

# CONCISE EXPLANATORY STATEMENT

**WAC 296-900-13015 Posting citation and notices**  
Public Hearings: August 11, 2021 and September 22, 2021  
Adoption: November 2, 2021  
Effective: December 3, 2021

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## ***Table of Contents***

I.	Purpose of Rulemaking.....	2
	A. Background.....	2
	B. Summary of the Rulemaking Activities.....	2
II.	Changes to the Rules.....	2
III.	Comments on Proposed Rule.....	2
	A. Comment Period.....	2
	B. Public Hearings.....	3
	C. Summary of Comments Received and L&I's Response.....	3

## **I. Purpose of Rulemaking**

The purpose of this rulemaking is to change the length of time that a citation and notice needs to be posted on an employee safety bulletin board; this includes any correspondence related to an employee complaint. The Department of Labor and Industries (L&I) is adopting language to change the amount of time a citation and notice is posted from three working days to seven working days, and add language clarifying that weekends and holidays are not included in the posting time period. L&I is also proposing to add language giving the employer the option to use electronic means to supplement the safety bulletin board for those employees that don't work where the physical board is located, such as those who telework. These changes were made to address employees who work non-standard shifts that may not have access to this information due to the short amount of time the citation and notice is actually posted. L&I believes worker safety could be improved if all employees have access to corrective action information.

### **A. Background**

In 2020, L&I received requests from employee representatives in the agriculture industry, general industry and representatives in the Washington state legislature wanting to extend the minimum amount of time a citation and/or notice needs to be posted on a safety bulletin board.

### **B. Summary of the rulemaking activities**

On February 8, 2021, a GovDelivery notice was sent out to subscribers of the Safety Standards distribution list, requesting stakeholders to comment on the update L&I was considering in WAC 296-900-13015. The comment period ended March 1, 2021, and during this time L&I received three comments, two from refinery employees in favor of updating the WAC language and one from a farm employee not in favor.

## **II. Changes to the Rules (Proposed rule versus rule adopted)**

There were not any changes from the proposed language; it was adopted as proposed.

## **III. Comments on Proposed Rule**

### **A. Comment Period**

The CR-102 was filed on July 6, 2021, beginning the public comment period, and after the second public hearing, the public comment period ended on September 29, 2021. During this time period, no written comments were received.

## B. Public Hearings

There were two public hearings held for this rulemaking.

The first public hearing was held on August 11, 2021 at 1:00 p.m. via Zoom. The link to this meeting was faulty, not allowing L&I to hold the hearing as originally posted on the CR-102. We created a new meeting link to hold the hearing at 1:30 p.m. for all of the interested parties trying to participate, and sent out a notice through GovDelivery notifying the public about the updated hearing time. There were 39 participants at the public hearing, including L&I staff and the court reporter. One participant provided testimony in favor of the proposed amendments to WAC 296-900-13015, Posting citation and notices.

Due to not providing adequate notification to the public about the new public hearing, per RCW 34.05.320, L&I filed a continuance announcing a new public hearing to be held on September 22, 2021 at 11:00 a.m.

At this second public hearing, there were 11 participants, including L&I staff and the court reporter. No one provided testimony at this public hearing. The public comment period was extended to 5:00 p.m. on September 29, 2021; no written comments were received during the public comment period for this rulemaking.

## C. Summary of Comments Received and L&I's Responses

Below is a summary of the comments L&I received and the responses.

<b>General Comments</b>	<b>L&amp;I Response</b>
<b>WAC 296-900-3015 Posting citation and notices</b>	
I am in favor of this being implemented into the citation process or posting process. I currently use our dropbox account to upload all of our safety documentation for-- upload our accident prevention program, our fall protection work plans, our weekly inspections, site inspections, all of our education and training documents, into project folders in our dropbox account. I provide that link also to the subcontractors or general contractor, prime contractors, L&I compliance officers, all those types of things, anybody who needs a link or wants to review our documentation that is transparent. And so I provide that link for review of our program. So that is why I'm saying I am in favor of this being implemented and the posting process.	Thank you for your comment and continued support.