

**The Department of Labor and Industries
Semi-annual Rules Development Agenda (July– December 31, 2009)**

CHAPTER	SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: INSURANCE SERVICES						
WAC 296-15	Industrial Insurance-Suppressing workers' compensation claims	Brenda Heilman (360) 902-6518	6/5/07	To be determined	To be determined	The proposed rules will assist in the implementation of Chapter 77, Laws of 2007 (SSB 5443) relating to suppression of workers compensation claims.
WAC 296-14	Industrial Insurance-Wages	Brenda Heilman (360) 902-6518	4/22/08	To be determined	To be determined	This rulemaking will amend existing rules for consistency with Chapter 297, Laws of 2007 (SHB 1244). A new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.
WAC 296-14	Industrial Insurance-Confidentiality of Worker's Compensation Claim Files	Brenda Heilman (360) 902-6518	11/06/04	To be determined	To be determined	This rulemaking will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.
WAC 296-14	Industrial Insurance-Pension Discount Rates and Mortality Assumptions	Brenda Heilman (360) 902-6518	6/20/01	To be determined	To be determined	This rulemaking will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.
WAC 296-17 & WAC 296-17A	Housekeeping Changes	Bill Moomau/JoAnne Smith (360) 902-4774	3/18/09	6/2/09	8/4/09	This provides updates and corrections to existing language in reporting requirement rules and classifications.
WAC 296-17 & WAC 296-17A	State Agencies Evaluation of Actual Losses	Bill Moomau/JoAnne Smith (360) 902-4774	3/31/09	6/2/09	8/4/09	Creates a new sub classification for state agencies to track claims in higher-risk jobs Revise rule for evaluation of actual losses to include reserve amounts for permanent partial disability and vocational option 2 claims
WAC 296-17A	Construction 0516	Bill Moomau/JoAnne Smith (360) 902-4774	7/1/08	6/2/09	8/4/09	This rulemaking creates a new sub classification of 0516 building repair for those employers who choose to report all phases of construction separately. Additionally, it provides clarification to classifications 1109 Towing Services, 4002 Dairy Products Manufacturing and 4910 Property Management. It also creates a new sub classification for 6103 Schools for reporting maritime worker's classroom training hours.

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WAC 296-17A	Audio Visual/Legal Messengers	Bill Moomau/JoAnne Smith (360) 902-4774	6/16/09	8/4/09	9/29/09	This rulemaking creates a new sub classification in 6306 Furniture stores, for audio visual firms who provide audio visual sales and/or service, repair, and set up for events. It also creates a sub classification in 6601 Detective Agencies for firms who provide legal messenger services
WAC 296-14	Industrial Insurance-Definitions	Brenda Heilman (360) 902-6518	5/03/05	To be determined	To be determined	This rulemaking will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rulemaking will amend the definition of temporary partial disability. This rulemaking will impact crime victims' compensation.
WAC 296-14	Industrial Insurance-Social Security Offset	Brenda Heilman (360) 902-6518	To be determined	To be determined	To be determined	Review Social Security Offset rules for possible changes.
WAC 296-19A	Vocational Rehabilitation	Brenda Heilman (360) 902-6518	4/22/08	8/18/09	12/1/09	The proposed rules will address option 2 benefits. This rulemaking will include new rules to clarify the process and requirements for making application for option 2 vocational costs and define which vocational costs require department or self-insurer oversight and the vocational costs that can be paid.
WAC 296-19A	Vocational Rehabilitation	Brenda Heilman (360) 902-6518	12/2/08	8/18/09	12/1/09	This rulemaking will include new rules to clarify the process and factors L&I will consider for approving or denying nonaccredited or unlicensed training programs for injured workers.
WAC 296-14	Industrial Insurance-Worker Employment Patterns	Brenda Heilman (360) 902-6518	8/21/02	To be determined	To be determined	This rulemaking will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
WAC 296-17A	Logging	Bill Moomau/JoAnne Smith (360) 902-4774	6/16/09	9/23/09	9/28/09	This repeals sub classification 0101-41 Logging machine operator. It creates new sub classification in 5005 Logging for those firms who previously reported in 0101
WAC 296-17	Rates	Bill Moomau/JoAnne Smith (360) 902-4774	6/16/09	9/22/09	11/30/09	Annual Premium Rate changes for 2010

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WAC 296-17	Retrospective Rating	Diane Doherty (360) 902-4835	6/3/09	9/22/09	9/29/09	The department is considering rules relating to how occupational disease claim costs are used in the calculation of retrospective rating refunds. The rules will include how the department calculates the performance adjustment factor (PAF), which is used to compare the relative performance between retro and non-retro employers.
WAC 296-15	Pay During Appeal	Margaret Conley (360) 902-6723	7/22/08	TBD	TBD	Pursuant to Chapter 280, Laws of 2008 (ESSB 3139). We will implement rules to allow for stays of industrial insurance orders on appeal. These rules will clarify the process for self-insurers, including when benefits must be paid, how any overpayments resulting from a decision of the Board of Industrial Insurance Appeals or courts can be recouped, establishing a fund for such repayment, and defining new reporting requirements so that the department can effectively track such overpayments.
WAC 296-15	Housekeeping	Margaret Conley (360) 902-6723	7/22/08	TBD	TBD	The purpose of this rulemaking is to review Chapter 296-15 for any corrections and to ensure consistency with statute. Affected rules will also be rewritten using "plain talk."
WAC 296-33	Attendant Care	Janice Deal (360) 902-5369	8-3-09	TBD	TBD	The purpose of this rulemaking is to require home care providers to be licensed.
WAC 296-20-071, 296-21-270, & 296-23-241	Psychiatric ARNPs and Concurrent Care	Jami Lifka (360) 902-4941	6/29/08	3/31/09	6/30/09	The change being proposed is to add psychiatric ARNPs as psychiatric providers for injured workers and to allow concurrent care providers to prescribe medication.
WAC 269-20-03002 and New Sections in WAC 296-20	Structured Intensive Multidisciplinary Program (SIMP) for chronic noncancer pain, lumbar fusion, and artificial disc replacement	Jami Lifka (360) 902-4941	5/5/09	6/30/09	9/14/09	The purpose of this rulemaking is to implement two Health Technology Clinical Committee (HTCC) coverage determinations. The determinations state that lumbar fusion and artificial intervertebral disc replacement surgeries are covered for the treatment of chronic pain due to uncomplicated degenerative disc disease. However, a non-invasive (SIMP) must be completed prior to the department or self-insurer authorizing a lumbar fusion or lumbar artificial disc replacement.

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DIVISION: Specialty Compliance Services						
WAC 296-05	Apprenticeship Rules	Sally Elliott (360) 902-6411	8/4/09	1/2010	4/2010	This rulemaking is a result of Engrossed Substitute Senate Bill 5873, which passed the 2009 Legislature. The rulemaking will incorporate the new apprenticeship utilization requirements into rule.
WAC 296-46B	Electrical Rules	Sally Elliott (360) 902-6411	2/3/08	6/30/09	8/18/09	The department has reviewed the electrical rule for additions and revisions. The electrical rules are reviewed on a regular basis to: ensure the rules are consistent with the national consensus standards, industry practice, clarify the rules, and make fee changes.
WAC 296-96	Elevator Rules	Sally Elliott (360) 902-6411	7/21/09	9/22/09	12/1/09	This rulemaking is a result of Substitute House Bill 1055 and Substitute Senate Bill 5850, which passed the 2009 Legislature.
WAC 296-104	Board of Boiler Rules	Sally Elliott (360) 902-6411	6/30/09	9/22/09	11/17/09	The purpose of this rulemaking is to make clarification and technical changes to the Board of Boiler Rules – Substantive (chapter 296-104 WAC) based on actions and requests of the Board of Boiler Rules.
WAC 296-127	Prevailing Wage - Electronic Technician	Sally Elliott (360) 902-6411	5/2/06	6/2/09	8/18/09	This rulemaking will amend the scope of work definition for electronic technicians. The department will work with stakeholders throughout the rulemaking process.
WAC 296-127	Prevailing Wage	Sally Elliott (360) 902-6411	6/2/09	8/4/09	10/20/09	The prevailing wage rules have not gone through a comprehensive review since the early 90's. We have reviewed the rules and will be making amendments to reflect court decisions, integrate administrative policies, streamline current processes, create consistency with the statute, and make housekeeping changes.
WAC 296-127	Prevailing Wage	Sally Elliott (360) 902-6411	8/4/09	11/17/09	3/2010	This rulemaking is a result of Senate Bill 5903 and Substitute Senate Bill 5904, which passed the 2009 Legislature.
WAC 296-126	Employment Standards	Sally Elliott (360) 902-6411	6/16/09	8/4/09	10/20/09	The industrial welfare rules were adopted in 1974 and have not been reviewed by the department for need. Therefore, there are outdated requirements in the industrial welfare rules that need to be repealed and deleted. The purpose of this rulemaking is to review the industrial welfare rules for housekeeping and clarifying changes.

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WAC 296-135	Domestic Violence	Sally Elliott (360) 902-6411	8/19/08	To be determined	To be determined	This rulemaking is a result of Substitute House Bill 2602, which passed the 2008 Legislature and became effective on April 1, 2008.
WAC 150C, 296-150F, 296-150I, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V	Factory Assembled Structure Rules	Sally Elliott (360) 902-6411	2/3/08	To be determined	To be determined	The purpose of this rulemaking is to review the Factory Assembled Structure Rules for possible changes.
WAC 296-200A	Contractor Certificate of Registration	Sally Elliott (360) 902-6411	7/21/09	9/22/09	12/1/09	This rulemaking is a result of Substitute House Bill 1555 (relating to the Underground Economy), which passed the 2009 Legislature.
WAC 296-400A	Plumbers Certification	Sally Elliott (360) 902-6411	7/21/09	9/22/09	12/1/09	This rulemaking is a result of Substitute House Bill 1055 (relating to photo identification), which passed the 2009 Legislature.

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WAC CHAPTER	SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
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DIVISION: Division of Occupational Safety and Health (DOSH)						
WAC 296-36 and 296-155	Compressed Air	Jamie Scibelli (360) 902-4568	TBD	TBD	TBD	The requirements for compressed air are out-of-date and will be updated as necessary and re-formatted for ease of use and understanding.
WAC 296- 155	Construction Cranes (Phase 2)	Cindy Ireland (360) 902-5522	9/16/08	11/09	2/10	The department is required by Engrossed Substitute House Bill 2171 (Chapter 49.17 RCW), which is effective January 1, 2010, to establish rules for the certification of cranes, accreditation of crane inspectors, certification of crane operators and rules pertaining to cranes in the construction industry.
WAC 296-24	Electrical	Jamie Scibelli (360) 902-4568		7/21/09 Expedited	11/3/09	The department is updating rules in chapter 296-24, Part L and WAC 296-800-280, to incorporate the Federal Occupational Safety and Health Administration (OSHA) recently adopted amendments to their rules.
WAC 296-155 WAC	Fall Protection	Jamie Scibelli (360) 902-4568	4/4/06	TBD	TBD	This rulemaking is focused on clear rule writing and combines two parts of the construction safety code for clarity and ease of use. In addition, the department intends to clarify the interpretation of current rules and policies with respect to walking-working surfaces on roofs and as recommended by a business and labor ad hoc committee.
WAC 296-305	Fire Fighting	Kim Johnson (360) 902-5008	11/4/08	TBD	TBD	The fire fighting rules are being updated and rewritten for clarity, ease of use, and understanding with the assistance of a stakeholder group consisting of business, labor and the Fire Chiefs.
WAC 296-803	Lockout Tagout	Jamie Scibelli (360) 902-4568		4/21/09 Expedited	8/4/09	The OSHA has determined that the department's rules regarding lockout/ tagout is not at least as effective as the Federal rule. The proposed changes will make Washington State's rule as effective as the Federal equivalent.

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WAC 296-56	Longshoring & Marine Terminals	Cindy Ireland (360) 902-5522		3/31/09 Expedited	7/21/09	The department intends to adopt requirements prescribed by a new OSHA rule related to the practice of lifting two intermodal containers together, one on top of the other, connected by semiautomatic twistlocks (SATLs). This practice is known as a vertical tandem lift (VTL). The final standard permits VTLs of no more than two empty containers provided certain safeguards are followed.
WAC 296-62, 155, 811, 817, 842, 848, 849, 855, 856 WAC	Personal Protective Equipment (PPE) Training	Kim Johnson (360) 902-5008		3/31/09 Expedited	7/21/09	OSHA has amended their rules to clarify that employers are to provide PPE, especially respirators, for each employee who needs one. They also have reworded their rules to ensure that training is provided to each and every employee. DOSH has a statutory obligation to remain as effective as OSHA, so we are amending our wording with the same clarifications.
Chapter 296-842 WAC	Respiratory Protection (REDON Fit Testing)	Jill Saibel (360) 902-4519		6/30/09 Expedited	9/22/09	This activity is to adopt an additional fit testing alternative as recommended by OSHA.
Chapter 296-32 WAC	Telecommunications	Beverly Clark (360) 902-5516	TBD	TBD	TBD	The vertical code for the telecommunications industry is out-of-date and is being updated and rewritten for clarity, ease of use, and understanding.
Chapter 296-307 WAC, Part I	Worker Protection Standard (WPS)	Beverly Clark (360) 902-5516		6/16/09 Expedited	8/18/09	The department is proposing to change existing language in Chapter 296-307 WAC, Part I (Worker Protection Standard) to adopt federal changes for use of glove liners and also to update references to current WAC numbers. The language being proposed incorporates changes from the federal Environmental Protection Act (EPA) Worker Protection Standards into state rules in order to be consistent with other requirements in Washington State law. This proposal is being adopted simultaneously in conjunction with rule making by the Washington State Department of Agriculture as statutorily required for these pesticide protection rules.