

CONCISE EXPLANATORY STATEMENT

Chapter 296-155 WAC, Safety standards for construction work, Part S,
Demolition

Public Hearing: March 9, 2021 via Zoom

Adoption: April 20, 2021

Effective: June 1, 2021

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I. Purpose of Rulemaking

The purpose of this rulemaking is to update the requirements in chapter 296-155 WAC, Safety standards for construction work, Part S, Demolition, to improve the safety of employees working in the demolition industry, as well as improve public safety.

A. Background

Following an investigation, citation, and appeal of demolition violations related to the Highway 410 overpass collapse in 2015; and, a subsequent review of the citation history for the demolition requirements under Chapter 296-155, Part S, the department determined that rule changes were needed to ensure that demolition plans were developed and implemented. In the Highway 410 overpass collapse, a concrete slab weighing thousands of pounds fell from a Highway 410 overpass and landed on a vehicle driving on the highway, killing all three in the vehicle. The investigation conducted by the department found the company had concerns about the possibility of the barrier falling down during cutting, yet continued the work.

While the current rule requires a demolition survey with a demolition plan be conducted prior to starting demolition, neither DOSH's rule nor OSHA's explicitly require the employer to follow the demolition plan it developed or the safety recommendations contained in the survey. Based on a review of inspections, including Highway 410 overpass collapse inspection, it was determined that without a clear requirement to require a demolition plan that is based on the engineering survey information, more incidents exposing workers and the public are likely to occur.

If demolition is not conducted according to a plan consistent with the engineering survey, hazards such as unplanned collapses and hazards from flying or dropping debris, can injure both workers and the public. The adopted rule requires a demolition plan be developed specific to a particular demolition project and in consideration of the engineering survey for the specific project and that the plan be implemented.

In addition, on June 2, 2020, the Department of Labor & Industries (L&I) adopted new fall protection standards. L&I updated its fall protection rules after receiving notification from the Federal Occupational Safety and Health Administration (OSHA) advising L&I to update the requirements in chapter 296-155 WAC, Safety standards for construction work, Part C-1 Fall Protection Requirements for Construction, in order for them to be at least as effective as those administered by OSHA. As such, the adopted changes in chapter 296-155 WAC, Safety standards for construction work, Part S, Demolition, were made to align with the fall protection standards in chapter 296-880 WAC, Unified safety standards for fall protection.

B. Summary of the rulemaking activities

Three rounds of stakeholder meetings were held between June 2018 and October 2019. Both business and laborers were represented. The following companies or organizations were represented at one or several of the stakeholder meetings:

- NW District Council of Laborers
- NW Laborers
- Laborers, District Council-Washington and Northern Idaho
- Laborers' International Union of North America
- Laborers 252
- Atkinson Construction
- Associated Builders and Contractors, Inc. (ABC) of West Washington
- Pacific Northwest Regional Council of Carpenters
- Associated General Contractors of Washington (AGC)
- Master Builders Association
- National Demolition Association
- Washington State University EH&S
- Building Industry Associations of Washington (BIAW)
- Washington State Building and Construction Trades
- International Union of Operating Engineers (IUOE), Local 302
- Northwest Laborers Employers Training Trust (NWLETT)
- Venture GC
- JR Hayes Corporation
- TW Clark Construction
- Lydig Construction
- Rhine Demolition
- Walker Construction
- PCI Democon
- Walsh Group

Stakeholder comments and suggestions were reviewed in between each round of meetings; suggested changes incorporated, if appropriate. In all, thirteen stakeholder meetings were held.

See below for summary of meeting dates, locations and number of attendees:

DATE	LOCATION	ATTENDEES PRESENT	WEB EX OFFERED	ATTENDEES VIA WEBEX
June 21, 2018	Tukwila	8	N	
July 25, 2018	Moses Lake	1	Y	1
September 7, 2018	Tukwila	9	Y	1
October 16, 2018	Kennewick	1	N	
November 6, 2018	Kelso	0	N	
December 11, 2018	Spokane	4	N	
May 29, 2019	Spokane	5	N	
June 13, 2019	Kennewick	1	N	
June 14, 2019	Moses Lake	0	Y	0
June 17, 2019	Tukwila	4	Y	0
June 18, 2019	Kelso	1	N	
October 14, 2019	Spokane	1	N	
October 21, 2019	Tukwila	2	N	

In addition to the above stakeholder meetings, the draft was shared with DOSH staff at the Region 2 DOSH Staff Meeting on December 13, 2018, in Tukwila.

Earlier drafts and meeting summaries were posted on the Demolition specific web-page on L&I's website.

Proposed rules were filed (CR-102) on February 2, 2021.

A public hearing was held March 9, 2021 via Zoom.

II. Changes to the Rules (Proposed rule versus rule adopted)

There are no changes between the proposed and adopted language. The language is being adopted as proposed.

III. Comments on Proposed Rule

A. Comment Period

The comment period was February 2, 2021 through close of business, Friday, March 19, 2021. No comments were received.

B. Public Hearing:

A virtual public hearing was held March 9, 2021. Twenty-five people from the public attended the hearing held via Zoom. No attendees provided verbal testimony.

The following list includes some of the companies or organizations represented at the public hearing:

- Waste Management
- JTM Construction
- CSMI
- Terracon Consultants, Inc.
- Vestas Americas-Construction
- ABC Western Washington
- Atkinson
- Columbia Willamette ASSP

C. Summary of Comments Received and Department Response

Not applicable.