



# PROPOSED RULE MAKING

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

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STATE OF WASHINGTON  
FILED

DATE: August 19, 2025

TIME: 9:46 AM

WSR 25-17-076

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

☒ Original Notice

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

☐ Continuance of WSR \_\_\_\_\_

☒ Preproposal Statement of Inquiry was filed as WSR 25-03-117 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; 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) Chapter 296-155 WAC, Part L, Tower Crane Permit and Safety Requirements

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 23, 2025	10:00 a.m.	Enduris Training Facility 1610 South Technology Boulevard Spokane, WA 99224	A pre-hearing overview will begin at 9:30 a.m. The public hearing will start at 10:00 a.m. and will continue until all oral comments are received.
September 29, 2025	10:00 a.m.	Department of Labor & Industries 12806 Gateway Drive South Tukwila, WA 98168	A pre-hearing overview will begin at 9:30 a.m. The public hearing will start at 10:00 a.m. and will continue until all oral comments are received.
September 30, 2025	10:00 a.m..	Virtual and telephonic hearing <b>To join electronically:</b> <a href="https://lni-wa.gov.zoom.us/j/86869499916?pwd=Kk8MYSGbSdHM7MTOUayZ722nGLskgF.1">https://lni-wa.gov.zoom.us/j/86869499916?pwd=Kk8MYSGbSdHM7MTOUayZ722nGLskgF.1</a> Passcode (if prompted): Tower@9am  <b>To join by phone (audio only):</b> 253-205-0468 or 253-215-8782 Meeting ID: 868 6949 9916 Password: 711595061	A pre-hearing overview will begin at 9:30 a.m. The public hearing will start at 10:00 a.m. and will continue until all oral comments are received.

Date of intended adoption: November 4, 2025 (Note: This is NOT the effective date)

Submit written comments to:

Name Cynthia Ireland, Administrative Regulations Analyst

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

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

Fax 360-902-5619

Other

Assistance for persons with disabilities:

Contact Cynthia Ireland, Administrative Regulations Analyst

Phone 360-791-5048

Fax 360-902-5619

TTY

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

Beginning (date and time) <u>August 20, 2025, 8:00 a.m.</u> By (date and time) <u>October 3, 2025, by 5:00 p.m.</u>	Other By (date) <u>September 5, 2025</u>																
<b>Purpose of the proposal and its anticipated effects, including any changes in existing rules:</b> This proposed rulemaking will implement the requirements of Sections of 4 and 6 of Second Substitute House Bill (2SHB) 2022 (Chapter 311, Laws of 2024), codified under RCW 49.17.435 and 49.17.440.																	
In 2024, 2SHB 2022, addressing construction crane safety, was signed into law. The bill created new requirements for tower cranes.																	
The law directed L&I to establish, by rule, a permit for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. The minimum requirements for the permit include a complete permit application, safety conference, certain notifications to L&I, inspections, and other provisions.																	
Beginning January 1, 2026, prime contractors must obtain a permit from L&I prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. This requirement applies to tower cranes already assembled prior to January 1, 2026, and this proposed rule includes a process for already assembled cranes to comply.																	
Specifically, some of the topics this proposed rulemaking will address include: <ul style="list-style-type: none"> <li>Permit requirements related to tower cranes;</li> <li>Permit applications and safety conferences;</li> <li>Permit denials, suspensions, and revocations;</li> <li>Requirements of prime contractors; and</li> <li>Other housekeeping changes.</li> </ul>																	
The proposed rule also repeals WAC 296-155-53910 and amends WAC 296-155-53401 to remove (5)(n), which was updated during the larger Part L rulemaking filed on August 5, 2025 (WSR 25-16-089). Those two sections listed out notification requirements regarding the assembly, disassembly, and reconfiguration of a tower crane that will become obsolete with the new permitting program rules.																	
<b>Reasons supporting proposal:</b> The proposed rulemaking is needed in order to meet RCW 49.17.400 through 49.17.445 and to provide additional worker protection.																	
<b>Statutory authority for adoption:</b> RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.180, 49.17.190, 49.17.400, 49.17.410, 49.17.420, 49.17.430, 49.17.435, 49.17.440 and 49.17.445.																	
<b>Statute being implemented:</b> Chapter 49.17 RCW																	
<b>Is rule necessary because of a:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Federal Law?</td> <td style="width: 15%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 15%; text-align: center;"><input checked="" type="checkbox"/> No</td> </tr> <tr> <td>Federal Court Decision?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input checked="" type="checkbox"/> No</td> </tr> <tr> <td>State Court Decision?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input checked="" type="checkbox"/> No</td> </tr> </table>		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							
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If yes, CITATION:																	
<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b> None																	
<b>Name of proponent:</b> (person or organization) Department of Labor & Industries <b>Type of proponent:</b> <input type="checkbox"/> Private. <input type="checkbox"/> Public. <input checked="" type="checkbox"/> Governmental.																	
<b>Name of agency personnel responsible for:</b> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 30%;">Name</th> <th style="width: 30%;">Office Location</th> <th style="width: 30%;">Phone</th> </tr> </thead> <tbody> <tr> <td>Drafting</td> <td>Thomas West</td> <td>Tumwater, WA</td> <td>509-237-2372</td> </tr> <tr> <td>Implementation</td> <td>Craig Blackwood</td> <td>Tumwater, WA</td> <td>360-902-5828</td> </tr> <tr> <td>Enforcement</td> <td>Craig Blackwood</td> <td>Tumwater, WA</td> <td>360-902-5828</td> </tr> </tbody> </table>			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
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<b>Is a school district fiscal impact statement required under <a href="#">RCW 28A.305.135</a>?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																	
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: The rule is exempt from a cost-benefit analysis per RCW 34.05.328(5)(b)(iii), (iv), (v) and RCW 34.05.328(5)(c)(i) because the rulemaking is proposing to adopt without material change the requirements of RCW 49.17.435 and 49.17.440, adopting language specifically required by RCW 49.17.435, along with procedural language on how to apply for a permit, and other housekeeping changes.

**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:

- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations)         | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)  | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language) | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 from a small business economic impact statement per RCW 34.05.310(4)(c), (d), (e) and RCW 34.05.310(4)(g) because the rulemaking is proposing to adopt without material change the requirements of RCW 49.17.435 and 49.17.440, adopting language specifically required by RCW 49.17.435, along with procedural language on how to apply for a permit, and other housekeeping changes.

**(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

<b>Date:</b> August 19, 2025	<b>Signature:</b> 
<b>Name:</b> Joel Sacks	
<b>Title:</b> Director	