



# EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON  
FILED

DATE: November 20, 2024

TIME: 8:17 AM

WSR 24-23-098

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

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

**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 adding “employee” or “employer” in order to provide clarity as to responsible party.
- Removed redundant terms.
- Updated gender specific terms to gender-neutral terms.
- 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?            | <input checked="" type="checkbox"/> Yes | <input 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:

<b>Name of proponent:</b> (person or organization) Department of Labor & Industries (L&I)	<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental
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<b>Name of agency personnel responsible for:</b>			
	Name	Office Location	Phone
Drafting:	Carmyn Shute	Tumwater, WA	360-870-4525
Implementation:	Craig Blackwood	Tumwater, WA	360-902-5828
Enforcement:	Craig Blackwood	Tumwater, WA	360-902-5828

<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b>
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<p><b>Expedited Adoption - Which of the following criteria was used by the agency to file this notice:</b></p> <p><input type="checkbox"/> Relates only to internal governmental operations that are not subject to violation by a person;</p> <p><input checked="" type="checkbox"/> 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;</p> <p><input type="checkbox"/> Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;</p> <p><input type="checkbox"/> Content is explicitly and specifically dictated by statute;</p> <p><input type="checkbox"/> 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</p> <p><input type="checkbox"/> Is being amended after a review under RCW 34.05.328.</p>
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<p><b>Expedited Repeal - Which of the following criteria was used by the agency to file notice:</b></p> <p><input type="checkbox"/> 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;</p> <p><input type="checkbox"/> 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;</p> <p><input type="checkbox"/> The rule is no longer necessary because of changed circumstances; or</p> <p><input type="checkbox"/> Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.</p>
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<p><b>Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):</b> This rulemaking is limited to implementing federal law.</p>
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<b>NOTICE</b>
<p><b>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</b></p> <p>Name: Carmyn Shute, Administrative Regulations Analyst          Agency: Department of Labor &amp; Industries                    Division of Occupational Safety and Health          Address: PO Box 44620                    Olympia, WA 98504-4620          Phone: 360-870-4525          Fax: 360-902-5619          Email: <a href="mailto:Carmyn.Shute@Lni.wa.gov">Carmyn.Shute@Lni.wa.gov</a>          Other:</p> <p><b>BEGINNING</b> (date/time) <u>November 21, 2024, 8:00 a.m.</u>    <b>AND RECEIVED BY</b> (date/time) <u>January 21, 2025, 5:00 p.m.</u></p>

**Date:** November 20, 2024

**Signature:**

**Name:** Joel Sacks

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive style with a large initial 'J' and 'S'.

**Title:** Director