



RULE-MAKING ORDER PERMANENT RULE ONLY

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

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STATE OF WASHINGTON
FILED

DATE: April 21, 2026
TIME: 8:22 AM

WSR 26-09-113

Agency: Department of Labor & Industries (L&I) / AO 21-20

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) June 1, 2026 (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: L&I is adopting amendments to chapter 296-155 WAC, Safety standards for construction work, Part N Excavation, trenching, and shoring, to require employers to complete a written work plan detailing appropriate risk analysis prior to beginning any work that requires a protective system.

Despite the existing requirement for employers to “ensure prompt and safe removal of injured employees from elevated work locations, trenches and excavations prior to commencement of work”, inspection data revealed multiple fatalities and numerous injuries related to excavation and trenching work in Washington. The conclusions of fatality investigations in recent years suggest that a better approach to risk analysis could serve greatly to reduce the likelihood of similar fatalities in the future.

The adopted rule:

- Creates a standalone definition section and adds a new definition of “work plan”.
- Requires a competent person to remain onsite any time trenching excavation work is being performed.
- Requires completion of a written trench excavation work plan (provided on the L&I website) for any trench excavation that requires a protective system under WAC 296-154-657(1)(a). Employers may also create their own work plan that meets the criteria outlined in the rule.
- Addresses recordkeeping and training requirements of the trench excavation work plan.

Citation of rules affected by this order:

New: WAC 296-155-652
 Repealed:
 Amended: WAC 296-155-650 and 296-155-655
 Suspended:

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

Other authority: Chapter 49.17 RCW

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 26-02-054 on January 6, 2026 (date).
Describe any changes other than editing from proposed to adopted version:

WAC 296-155-655 General protection requirements.

- (12)(c) To provide further clarity to existing fall protection exemptions added language “additional information regarding fall protection requirements and exceptions for trench excavations may be found at WAC 296-880-30005.”
- (13)(a) Changed “on-site” to “on the job site” and clarified the subsection applies to trenching excavation work.
- (13)(b) Clarified the employer designates the competent person and added “trench excavation” to provide clarity that the subsection applies to trench excavation work plan.
- (13)(b)(ii) Added reference to WAC 296-155-657 for clarity and removed “provided that type C soil is assumed at the work site.”
- (13)(c) Expanded definition of work plan to “trench excavation work plan.” Added “trench excavation” before “work plan” to provide clarity that the subsection applies to trench excavation work.
- (13)(c)(i) through (xiv) Added corresponding subsection references for additional clarity of existing rule language.
- (13)(c)(vii) Added clarity that the competent person assess in addition to identifying potentially hazardous atmospheres.

- (13)(c)(xv) Changed “on-site” to “on the job site” for clarity.
- (13)(d) Added clarity that training of employee requirements are to the trench excavation work plan.

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

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 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	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency’s own initiative:

New	<u>1</u>	Amended	<u>2</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: April 21, 2026

Name: Joel Sacks

Title: Director

Signature:

