



EXPEDITED RULE MAKING

CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: September 03, 2024

TIME: 4:54 PM

WSR 24-18-111

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

Title of rule and other identifying information: (describe subject) High voltage lines and equipment – Automated external defibrillators. WAC 296-32-22515 First aid and WAC 296-45-125 Medical services and first aid.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this expedited proposal is to implement the requirements of House Bill 1542 (HB 1542), Chapter 253, Laws of 2023, codified as RCW 49.17.510. L&I will be adding the requirements into WAC 296-32-22515, First aid, and WAC 296-45-125, Medical services and first aid. The law requires employers who build, maintain and operate high voltage systems 601 volts and over to have and maintain an automated external defibrillator (AED) on site where two or more employees are working in close proximity to high voltage lines and equipment. In WAC 296-45-125, without exceeding the statute, added a reference to existing standards around minimum approachable distances in high voltage work to WAC 296-45-325 regarding close proximity. L&I also connected close proximity in WAC 296-32-22515 by adding references to WAC 296-32-23518 and WAC 296-32-23520. The law requires AEDs to be available; L&I added references in each section to tie the availability of an AED to the same availability requirement for first aid kits to ensure it is clear when and how many need to be available. Employers who perform line clearance tree trimming activities are also included in this change. The proposed amendments include a housekeeping update in WAC 296-32-22515, incorporating a note that is further in the section to have information on format of the certificate being next to the requirement.

Reasons supporting proposal: High voltage worksites can be extremely dangerous for any workers around or in them. Accidents from working by high voltage power lines can lead to both nonfatal and fatal injuries. Employees are better protected by providing an AED at any job site with employees who operate, maintain or construct high voltage lines with a voltage of 601 or greater. These rule amendments are needed to implement the requirements established in HB 1542 and ensure employers and employees understand what measures are required when an employee may suffer an injury requiring cardiopulmonary resuscitation (CPR) or an AED.

RCW 49.17.510/HB 1542 become effective January 1, 2025.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and 49.17.510.

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Department of Labor & Industries

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Tracy West	Tumwater, WA	509-237-2372
Implementation:	Craig Blackwood	Tumwater, WA	360-902-5828

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:
[] Relates only to internal governmental operations that are not subject to violation by a person;
[X] Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
[] Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
[] Content is explicitly and specifically dictated by statute;
[] Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
[] Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:
[] The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
[] The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
[] The rule is no longer necessary because of changed circumstances; or
[] Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed language adopts without material change the AED requirements at high voltage work sites described under RCW 49.17.510.

NOTICE
THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO
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BEGINNING (date/time) September 4, 2024 at 8:00 a.m. AND RECEIVED BY (date/time) November 4, 2024 at 5:00 p.m.

Date: September 3, 2024
Name: Joel Sacks
Title: Director

Signature: [Handwritten Signature]