



Final Cost-Benefit Analysis

WAC 296-900-13015

Posting citation and notices

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TABLE OF CONTENTS

CHAPTER 1: Requirement of the Administrative Procedure Act	1
CHAPTER 2: Background of this Adopted Rule	2
CHAPTER 3: Probable Costs of the Adopted Rule	3
CHAPTER 4: Probable Benefits of the Adopted Rule	4
CHAPTER 5: Cost-Benefit Determination	5

CHAPTER 1: Requirement of the Administrative Procedure Act

The Administrative Procedure Act (APA; Chapter 34.05 RCW) requires that, before adopting a significant legislative rule, the Department of Labor & Industries (L&I) must analyze the probable costs and benefits of the rule, and determine that the benefits are greater than its costs, taking into account both the qualitative and quantitative benefits and costs.” [RCW 34.05.328(1)(d)]

Under certain circumstances, a rule or rule component is exempt from this requirement. These exemption criteria are listed in RCW 34.05.328(5)(b) including:

- Emergency rules adopted under RCW 34.05.350;
- Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;
- Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Rules the content of which is explicitly and specifically dictated by statute;
- Rules that set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

This cost-benefit analysis has been prepared to comply with the APA for the rule amendments to WAC 296-900-13015 that do not fall under the exemptions described above.

CHAPTER 2: Background of this Adopted Rule

Employers are currently required to post a citation and notice for three working days for employees to see. There are employees who work non-standard shifts that may not have access to this information due to the short amount of time the citation and notice is actually posted. L&I believes worker safety could be improved if all employees have access to corrective action information.

In this rulemaking, L&I adopted the following amendments to the current rule:

1. WAC 296-900-13015

Specifically, the adopted rule:

- i. Updated “three” to “seven” working days, as well as added “excluding weekends and holidays” after “seven working days”, in subsection (1), to clarify the length of time that the citation and notice should be posted to ensure its being viewed by all employees.
- ii. Added a new sentence at the end of subsection (1) which gives the employer the option to use electronic means to supplement the safety bulletin board for employees that do not work in office where the physical bulletin board is present, such as employees that telework.

CHAPTER 3: Probable Costs of the Adopted Rule

The estimated costs in this analysis, if any, represent only the new costs of complying with the adopted rules for the affected parties, excluding realized potential costs associated with or originating from the current practices, or “baseline” standards under existing laws, rules or national consensus standards. Therefore, the costs that can be attributed to or are insignificantly different from these baseline standards are not analyzed or factored into our estimates.

WAC 296-900-13015 Posting citation and notices

Adopted Language: (1) You must immediately notify employees of a citation and notice by posting it and any correspondence related to an employee complaint on the safety bulletin board for ~~three~~ seven working days, ~~excluding weekends and holidays~~, or until all violations are corrected, whichever time-period is longer. As an option, an employer may use electronic means to supplement the bulletin board, such as with telework employees.

Cost Implication:

- 1) Leaving the citation and notice on the bulletin board for the additional workdays does not create any new costs.
- 2) The added sentence allows employers to use electronic means as an option. There are no mandated costs since the implementation is voluntary.

CHAPTER 4: Probable Benefits of the Adopted Rule

The citation and notice issued to an employer may contain key safety information related to inspection results, specific violations, and correction requirement, along with others. Therefore, it is essential for all affected employees who could be exposed to unsafe conditions or practices to be notified and aware of this information. There are employees who work non-standard shifts that may not have access to the information on the citation and notice due to the short amount of time it is currently required to be posted. Increasing the number of days the citation and notice is posted and allowing supplemental means of communication increases the likelihood of more employees seeing it, which will help eliminate potential safety hazards and prevent possible injuries or illnesses.

CHAPTER 5: Cost-Benefit Determination

The amendments to the rule create no new mandated costs. On the benefit side, they help improve worker safety and prevent possible injuries or illnesses. Therefore, the probable benefits of these rule amendments are anticipated to outweigh the probable costs.