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Tracy Harness, NECA

Byron Allen, IBEW Local 483
Jake Carter, IBEW Local 125

Kevin Davis, Seattle City Light
K.C. Dors, Columbia REA
Steve Harkin, PacifiCorp
Bob Smith, Mason PUD 3

EUSAC EMPLOYER & LABOR SUB-COMMITTEE on Chapter 45/OSHA Updates

c/o IBEW Local 77
P.O. Box 68728, Seattle, WA 98168-0728

May 18, 2015

via Email & U.S. Mail

Alan Lundeen, Senior Program Manager
for DOSH Standards, Technical & Laboratory Services
Department of Labor and Industries
Division of Occupational Safety and Health
P.O. Box 4600
Olympia, Washington 98504-4600

RE: Chapter 296-45 WAC re-write proposed changes

Dear Mr. Lundeen:

After thorough discussion and consideration of the four options you provided to our electrical industry Management and Labor advisory committee for moving forward to public hearings on the update to Chapter 296-45 WAC, we are pleased to provide you the following 100% consensus agreement for an enhanced Option 2. We believe it is in the best interest of both management and labor on behalf of safety and health for our statewide power generation, transmission and distribution industry, both fixed and construction, to move these rules updates forward.

Specifically, our consensus agreement consists exclusively of the following for public hearings:

1. Incorporate OSHA mandated provisions required to be at least as-effective-as federal OSHA into Chapter 296-45 WAC including host-employer information transfer, adjustments to MAD requirements, fall protection and arc rated fire resistant (FR) clothing as PPE.
2. Amend **WAC 296-45-015(1) under Scope and application** to include "construction".
3. Amend **WAC 296-45-035 Definitions** the definition of "qualified person or qualified employee" to language found in Option 3 draft for "qualified electrical employee" and requisite use of that definition throughout Chapter 296-45 WAC.
4. Amend **WAC 296-45-345(3) under Grounding for the protection of employees** to add "and bonding jumpers" and a note saying "Note: This may require bonding equipment together." as found in Option 3 draft.
5. The rules update to **WAC 296-45-675 through 296-45-67545 for helicopter/rotocraft operations** with the following addition to achieve 100% fall protection for aerial hover transfer. Add to **WAC 296-45-67536(1)**:
"Aerial Hover Transfer
(a) The qualified line worker shall be attached to the helicopter at all times when traveling between ground and the aerial transfer point or worksite. There must be an FAA approved attachment point on the helicopter for the lineman's safety harness lanyard.
(b) When a line worker is to transfer to a conductor or structure, fall protection must first be established, and then be maintained 100% of the time while in contact with the structure or conductor. An approved device, such as a breakaway device, that allows the worker to be attached simultaneously to the helicopter and the structure/conductor shall be used until the transfer is complete."

The five points of agreement articulated above are expected to be the only changes being proposed for Chapter 296-45 WAC. While we recognize there may be additional comments and suggestions submitted through the public hearing process, recommendations provided in this letter represent the consensus of the established management and labor rules sub-committee of the Electrical Utility Safety Advisory Committee (EUSAC).

Lastly, you requested our feedback on number and location of public hearings. We recommend four (4) public hearings in order to reasonably cover the western, central and eastern parts of our state. We recommend holding hearings in the following cities: Olympia, Vancouver, Wenatchee, and Spokane. In addition, we also recommend including two weeks following the last hearing for post-hearing comments. Our committee unanimously supports the content of this letter and will do so during the public hearing process as well as between now and then.

Thank you for your assistance and patience with the committee process. We look forward to moving the rules updates through the public hearing process and to receiving a draft mark-up of the changes outlined in this letter. We will be happy to continue working with you and ARA Cindy Ireland to ensure the final proposal reflects our overall consensus.

Sincerely yours,
The EUSAC Employer & Labor Sub-committee on Chapter 45/OSHA Updates:

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cc: Joel Sacks, Director of L&I
Anne Soiza, Assistant Director, L&I-DOSH