



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 29, 2024

TIME: 11:36 AM

WSR 24-22-067

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

**Subject of possible rule making:** Establishing a new chapter or section to address Ergonomics for Scheduled Airlines – Ground Crew Operations, Risk Class 6802, and key components of an ergonomics rule that the department should consider for future industry specific ergonomics rules. Title 296 WAC, Department of Labor and Industries.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.520

**Reasons why rules on this subject may be needed and what they might accomplish:** Work-related musculoskeletal disorders (WMSDs) account for at least one-third of all workers' compensation claims that result in time loss, are more severe than the average nonfatal injury or illness, and are a common cause of long-term disability in the state. In 2023, the Washington state legislature enacted Engrossed Substitute Senate Bill (ESSB) 5217 (Chapter 112, Laws of 2023), codified under RCW 49.17.520, allowing L&I to adopt rules to prevent WMSDs in industries or risk classes that see workers compensation claims for WMSDs at least two times the overall state rate. Only one rule for either an industry or risk classification can be adopted within a 12-month period. L&I is initiating the first rulemaking for Scheduled Airlines - Ground Crew Operations under Risk Class 6802, as defined under WAC 296-17A-6802.

As directed by RCW 49.17.520, L&I published an initial report of industries and risk classifications eligible for rulemaking in November 2023, identifying 31 high-priority industries and risk classes most likely to be selected for the rulemaking. The high priority list was then narrowed to five industries and risk classes, with the final selection for the first rulemaking effort being Scheduled Airlines – Ground Crew Operations, Risk Class 6802. The rule will cover WMSD hazards for members of ground crews employed by businesses operating scheduled airlines who are assigned the risk class 6802 in L&I's workers' compensation system, excluding those in subclass 6802-01 as required by RCW 49.17.520(3)(d).

Scheduled Airlines – Ground Crew Operations, Risk Class 6802, was selected in consideration of multiple factors, including but not limited to:

- The WMSD compensable claim rate is 10.6 times the statewide average, the highest of all industries and risk classes on the high priority list in the November 2023 report, with 47 out of 1,000 fulltime equivalent employees getting injured seriously enough to miss work over the five-year period. The statewide compensable claim rate for the same period is 4.4 out of 1,000 fulltime equivalent employees.
- The statistical trend shows the claim rate will remain much higher than two-times the state average in the next three years and the trend is not decreasing.
- A high annual claim rate and annual number of compensable claims.

**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) L&I will work collaboratively with stakeholders on the rule development process.

L&I will start the rule development process by gathering input from interested parties across all industries on key components that the department should consider for future industry specific rules. Discussions will also be scheduled with employers and employees in the Scheduled Airlines – Ground Crew Operations Risk Class to gather input on industry-specific issues, concerns, and best practices. After these initial scoping discussions, meetings will then be held with all interested parties to discuss developing the rule language that will be specifically for the Scheduled Airlines – Ground Crew Operations Risk Class.

As directed by RCW 49.17.520(6), an advisory committee will be assembled, representing equal parts business and labor representatives in the Scheduled Airlines – Ground Crew Operations Risk Class, to provide recommendations to L&I during the rules development process.

Parties interested in the formulation of these rules for proposal may contact the individual listed below. Any interested party may also participate by commenting on the proposed rules 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: Cathy Coates, Administrative Regulatory Analyst

Name:

Address: Department of Labor & Industries  
Division of Occupational Safety and Health  
PO Box 44620  
Olympia, WA 98504-4620

Address:

Phone: 360-280-2003

Phone:

Fax: 360-902-5619

Fax:

TTY:

TTY:

Email: [RulemakingErgo@Lni.wa.gov](mailto:RulemakingErgo@Lni.wa.gov)

Email:

Web site: <https://www.lni.wa.gov/rulemaking-activity/>

Web site:

Other:

Other:

Additional comments:

**Date:** October 29, 2024

**Signature:**

**Name:** Joel Sacks



**Title:** Director