

Explosives Safety Stakeholder Group (ESSG) Meeting Summary, January 12, 2022
Via TEAMS

Division of Occupational Safety and Health (DOSH) Staff Present:

DOSH Safety and Health Specialist
DOSH Administrative Regulations Analyst
DOSH Standards Program Manager
DOSH Technical Services Safety Program Manager
DOSH Standards, Technical and Laboratory Services Program Manager
DOSH Explosives Program Specialist

Organizations represented (in no particular order):

Washington State Department of Transportation/ ISEE Chapter President
Northwest Energetics
Wolverine West
Washington State Department of Transportation Avalanche Control Lead
Snoqualmie Ski Patrol
Wallace Technical Blasting
Joyson Safety
King County Sherriff Bomb Squad
Snoqualmie Ski Patrol
Richland Police, Bomb Squad
Stevens Pass/Vail Resorts NW Holdings, Inc., Patrol Manager
Boeing, Bomb Appraisal Officer
Washington State Depart of Natural Resources, Wildfire Blaster
Boeing, Arms Ammunition and Explosives Safety Specialist
Boeing, Environmental Health and Safety Lead
Washington State Patrol, Bomb Squad Commander
Cabela's, Compliance Senior Manager
Washington State Department of Corrections
Northwest Energetics, Compliance
Institute of Makers of Explosives (IME)
King County Sheriff's Office SWAT
The City of Tacoma, Safety Manager,
Washington State Department of Corrections, Use of Force Manager
King County Sheriff's Office SWAT
International Energy Conservation Code (IECC)
Port of Seattle Police SWAT
Washington State Assistant Attorney General

Preparatory:

Approximately four weeks before the meeting, all ESSG Stakeholders provided electronic copies of the meeting materials with instruction to review and provide comments prior to the meeting. In

addition, a notice was sent using GovDelivery; and, information, including the draft language was added to the ESSG specific webpage.

Summary:

DOSH Safety and Health Specialist, called the meeting to order at 9:00 am. Attendees of the meeting provided instruction and format on how to ask questions during the meeting. DOSH staff asked attendees to introduce themselves.

DOSH staff provided an overview of the rulemaking efforts related to physical condition, including the result of an audit of the Explosives Program. The audit found the Department is not meeting the requirements set forth in the code; i.e., “how” determining if a licensee is in good physical condition. While developing the draft language, the department reviewed Utah’s Functional Ability in Driving Guidelines and Standards for Health Care Professionals, used by Utah Driver License Division. The language focuses on “functional ability,” relies upon honest self-attestation of the license holder, and recognizes some conditions that affect functional ability may not be permanent.

DOSH staff briefly summarized HB 2805; including, use of federal language; and, implications for persons with mental health issues, domestic violence and felony convictions. HB 2805 did not pass with recent Legislative efforts. The proposed language in the draft is based upon approval of the bill. Since the bill did not pass, it will result in the removal of the language from the draft(s).

Dosh Administrative Regulations Analyst, detailed “next steps” in the rulemaking; including the Economic Survey, performed by Research and Data Services within L&I in order to complete the Cost Benefit Analysis (CBA) and Small Business Economic Impact Statement (SBEIS) required by the Administrative Procedures Act. Attendees informed of the possibility of receiving the Survey electronically; and, if selected, asked to complete as quickly and accurately as possible. In addition, the department will hold an all-day meeting in late spring/early summer to allow stakeholders the opportunity to review the draft in its entirety in the new format before moving to the CR-102 Phase of the rulemaking.

Comments received regarding WAC 296-52-23010, WAC 296-52-23070 and Appendix D:

An attendee asked if an individual may obtain a second opinion if originally received an unfavorable opinion.

DOSH staff stated licensee may obtain second opinion.

An attendee, representing Boeing, asked about applicability. DOSH staff briefly summarized “who” is licensed; and reminded attendees that K-9 handlers will no longer be licensed by the department. The employer will be responsible to train and monitor. The department will license those who “use” explosives; Department of Transportation licenses individuals who “transport” explosives.

An attendee raised the issue of responsibilities being placed on the shoulders of a (potential young) blaster; who was not involved with the development of the contract.

DOSH staff briefly highlighted the language the group previously agreed upon regarding this issue. In addition, DOSH staff reminded attendees that the purpose of this meeting is to discuss physical condition only. As previously mentioned, the department will hold another all-day stakeholder

meeting in the spring or summer to re-review the entire standard. Stakeholders encouraged to attend and provide comments at that time.

After discussing WAC 296-52-23010, WAC 296-52-23070 and Appendix D, the language **was approved** by a majority of attendees.

DOSH staff thanked a parting stakeholder for his contributions to the rulemaking. DOSH staff introduced the replacement, who will take the position within ESSG. The appointment of the new ESSG member **was approved** by a majority of attendees.

The meeting adjourned at 10:03 am.

DOSH Staff due-outs:

- Forward Summary of meeting, updated sub-group list and draft to attendees