

March 2023 Top 5 High Priority Industries and Risk Classes for Rulemaking

As required by RCW 49.7.520, L&I published the **November 2023 Industries and Risk Classifications Eligible for Ergonomic Rulemaking report** and identified 31 industries or risk classifications most likely to be selected for future rulemaking. To be eligible for rulemaking, an industry or risk class must have a work-related musculoskeletal disorders (WMSD) compensable claim rate of more than two times the overall statewide compensable claim rate for WMSDs. In March 2023, L&I narrowed the list of 31 high priority industries and risk classes to the top 5. L&I will select one of these industries or risk classes for the first rulemaking.

Top 5 High-Priority List for Industries and Risk Classes; Washington State WMSD Compensable¹ Claims, 2017–2021

NAICS code	NAICS description	WMSD claim rate compared to all statewide (Rate Ratio)	WMSD claim rate per 1,000 FTE ²	Predicted ³ rate ratio <2 2024	Number of workers' compensation accounts ⁴	Average number of compensable WMSD claims per year	Average number of FTE ² per year
42441	General Line Grocery Merchant Wholesalers	3.3	14.8	N	179	137.0	9,253.0

Risk class (4-digit code)	Risk class description	WMSD claim rate compared to all statewide (Rate Ratio)	WMSD claim rate per 1,000 FTE ²	Predicted ³ rate ratio <2 2024	Number of workers' compensation accounts ⁴	Average number of compensable WMSD claims per year	Average number of FTE ² per year
2103	Fulfillment Centers	10.5	46.5	N	6	306.2	6,580.0
6108	Nursing and Convalescent Homes	2.2	9.6	N	355	173.2	18,126.4
6407	Wholesale Stores, NOC including wholesale/retail combination	2.8	12.5	N	1,851	252.0	20,145.1
6802*	Scheduled Airlines - Ground Crew	10.6	47.0	N	37	167.4	3,558.5

¹Only compensable claims were used for this analysis. Compensable claims have expenses beyond medical treatment, including payments for time loss, permanent partial disability awards, total permanent disability, and survivor benefits. Kept-on salary claims are considered compensable claims.

²FTE (full time equivalent): 1 FTE= 2,000 hours

³Trend analysis of a ten-year period (2012–2021) used to predict claim rate in 2024, and was compared to the predicted statewide claim rate in 2024 to calculate the rate ratio. Y=yes; N=no

⁴Number of workers' compensation accounts reporting any hours during 2017–2021

*6802 Scheduled Airlines – Ground Crew excludes risk classification sub class 6802-01 per RCW 49.17.520(3)(d).