



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 19, 2024**

**TIME: 9:34 AM**

**WSR 24-23-081**

**Agency:** Department of Labor & Industries (L&I)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) January 1, 2025 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** Classification Development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification Development studied some subclassifications for potential reduction in number; and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rulemaking is not to make substantive changes to how employers are classified and amendments will not increase employer rates.

As part of this rulemaking, L&I also reviewed these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the State Fund.

L&I is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries in accordance with their degree of hazard and in a manner consistent with recognized insurance principles (RCW 51.16.035). We are amending some classifications to increase ease of reporting, and ensure consistent and equitable treatment to businesses.

Adopted amendments include:

<u>WAC</u> <u>296-17A-</u>	<u>WAC Description</u>	<u>What's Changed</u>	<u>Reason for Change</u>
3407	Gas, oil, and asphalt dealers	Reduce the number of subclassifications and reformat rules.	<p>L&amp;I is combining subclassifications as part of our plan to reduce the overall number of subclassifications in the Classification plan to ease administrative burden for customers and staff.</p> <p>Some reasons for collapsing:</p> <ul style="list-style-type: none"> <li>• Low number of employers/hours reporting in subclassification (low credibility from actuarial view).</li> <li>• Subclassification does not represent separate risks from overall risk classification.</li> <li>• Low loss data.</li> <li>• No longer need to track these subclassifications separately.</li> </ul> <p>If the current format of these rules is a barrier to clarity, they are also being reformatted to make them easier to understand, apply, and follow.</p>
4804	Farms: Poultry		
6506	Photography studios		
6705	Ski facilities		

0108	Ditches and canals, N.O.C.	<p>Reformat to comply with current standardized format.</p> <p>Reformat the rule so that subclassifications are expanded with the appropriate information rather than title only.</p>	<p>Reformatting classifications to reflect standardized format established in 2019 for easier readability. In addition, some of our classifications were formatted so that they were only identified by title rather than having narrative. This has caused some confusion for L&amp;I staff and they have requested we update the classifications so that every subclassification provides all the information, rather than title only.</p>
0521	Painting building interiors; wallpaper hanging/removal		
0603	Machinery: Installation, service and/or repair, N.O.C.; Millwright work, N.O.C.		
1106	Rental stores, N.O.C.; Truck canopy sales		
1109	Automobile and truck towing services, N.O.C.		
1304	Telecommunication service providers – Administrative, office, and sales personnel		
1407	Bus companies		
1802	Aluminum smelting		
2004	Iron or steel merchants; wire rope and cable dealers		
2007	Grain, bean and pea elevators and warehouses		
2008	Field bonded warehouses		
2101	Grain, feed and flour mills and dealers		
2104	Fruit and vegetable packing – fresh		
2201	Laundry, dry cleaning and dyeing establishments		
2204	Laundry or dry cleaning - Coin-operated, self-service operations		
2401	Paper, pulp, or wood fiber: Manufacturing		
2904	Veneer: Commercial production		
2905	Wood furniture and casket: Manufacturing, assembling, or repairing; Furniture refinishing		
2906	Pattern or model - Metal, plastic or wood: Manufacturing		
2909	Woodenware - Household and sporting goods N.O.C.: Manufacturing or assembly		
3102	Stone wool insulation: Manufacturing		
3103	Cement or lime: Manufacturing		
3105	Concrete blocks, bricks, poles, piles, tiles and beams manufacturing		
3403	Aircraft: Manufacturing		
3408	Natural gas companies		
3409	Self-service gas stations		
3410	Convenience grocery stores or minimarkets with self-service gasoline operations		
3412	Automobile and truck: Body and fender repair shops		
3501	Brick or clay products, N.O.C: Manufacturing		
3512	Plastic goods: Manufacturing - Cutting, milling or bending		
3513	Rubber goods, N.O.C.: Manufacturing		
3603	Furniture stripping and refinishing; metal plating or polishing, rustproofing, N.O.C.		
3604	Galvanizing or tinning – Not electrolytic, N.O.C.		
3605	Truck: Manufacturing or assembly		
3808	Upholstery work, N.O.C.		
3903	Sugar refining; molasses and syrup, N.O.C.: Manufacturing		
4103	Newspaper publishing		
4108	Letter service shops and mailing or addressing companies		
4401	Cold storage lockers		
4402	Ice: Manufacturing or harvesting		
4404	Cold storage warehouse		
4911	Construction estimators		

5002	Booming and rafting logs		
5109	Heavy machinery & equipment including locomotive engines: Manufacture or repair; Press roller recoating/resurfacing		
5204	Railroad car: Manufacturing or repair		
6201	Mortuaries, funeral homes, crematoriums		
6203	YMCA/YWCA institutions		
6402	Stores: Grocery, N.O.C. - Retail		
6608	Motion picture production		
6902	Logging road: Construction or maintenance		
6903	Aerial spraying, seeding, crop dusting, or firefighting		
6121	Acute care hospitals – Without a fully implemented safe patient handling program	Put the note back on the classification subsection title “to be assigned only by the hospital underwriter”.	This note was removed in error in 2023.
6501	Barbers, salons, tattoo shops	Reformat and clarify that booth renter exclusion doesn't apply to tattoo and piercing shops. The booth renter exclusion is limited to booth renters performing cosmetology, barbering, esthetics, or manicuring services for which a license is required under chapter 18.16 RCW.	There's been historical staff and customer confusion over the booth renter exclusion and to whom it applies ever since the Department of Licensing removed booth renters from their statutes in the late 1990s.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 296-17A-0108, 296-17A-0521, 296-17A-0603, 296-17A-1106, 296-17A-1109, 296-17A-1304, 296-17A-1407, 296-17A-1802, 296-17A-2004, 296-17A-2007, 296-17A-2008, 296-17A-2101, 296-17A-2104, 296-17A-2201, 296-17A-2204, 296-17A-2401, 296-17A-2904, 296-17A-2905, 296-17A-2906, 296-17A-2909, 296-17A-3102, 296-17A-3103, 296-17A-3105, 296-17A-3403, 296-17A-3407, 296-17A-3408, 296-17A-3409, 296-17A-3410, 296-17A-3412, 296-17A-3501, 296-17A-3512, 296-17A-3513, 296-17A-3603, 296-17A-3604, 296-17A-3605, 296-17A-3808, 296-17A-3903, 296-17A-4103, 296-17A-4108, 296-17A-4401, 296-17A-4402, 296-17A-4404, 296-17A-4804, 296-17A-4911, 296-17A-5002, 296-17A-5109, 296-17A-5204, 296-17A-6121, 296-17A-6201, 296-17A-6203, 296-17A-6402, 296-17A-6501, 296-17A-6506, 296-17A-6608, 296-17A-6705, 296-17A-6902, and 296-17A-6903.

Suspended:

**Statutory authority for adoption:** RCW 51.04.020 and 51.16.035

**Other authority:** None.

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 24-17-127 on August 20, 2024 (date).

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted on the agency's own initiative:**

New	_____	Amended	57	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	57	Repealed	_____
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**The number of sections adopted using:**

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

**Date Adopted:** November 19, 2024

**Name:** Joel Sacks

**Title:** Director

**Signature:**

