



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 04, 2025  
TIME: 5:07 PM

WSR 25-06-082

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

☒ **Original Notice**

☐ **Supplemental Notice to WSR** \_\_\_\_\_

☐ **Continuance of WSR** \_\_\_\_\_

☐ **Preproposal Statement of Inquiry was filed as WSR** \_\_\_\_\_ ; or

☒ **Expedited Rule Making--Proposed notice was filed as WSR** 24-23-098; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Improve tracking of workplace Injuries and Illness, Chapter 296-27 WAC, Recordkeeping and reporting.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
April 16, 2025	9:30 a.m.	Virtual and telephonic hearing <b>To join electronically:</b> <a href="https://lni-wa-gov.zoom.us/j/86218232923?pwd=foOZVTTCzBBBqRglDTmsvxqS06PY25.1">https://lni-wa-gov.zoom.us/j/86218232923?pwd=foOZVTTCzBBBqRglDTmsvxqS06PY25.1</a> <b>To join by phone (audio only):</b> 253-215-8782 Meeting ID: 862 1823 2923 Passcode: 2583141076	A pre-hearing overview will begin at 9:00 a.m. The hearing will start at 9:30 a.m. and will continue until all oral comments are received.
April 17, 2025	1:30 p.m.	Virtual and telephonic hearing <b>To join electronically:</b> <a href="https://lni-wa-gov.zoom.us/j/86079560661?pwd=mEPteNu9EsnurxtaUzkkRtlGWdnASG.1">https://lni-wa-gov.zoom.us/j/86079560661?pwd=mEPteNu9EsnurxtaUzkkRtlGWdnASG.1</a> <b>To join by phone (audio only):</b> 253-215-8782 Meeting ID: 860 7956 0661 Passcode: 7413088606	A pre-hearing overview will begin at 1:00 p.m. The hearing will start at 1:30 p.m. and will continue until all oral comments are received.

**Date of intended adoption:** September 2, 2025 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name Carmyn Shute, Administrative Regulations Analyst

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

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

Fax 360-902-5619

Other

Beginning (date and time) March 5, 2025, at 8:00 a.m.

By (date and time) April 30, 2025, by 5:00 p.m.

**Assistance for persons with disabilities:**

Contact Carmyn Shute, Administrative Regulations Analyst

Phone 360-870-4525

Fax 360-902-5619

TTY

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

Other

By (date) April 4, 2025, by 5:00 p.m.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** In July 2023, the Federal Occupational Safety and Health Administration (OSHA) updated federal rules to improve tracking of workplace injuries and illnesses. The rule went into effect in January 2024. The Division of Occupational Safety and Health (DOSH) must update WAC rules in order to remain as effective as OSHA, as required by the Washington State Plan.

**Proposed amendments:**

- Numerating definitions for ease in cross-referencing.
- Removing “you” and added “employee” or “employer” in order to provide clarity as to responsible party.
- Removing redundant terms.
- Updated gender specific terms to gender-neutral terms as required by RCW 44.04.210.
- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work Related Injuries and Illnesses.
- Added new Appendix B-1 – Designated industries required to file Annual electronic submission of OSHA Form 300 and Form 301.
- Updated filing requirements for establishments listed in Appendix B-1 that had 20-249 employees the previous year.
- Renamed Appendix B to Appendix B-2.
- Updated Appendix B-2 to remove no longer used NAICS codes and include new codes.
- To improve data quality, establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

**Reasons supporting proposal:** The proposed rulemaking is needed in order to be at least as effective as federal OSHA under the Washington State Plan.

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

**Statute being implemented:** Chapter 49.17 RCW

**Is rule necessary because of a:**

Federal Law?

☒ Yes ☐ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION: 29 CFR 1904 Subpart E

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

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

**Type of proponent:** ☐ Private. ☐ Public. ☒ Governmental.

**Name of agency personnel responsible for:**

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

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name

Address

Phone

Fax

TTY

Email

Other

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name

Address  
Phone  
Fax  
TTY  
Email  
Other

☒ No: Please explain: All sections of the proposed language contain changes required in order to be at least as effective OSHA 29 CFR 1904 or contain housekeeping changes that do not create a material change in requirements and are exempt from the cost-benefit analysis requirement under RCW 34.05.328(5)(b)(iii) and (iv).

### Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

#### (1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)  
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(e)  
(Dictated by statute)

☒ [RCW 34.05.310](#) (4)(c)  
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(f)  
(Set or adjust fees)

☒ [RCW 34.05.310](#) (4)(d)  
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(g)  
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule: The rule is exempt under RCW 19.85.061 as the rulemaking proposes changes required to comply with federal regulation, RCW 34.05.310(4)(c) as the rulemaking is proposing to adopt without material change the requirements of 29 CFR 1904 and per RCW 34.05.310(4)(d) as this rulemaking proposes housekeeping changes to clarify language without changing its effect.

#### (2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

#### (3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name


Address  
Phone  
Fax  
TTY  
Email  
Other

**Date:** March 4, 2025

**Name:** Joel Sacks

**Title:** Director

**Signature:**

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive, slightly slanted style.