

## Safety & Health Rules Update | January 3, 2017

- **Fall Protection**
  - Intent for rulemaking expected to be filed soon, see here for updates: <http://www.lni.wa.gov/Safety/Rules/WhatsNew/Proposed.asp>
  - Most notable change would be changing all items from a 10 foot trigger height down to 4 feet.
- **OSHA- Recordkeeping/ Reporting**
  - OSHA just released final rule on Recordkeeping that will require online reporting of your OSHA 300 data. This will replace the existing process form BLS that asks for data, and will make your data **publicly available**. MOST NOTABLY this rulemaking makes an out an out attack on post-accident drug testing in the pre amble, dictating that post-accident drug testing (unless for suspicion) could be seen as dis-incentivizing reporting of accidents.
- **OSHA- Silica**
  - OSHA released a new Silica rule in March with a PEL of 50 micrograms. AGC of America has weighed 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.
- **OSHA- New Guidance on Safety & Health Programs**
  - On October 18, OSHA released a new website and guidance documents on recommendations for creating a Safety and Health Plan. If you are in Safety Team, your plan already meets and exceeds these recommendations. <https://www.osha.gov/shpguidelines/>
- **Lead**
  - Department Staff are working on proposed draft language for the stakeholders to consider. AGC maintains the position that most lead over exposures come from a deference to the rules in general and would not be greatly impacted by a PEL change, but rather better enforcement and outreach on existing rules. We are working with AWB and other associations to make this point known and push the Department for enforcement data to better define our problem.
    - <http://www.lni.wa.gov/Safety/Rules/WhatsNew/LeadSafety/default.asp>
- **Trolley Lines**
  - Draft language has been proposed by the language development subcommittee. A directive was issued on March 25<sup>th</sup> that dictates working rules under trolley lines. Department has reached out to the trolley line owner as well as OSHA for guidance. A copy can be found here:
    - <http://www.lni.wa.gov/safety/rules/policies/pdfs/dd1870.pdf>
- **Confined Spaces**
  - Draft available soon as well as new appendices with extra guidance. Good sample exposure control plan available on Work Safe BC's website.
- **OSHA Penalty Values**
  - Just recently OSHA announced the intent for an increase their maximum penalties for the first time since 1990. For WA to follow suit, we will need legislative action, as our penalty maximums are defined in RCW.
- **Cone Setting-**
  - A CAC subcommittee has been established to discuss current industry best practices for cone setting operations. If you have cone setting vehicles or do on occasion set up traffic control, we need your input. Contact Mandi to be added to the email distribution list.

For more information on these and other Safety & Health Rule issues, please contact Mandi Kime ([mkime@agcwa.com](mailto:mkime@agcwa.com) or 206-786-6517)