

General Questions

Q: What is changing?

The Washington State Legislature passed a law, which you can find in state code at [RCW 49.17.520](#), allowing the Washington State Department of Labor & Industries (L&I) to adopt one new rule every year to prevent work-related musculoskeletal disorders (WMSDs). The agency may adopt new rules for only one industry or risk classification per year and the first rule cannot take effect until July 1, 2026.

Q: Who would be affected?

Every year, L&I is required to publish a list of industries and risk classifications that an upcoming rule could cover. To be on that list, the industry or risk classification must have at least twice the statewide rate of workers' compensation WMSD claims that result in time-loss or wage replacement.

L&I is also required to provide, from the annual report, a list of high priority industries or risk classifications most likely to be selected for rulemaking. The agency will prioritize efforts to provide technical assistance to employers on the high priority list each year.

See below for information on rulemaking activities and definition of compensable claims.

Q: When would any new rules take effect?

The earliest date a new WMSD rule can take effect is July 1, 2026. For any WMSD rule, employers will have at least 120 days from the date L&I adopts the rule before it is in effect.

Q: Why is the state considering new rules?

WMSDs account for nearly one-third of all workers' compensation claims that result in time loss and wage replacement, and are a common cause of long-term disability in the state. Rules to improve worker safety can reduce these workplace hazards.

Q: What is a work-related musculoskeletal disorder?

A: WMSDs are disorders of the muscles, nerves, tendons, joints, cartilage, spinal disks and other components of the musculoskeletal system. They happen to workers exposed to excessive force, highly repetitive movement, awkward posture, and vibration. Interventions to reduce WMSDs rely on decreasing these hazardous exposures. WMSDs are common in Washington State and are costly to workers and their families, businesses, and the workers' compensation system.

Industry, NAICS and Risk Classifications

Q: What is an Industry or a NAICS code?

A: For purposes of WMSD rules, "industry" is any classification in the North American Industry Classification System (NAICS), a national standard used to classify business establishments according to their primary economic activity. NAICS uses a six-digit coding system to identify particular industries. The first two digits designate the sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry and the sixth digit designates the national industry. For example:

Example Table #1: NAICS

Number of Digits	NAICS Description	Example
2	Sector	72 – Accommodation and Food Services
3	Subsector	722 – Food Services and Drinking Places
4	Industry Group	7223 – Special Food Services
5	Industry	72232 – Caterers
6	National Industry	722320 – Caterers

Q: What is a risk classification?

A: Rather than choosing a specific industry for rulemaking, L&I could focus rulemaking on a specific risk classification. When L&I is setting workers' compensation insurance premiums, we group work activities that have similar risks for insurance loss together into risk classifications. Risk classifications and their descriptions are defined in the [Washington Administrative Code – 296-17A](#).

High Priority List

Q: How did we determine who is on the high priority list?

A: In determining the High Priority List, L&I considered many different factors. No single factor was determinative; rather a holistic assessment was made. Primarily, all industries and risk classifications met the criteria and were eligible for rulemaking as having the WMSD compensable claim rate of two times the statewide average. Some of the factors considered included the annual number of compensable WMSD claims, the number of employees potentially impacted, the long-term trend of WMSD rates, and the desire to include a range of industry sectors.

Q: Who is on the high priority list?

In the November 2023 report, L&I identified 31 industries and risk classes for the high priority list and in March narrowed the list down to the top 5:

- Grocery Wholesalers, [Risk Class 6407](#).
- Fulfillment Centers, [Risk Class 2103](#).
- General Line Groceries Retailer, [NAICS 42441](#).
- Skilled Nursing Facilities, [Risk Class 6108](#).
- Scheduled Airlines - Ground Crew Operations, [Risk Class 6802](#).

In the November 2024 report, L&I maintained the 2023 high-priority list with the exception of two risk classifications that were removed. The top five high priority list remained the same.

Q: How often will the list be updated?

A: L&I will publish the list of industries and risk classifications eligible for rulemaking and the high priority list each November.

Q: My business is in an industry or risk class on the high priority list, but my company has had no or very few WMSD claims and/or my claims rate is much lower than the industry or risk class average. Will my business still be covered by future rules?

A: Yes, we expect the scope of future rules to focus on hazards by industry or risk classification, not individual businesses. If you are already taking steps to control WMSD hazards at your business, you will have the opportunity to work with us during the rulemaking process to include your controls as part of the rule requirements or as an acceptable alternative. In other words, if what you are doing is working effectively to keep your employees safe, you may not have to change it.

L&I considers allowing alternative options where:

- The alternative methods are at least as effective as the rule requirements;
- Affected employees are trained and monitored for compliance; and
- The employer has documented all efforts.

Q: What is a 'compensable' claim?

A: Workers compensation claims may have costs for medical treatment, wage replacement for lost work time, permanent partial disability awards, disability pensions and other costs. When a claim has just medical expenses, it is called a 'medical only' claims. When a claim has any additional costs beyond medical expenses, it is called a 'compensable' claim.

Q: How did we determine the compensable claim rate?

A: A compensable claim rate is calculated by dividing the number of compensable claims by the number of full time equivalent (FTE) employees. Hours reported by employers for premium payments in the state fund and by self-insured employers are converted into FTE with one FTE being equal to 2,000 hours. Compensable claim rates for each industry or risk classification are calculated by dividing the number of compensable claims by 1,000 FTE.

A compensable claim rate ratio is a comparison of two compensable claim rates. The rate ratio is calculated by dividing the compensable WMSD claim rate of the specific industry or risk classification by the overall statewide compensable WMSD claim rate.

Rulemaking

Q: Did L&I initiate rulemaking for any of the High Priority Industries following the November 2023 Report?

A: Yes, in October 2024, L&I began its first rulemaking process for Scheduled Airlines Ground Crew Operations, [Risk Class 6802](#). Under the November 2023 report, this risk class has a WMSD claim rate of more than 10 times the overall state rate. L&I will start the rule development process in the coming months. For more information on the Scheduled Airlines Ground Crew Operations rulemaking, visit the ergonomics, Scheduled Airlines Ground Crew Operations [rulemaking page](#). As discussed above, the earliest date a new WMSD rule can take effect is July 1, 2026. For any WMSD rule, employers will have at least 120 days from the date L&I adopts the rule before it is in effect.

Q: Is L&I initiating rulemaking for any of the High Priority Industries following the publication of this report?

A: With the publication of the November 2024 report, L&I is announcing the second rulemaking effort will be for Fulfillment Centers, [Risk Class 2103](#). This risk class also has a WMSD claim rate of 10 times the overall state rate, the second highest on the high priority industry list after the Scheduled Airlines Ground Crew Operations risk class. The Fulfillment Center risk class applies to employers who operate warehouses that store, select, pack, and ship customer orders and use automated vehicles and robotics. Common tasks include loading and unloading trailers, unpacking cases, picking and packing orders, and sorting items for final delivery. L&I will not start the second formal rulemaking until later in 2025. More information on the Fulfillment Center risk class is [here](#).