



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 17, 2024

TIME: 9:01 AM

WSR 25-01-133

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

Subject of possible rule making: Worker walk around rule. Chapter 296-900 WAC, Administrative rules.

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

Reasons why rules on this subject may be needed and what they might accomplish: L&I is initiating rulemaking for chapter 296-900 WAC, Administrative rules.

This rulemaking will implement the requirements of the Federal Occupational Safety and Health Administration's (OSHA) regulation 29 CFR 1903.8, Representatives of employers and employees, which became effective on May 31, 2024, making L&I at least as effective as OSHA.

OSHA's regulation, 29 CFR 1903.8, allows the employer and employees the right to authorize a representative to accompany OSHA officials during a workplace inspection. Employees can authorize another employee to serve as their representative or select a third party. If a third party is chosen, the OSHA official must be shown why a non-employee is reasonably necessary to accompany them on an inspection, including but not limited to, their knowledge, skills, or experience with similar workplace hazards or conditions. OSHA officials are authorized to deny the right of accompaniment of any person whose conduct obstructs an inspection from being performed fairly.

Other housekeeping updates may occur during rulemaking.

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's Division of Occupational Safety & Health (DOSHS) will conduct stakeholder meetings to

allow those affected by the rule to provide input to this rule pre-proposal. Parties interested in the formulation of these rules may contact the individual listed below. After L&I proposes amendments, the public may also participate by giving oral testimony, or submitting written comments 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:

Name: Tari Enos, Administrative Regulations Analyst

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(If necessary)

Name:

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Web site:

Web site:

Other:


Other:

Additional comments: For more information on L&I rulemaking, visit L&I's Rulemaking Activity web page at <https://www.lni.wa.gov/rulemaking-activity/>

Date: December 17, 2024

Signature:

Name: Joel Sacks



Title: Director