

WSR 24-23-083
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 19, 2024, 9:39 a.m., effective January 1, 2025]

Effective Date of Rule: January 1, 2025.

Purpose: The department of labor and industries (L&I) is adopting permanent sections implementing RCW 49.17.510, related to the availability of automated external defibrillators (AEDs) for workers working on or near high voltage lines and equipment. L&I added the requirements in WAC 296-32-22515 First aid, and 296-45-125 Medical services and first aid.

The law requires employers who build, maintain, and operate high voltage systems 601 volts and over to have and maintain an AED on site where two or more employees are working in close proximity to high voltage lines and equipment. Employers who perform line clearance tree trimming activities are also included in this change. In WAC 296-45-125, without exceeding the statute, added a reference to existing standards around minimum approachable distances in high voltage work to WAC 296-45-325 regarding close proximity. L&I also connected close proximity in WAC 296-32-22515 by adding references to WAC 296-32-23518 and 296-32-23520.

The law requires AEDs to be available; L&I added references in each section to tie the availability of an AED to the same availability requirement for first aid kits to ensure it is clear when and how many need to be available. The adopted language included a housekeeping update in WAC 296-32-22515, incorporating a note that is further in the section to have information on format of the certificate being next to the requirement.

Citation of Rules Affected by this Order: Amending WAC 296-32-22515 and 296-45-125.

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

Adopted under notice filed as WSR 24-18-111 on September 3, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 19, 2024.

Joel Sacks
Director

OTS-5658.2

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) For the purposes of this section:

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

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

OTS-5659.2

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

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

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

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

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

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

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

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

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

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

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

(5) For the purposes of this section:

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

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