



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 20, 2022

TIME: 1:55 PM

WSR 22-19-082

**Agency:** Department of Labor & Industries (L&I)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) November 1, 2022 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:**

In August 2021, the Division of Occupational Safety and Health (DOSH) received notification from the Federal Occupational Safety and Health Administration (OSHA) relating to DOSH's fall protection standard. The notification advised L&I to amend our fall protection rule in chapter 296-880 WAC in order to be at least as effective as those administered by OSHA, as required by the Washington State Plan. This rulemaking amends sections of the current fall protection rule that address roofing activities including leading edge work; work performed on a low or flat pitch roof, and ski area facility and operations.

**Amended Sections**

**WAC 296-880-090 Quick reference guide.**

- o Roofing work on a low pitch roof. Threshold height change from ten feet to six feet.
- o Constructing a leading edge. Threshold height change from ten feet to six feet.
- o Ski area facilities and operations: Working at unprotected elevated locations. Threshold height change from more than ten feet to four feet or more.

**WAC 296-880-095 Definitions.**

- o Numerated this section to provide clarity when cross-referencing.
- o Added definition for "Infrequent".
- o Removed definition for "Predictable and regular basis."
- o Clarified definition for "Safety watch system."
- o Added definition for "Temporary."

**WAC 296-880-20005 Fall protection required at four feet or more.**

- o Added clarifying statement noting when fall protection is required at four feet or more.
- o Subsection (7)(e) added option for use of a guardrail.
- o Subsection (7)(f) added option for use of a safety watch system if appropriate.
- o Added exception for when work other than construction work is being performed under certain circumstances.
- o Subsection (8) Safety watch system was removed.
- o Subsection (9) was renumbered to subsection (8).
- o Subsection (10) was renumbered to subsection (9).

**WAC 296-880-30005 Construction work.**

- o Subsection (1) height threshold was changed from ten feet to six feet.
- o Subsection (1)(c) renumbered to Subsection (2) and further clarification provided regarding when fall protection is needed at hazards of ten feet or more to the ground.
- o Subsection (1)(d) renumbered to Subsection (2)(b).
- o Subsection (2) renumbered to Subsection (3).

**WAC 296-880-30055 Ski area facilities and operations.**

- o Subsection (1)(a) fall hazard height threshold reduced from ten feet to four feet or more.

**WAC 296-880-40005 Guardrail systems.**

- o Subsection (2)(d) reference to subsection (g) replaced with reference to subsection (h)(ii).

**WAC 296-880-40050 Safety watch system requirements.**

- o Subsection (1) clarified language regarding when a safety watch system can be used.
- o Subsection (2)(a) removed "repair work or servicing equipment" and replaced with "work activity."
- o Subsection (2)(b) removed "repair" and "or service" to be consistent in the section.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 296-880-090, 296-880-095, 296-880-20005, 296-880-30005, 296-880-30055, 296-880-40005 and 296-880-40050

Suspended:

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 22-14-097 on July 5, 2022 (date).

Describe any changes other than editing from proposed to adopted version: WAC 296-880-095 Definitions are numbered in order to provide ability to cross-reference.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	<u>7</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_ Amended \_\_\_ Repealed \_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_ Amended \_\_\_ Repealed \_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_ Amended \_\_\_ Repealed \_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>7</u>	Repealed	___

**Date Adopted:** September 20, 2022

**Name:** Joel Sacks

**Title:** Director

**Signature:**

