



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 16, 2024

TIME: 9:45 AM

WSR 24-09-063

**Agency:** Department of Labor & Industries

**Subject of possible rule making:** Monetary Penalties and Appeals. Chapter 296-900 WAC, Administrative Rules

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.180, 49.17.190

**Reasons why rules on this subject may be needed and what they might accomplish:**

The Division of Occupational Safety and Health (DOSH) is initiating rulemaking to update how certain penalties are calculated in order to make penalties more effective and address concerns raised through the Occupational Safety and Health Administration (OSHA) State Activities Mandated Measures (SAMM) report that Washington penalties continue to be below the national average. OSHA uses the SAMM report to determine whether State Plans are as effective as OSHA. Changes considered under this rulemaking include adding inflation adjustments to the penalty calculations.

In addition, state-initiated amendments will also be proposed to address other areas and make housekeeping updates in chapter 296-900 WAC relating to penalties and appeals.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None


**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

	(If necessary)
Name: Cynthia Ireland, Administrative Regulations Analyst	Name:
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Web site: <a href="#">Rulemaking Activity at L&amp;I (wa.gov)</a>	Web site:
Other:	Other:

Additional comments:

<b>Date:</b> April 16, 2024	<b>Signature:</b>  
<b>Name:</b> Joel Sacks	
<b>Title:</b> Director	