



ASSOCIATED GENERAL CONTRACTORS of WASHINGTON

Safety & Health Rules Update

April 5, 2016

- **OSHA- Silica**
 - OSHA released a new Silica rule in March with a PEL of 50 micrograms. AGC of America has weight in with opposition to this rulemaking as it is beyond the capabilities of current air filtering and dust removal technology. It is burdensome and AGC of America feels this rulemaking will not result in increased worker safety and has moved to file suit against OSHA. See more here:
<http://www.naylornetwork.com/ngc-safetyMatters/articles/index.asp?aid=370722&issueID=43413>
- **Lead**
 - We invite all our members with any involvement with Lead to attend the next stakeholder meeting June 10th, or sooner (see the LNI page for more info). This meeting will feature a discussion by stakeholders representing the construction industry to talk about current practices.
 - <http://www.lni.wa.gov/Safety/Rules/WhatsNew/LeadSafety/default.asp>
- **Trolley Lines**
 - First Stakeholder meeting is set for April 13th at 1 pm at the Tukwila LNI Service location. A new directive was issued on March 25th. AGC has voiced opposition to some of the requirements of the directive. Which may be edited to help contractors until the rule can be fixed.
 - <http://www.lni.wa.gov/safety/rules/policies/pdfs/dd1870.pdf>
- **Confined Spaces**
 - In May of 2015 OSHA published a new Confined Spaces for Construction Rule that went into effect on August 3rd, 2015. Per OSHA, Washington State LNI (as a state-plan state) has 6 months from rule adoption to review our rules and update to be at least as effective as OSHA. To date, LNI has not been able to put out a comparison document in order to see where our rules will need to be changed. While WA rules were vastly more effective than OSHA until this rule was filed federally, it is concerning to not have a comparison document at this time and no plan on when it will be published to stakeholders and rule adjustments can be made.
- **OSHA Penalty Values**
 - In 2015 LNI updated the agency's Penalty Calculation process through rulemaking at the insistence of OSHA. OSHA showed data that WA Safety penalties were some of the lowest in the country. The rulemaking was completed and went into effect in 2015. Just recently OSHA announced the intent for an increase their penalties for the first time since 1990. The timeline for this adjustment is before August 1st 2016. If this moves forward we can expect to see penalties adjusted in WA as well.
- **Process Safety Management Advisory Committee**
 - The department is partnering with stakeholders in PSM related fields to have a collaborative work group. The goal is much like the Construction Advisory Committee and will seek to find resolutions to current industry issues. For more info on meeting dates and background see their webpage:
 - <http://www.lni.wa.gov/Safety/GrantsPartnerships/Committees/PSM/default.asp>

***For more information on these and other Safety & Health Rule issues,
please contact Mandi Kime (mkime@agcwa.com or 206.786.6517)***