



PROPOSED RULE MAKING

CR-102 (June 2012)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Labor and Industries

Preproposal Statement of Inquiry was filed as WSR 16-17-132 ; or
Expedited Rule Making--Proposed notice was filed as WSR
; or
Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Original Notice
Supplemental Notice to WSR
Continuance of WSR

Title of rule and other identifying information:

Chapter 296-17A WAC Classifications for Washington Workers' Compensation Insurance
WAC 296-17A-0217, Concrete flatwork
WAC 296-17A-0301, Landscape construction
WAC 296-17A-0302, Masonry

Hearing location(s):

Labor and Industries
Room S119
7273 Linderson Way SW
Tumwater, WA 98501

Date: December 5, 2016 Time: 10:00 a.m.

Submit written comments to:

Name: Karen Chamberlain
Address: PO Box 44140
Tumwater, WA 98501
e-mail Karen.Chamberlain@lni.wa.gov
fax (360)902-4988 by (date) December 5, 2016 by 5:00 p.m.

Assistance for persons with disabilities: Contact
Office of Information and Assistance by November 28, 2016
TTY (360) 902-5797

Date of intended adoption: January 17, 2017
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing effective April 1, 2017, to reclassify firms that perform paver stone installation work to Classification 0301, Landscape construction. Paver stone installation work is currently reported in 0302, Masonry.
Reclassifying paver firms from 0302, Masonry, to 0301, Landscape construction, would create a more fair playing field between specialty paver firms and landscape contractors who also perform paver stone installation. Currently, specialty paver installation firms report in risk classification 0302, Masonry, which carries a higher base rate than landscape construction.
Paver stone installation companies and landscape construction companies have similar risk exposure to injury due to the similar work processes performed.
The Department proposes revising wording and formatting of the affected classifications to make the rules easier to understand and apply; and updating references in the classifications to ensure the rule language reflects that paver installation work is to be classified in Classification 0301, Landscape construction.

Reasons supporting proposal:

Will create a more fair playing field between specialty paver firms and landscape contractors who also perform paver stone installation. This rule will better align these two industries as they have like degrees of hazard.

Statutory authority for adoption: RCW 51.16.035

Statute being implemented:

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 18, 2016

TIME: 9:39 AM

WSR 16-21-076

DATE

October 18, 2016

NAME (type or print)

Joel Sacks

SIGNATURE

Joel Sacks

TITLE

Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Karen Chamberlain	Tumwater	(360) 902-4772
Implementation.... Chris Bowe	Tumwater	(360) 902-4826
Enforcement.....Victoria Kennedy	Tumwater	(360) 902-4997

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

Since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.310(4)(f) and do not change current coverage options for employers and workers, they are exempted from a small business economic impact statement.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

Since the proposed rules do not change any existing coverage options for employers or workers, and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328(5)(b)(vi) from the requirement for a cost-benefit analysis.