

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington Safe and Working

24.70

Skilled and Trained Workforce in High Hazard Facilities

Updated: February 23, 2023

I. Purpose

This Directive establishes inspection procedures and enforcement policies related to skilled and trained workforce in high hazard facilities.

II. Scope and Application

A. This Directive applies to all DOSH activities involving skilled and trained workforce in high hazard facilities, subject to the scope of RCW 49.80, High Hazard Facilities—Workforce.

This Directive updates DD 24.70, issued July 5, 2022, and replaces all previous instructions on this subject.

B. Definitions:

1. High Hazard Facility means an owner or operator of a stationary source that is engaged in activities described in code 324110 (Petroleum Refinery) or 325110 (Petrochemical Manufacturer) of the North American industry classification system. It does not apply to oil and gas extraction operations.
 - An owner or operator of a stationary source shall require that its contractors and any subcontractors use a skilled and trained workforce to perform all on-site work within an apprenticeable occupation in the building and construction trades.
2. Skilled and trained workforce means a workforce that meets both of the following criteria:
 - a. All the workers are either registered apprentices or skilled journeypersons; and
 - b. The workforce meets the apprenticeship graduation and approved advanced safety training requirements established in RCW 49.80.030.
3. Skilled journeyperson means a worker who meets all of the following criteria:
 - a. The worker either graduated from an apprenticeship program for the applicable occupation that was approved by the Washington State Apprenticeship and Training Council (WSATC) according to chapter [49.04](#) RCW, or has at least as many hours of on-the-job experience in the applicable occupation that would be required to graduate from an apprenticeship program approved by the WSATC according to chapter [49.04](#) RCW; and

- b. The worker is being paid at least a rate commensurate with the wages typically paid for the occupation in the applicable geographic area, subject to the following provisions:
 - The prevailing wage rate paid for a worker in the applicable occupation and geographic area on public works projects may be used to determine the appropriate rate of pay, however, this subsection (b) does not require a contractor to pay prevailing wage rates; and
 - In no case may the skilled journeyworker be paid at a rate less than an hourly rate consistent with the seventy-fifth percentile in the applicable occupation and geographic area in the most recent occupational employment statistics published by the Employment Security Department.

III. References

- RCW 49.80, High Hazard Facilities—Workforce
- Chapter 296-71 WAC, Refinery Worker Training and Certification in High Hazard Facilities

IV. Background

RCW 49.80, High Hazard Facilities—Workforce, was adopted by the Washington state legislature during the 2019 legislative session to help ensure that high hazard facilities use a skilled and trained workforce to prevent explosions and other hazards. It requires that: “An owner or operator of a stationary source that is engaged in activities described in code 324110 or 325110 of the North American industry classification system, when contracting for the performance of construction, alteration, demolition, installation, repair, or maintenance work at the stationary source, shall require that its contractors and any subcontractors use a skilled and trained workforce as defined above to perform all on-site work within an apprenticeable occupation in the building and construction trades.”

RCW 49.80, High Hazard Facilities—Workforce, became effective January 1, 2020.

V. Enforcement Policies

A. Inspection Procedures.

When a complaint or referral regarding the skilled and trained workforce in a high hazard facility is received, the PSM Regional Compliance Manager will follow DOSH policies, to determine if all contractors and subcontractors performing work on the site are using a skilled and trained workforce, including the apprentice graduation percentage requirements.

Inspectors will request documentation from the petroleum refinery or petrochemical manufacturer to determine if the employees of all contractors and subcontractors working onsite are either registered apprentices or skilled journeypersons. For example, acceptable documentation to certify the individual is either a registered apprentice or a skilled journeyperson could include documentation that confirms the individual:

- Is a registered apprentice as indicated by the Washington State Department of Labor & Industries website: [Find an Apprentice or Apprenticeship Program](#), or;
- Is graduated from an apprenticeship program for the applicable occupation that was approved by the Washington State Apprenticeship and Training Council (WSATC), or;
- Has at least the practical on-the-job work experience as described in the standards of apprenticeship for the occupation in question, equal to or greater than the term of apprenticeship (WAC 296-05-003) as attested to in writing by the employer's supervising representative. Inspectors shall ask for the process and documentation by which the contractor or subcontractor employer ascertained and documented skilled journey person status. Employers should be prepared to provide documentation on individual workers that was used to determine that the worker had at least the practical on-the-job work experience equal to or greater than the term of apprenticeship for the applicable occupation.

If the complaint or referral alleges hazards that require an onsite inspection, the skilled and trained workforce requirements will be assessed during that inspection. Prior to citation issuance, DOSH Compliance Operations shall review the inspection with assistance from Process Safety Management staff in Technical Services.

B. Citing and Classifying Violations.

Violations of RCW 49.80 will be cited under Chapter 296-71 WAC, Refinery Worker Training and Certification in High Hazard Facilities.

If the owner or operator of the high hazard source does not ensure that its contractors and any subcontractors use a skilled and trained workforce to perform all onsite work within an apprenticeable occupation and that work is done within the workers specific occupation or craft, the owner or operator will receive a citation. The contractors or subcontractors will not be cited.

By January 1, 2023, at least 45% of the skilled journeypersons must be graduates of an apprenticeship program for the applicable occupation approved by the WSATC, per RCW 48.80.030.

By January 1, 2024, at least 60% of the skilled journeypersons must be graduates of an apprenticeship program for the applicable occupation approved by the WSATC, per RCW 49.80.030.

If this requirement is not met, the owner or operator will receive a citation.

Per WAC 296-71-010(1)(b), Skilled and trained workforce requirements, contractors working at refineries must have all their workers trained by April 22, 2023 (six months from the effective date of the rule adoption date). In response to the changes and the timing of the changes made to Appendix A of the rule, contractors will now have 12 months to meet this requirement. L&I will not take enforcement action related to the 20-hour training requirement until October 22, 2023.

VI. Point of Contact

If DOSH staff have questions or need additional guidance or interpretive assistance, they are encouraged to contact the Process Safety Management (PSM) specialist in DOSH Technical Services or the PSM Regional Compliance Manager.

Apprenticeship Program: If DOSH staff have questions regarding the number of hours required for completion of an apprenticeship program or elements of a work process that are considered components of any given occupation, they can search the Apprenticeship Registration & Tracking (ARTS) online at <https://secure.lni.wa.gov/arts-public/#/program-search>, or contact the L&I Apprenticeship Section, Program Manager.

VII. Expiration Date

The policy guidance in this Directive will expire on January 1, 2024



Approved: _____

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Division of Occupational Safety and Health