



Washington State Department of
Labor & Industries

Division of Occupational Safety & Health



DOSH Rules Updates

*Northwest Construction
Consumer Council*

September 2025

Agenda

- Foundation of Rulemaking
- Active Rulemakings
- Questions & Answers

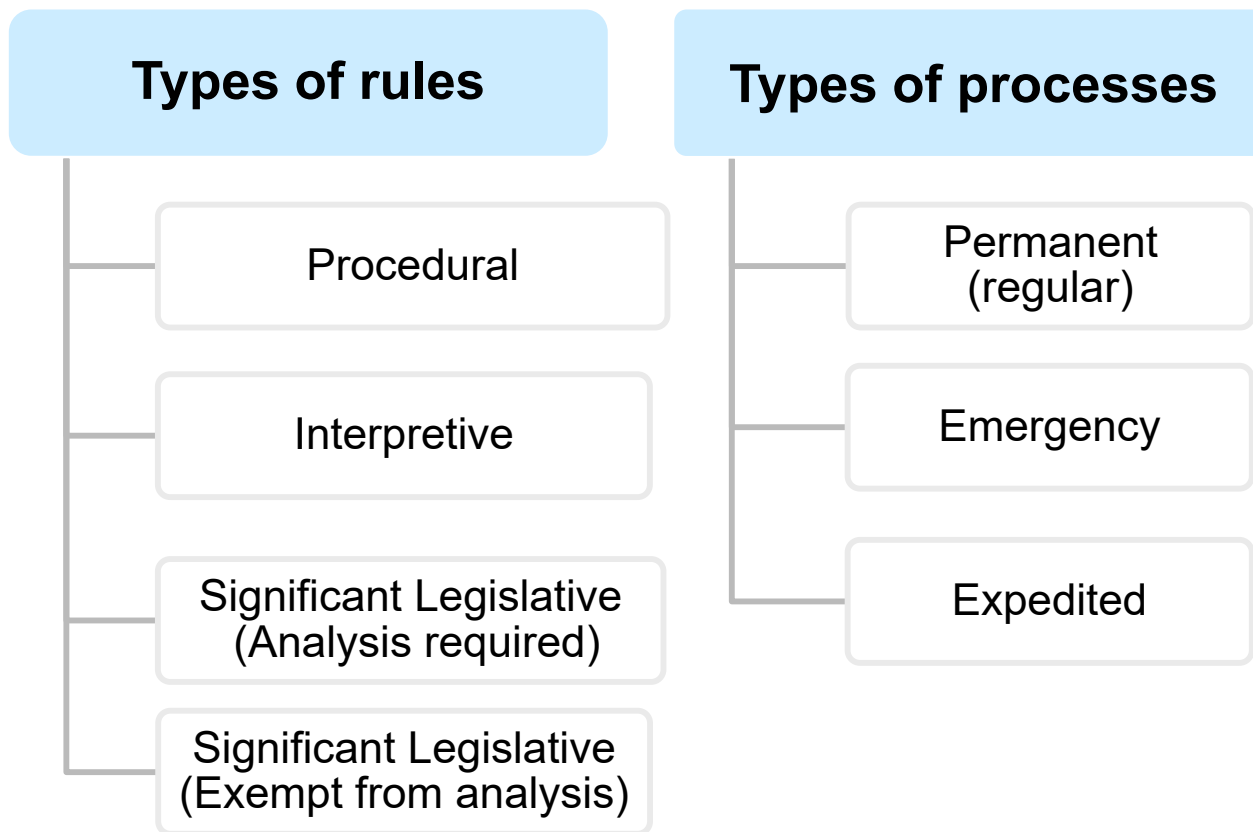
Foundation of Rulemaking

Rulemaking Overview

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Rule Types & Processes



Permanent Rulemaking Process

Step 1. Notice of intent to change, adopt, or repeal a rule

CR-101



Step 2. Proposed new or revised rule language

CR-102



Step 3: Final adoption of the rule

CR-103

Permanent Rulemaking

Economic Analyses

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Active Rulemakings

Tower Crane Permitting

- Implements Section 4 of Second Substitute House Bill 2022 (2SHB 2022) from the 2024 legislative session, codified as RCW 49.17.435 and 49.17.440.
- Beginning 1/1/26, the law and proposed rule require prime contractors to obtain a permit prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration a tower crane.
- For tower cranes in operation prior to 1/1/26, the prime contractor must submit an application for a permit by 2/1/26.
 - Any reconfiguration or disassembly activities beginning on or after 1/1/26 require a permit.

Tower Crane Permitting

- The proposed rule establishes the Tower Crane Permitting Program.
 - Permit requirements.
 - Applying for a permit, including required documentation to be submitted to L&I.
 - Permit denials, suspensions, revocations, and appeals.
 - Requires a safety conference as part of the permitting process.
- Public hearings taking place 9/23 (Spokane), 9/29 (Tukwila), and 9/30 (Virtual).
- Comments accepted until 5:00 p.m. 10/3/25 and can be sent to Cynthia.Ireland@Lni.wa.gov.

Ergonomics

- Implements Engrossed Substitute Senate Bill 5217, codified as RCW 49.17.520 (2023).
 - Allows L&I to adopt rules to prevent work-related musculoskeletal disorders (WMSDs) in industries/risk classes that see workers' compensation claims at least two times the overall state rate.
 - Only one new rule for either an industry or risk class can be adopted within 12-month period. First rule cannot go into effect until July 1, 2026.
 - Requires the use of an advisory committee, equal parts industry and labor, to advise L&I on the content of the selected industry rule.
 - L&I must publish an annual report of industries eligible for rulemaking.

Ergonomics

- First industry selected – Scheduled Airlines – Ground Crew Operations, Risk Class 6802.
 - The WMSD compensable claim rate in this risk class is 10.6 times the statewide average, with 47 out of 1,000 FTE getting injured seriously enough to miss work.
 - Advisory Committee meetings will take place throughout the fall.

Longshore/Waterfront Operations

- Aligns chapter 296-56 WAC with OSHA requirements for marine terminals in 29 CFR 1917, Subpart B.
- Implements Substitute House Bill (SHB 1706) from 2022, codified as RCW 70.54.480. This law requires drayage truck operators to have access to restrooms when operating in or on a port or rail yard property, and a dedicated space for lactation, if needed.

Safety & Health Core Rules

- Updates to biological agents section to clarify intent is to protect employees from all biological agents (airborne, droplets, fluids, etc.), expanding upon information previously formatted as a note.
- Updates to alcohol/narcotic free worksites changing “narcotics” to “intoxicants or debilitating drugs” and changes to better align with safe place standards in WAC 296-155-040.
- Updates to Safety Committees –
 - Increases amount of time to serve on a safety committee from 1 year to 2 years.
 - Adds recommendation for safety committees to meet quarterly.
 - Clarifies records of safety committee meetings to be maintained for a least 1 year.
- Housekeeping updates.

Trenching & Excavation

- Due to a troubling spike in trenching fatalities and injuries nationally and in WA, L&I initiated rulemaking in June 2021 to update chapter 296-155 WAC, Part N.
- Updated preliminary draft language stakeholdered in July and August 2025 and focused on developing a work plan that addresses requirements in the rule to be completed on job sites. This is to ensure job sites where trenching and excavation are taking place properly plan for potential hazards and how to get workers out of a trench if they suffer an injury or medical event.



Thank you!

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