



R-981102

STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
WISHA Services Division

PO Box 44600 – Olympia, Washington 98504-4600

July 21, 2000

RECEIVED

JUL 24 2000

Michael Roswell
W.S.U.T.C.
PO Box 47250
Olympia, WA 98504

WASH. UT. & TP. COMM.

*Shimer,
Please compare
to our emergency
rules & make
appropriate change.
R M L*

Dear Mr. Roswell:

Enclosed is a comparison document containing an initial draft of the department's proposed permanent flagger rules. This document compares our recently adopted flagger emergency rules and other rule sections involving flaggers to our proposed permanent amendments. It also includes the rationale for our proposed amendments.

This draft is based upon internal staff discussions and recommendations that we received from external stakeholders who attended the June 20, 2000, meeting in Tumwater. The draft reflects the legislative intent of Chapter 239, Laws of 2000 (ESHB 2647) "to improve options available to ensure the safety of flaggers and ensure that flaggers have adequate visual warning of objects approaching from behind them."

Like our emergency rules, the proposed permanent rules are performance-based. This means they contain basic rule requirements but allow employers to decide how best to meet those requirements. This approach provides employers more flexibility to ensure that flaggers are adequately protected from roadside hazards.

The majority of our proposed amendments simply clarify existing flagger rule requirements. However, several specific concerns were raised at the June 20, 2000, stakeholder meeting and we have responded as follows:

- A mirror on the flagger's helmet - The department retained this as an example of additional flagger protection but emphasizes that it is a **non-mandatory option**.
- Additional flagger training - The department believes that additional flagger training is a good idea, but we do not believe that additional training alone satisfies the statutory mandate to provide flaggers with adequate visual warning of objects approaching from behind.
- Requiring an extra warning sign - The department retained the extra sign requirement but in response to stakeholder input, we eliminated the option of using an additional sign with the "Flagger Ahead" marking.

*WJ: fill per
Shimer
RMS*



- An on-site traffic control plan - In response to stakeholder recommendations, we have included a site-specific traffic control plan requirement. However, such a plan is only required for jobs that will last more than one day on roadways allowing speeds of 45 mph or more. The employer, responsible contractor and/or project manager must keep this plan on site.

The department is required by statute to have permanent rules in effect by March 1, 2001. Our adoption timeline is tight so please review the draft rules and send your written comments by August 18, 2000, to:

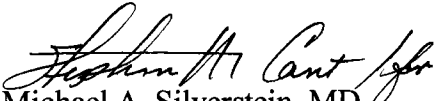
Dan McMurdie, Safety Program Manager
WISHA Services Division
Department of Labor and Industries
PO Box 44650
Olympia, Washington 98504-4650

You may also fax your comments to Dan at (360) 902-5438 or email at mcmd235@lni.wa.gov.

The department will schedule another stakeholder meeting if necessary.

Thanks for participating in our effort to adopt permanent flagger rules that will help promote a safe work environment for traffic flaggers.

Sincerely,


Michael A. Silverstein, MD
Assistant Director for WISHA Services

Enclosures