.

((■)) (v) An expiration date for the temporary variance.

((■)) (vi) The requirement to post the decision.

((-)) (b) If denied, the written decision will include:

((■)) (i) A brief statement with reasons for the denial.

((■)) (ii) The requirement to post the decision.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-11020 Changing a variance. You, your employees, or their representatives may((★

★)) request changes to variances in writing as follows:

((-)) (1) For a permanent variance only after it's been in effect for at least six months.

((-)) (2) For a temporary variance, only when renewing it.

Note: ((■)) 1. After six months, ((WISHA)) DOSH may initiate changes to a variance if they appear to be warranted.

((■)) 2. Employers can decide at any time to follow the original requirement, instead of the requested variance.

What to expect from ((WISHA)) DOSH:

((★)) (3) A review of your request to change a variance.

((-)) (a) If more information is needed to make a decision, ((WISHA)) DOSH may:

((■)) (i) Contact you or others who may have the needed information.

((■)) (ii) Visit your workplace after contacting you to make arrangements.

((■)) (iii) Deny your request for a change if you don't provide information needed to make a decision.

((★)) (iv) A decision at least twenty-one calendar days from when the request was posted for employees.

((-)) (b) The twenty-one-day period allows employees time to request a hearing on your request to change a variance. See Variance hearings, WAC 296-900-11025.

((★)) (4) A written decision either granting or denying the change in variance.

((-)) (a) If granted, the written decision will include all of the following:

((■)) (i) The requirements for which the variance applies.

((■)) (ii) The locations for which the variance applies.

((■)) (iii) What you must do as an alternative means of protecting employees.

((■)) (iv) The effective date of the change in variance.

((■)) (v) An expiration date of the variance, if applicable.

((■)) (vi) The requirement to post the decision.

((-)) (b) If denied, the written decision will include:

- (*) (i) A brief statement with reasons for the denial.
- (*) (ii) The requirement to post the decision.

(*) 2. Employers, employees, or employee representatives may request copies of recordings or transcripts of variance hearings at cost.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-11025 Variance hearings.

~~(*)~~ **Important:**

(*) Employers, affected employees, or employee representatives may request a hearing on any of the following:

- (-) Permanent or temporary variance requests.
- (-) Changes to existing variances.

You and your affected employees must(*)

do all of the following if requesting a variance hearing:

(-) (1) Put the request in writing and sign it.

(-) (2) Make sure the request is posted or delivered to the department within twenty-one calendar days from the variance application date, or renewal request date.

(-) (3) Send the written request to (~~(WISHA))~~ DOSH, using one of the following means:

(*) (a) Mail to:

Assistant Director

(~~(WISHA Services))~~ L&I - DOSH

P.O. Box 44650

Olympia, WA 98504-4650

(*) (b) Fax to: 360-902-5438

(*) (c) Take to any L&I office.

(4) You must(*)

immediately do all of the following when you receive a notice of the hearing from (~~(WISHA))~~ DOSH:

(-) (a) Post a copy of the notice on the safety bulletin board.

(-) (b) Give a copy of the notice to affected employees and employee representatives.

(-) (c) Use any other appropriate means for notifying employees who may not receive notices posted on the safety bulletin board. For example, provide a copy to a designated representative or the safety committee.

What to expect from (~~(WISHA))~~ DOSH:

(~~(WISHA))~~ (5) DOSH will do both of the following after receiving a request for a hearing on a variance, change of variance, or temporary variance renewal:

(-) (a) Within ten days, issue a notice advising all interested parties listed on the application that they have the option to participate in the hearing.

(-) (b) Provide you with a notice of the hearing at least twenty calendar days before the hearing date.

(*) (6) A hearing for the variance or variance change will be conducted as follows:

(-) (a) A (~~(WISHA))~~ DOSH representative will explain (~~(WISHA's))~~ DOSH's view of the request for a variance or any proposed change to a variance.

(-) (b) Employers, employees, or employee representatives will then have an opportunity to explain their views and provide any relevant documents or information.

(*) (7) Information gathered at the hearing will be used to make a decision about whether to grant or deny the request for a variance or change in variance.

Note: (~~(WISHA))~~ DOSH may record a variance hearing.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-120 Inspections.

Summary(

~~WISHA inspections~~

~~WAC 296-900-12005.~~

~~Inspection techniques~~

~~WAC 296-900-12010.~~

~~Complaints~~

~~WAC 296-900-12015.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>DOSH inspections</u>	<u>WAC 296-900-12005</u>
<u>Inspection techniques</u>	<u>WAC 296-900-12010</u>
<u>Complaints</u>	<u>WAC 296-900-12015</u>

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-12005 (~~(WISHA))~~ DOSH inspections.

(~~(WISHA))~~ (1) DOSH conducts the following types of **programmed** inspections:

(-) (a) Hazardous workplaces.

(~~(WISHA))~~ DOSH identifies hazardous workplaces using objective criteria and inspection-scheduling systems that may include any of the following factors:

(*) (i) Type of industry.

(*) (ii) Injury and illness data that identifies hazards.

(*) (iii) Employer's industrial insurance experience.

(*) (iv) Number, type, and toxicity of contaminants in the workplace.

(*) (v) Degree of exposure to hazards.

(*) (vi) Number of employees exposed.

(*) (vii) Other factors, such as history of employee complaints.

Note: (~~(WISHA))~~ DOSH periodically reviews the scheduling systems and may adjust the type or significance of each criteria.

(-) (b) High hazard industries that include the following:

(*) (i) Agriculture.

(*) (ii) Asbestos renovation and demolition.

(*) (iii) Construction.

(*) (iv) Electrical utilities and communications.

(*) (v) Logging.

(*) (vi) Maritime.

(~~(WISHA))~~ (2) DOSH conducts the following types of **unprogrammed** inspections of workplaces that may be in violation of (~~(WISHA))~~ DOSH safety or health requirements or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. These inspections may focus only on certain areas or processes in a workplace or, depending on initial findings, may be expanded to include the entire workplace. Unprogrammed inspections may occur because of:

((-)) (a) Complaints from current employees or employee representatives who believe they have been exposed to a hazard because of a violation.

((-)) (b) Referrals from anyone, including former employees, who reasonably believes that workers under ((WISHA)) DOSH jurisdiction are being, or have been, exposed to a hazard because of a violation.

((-)) (c) Workplace deaths, catastrophic events, or serious injury or illness.

((-)) (d) A reason to believe that employees may be in imminent danger of serious injury or death.

((-)) (e) Follow-up inspections to verify that hazards identified in a previous inspection have been corrected.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-12010 Inspection techniques. ((*) During an inspection, ((WISHA)) DOSH staff may:

((-)) (1) Take samples, photographs, videotapes, or audiotapes.

((-)) (2) Conduct tests or interviews.

((-)) (3) Ask employees to wear sampling devices.

((-)) (4) Privately question, on or off the worksite, any:

((■)) (a) Employer.

((■)) (b) Employer representative.

((■)) (c) Owner.

((■)) (d) Operator.

((■)) (e) Employee.

((■)) (f) Employee representative.

((-)) (5) Employ any other reasonable investigative techniques.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-12015 Complaints. Employees or employee representatives may((+)

*) file a written complaint if they believe they have been exposed to a hazard that is a violation of ((WISHA)) DOSH safety and health requirements.

What to expect from ((WISHA)) DOSH:

((*) After receiving a written complaint from an employee or employee representative, ((WISHA)) DOSH reviews the allegations and responds according to Table 2, ((WISHA)) DOSH Responses to Employee Complaints.

Table 2

((WISHA)) DOSH Responses to Employee Complaints

For this determination:	((WISHA)) DOSH will take the following actions:
The complaint is within ((WISHA)) DOSH jurisdiction and an inspection doesn't appear to be needed at this time	((*) 1. Call the employer to discuss the complaint
	((*) 2. Set a deadline for the employer to respond in writing

For this determination:	((WISHA)) DOSH will take the following actions:
	<p>((*) 3. Fax or mail a complaint notification letter to the employer. Before the complaint is faxed or mailed, the following names will be removed unless specific permission is given to include them:</p> <p>((-) a. The name of the person submitting the complaint</p> <p>((-) b. The names of any employees identified in the complaint</p> <p>((*) 4. Evaluate the employer's response, and do one of the following:</p> <p>((-) a. Close the complaint because the issues have been addressed, and send a copy of the employer's response to the person filing the complaint</p> <p>((-) b. Inspect the workplace</p> <p>Note:</p> <p>((*) If the complaint is closed and additional information is received from the person filing the complaint disputing the employer's written response, ((WISHA)) DOSH may schedule an inspection</p> <p>((*) If the person who filed the original complaint requests in writing that ((WISHA)) DOSH review a decision not to conduct an inspection, ((WISHA)) DOSH will review the decision and notify the person in writing of the results</p> <p>((*) If the person requesting the review is not satisfied with the results of the review, they may request a second review by the assistant director or designee</p>
The complaint is within ((WISHA)) DOSH jurisdiction and an inspection needs to be conducted	<p>((*) 1. Conduct an inspection</p> <p>((*) 2. Issue a citation and notice that shows one of the following:</p> <p>((-) a. Violations found</p> <p>((-) b. No violations were found</p> <p>((*) 3. Send a letter to the person filing the complaint with inspection results</p> <p>Reference: For citation and notice information, turn to citation and notice, WAC 296-900-130</p>
The complaint is not within ((WISHA)) DOSH jurisdiction	<p>((*) 1. Send a written response to the person filing the complaint explaining the matter is not within ((WISHA)) DOSH jurisdiction</p> <p>Note: ((WISHA)) DOSH may make a referral to the proper authority</p>

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

WAC 296-900-130 Citation and notice.

Summary(†)

Employer responsibility:

To notify employees when a citation and notice is received:

- ~~((Citation and notice WAC 296-900-13005.~~
- ~~Copies of future citations and notices WAC 296-900-13010.~~
- ~~Posting citation and notices WAC 296-900-13015.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Citation and notice</u>	<u>WAC 296-900-13005</u>
<u>Copies of future citations and notices</u>	<u>WAC 296-900-13010</u>
<u>Posting citation and notices</u>	<u>WAC 296-900-13015</u>

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-13005 Citation and notice. ((Definition:

~~A citation and notice is a document issued to an employer notifying them of:~~

- ~~• Inspection results.~~
- ~~• Any specific violations of WISHA safety and health requirements.~~
- ~~• Any monetary penalties assessed.~~
- ~~• Employer certification of correction requirements.~~
- ~~• WISHA) DOSH will mail a citation and notice to you as soon as possible but not later than six months following any inspection or investigation.~~

~~((-) (1) If violations are found, the citation and notice will include:~~

- ~~((▪) (a) A description of violations found.~~
- ~~((▪) (b) The amount and type of assessed penalties.~~
- ~~((▪) (c) The length of time given to correct the violations not already corrected during the inspection.~~

~~((-) (2) If no violations are found, a notice of inspection results will be sent stating that no violations were found or penalties assessed.~~

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-13010 Copies of future citation and notices. Employees or their representatives wishing to receive copies of citation and notices during the next twelve months must((†

•) submit a request for copy of citation and notice form to the following:

Department of Labor and Industries
Standards and Information
P.O. Box 44638
Olympia, WA 98504-4638

Note: ((•) A request for copy of citation and notice form can be obtained by:
((-) 1. Calling 360-902-5553.
((-) 2. Contacting the local L&I office.

Reference: ((▪) For a list of the local L&I offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC.

What to expect from ((WISHA)) DOSH:

((•-WISHA)) (1) DOSH may decide who will receive copies of the citation and notices if more than one employee or employee representative requests a copy.

((•-WISHA)) (2) DOSH may deny a request for copies of citation and notices if the person filing the request is not an employee or employee representative.

((•) (3) If ((WISHA)) DOSH grants the request for copies of citation and notices, the employee or employee representative will:

((-) (a) Receive an approval document from ((WISHA)) DOSH.

((-) (b) Receive all citation and notices issued to that employer for the next twelve months.

((-) (c) Continue receiving citation and notices for an additional twelve months if a one-year extension is requested and approved.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-13015 Posting citation and notices. (1)

You must((†
•) immediately notify employees of a citation and notice by posting it and any correspondence related to an employee complaint on the safety bulletin board for three working days or until all violations are corrected, whichever time period is longer.

((•) (2) You must use any other appropriate means to notify employees who may receive notices posted on the safety bulletin board.

((-) Examples of other appropriate means include sending a copy by mail or electronically to any of the following:

- ((▪) (a) A designated employee representative.
- ((▪) (b) Safety representatives.
- ((▪) (c) The safety committee.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-140 Monetary penalties.

Summary(†)

Employer responsibility:

To pay monetary penalties if assessed.

~~((Contents:~~

~~Reasons for monetary penalties~~

~~WAC 296-900-14005.~~

~~Base penalties~~

~~WAC 296-900-14010.~~

~~Base penalty adjustments~~

~~WAC 296-900-14015.~~

~~Increases to adjusted base penalties~~

~~WAC 296-900-14020.~~

Definition:

~~Monetary penalties are fines assessed against an employer for violations of safety and health requirements.))~~

You must meet the requirements...	in this Section:
Reasons for monetary penalties	WAC 296-900-14005
Base penalties	WAC 296-900-14010
Base penalty adjustments	WAC 296-900-14015
Increases to adjusted base penalties	WAC 296-900-14020

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-14005 Reasons for monetary penalties. ~~((WISHA))~~ (1) **DOSH** may assess monetary penalties when a citation and notice is issued for any violation of safety and health rules or statutes.

~~((WISHA))~~ (2) **DOSH** will assess monetary penalties under the following conditions:

((-)) (a) When a citation and notice is issued for a serious, willful, or egregious violation.

((-)) (b) When civil penalties are specified by statute as described in RCW 49.17.180.

Note: In addition to penalties specified by ~~((WISHA))~~ **DOSH**, there are penalties specified by other statutes, such as:

- ((*) 1. Asbestos construction projects, RCW 49.26.016.
- ((*) 2. Right to know (RTK)—MSDS, RCW 49.70.190.
- ((*) 3. Right to know—Penalty for late payment, RCW 49.70.177.

((*) (3) The minimum civil penalties assessed by ~~((WISHA))~~ **DOSH** are:

((-) (a) One hundred dollars for any penalty.

((-) (b) Five thousand dollars per violation for all willful violations.

((-) (c) Two hundred fifty dollars per day for asbestos good faith inspection (RCW 49.26.016 and 49.26.013).

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-14010 Base penalties. ~~((WISHA))~~ **DOSH** calculates the base penalty for a violation by considering the following:

((-) (1) Specific amounts that are dictated by statute; ~~((OR))~~ or

((-) (2) By assigning a weight to a violation, called "gravity." Gravity is calculated by multiplying a violation's severity rate by its probability rate. Expressed as a formula:

$$\text{Gravity} = \text{Severity} \times \text{Probability}$$

Note: Most base penalties are calculated by the gravity method.

((*) (3) Severity and probability are established in the following ways:

Severity:

((-) (a) Severity rates are based on the most serious injury, illness, or disease that could be reasonably expected to occur because of a hazardous condition.

((-) (b) Severity rates are expressed in whole numbers and range from 1 (lowest) to 6 (highest). Violations with a severity rating of 4, 5, or 6 are considered serious.

~~((WISHA))~~ (c) **DOSH** uses Table 3, Severity Rates, to determine the severity rate for a violation.

Table 3
Severity Rates

Severity	Most serious injury, illness, or disease from the violation is likely to be:
6	((*) 1. Death ((*) 2. Injuries involving permanent severe disability ((*) 3. Chronic, irreversible illness
5	((*) 1. Permanent disability of a limited or less severe nature ((*) 2. Injuries or reversible illnesses resulting in hospitalization
4	((*) 1. Injuries or temporary, reversible illnesses resulting in serious physical harm ((*) 2. May require removal from exposure or supportive treatment without hospitalization for recovery
3	((*) 1. Would probably not cause death or serious physical harm, but have at least a major impact on and indirect relationship to serious injury, illness, or disease ((*) 2. Could have direct and immediate relationship to safety and health of employees ((*) 3. First aid is the only medical treatment needed
2	((*) 1. Indirect relationship to non-serious injury, illness, or disease ((*) 2. No injury, illness, or disease without additional violations
1	((*) 1. No injury, illness, disease ((*) 2. Not likely to result in injury even in the presence of other violations

Probability:

~~((Definition:))~~

A probability rate is a number that describes the likelihood of an injury, illness, or disease occurring, ranging from 1 (lowest) to 6 (highest).

~~(*)~~ (d) When determining probability, ~~(WISHA)~~ DOSH considers a variety of factors, depending on the situation, such as:

- ~~(*)~~ (i) Frequency and amount of exposure.
 - ~~(*)~~ (ii) Number of employees exposed.
 - ~~(*)~~ (iii) Instances, or number of times the hazard is identified in the workplace.
 - ~~(*)~~ (iv) How close an employee is to the hazard, i.e., the proximity of the employee to the hazard.
 - ~~(*)~~ (v) Weather and other working conditions.
 - ~~(*)~~ (vi) Employee skill level and training.
 - ~~(*)~~ (vii) Employee awareness of the hazard.
 - ~~(*)~~ (viii) The pace, speed, and nature of the task or work.
 - ~~(*)~~ (ix) Use of personal protective equipment.
 - ~~(*)~~ (x) Other mitigating or contributing circumstances.
- ~~(WISHA)~~ (4) DOSH uses Table 4, Gravity Based Penalty, to determine the dollar amount for each gravity-based penalty, unless otherwise specified by statute.

**Table 4
Gravity Based Penalty**

Gravity	Base Penalty
1	\$100
2	\$200
3	\$300
4	\$400
5	\$500
6	\$1000
8	\$1500
9	\$2000
10	\$2500
12	\$3000
15	\$3500
16	\$4000
18	\$4500
20	\$5000
24	\$5500
25	\$6000
30	\$6500
36	\$7000

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-14015 Base penalty adjustments. ~~(*)~~ (1) DOSH may adjust base penalties. Table 5, Adjusted Base Penalties, describes the various factors ~~(WISHA)~~ DOSH considers when adjusting a base penalty, and the effect on the fine.

~~(-)~~ (a) The minimum adjusted base penalty for any violation carrying a penalty is one hundred dollars.

~~(-)~~ (b) The minimum penalty for willful violations is five thousand dollars.

~~(-)~~ (c) The maximum adjusted base penalty for a violation is seven thousand dollars.

~~(*)~~ (2) No adjustments are made to minimum penalty amounts specified by statute.

Note: Repeat, willful, egregious, or failure-to-abate (failure to correct) penalty adjustments can exceed seven thousand dollars. See Increases to adjusted base penalties, WAC 296-900-14020, for those penalties.

**Table 5
Adjusted Base Penalties**

For this type of adjustment:	(WISHA) <u>DOSH</u> will consider:	The base penalty will be adjusted as follows:
Good faith effort	(*) <u>1.</u> Awareness of act	Excellent rating = 35% reduction
	(*) <u>2.</u> Effort before an inspection to provide a safe and healthful workplace for employees	Good rating = 20% reduction
	(*) <u>3.</u> Effort to follow a requirement they have violated	Average rating = No adjustment
	(*) <u>4.</u> Cooperation during an inspection, measured by a desire to follow the cited requirement and immediately correct identified hazards	Poor rating = 20% increase
Size of workforce	(*) Work force size at all sites in Washington state	1-25 employees = 60% reduction 26-100 employees = 40% reduction 101-250 employees = 20% reduction More than 250 employees = No adjustment
Employer history	(*) History of previous safety and health violations in Washington state and injury and illness rates for that employer	Good history = 10% reduction Average history = No adjustment Poor history = 10% increase

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

WAC 296-900-14020 Increases to adjusted base penalties. ~~(*)~~ DOSH may increase an adjusted base

penalty in certain circumstances. Table 6, Increases to Adjusted Base Penalties, describes circumstances where an increase may be applied to an adjusted base penalty.

Table 6
Increases to Adjusted Base Penalties

For this circumstance:	The adjusted base penalty may be increased as follows:
<p>Repeat violation</p> <p>When the employer has been previously cited for a substantially similar hazard, with a final order for the previous violation dated no more than 3 years prior to the employer committing the violation being cited.</p>	<p>((*) Multiplied by the total number of citations with violations involving similar hazards, including the current inspection.</p> <p>Note: The maximum penalty can't exceed seventy thousand dollars for each violation.</p>
<p>Willful violation</p> <p>An act committed with the intentional, knowing, or voluntary disregard for the ((WISHA)) DOSH requirements or with plain indifference to employee safety.</p>	<p>((*) Multiplied by ten with at least the statutory minimum penalty of five thousand dollars</p> <p>Note: The maximum penalty can't exceed \$70,000 for each violation.</p>
<p>Egregious violation</p> <p>If the violation was willful and at least one of the following:</p> <p>((*) 1. The violations resulted in worker fatalities, a worksite catastrophe, or a large number of injuries or illnesses.</p> <p>((*) 2. The violations resulted in persistently high rates of worker injuries or illnesses.</p> <p>((*) 3. The employer has an extensive history of prior violations.</p> <p>((*) 4. The employer has intentionally disregarded its safety and health responsibilities.</p> <p>((*) 5. The employer's conduct taken as a whole amounts to clear bad faith in the performance of his/her duties.</p> <p>((*) 6. The employer has committed a large number of violations so as to undermine significantly the effectiveness of any safety and health program that might be in place.</p>	<p>((*) With a separate penalty issued for each instance the employer fails to follow a specific requirement.</p>
<p>Failure to abate (FTA)</p> <p>Failure to correct a cited ((WISHA)) DOSH violation on time.</p>	<p>((*) Based on the facts at the time of reinspection, will be multiplied by:</p>

For this circumstance:	The adjusted base penalty may be increased as follows:
<p>Reference: For how to certify corrected violations, go to Certifying violation corrections, WAC 296-900-15005 through 296-900-15030.</p>	<p>((-) 1. At least five, but up to ten, based on the employer's effort to comply.</p> <p>((-) 2. The number of calendar days past the correction date, with a minimum of five days.</p> <p>Note: The maximum penalty can't exceed seven thousand dollars per day for every day the violation is not corrected.</p>

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

WAC 296-900-150 Certifying violation corrections.

Summary((+))

Employer responsibility:

((*) (1) To certify that violations to safety and health requirements have been corrected.

((*) (2) To submit, if required:

((-) (a) Additional information.

((-) (b) Correction action plans.

((-) (c) Progress reports.

((*) (3) To comply with correction due dates.

((*) (4) To tag cited moveable equipment to warn employees of a hazard.

((*) (5) To inform affected employees that each violation was corrected.

~~((Certifying violation correction~~

~~WAC 296-900-15005.~~

~~Violation correction action plans~~

~~WAC 296-900-15010.~~

~~Progress reports~~

~~WAC 296-900-15015.~~

~~Timeliness of violation correction documents~~

~~WAC 296-900-15020.~~

~~Inform employees about violation correction~~

~~WAC 296-900-15025.~~

~~Tag moveable equipment~~

~~WAC 296-900-15030.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Certifying violation correction</u>	<u>WAC 296-900-15005</u>
<u>Violation correction action plans</u>	<u>WAC 296-900-15010</u>
<u>Progress reports</u>	<u>WAC 296-900-15015</u>
<u>Timeliness of violation correction documents</u>	<u>WAC 296-900-15020</u>
<u>Inform employees about violation correction</u>	<u>WAC 296-900-15025</u>
<u>Tag moveable equipment</u>	<u>WAC 296-900-15030</u>

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-15005 Certifying violation correction.

(Definition:

A correction date is the date by which you must meet the WISHA requirements listed on either a:

~~(1) Citation and notice (C&N);~~

OR

~~(2) A corrective notice of redetermination (CNR);~~ (1)

You must((

1) certify in writing within ten calendar days following the correction date shown on the C&N that each violation has been corrected. Include the following:

((1) (a) Employer name and address.

((1) (b) The inspection number involved.

((1) (c) The citation and item numbers which have been corrected.

((1) (d) The date each violation was corrected and the method used to correct them.

((1) (e) A statement that both:

((1) (i) Affected employees and their representatives were informed that each violation was corrected; ~~(AND)~~ and

((1) (ii) The information submitted is accurate.

((1) (f) Employer's signature or the signature of employer's designated representative.

Note: Certification is not required if the ((WISHA)) DOSH compliance officer indicates in the C&N, or a reassumption hearings officer indicates in a CNR, that they have already been corrected.

(2) You must((

1) submit additional documentation for willful or repeated violations, demonstrating that they were corrected. This documentation may include, but is not limited to:

((1) (a) Evidence of the purchase or repair of equipment.

((1) (b) Photographic or video evidence of corrections.

((1) (c) Other written records.

((1) (3) You must submit additional documentation for serious violations when required in the C&N or CNR.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-15010 Violation correction action plans. You must((

1) submit a written violation correction action plan within twenty-five calendar days from the final order date when the citation and notice or corrective notice of redetermination requires it. Include all of the following in the violation correction action plan:

((1) (1) Identification of the violation.

((1) (2) The steps that will be taken to correct the violation.

((1) (3) A schedule to complete the steps.

((1) (4) A description of how employees will be protected until the corrections are completed.

What to expect from ((WISHA)) DOSH:

((WISHA)) DOSH will notify you in writing only if your plan is not adequate, and describe necessary changes.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-15015 Progress reports. You must((1) submit written progress reports on corrections when required in the citation and notice (C&N) or corrective notice of redetermination (CNR), and briefly explain the:

((1) (1) Status of each violation.

((1) (2) Action taken to correct each violation.

((1) (3) Date each action has or will be taken.

What to expect from ((WISHA)) DOSH:

((WISHA)) DOSH will state in the C&N or CNR if progress reports are required, including:

((1) (4) Items that require progress reports.

((1) (5) Date when an initial progress report must be submitted. The initial progress report is due no sooner than thirty calendar days after you submit a correction action plan.

((1) (6) Whether additional progress reports are required, and the dates by which they must be submitted.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-15020 Timeliness of violation correction documents.

What to expect from ((WISHA)) DOSH:

((WISHA)) DOSH will determine the timeliness of violation correction documents by reviewing the following:

((1) (1) The postmark date for documents sent by mail.

((1) (2) The date received by other means, such as personal delivery or fax.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-15025 Inform employees about violation correction. (1) You must((

1) inform employees about violation corrections by ~~(doing the following:~~

~~—Post)) posting~~ a copy of each violation correction document submitted to ((WISHA)) DOSH, or a summary, near the place where the violations occurred, if practical.

((1) (2) If posting near the place where the violation occurred is not practical, such as with a mobile work operation, post in a place readily accessible to affected employees or take other steps to fully communicate actions taken to affected employees or their representatives.

((1) (a) Keep violation correction information posted for at least three working days after submitting the correction documents to ((WISHA)) DOSH.

((1) (b) Give notice to employees and their representatives on or before the date you submit correction information to ((WISHA)) DOSH.

((1) (c) Make sure that all posted correction documents are not altered, defaced, or covered by other materials.

((1) (3) You must inform employees and their representatives of their right to examine and copy all correction documents submitted to ((WISHA)) DOSH.

((1) (4) If they ask to examine or copy documents within three working days of receiving notice that the docu-

ments were submitted to ((WISHA)) DOSH, provide access or copies no later than five days after receiving their request.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-15030 Tag moveable equipment.

~~((You must:~~

~~• Tag moveable equipment that has been cited to warn employees if a hazard has not been corrected, as follows:~~

~~— Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component.~~

~~•) (1) If moveable equipment has been cited, and if a hazard has not been corrected, you must attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component, to warn employees, as follows:~~

~~(a) For hand-held equipment, tag it immediately after you receive a citation.~~

~~((•)) (b) For other equipment, tag it before moving it within the worksite or between worksites.~~

Note: The tag should warn employees about the nature of the violation and tell them where the citation is posted.

Reference: For a sample tag that meets this requirement, go to Helpful Tool((s;)) Sample Tag for Cited Moveable Equipment, ((in the resources section of this chapter)) at the end of this rule.

~~(2) You must((+~~

~~•) make sure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other materials.~~

~~((•)) (3) You must keep the tag or copy of the citation attached to movable equipment until one of the following occurs:~~

~~((-) (a) Violations have been corrected and all certification documents have been submitted to ((WISHA)) DOSH.~~

~~((-) (b) Cited equipment is permanently removed from service.~~

~~((-) (c) The final order from an appeal vacates (voids) the violation.~~

Note: Safety Standards for Construction Work, chapter 296-155 WAC, has information on warning tags. You can use warning tags that meet those requirements instead of the warning tags required by this rule.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-160 More time to comply.

Summary((+)

Your responsibility:

(1) To submit timely requests when more time is needed to correct violations.

(2) To post requests for more time for employees.

~~((Requesting more time to comply~~

~~WAC 296-900-16005.~~

~~Post WISHA's response to requests for more time~~

~~WAC 296-900-16010.~~

~~Correction date hearing requests~~

~~WAC 296-900-16015.~~

~~Post WISHA's violation correction hearing notice~~

~~WAC 296-900-16020.~~

~~Violation correction hearing procedures~~

~~WAC 296-900-16025.~~

~~Post the violation correction hearing decision~~

~~WAC 296-900-16030.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Requesting more time to comply</u>	<u>WAC 296-900-16005</u>
<u>Post DOSH's response to requests for more time</u>	<u>WAC 296-900-16010</u>
<u>Correction date hearing requests</u>	<u>WAC 296-900-16015</u>
<u>Post DOSH's violation correction hearing notice</u>	<u>WAC 296-900-16020</u>
<u>Violation correction hearing procedures</u>	<u>WAC 296-900-16025</u>
<u>Post the violation correction hearing decision</u>	<u>WAC 296-900-16030</u>

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-16005 Requesting more time to comply.

~~((IMPORTANT;)) Important:~~

~~((•)) Employers can request more time to correct violations if they:~~

~~((-) Have made a good faith effort to correct the violation.~~

~~((-) Have not corrected the violation because of factors beyond their control.~~

~~(1) You must((+~~

~~•) submit any requests for more time to correct violations in writing. Requests must be received or postmarked before midnight of the correction date shown on the citation and notice (C&N) or corrective notice of redetermination (CNR), and include:~~

~~((-) (a) The business name.~~

~~((-) (b) The address of the workplaces.~~

~~((-) (c) The citation and the correction dates to be extended.~~

~~((-) (d) The new correction date and length of correction period being requested.~~

~~((-) (e) A description of the actions that have been, and are being, taken to meet the correction dates in the C&N or CNR.~~

~~((-) (f) Factors preventing correction of violations by the date required.~~

~~((-) (g) The means that will be used to protect employees while the violation is being corrected.~~

~~((-) (h) Certification that the request for correction date extension has been posted, and if appropriate, certification that a copy was delivered to affected employees or their representatives.~~

((-)) (i) Employer's signature or the signature of the employer's representative.

((-)) (j) Date.

((*) (2) Submit requests by one of the following methods:

((-)) (a) First class mail, postage prepaid to any L&I office.

((-)) (b) Take to any L&I office.

((-)) (c) Fax to the number shown in the C&N.

Reference: For a list of the local offices, see the resources section of the Safety and Health Core Rules, chapter 296-800 WAC.

What to expect from ((WISHA)) DOSH:

((-WISHA)) DOSH may:

((-)) (3) Accept late requests if they are both:

((*) (a) Received within five days following the related correction date; ((AND)) and

((*) (b) Accompanied by your written statement explaining the exceptional circumstances that caused the delay.

Note: ((WISHA)) DOSH doesn't accept late requests when compliance activity has already started.

((-WISHA)) DOSH may:

((-)) (4) Respond to telephone requests or personal conversations asking for more time to comply if timely, and followed up in writing within twenty-four hours.

((-)) (5) Conduct an investigation before making a decision whether to grant a request for more time.

((-WISHA)) DOSH will:

((-)) (6) Make a decision whether or not to grant the employer more time. Once made, the decision remains in effect unless an employee or employee representative requests a hearing.

((-)) (7) Keep the original correction date in effect unless a notice granting more time is sent.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-16010 Post ((WISHA's)) DOSH's response to requests for more time. (1) You must((*

*) post notices from ((WISHA)) DOSH approving additional time to correct citations, with the related citation, immediately upon receipt.

((*) (2) You must keep the notices posted until one of the following occur:

((-)) (a) The correction date has passed.

((-)) (b) A hearing notice is requested and posted.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-16015 Correction date hearing requests.

((IMPORTANT*)) Important:

((*) Affected employees or their designated representatives may request a hearing if they disagree with ((WISHA's)) DOSH's decision to grant an employer more time to correct a violation.

((*) Employers may request a hearing if ((WISHA)) DOSH denies their request for more time to correct a violation.

You, your employees, or their representatives must((*) send requests for hearings, if desired, in writing no later than ten calendar days after the issue date of the notice granting more time to correct a violation to:

((-)) (1) Mail to:

Assistant Director for ((WISHA Services)) L&I - DOSH

Attn: ((WISHA)) DOSH Appeals

P.O. Box 44604

Olympia, WA 98504-4604

((-)) (2) Fax to: 360-902-5581

((-)) (3) Take to any department service location.

Reference: For a list of the local offices, see the resources section of the Safety and Health Core Rules, chapter 296-800 WAC.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-16020 Post ((WISHA's)) DOSH's violation correction hearing notice. You must((*

*) post ((WISHA's)) DOSH's hearing notice or a complete copy until the hearing is held, along with the:

((-)) (1) Citation containing the correction date for which more time was requested.

((-)) (2) Department notices issued in response to the employer's request for more time.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-16025 Violation correction hearing procedures. What to expect from ((WISHA)) DOSH:

((*) (1) After receiving a hearing request, the assistant director for ((WISHA services)) DOSH will appoint someone from ((WISHA)) DOSH to act as a hearings officer.

((*) (2) The hearings officer:

((-)) (a) Will send a hearing notice to the employer and employee at least twenty days before the hearing date that includes all of the following:

((*) (i) A statement that all interested parties can participate in the hearing.

((*) (ii) The time, date, and place of the hearing.

((*) (iii) A short and clear explanation why a hearing was requested.

((*) (iv) The nature of the proceeding, including the specific sections of the statute or rule involved.

((*) (v) The legal authority and jurisdiction under which the hearing will be held.

((-)) (b) May discuss the material to be presented to determine how the hearing will proceed.

((*) (i) An assistant attorney general may be present at the hearing to give legal advice to the hearings officer.

((*) (ii) The hearing will be conducted by either:

((-)) (A) The hearings officer; ((OR)) or

((-)) (B) The assistant attorney general, if requested by the hearings officer.

((*) (3) After the hearing, ((WISHA)) DOSH will issue an order that either affirms or modifies the correction date that caused the hearing.

AMENDATORY SECTION (Amending WSR 06-06-020, filed 2/21/06, effective 6/1/06)

WAC 296-900-16030 Post the violation correction hearing decision. You must((+ *)) post a complete, unedited copy of the order affirming or modifying the correction date as soon as it is received, along with the applicable citation.

AMENDATORY SECTION (Amending WSR 12-02-055, filed 1/3/12, effective 7/1/12)

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.))~~

<u>You must meet the requirements...</u>	<u>in this Section:</u>
<u>Appealing a citation and notice (C&N)</u>	<u>WAC 296-900-17005</u>
<u>Stay of abatement date request</u>	<u>WAC 296-900-17006</u>
<u>Appealing a corrective notice of redetermination (CNR)</u>	<u>WAC 296-900-17010</u>
<u>Posting appeals</u>	<u>WAC 296-900-17015</u>

AMENDATORY SECTION (Amending WSR 12-02-055, filed 1/3/12, effective 7/1/12)

WAC 296-900-17005 Appealing a citation and notice (C&N). ((~~IMPORTANT~~)) **Important:**
 ((*) Employers may appeal C&Ns.
 ((*) Employees of the cited employer, or their designated representatives, may only appeal 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.
 (1) You must((+ *))
 *) when appealing, submit a written appeal to DOSH within fifteen working days after receiving the C&N. Include the following information:
 ((-) (a) Business name, address, and telephone number.
 ((-) (b) Name, address, and telephone number of any employer representative.

((-) (c) C&N number.
 ((-) (d) What you believe is wrong with the C&N and any related facts.
 ((-) (e) What you believe should be changed, and why.
 ((-) (f) Requests for stay of abatement date according to WAC 296-900-17006.
 ((-) (g) A signature and date.
 ((*) (2) You must send appeals in any of the following ways:
 ((-) (a) Mail to:
 Assistant Director for DOSH Services
 Attn: DOSH Appeals
 P.O. Box 44604
 Olympia, WA 98504-4604
 ((-) (b) Fax to: 360-902-5581
 ((-) (c) 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.

(3) Employees or their designated representatives must((+ *))
 *) when appealing C&N abatement dates, submit a written request to DOSH within fifteen working days after the C&N is received. Include the following information:
 ((-) (a) Name of employee, address, telephone number.
 ((-) (b) Name, address, and telephone number of any designated representative.
 ((-) (c) C&N number.
 ((-) (d) What is believed to be wrong with the abatement date.
 ((-) (e) A signature and date.
 ((*) (4) Employees or their designated representative must send appeals in any of the following ways:
 ((-) (a) Mail to:
 Assistant Director for ((~~DOSH Services~~)) L&I - DOSH
 Attn: DOSH Appeals
 P.O. Box 44604
 Olympia, WA 98504-4604
 ((-) (b) Fax to: 360-902-5581
 ((-) (c) 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 DOSH:

((*) (5) After receiving an appeal, DOSH will do one of the following:
 ((-) (a) Reassume jurisdiction over the C&N, and notify the person who submitted the appeal.
 ((-) (b) 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 DOSH has decided to provide the employer with an informal conference to discuss their appeal.~~

•) (6) When reassuming jurisdiction over a C&N, 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:

((-) (a) 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's a state holiday.

((-) (b) May be extended fifteen additional working days, if everyone involved agrees and signs an extension agreement within the initial thirty-day period.

((-) (c) Will include an informal conference about the appeal that is an opportunity for interested parties to:

((*) (i) Briefly explain their positions.

((*) (ii) Provide any additional information they would like DOSH to consider when reviewing the C&N.

((*) (iii) Provide any additional information they would like DOSH to consider when reviewing stay of abatement date requests.

Note: DOSH might reassume jurisdiction over a C&N to do any of the following:

((*) 1. Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference.

((*) 2. Give an employer, affected employees, and the department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases.

((*) 3. Educate employers about the C&N, the DOSH appeals process, and DOSH compliance.

((*) 4. Review citations, penalties, and 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.

((*) 5. Review requests to stay abatement dates.

((*) (7) On or before the end of the thirty working day review period, 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:

((-) (a) Reflects any changes made to the C&N.

((-) (b) Grants or denies requests to stay abatement dates and includes the basis of the decision.

((-) (c) Is sent to the employer, employees, and employee representatives participating in the appeal process.

AMENDATORY SECTION (Amending WSR 12-02-055, filed 1/3/12, effective 7/1/12)

WAC 296-900-17010 Appealing a corrective notice of redetermination (CNR).

~~((IMPORTANT:)) Important:~~

((*) Employers may appeal CNRs.

((*) Employees who could be affected by a CNR, or their designated representatives, may appeal abatement dates.

((*) Employers must renew requests to stay abatement dates if a stay request is denied when they appeal CNRs.

(1) 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

((*) (2) You must send a copy of the appeal to the CNR to the:

Assistant Director for (~~DOSH Services~~) L&I - DOSH
Attn: DOSH Appeals
P.O. Box 44604
Olympia, WA 98504-4604

OR

((-) Fax to: 360-902-5581

OR

((-) Take to any department service location.

AMENDATORY SECTION (Amending WSR 12-02-055, filed 1/3/12, effective 7/1/12)

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 DOSH citation and notices (C&Ns) are posted. These notices and information include:

((-) (1) The notice of appeal, until the appeal is resolved.

((-) (2) Notices about DOSH reassuming jurisdiction, and any extension of the review period until the end of review period.

((-) (3) A notice of an informal conference until after the conference is held.

((-) (4) 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.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-175 Safety and health investment projects.

Summary

<u>You must read about this program aspect...</u>	<u>in this Section:</u>
<u>Scope and purpose</u>	<u>WAC 296-900-17505</u>
<u>Eligibility</u>	<u>WAC 296-900-17515</u>
<u>Advisory committee</u>	<u>WAC 296-900-17520</u>
<u>Application</u>	<u>WAC 296-900-17525</u>
<u>Review and approval of proposals</u>	<u>WAC 296-900-17530</u>
<u>Monitoring</u>	<u>WAC 296-900-17535</u>
<u>Suspension or revocation of funding</u>	<u>WAC 296-900-17540</u>

AMENDATORY SECTION (Amending WSR 12-03-090, filed 1/17/12, effective 3/1/12)

WAC 296-900-17505 Scope and purpose. (1) The program for safety and health investment projects (SHIP) was established during the 2011 legislative session to provide funding for safety and health projects for workplaces insured for workers' compensation through the department's state fund.

(2) The purpose of these projects shall be to:

(a) Prevent workplace injuries, illnesses, and fatalities;

(b) Create early return to work programs; and

(c) Reduce long-term disability through the cooperation of employers and employees or their representatives.

~~((2))~~ (3) Funds for awards shall be distributed as follows:

(*) (a) At least twenty-five percent for projects designed to develop and implement innovative and effective return-to-work programs for injured workers;

(*) (b) At least twenty-five percent for projects that specifically address the needs of small businesses; and

(*) (c) At least fifty percent for projects that foster workplace injury and illness prevention by addressing priorities identified by the department in cooperation with the Washington Industrial Safety and Health Act advisory committee and the workers' compensation advisory committee.

AMENDATORY SECTION (Amending WSR 12-03-090, filed 1/17/12, effective 3/1/12)

WAC 296-900-17520 Advisory committee. (1) The department will create a SHIP advisory committee (SAC) that will be a subcommittee of the WISHA advisory committee and will advise the department on program policy issues and participate in the grant application review process.

(a) The SAC will have eight to ten members, including equal numbers of employer and employee representatives, and others with relevant experience and expertise.

(b) Members will be appointed to serve three-year renewable terms by the assistant director of the Division of Occupational Safety and Health (DOSH).

(c) The initial term for half of the first group of appointees will be eighteen months.

(2) SAC membership will include:

(a) At least one employer representative from the WISHA advisory committee or an employer representative recommended by the WISHA advisory committee employer representatives; and

(b) At least one employee representative from the WISHA advisory committee or an employee representative recommended by the WISHA advisory committee employee representatives.

~~((2))~~ (3) The SAC will be supplemented by ad hoc grant review committees consisting of selected members of the SAC together with other individuals with experience and expertise in the specific topic areas under review. Members of such ad hoc grant review committees will be appointed by the assistant director for DOSH, taking into consideration recommendations from the SAC and WISHA advisory committee.

~~((3))~~ (4) All meetings of the SAC will be convened and chaired by the assistant director for DOSH or designee.

~~((4))~~ (5) The SAC will provide the following assistance:

(a) Advice on SHIP policy issues to DOSH and the WISHA advisory committee;

(b) Make recommendations to DOSH and the WISHA advisory committee regarding funding priority areas;

(c) Review and comment on funding recommendations made by grant review committees to the assistant director of DOSH;

(d) Keep records of the SACs decisions;

(e) Develop and maintain communication networks in the community.

~~((5))~~ (6) SAC and grant review committee members will disclose to the department any potential conflicts of interest with specific project applications, whether direct or indirect.

(a) The department will determine whether a member's connection to a project should result in recusal from voting on the project.

(b) The department's decision and reasons supporting the decision will be documented in the meeting minutes.

~~((6))~~ (7) SAC and grant review committee members will not disclose any information about applications to anyone not authorized access to the information by law or regulation.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-900-17510 Definitions.