

Safety & Health Rules Update | October 6, 2016

- **Fall Protection**
 - Due to a review from Federal OSHA (FAME report), our state plan was found to be “deficient” in our approach to Fall Protection rules in WA. Initial meetings with Federal OSHA has not convinced them that our rules are as effective as OSHA rules, so a rulemaking stakeholder group has been formed to meet OSHA’s expectations. Intent for rulemaking expected to be filed soon, see here for updates: <http://www.lni.wa.gov/Safety/Rules/WhatsNew/Proposed.asp>
- **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. AGC of America, with their team of safety professionals and attorneys is pushing OSHA hard on this issue and threatening legal action much like silica.
- **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.
- **Lead**
 - Next stakeholder meeting is October 25th at Tukwila LNI, 9-12
 - <http://www.lni.wa.gov/Safety/Rules/WhatsNew/LeadSafety/default.asp>
- **Trolley Lines**
 - Strong opposition is being voiced by the IBEW. All other stakeholders have voiced support of this rulemaking. Draft language has been proposed by the language development subcommittee for the next large group meeting on October 19th. A directive was issued on March 25th that dictates working rules under trolley lines. A copy can be found here:
 - <http://www.lni.wa.gov/safety/rules/policies/pdfs/dd1870.pdf>
- **Confined Spaces**
 - First stakeholder meeting was October 3rd. Draft available 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.
- **Process Safety Management Advisory Committee-**
 - <http://www.lni.wa.gov/Safety/GrantsPartnerships/Committees/PSM/default.asp>
- **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 or 206-786-6517)