



STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health

PO Box 44810, Olympia, WA 98504-4810

March 31, 2016

Jordan Friedberg, Asset Manager
DEPT OF ENTERPRISE SERVICES
Dept Of General Admin
Po Box 41405
Olympia, WA 98504-1405

RE: Consultation Visit #506994042

Consultant on Visit: Jon Taurman

Company Representatives: Jordan Friedberg (DES Asset Manager)
Robyn Herring (DES Occupational Safety and Health Program
Leader)
Brian Nguy (Facilities Planner)

Employee Representative: Roc Zimmerman (DES)
Jacob Simmons (DES)
Frank Weeks (DES)

Dear Mr. Friedberg,

I appreciated having this opportunity to help you evaluate the safety and health of your workplace. We at the Division of Occupational Safety and Health (DOSH) are committed to encouraging voluntary compliance with Washington safety laws by offering technical advice and consultation with employers and their employees.

Following is a copy of my consultation report which details my findings and recommendations resulting from a Consultation Visit that provided a safety and /or health hazard assessment of working conditions, equipment, and processes at the work site. The consultation began on 9/22/2015 at 416 14th Ave, Legislative Building, Olympia, WA 98504. DEPT OF ENTERPRISE SERVICES Government support

This was a limited safety consultation visit initiated by the Department of Enterprise Services for accessing the areas from the fourth floor to the dome/ cupola of the Legislative Building. This report addresses these restricted areas that require facility maintenance employees to access on a minimal basis.

Evaluation of your company's safety and health program

A comprehensive evaluation of the employers Safety and Health Plan was not requested at this time. This report addressed the elements of the employers safety program that were related to this limited visit request. Any deficiencies with these programs can be found in Section 2 of this report.

Other Findings and Recommendations

DOSH agrees with DES, State Patrol and the Olympia Fire Department that accessing the areas above the fourth floor of the Legislative building should be restricted to essential maintenance personnel only. Furthermore, the Occupational Safety and Health Administration (OSHA) specifically responded to the use of stairs as an EXIT ROUTE in a federal letter of interpretation of 1910.36(g)(2) (exit route width for stairs) states:

April 27, 2000

Mr. Gregory W. Faeth
President
Safety Consulting & Training Services
PO Box 1718
Fairfield, IA 52556

Dear Mr. Faeth:

Thank you for your December 28, 1999 to the Occupational Safety and Health Administration's (OSHA's) Directorate of Compliance Programs. Please be aware that this response may not be applicable to any scenario not delineated within your original correspondence. You had specific questions regarding Fixed Industrial Stairs, 29 CFR 1910.24

Question: The OSHA [exit route] requirements, [1910.36(g)(2)], state that the minimum width of any way of exit access shall in no case be less than 28 inches and the OSHA stair requirement, 1910.24(d), requires a minimum of 22 inches. Is an employer out of compliance with this [exit route] standard if the stairs are 22 inches in width?

Reply: Yes, if the stair is an [exit route] component (the exit access, the exit itself, or exit discharge). All stairs, and other approved [exit route] components, must meet the Subpart E, [EXIT ROUTES] standards.

Furthermore, in order to afford all occupants convenient facilitates for escape, the capacity of an [exit route] (i.e., stair) for any occupied space must be appropriate to the individual building or structure with due regard to the character of occupancy; the number of persons exposed; the fire protection; and the height and type of construction of the building or structure. [See paragraph 1910.36(b)(3).] The minimum width permitted for a passageway used as an exit access is, according to [1910.37(g)(2)], 28 inches; however, most occupancies require additional width based upon the capacity of [exit route] requirements.

The 22 inch stair width requirement applies to both interior and exterior, fixed industrial stairs (i.e., around machinery, tanks, and other equipment; to and from floors, platforms, or pits) when they are used as described in the application paragraphs 1910.24(a) and (b). Where these requirements overlap, the [Exit Routes] requirements would apply.

DOSH realizes that DES has essential maintenance responsibilities that require the lights located at the top of the cupola to be functional in order to meet FAA guidelines. It is suggested that DES utilizes the most current technologies available to illuminate the Capitol dome (LED lights, etc). It is the

Department of Enterprise Services responsibility to ensure the safety of it's employees through it's programs and action plans.

Notice of Obligation

You are required to share this letter and enclosed report with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).

Your consultation report is confidential. Although you must share the report with your employees and/or their collective bargaining representatives, we do not make this document public or share it with DOSH compliance inspectors (except under very limited circumstances, such as when the department is required under subpoena, or if you refuse to correct a serious hazard).

If, in the future, your workplace is inspected by DOSH compliance, you will not be required to tell the inspector about this consultation or share the report. However, if, during the consultation, we perform any tests for workplace exposures (such as noise levels or air quality) DOSH standards require you to show these monitoring results to the inspector, if requested.

If I give you specific guidance that you follow, you would not be cited if a DOSH inspector later finds my guidance did not address (or adequately address) a hazard. You would still have to fix the hazard by the correction date assigned by the inspector. However, it is possible for an inspector to cite you for a hazard not identified during my consultation. This could be because work conditions changed, we had a misunderstanding, or I may have overlooked the hazard. In such cases the inspector would consider any good faith effort by you in determining the penalty.

Your request for this consultation demonstrates that you are committed to the safety and health of your employees. Make sure you routinely conduct self-inspections of your workplace for hazards. The findings shown in this report were hazards identified on the day of the consult and are not necessarily all of the hazards that may be present now or in the future at your work site. Situations and conditions can be different from day to day.

Consultation Visit # 506994042

If you have any questions about this report, or need further assistance, please contact me. For on-line access to our safety and health rules, go to www.lni.wa.gov/safety.

Sincerely,

Jon Taurman

Jon Taurman

Safety Consultant

Phone: (360) 902-5470

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Jim Lawrence (DOSH Region 4 Consultation Manager)

Reid Larson (DOSH Region 4 Consultation Supervisor)

Attachments:



Hazards Identified

In this section, I have listed the hazards identified during my work site visit and my recommendation for correcting the problem. For your convenience, the language of each related Washington Administrative Code (WAC) is included at the end of this report. You must post this document a minimum of 3 days, keeping it posted until all hazards identified are corrected.

- **Serious hazards:** Washington law defines a hazard as serious when there is a substantial probability that death or serious physical harm could result to your employees.
- **General hazards:** A hazard is general when we determine that there is a probability that an employee could be injured or become ill as a result, but there is no reasonable probability that it could cause death or serious physical harm.

If serious hazards have been identified, you will find attached forms entitled "Certification of Hazards Corrected". Complete the form as you make your corrections, and submit it back to me by the correction due date(s).

Serious Hazards Identified

(See Applicable Washington Administrative Code Section for WAC Language)

1. WAC 296-800-28025

Hazard Description:

During our walk around we discovered an instance of a electrical junction box missing it's electrical faceplate.

Complied: The employer had a cover installed same day as visit.

This exposes the employees to the possibility of severe electrical shock. Dust and other debris can enter into unused openings which could result in a fire.

Recommended action:

- * Do the following when conductors enter boxes, cabinets, or fittings:
 - Protect the conductor (wires) from abrasion.
 - Effectively close the openings where conductors enter.
 - Effectively close all unused openings.
- * Provide pull boxes, junction boxes, and fittings with covers approved for the purpose.



- * Make sure each outlet box has a cover, faceplate, or fixture canopy in completed installations.
- * Make sure covers for outlet boxes with openings for flexible cord pendants have bushings to protect the cord, or have a smooth and well rounded surface where the cord touches the opening.
- * Ground metal covers.

You corrected hazard #1 during my visit.

2. WAC 296-800-26010(1)

Hazard Description:

There were two instances discovered of where employees were exposed to fall hazards of greater than 4' and were not protected as required by this standard.

Instance 1: Employees admitted to accessing the outer surface of the Legislative building to change lights without having been 100% protected from fall heights of greater than 4'. Employee's are exposed to fall hazards of multiple stories to the ground below.

Instance 2: Employees exposed to a 6'10" fall hazards while standing on the top of the metal enclosure for the spiral stairs that are used to access the cupola. An employee stated he has to get on top of the stair enclosure in order to change out the lights that protect the Capitol building from aircrafts.

Fractures, sprains or death from fall.

Recommended action:

Install a standard railing system per the WAC 296-24-75011(1) requirements or other means of fall protection.

You decided to ensure that employees are 100% tied off in full body harnesses when accessing the outer surface of the Legislative building and that when changing the lights at the top of the cupola a temporary guardrail would be erected.



You corrected hazard #2 during my visit.

General Hazards Identified

(See Applicable Washington Administrative Code Section for WAC Language)

You must correct all general hazards.

3. WAC 296-24-75011(1)

Hazard Description:

The were two instances of guardrails that were not adequate to protect employees from fall hazards.

Instance 1: The guardrail system that was erected around the top of the inner dome had a top rail that was only 36" high.

Instance 2: The guardrail at the top of the spiral stair landing to the cupola was only 36" high.

This is being cited as a general hazard because we want to restrict access to the capitol dome. Therefore, this hazard must be corrected prior to any work being done in this area, but we don't want employees accessing this area to correct this hazard until it becomes necessary for maintenance work. In the event of an accident that resulted in an employee injury DOSH Compliance would investigate likely cite violations as Serious.

Fractures, sprains and contusions or possible death from falls.

Recommended action:

Install a standard railing system per the WAC requirements.

(1)A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of forty two inches plus or minus three inches, from upper surface of top rail to floor, platform, runway, or ramp level and:

(a)The top rail shall be smooth-surfaced throughout the length of the railing.

(b)The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp.

Ensure these corrective measures prior to conducting maintenance activities.



4. WAC 296-800-25005

Hazard Description:

Fixed stairs were not provided for safe employee access between different levels where employees travel on a predictable and regular basis., in the following instances:

Instance 1: Spiral stairs are being used as the primary means to access areas from the fourth floor of the Legislative building to the cupola for maintenance activities.

Note: OSHA CFR 1910.24(b) states: Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

Instance 2: No stairs are provided for accessing the top of the 6'10" tall metal stair enclosure that employees get on top of to change the light bulbs for the top of the cupola. Currently employees access the top of this enclosure by spider walking up the 21" wide space between the inner walls of the balcony and the metal stair enclosure.

This is being cited as a general hazard because of restricted access.

Employees exposed to serious injury while not having safe access/egress to the upper floors of the Legislative building without the proper stairway installed.

Further more first responders are put at an increased risk in the event of an emergency (fire, earthquake), situation.

Recommended action:

Instance 1: The department is citing this hazard as a general safety violation do to the limited exposure to maintenance personnel ONLY. Restrict access to these floors to essential maintenance needs. In the event of an accident that resulted in an employee injury DOSH Compliance would investigate likely cite violations as Serious.

Instance 2: The department recognizes the very limited space around the balcony and recommends the use of a portable ladder to access the top of the stairway enclosure.

5. WAC 296-800-31010

Hazard Description:



During our walk around we discovered areas above the fourth floor that did not provide the required 28" minimum width for Exit routes.

Locations:

1. Several places on the spiral stair case that ascends from the fourth floor to the cupola have obstructions that provide from only 16" to 22" in places.

Note: Many of these narrowed locations are due to the renovation done after the 2001 Nisqually earthquake.

2. Located on the 7th floor the walkway around the "Golden Ring" measures approximately 22"-23" wide.

Note: There are also eight lights around the "Golden Ring" that illuminate the interior dome which obstruct the walkway. These lights are approximately 4'6" high and protrude into the walkway 16".

3. Located on the 8th floor the walkway around the base of the "Columns" have places where the exit route measures only 22"-26" due to ventilation system protruding into the exit route.

4. Located in cupola the passage area around the spiral stair enclosure is 21" wide and the eight accesses to the outer balcony spaces is 22 1/2" wide.

This is being cited as a general hazard because of restricted access.

Employees attempting to evacuate the building in an emergency situation could be delayed/prevented from reaching the exit in a timely manner that could lead to serious injury and or death.

Recommended action:

Restrict access.

6. WAC 296-800-31005

Hazard Description:

Exit routes were not adequately planned/provided for the areas we visited at the Legislative building. There is only one exit route from the cupola to the fourth floor. If a fire or an emergency blocked the single exit door, employees would be unable to escape.

Death or severe permanent disability from smoke inhalation or burns.

Recommended action:



Create another emergency exit route so that if one became blocked the other would still be accessible.

Consult with the Olympia Fire Department to ensure that your Emergency Action Plan/Rescue Plan is sufficient.

Note: Reference "Other Findings and Recommendations" section of this report for responses from the other government agencies (State Patrol and Fire Department) that were asked to provide guidance on accessing the dome from the fourth floor to the cupola. The Department of Enterprise Services, MUST have an alternate rescue plan for maintenance personnel that may be trapped in an emergency situation.

Note: "A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace indicates that a single exit will allow all employees to exit safely during an emergency. Other means of escape, such as fire exits or accessible windows, should be available where only one exit route is provided."

7. WAC 296-24-75011(6)

Hazard Description:

The stair railing on the spiral stairs from the fourth floor to the cupola did not provide sufficient clearance to maintain a secure hand grip on the railing. There were multiple areas where the handrails were compromised for the structural retrofitting after the "Nisqually earthquake".

Not having a adequate hand grip could lead to loss of stability and falls. This is could result in serious injuries, including sprains, fractures and internal injuries.

Recommended action:

This is being cited as a general hazard because of restrict access.

8. WAC 296-800-22022

Hazard Description:



During our walk around we observed instances of tripping hazards.

Instance 1: Electrical conduit fixed to the floor of the cupola.

Instance 2: The 4" to 5" high metal access/egress from the spiral staircase enclosure located in the cupola.

Fractures, sprains and contusions.

Recommended action:

Ensure obstructions are removed from floors that create slipping or tripping hazards or obstruct access routes.

You can also provide mats to eliminate tripping hazards. (Electrical conduit)

Mark with high viability tape. (Metal lip to the spiral staircase)

This is being cited as a general hazard because we want to restrict access to the capitol dome. Therefore, this hazard must be corrected prior to any work being done in this area, but we don't want employees accessing this area to correct this hazard until it becomes necessary for maintenance work. In the event of an accident that resulted in an employee injury DOSH Compliance would investigate likely cite violations as Serious.

9. WAC 296-800-26005(1)

Hazard Description:

The grated catwalk located at the top of the 9th floor which accesses the spiral stairs to the cupola, has a 2" wide gap and no toe boards.

Falls or trips resulting in strains, sprains and possible fractures. There is also the probability of tools or material falling to lower surfaces.

This could result in a serious injury.

Recommended action:

Ensure all floor holes or openings are properly guarded or covered.

The cover may be of any material that has a safety factor of four, or is strong enough to hold up to four times the intended load. Covers that do not project more than one inch above the floor level may be used providing all edges are beveled (slanted) to prevent tripping. All hinges, handles, bolts, or other parts of a cover must set flush with the floor or cover surface.



Reference WAC 296-24-75007(1)&(2)

WAC 296-24-75007 Protection of open-sided runways.

(1) You must provide railings with a toeboard wherever, beneath the open sides,

(a) Persons can pass,

(b) There is moving machinery, or

(c) There is equipment with which falling materials could create a hazard.

(2) You must guard every runway by a standard railing (or the equivalent as specified in WAC 296-24-75011(3) on all open sides 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, you must also provide a toeboard on each exposed side.

Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway of not less than 18 inches wide.

Where persons entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding than is here specified may be essential for protection.

This is being cited as a general hazard because we want to restrict access to the capitol dome. Therefore, this hazard must be corrected prior to any work being done in this area, but we don't want employees accessing this area to correct this hazard until it becomes necessary for maintenance work. In the event of an accident that resulted in an employee injury DOSH Compliance would investigate likely cite violations as Serious.

10. WAC 296-24-567(1)(b)(i)

Hazard Description:

The employer's emergency action plan did not include emergency escape routes for employees to follow in the event of an emergency.

Note: The accident prevention plan that was supplied to the department for review maybe more comprehensive and detailed than the "DES Safety and Health Plan" and Safety Procedure" that was provided to the department for review. The documents received were vague and generic at best. There were references to emergency procedures but no specific programs to the Legislative building.

Personnel not aware of proper evacuation routes or procedures may be exposed to hazards from fire, earthquakes or other emergencies in the workplace.



Recommended action:

Employers must develop a written emergency action plan that establishes the actions employer and employees must take to safely exit from fire and other emergencies. At a minimum, the plan must include all of the elements listed in the codes.

The following elements, at a minimum, shall be included in the plan:

- (i) Emergency escape procedures and emergency escape route assignments;
 - (ii) Procedures to be followed by employees who remain to operate critical operations before they evacuate;
 - (iii) Procedures to account for all employees after emergency evacuation has been completed;
 - (iv) Rescue and medical duties for those employees who are to perform them;
 - (v) The preferred means of reporting fires and other emergencies; and
 - (vi) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.
- (c) Alarm systems. You must establish an employee alarm system which complies with WAC 296-800-310. The employee alarm system must provide warning for necessary emergency action as called for in your emergency action plan. The employee alarm must be distinctive and recognizable as a signal to perform actions designed under the emergency action plan.
- (d) Evacuation. The employer shall establish in the emergency action plan the types of evacuation to be used in emergency circumstances.
- (e) Training.
- (i) Before implementing the emergency action plan, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.
 - (ii) The employer shall review the plan with each employee covered by the plan at the following times:
 - (A) Initially when the plan is developed;
 - (B) Whenever the employee's responsibilities or designated actions under the plan change; and
 - (C) Whenever the plan is changed.



(iii) The employer shall review with each employee upon initial assignment those parts of the plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and made available for employee review.

Establish and coordinate a rescue plan with first responders. See attachments, reference letter from Olympia Fire Department.

11. WAC 296-800-14005

Hazard Description:

Review of your Accident Prevention Program finds that it is not tailored to the needs of your particular workplace, its operations and to the types of hazards that are involved.

The accident prevention plan that was supplied to the department for review maybe more comprehensive and detailed, but the "DES Safety and Health Plan" and Safety Procedure" that was provided to the department for review was vague and generic at best. There were references to emergency procedures but no specific programs to the Legislative building.

There is potential that employees do not understand the hazards they are exposed to in their workplace. A lack of clearly written procedures could lead to confusion or a lack of complete training for new or temporary employees, resulting in injuries. A tailored accident prevention program that is effective in practice can prevent injuries and illnesses on the job.

Recommended action:

Ensure that the written portions of your Accident Prevention Program are specific to the work your employees do. You can access a good sample by going on line at www.lni.wa.gov; Click on Safety; Click on Sample Programs; Click on Accident Prevention Programs; Scroll down and click on the sample for General Industry Beyond Compliance. There are also some forms contained in the Sample Accident Prevention Program Construction template that can be used to supplement your program. Ensure that your employees review your written program and that a written record is kept of their training and understanding of your Company's expectations. You can use the one provided in the Sample On Line Program. Ensure all training items specific to your operations are outlined.

Lastly, you must supervise and enforce your program so that it is effective in practice.



12. WAC 296-800-16005

Hazard Description:

No formal PPE hazard assessment has been done to determine when and where PPE is required. This assessment can be done by task, job location, or piece of equipment operated.

Note: The accident prevention plan that was supplied to the department for review, "DES Safety and Health Plan" and "Safety Procedure" was vague and generic at best.

Hazard assessments identify hazards or potential hazards in the workplace and determine appropriate PPE such as goggles, safety glasses, head protection, foot protection, protective clothing and gloves. A lack of a hazard assessment could expose employees to injuries.

Recommended action:

Perform a complete hazard assessment. After you have completed the hazard assessments for each of the jobs, complete a written certification (paper or electronic format) that includes the:

- Name of the workplace.
- Address of the workplace you inspected for hazards.
- Name of person certifying that a workplace hazard assessment was done.
- Date(s) the workplace hazard assessment was done.
- Statement identifying the document as the certification of hazard assessment for PPE for the workplace.

After this is done, you must select appropriate PPE, provide training on the proper use and care, and then enforce the wearing or using of the PPE.

13. WAC 296-27-02101(1)

Hazard Description:

You are not keeping specific OSHA 300 injury/illness records for all of your Washington locations.

This is a regulatory paperwork hazard. Employees are not made aware of the injuries or how dangerous their individual work environments may be.

Inability to track injury trends at the job site.

Recommended action:



Maintain an OSHA 300 log for each office location of all recordable injuries. Make sure the OSHA 300A is posted from February 1 through April 30 for the previous calendar year. This information must be maintained for 5 years.

Applicable Washington Administrative Codes

1. WAC 296-800-28025

WAC 296-800-28025 - Maintain electrical fittings, boxes, cabinets and outlets in good condition.

You must:

Do the following when using covers and openings:

When conductors enter boxes, cabinets, or fittings:

Protect the conductor (wires) from abrasion.

Effectively close the openings where conductors enter.

Effectively close all unused openings.

Provide pull boxes, junction boxes, and fittings with covers approved for the purpose.

Make sure each outlet box has a cover, faceplate, or fixture canopy in completed installations.

Make sure covers for outlet boxes with openings for flexible cord pendants have bushings to protect the cord, or have a smooth and well rounded surface where the cord touches the opening.

Ground metal covers.

2. WAC 296-800-26010(1)

WAC 296-800-26010 Protect open-sided floors and platforms.

You must:

(1) Guard open-sided floors and platforms.

* Guard open-sided floors and platforms four feet or more above adjacent floor or ground level by a railing. The entrance to a ramp, stairway, or fixed ladder does not need a railing.

* Guard open-sided floors, walkways and platforms above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and other similar hazards, regardless of height



with a railing and toeboard.

3. WAC 296-24-75011(1)

WAC 296-24-75011 Railing, toeboards, and cover specifications.

(1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of forty-two inches, plus or minus three inches, from upper surface of top rail to floor, platform, runway, or ramp level and:

(a) The top rail shall be smooth-surfaced throughout the length of the railing.

(b) The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp.

(c) The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(d) Guardrails with heights greater than 42 inches are permissible provided the extra height does not create a dangerous situation for employees and that additional mid-rails were installed so that openings beneath the top rail would not permit the passage of a 19-inch or larger spherical object.

4. WAC 296-800-25005

WAC 296-800-25005 Provide fixed stairs where required.

You must:

* Install fixed stairs where:

- Employees travel between different levels on a predictable and regular basis.
- Access to platforms is required to give routine attention to equipment under operation.
- Daily movement between elevations is required to gauge, inspect, and maintain equipment where those work assignments may expose employees to acids, caustics, gases, or other harmful substances.
- Carrying tools or equipment by hand is a normal work requirement.

* Not use spiral stairways except as secondary exit routes.

Note:

* You can use fixed ladders for climbing elevated structures, such as tanks, towers, and overhead traveling cranes, when their use is common practice in your industry.

* You can use winding stairways on tanks and similar round structures if the structure's diameter is at least five feet.



* You could use a spiral stairway as an exit route in a restricted area that lacks room for a conventional stairway.

Definitions:

* A stairway or fixed stairs is a series of steps and landings:

- Leading from one level or floor to another.
- Leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment.
- Used more or less continuously or routinely by employees or only occasionally by specific individuals.
- With three or more risers.

* A riser is the vertical part of the step at the back of a tread that rises to the front of the tread above.

* A tread is the horizontal part of the step. Tread width is the distance from the front of the tread to the back.

5. WAC 296-800-31010

WAC 296-800-31010 Make sure that exit routes are large enough.

You must:

*Make sure each exit route is large enough to accommodate the maximum-permitted occupant load for each floor served by the route.

*Make sure the capacity of an exit route does not decrease at any point.

*Make sure the exit route has a minimum ceiling height of 7 feet 6 inches and that no projection from the ceiling is less than 6 feet 8 inches from the floor.

Objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, must not reduce the minimum height of the exit route to less than 6 feet 8 inches from the floor.

*Make sure exit routes are at least 28 inches wide at all points between any handrails.

If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.

Make sure objects that stick out into the exit route, such as cabinets on walls, do not reduce the minimum width of the exit route.

6. WAC 296-800-31005



WAC 296-800-31005 Provide an adequate number of exit routes.

You must:

- * Provide a minimum of two exit routes to provide different ways for employees to leave the workplace safely during an emergency (at least two of the exit routes must be remote from one another so employees can safely exit if one exit route becomes blocked or unavailable).
- * Provide an adequate number (at least two) of exit routes, considering the kind, number, location and capacity, appropriate to each building according to the following conditions:

- Number of employees
- Size of building
- Arrangement of workplace
- Building occupancy

Note: A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace indicates that a single exit will allow all employees to exit safely during an emergency. Other means of escape, such as fire exits or accessible windows, should be available where only one exit route is provided.

7. WAC 296-24-75011(6)

WAC 296-24-75011 Railing, toeboards, and cover specifications.

(6) All handrails and railings shall be provided with a clearance of not less than one and one-half inches between the handrail or railing and any other object.

8. WAC 296-800-22022

WAC 296-800-22022 Make sure floors are maintained in a safe condition.

You must:

- * Make sure floors are kept free of debris. This includes:

- Buildings
- Platforms
- Walkways and driveways
- Storage yards
- Docks

- * Use a nonslip coating on all polished floors.

9. WAC 296-800-26005(1)

WAC 296-800-26005 Guard or cover floor openings and floor holes.



Definition:

* A floor opening is an opening in any floor, platform, pavement, or yard that measures at least twelve inches in its smallest dimension and through which a person can fall.

* Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes.

* The following are not considered floor openings:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery
- Containers

* A floor hole is an opening in any floor, platform, pavement, or yard that measures at least one inch but less than twelve inches at its smallest dimension and through which materials and tools (but not people) can fall.

* Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings

You must:

(1) Guard stairway floor openings, temporary floor openings and floor holes.

* Protect all stairway floor openings with a railing. The railing must protect all open sides except the stairway entrance side.

* Use a hinged cover and a removable railing where traffic across an infrequently used stairway floor opening prevents the installation of a fixed railing. This removable railing must protect all open sides except the stairway entrance side.

* Protect temporary floor openings by either a railing or by a person who constantly attends the opening.

* Protect exposed floor holes into which a person can accidentally walk by either:

A railing with a toeboard on all open sides or

A floor hole cover of standard strength and construction that can be hinged in place. When a



floor hole cover is not in place, the hole must be protected by a removable railing or constantly attended by someone.

* Provide covers for floor openings. Floor opening covers may be of any material that has a safety factor of four, or is strong enough to hold up to four times the intended load. Covers that do not project more than one inch above the floor level may be used providing all edges are beveled (slanted) to prevent tripping. All hinges, handles, bolts, or other parts of a cover must set flush with the floor or cover surface.

10. WAC 296-24-567(1)(b)(i)

WAC 296-24-567 Employee emergency plans and fire prevention plans.

(1) Emergency action plan.

(b) Elements. The following elements, at a minimum, shall be included in the plan:

(i) Emergency escape procedures and emergency escape route assignments;

11. WAC 296-800-14005

WAC 296-800-14005 Develop a formal, written accident prevention program.

You must:

Develop a formal accident prevention program that is outlined in writing. The program must be tailored to the needs of your particular workplace or operation and to the types of hazards involved.

Note: The term, Accident Prevention Program, refers to your written plan to prevent accidents, illnesses, and injuries on the job. Your accident prevention program may be known as your safety and health plan, injury prevention program, or by some other name.

You must:

Make sure your Accident Prevention Program contains at least the following elements:

A safety orientation:

A description of your total safety and health program.

On-the-job orientation showing employees what they need to know to perform their initial job assignments safely.

How and when to report on-the-job injuries including instruction about the location of first-aid facilities in your workplace.

How to report unsafe conditions and practices.

The use and care of required personal protective equipment (PPE).

What to do in an emergency, including how to exit the workplace.

Identification of hazardous gases, chemicals, or materials used on-the-job and instruction about the safe use and emergency action to take after accidental exposure.



A safety and health committee. (WAC 296-800-130.)

12. WAC 296-800-16005

WAC 296-800-16005 Do a hazard assessment for PPE.

You must:

Look for and identify hazards or potential hazards in your workplace and determine if PPE is necessary on the job.

Note: PPE alone should not be relied on to provide protection for your employees. PPE should be used after all other reasonable means of reducing hazards have been carried out. Identifying hazards in your workplace should be built into your regular routine. You should take active steps to get rid of all identified hazards. For example, you can:

- Consider other ways to get hazardous jobs done.
- Reduce hazardous materials or processes.
- Apply engineering controls to reduce or eliminate hazards.

13. WAC 296-27-02101(1)

WAC 296-27-02101 Multiple business establishments.

(1) You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.



SAFETY AND HEALTH PROGRAM EVALUATION

Employer	DEPT OF ENTERPRISE SERVICES		
Consultant	Jon Taurman (Q3066)	Contact	Jordan Friedberg
Date	9/22/2015	Primary NAICS	921190
		Secondary NAICS	921190
		Number of Employees	6

1. Management Leadership Employer Involvement - Management and employees work together to make safety and health a priority.

	Yes	No	Needs Improvement
1. Are safety and health programs in a written format and updated annually?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The safety programs received for review for the Legislative building were vague and generic, not specific to this building facility.			
2. Does management support safety and health policies and programs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
3. Are employees involved in the development planning and evaluation of safety and health programs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
4. Do employees participate in hazard identification, prevention and control activities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Employees were included in the walk around safety visit, with input during the visit.			

2. Worksite Analysis - Managers and employees evaluate all worksite conditions to identify and eliminate existing or potential hazards.

	Yes	No	Needs Improvement
5. Has a worksite hazard analysis been conducted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None was provided			
6. Are safety and health self-inspections of worksite and equipment performed regularly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Read this report for hazards identified			
7. Are deficiencies documented and corrected in a timely manner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

8. Is there a process in place for investigating accidents and near misses to determine root cause?	X		
Comments:			

3. Hazard Prevention and Control - Review the work environment and work practices to control or prevent workplace hazards.			
	Yes	No	Needs Improvement
9. Once hazards have been identified are controls in place to prevent employee exposure?	X		
Comments:			
10. Do employees understand and follow safe work practices and procedures?		X	
Comments: Read this report for hazards identified			
11. Have workplace housekeeping practices been established?	X		
Comments:			
12. Are equipment and PPE regularly and thoroughly inspected and maintained?		X	
Comments: Read this report for hazards identified			

4. Safety and Health Training - Are workers (including the supervisors, managers, contractors, part-time and temporary) properly trained?			
	Yes	No	Needs Improvement
13. Initial general safety and health orientation?	X		
Comments:			
14. Training when a new job is assigned?	X		
Comments:			
15. Training when new equipment or substance is installed or used?	X		
Comments:			
16. Trained to report unsafe conditions and practices?		X	
Comments: Read this report for hazards identified			

Additional Comments

Attachments and Correspondence

DOSH Consultation with DES Regarding the Capital Dome

Synopsis:

The Department of Enterprise Services (DES) requested a DOSH consultation three years ago due to the legislature considering dropping a house bill that would allow them access to the cupola. Last year, the Supreme Court also wanted access. At the opening conference it was stated that DES employees also wanted access to the dome from the fourth floor to the cupola. The folks at DES that accompanied us stated that they wanted to get government agencies that would have jurisdiction (building codes, DOSH, State Patrol, Fire Department) to provide guidance on allowing access to the upper floors of the Capitol dome. DES wants to restrict access to only maintenance employees.

History:

Based on at least one past event where persons were trapped, what steps has this employer taken since that incident to ensure this would not happen again?

- Do they have a written emergency action plan?
- Written policy that is practiced for checking on the well-being of employees who access these areas to perform maintenance?
- Do they have a written rescue plan and what does that look like?
- Are all employees trained on these policies?
- Do they practice or otherwise enforce their policies?
- If their emergency plan/rescue plan includes calling 911, how do (or will) emergency rescue personnel be able to utilize this spiral staircase when it comes to life saving attempts? In an emergency, life-saving situation, the spiral stairway creates a hazard for emergency personnel and those needing emergency services. Have they worked with local police or fire?

Determination:

The department has provided DES the same answers in the past with respect to the spiral staircase including the fact that the spiral staircase itself is not a confined space. DOSH must ensure employers are in compliance with the occupational safety and health codes; which means, the department's position will not change.

They have known the spiral staircase is not in compliance for many years now, at this point they need to determine how to come into compliance.

With multiple codes and jurisdictions to contend with, it would be best for them to comply with the most stringent regulations. As you know, the occupational safety and health regulations provide the minimum requirements that employers must be in compliance with to ensure worker safety. It also sounds like there may be other issues that must be taken into consideration for worker safety that extend beyond just the spiral staircase. It is clear they are in violation of several of our standards and if they open this up to the public, they may also be in violation of the NFC, NFPA, and the UBC.

Our understanding is that at the time the cupola was constructed that it had to be lit under FAA Laws due to its height. At this time, we are not sure if it needs to be lit as those codes may have changed.

Taurman, Jon W (LNI)

From: Friedberg, Jordan (DES)
Sent: Thursday, January 07, 2016 1:30 PM
To: Lawrence, James A (LNI); Taurman, Jon W (LNI); Paulette, Richard G (LNI); Christian, Cheryl (LNI); Larson, Reid B (LNI)
Cc: Herring, Robyn (DES); Hong, Rose (DES)
Subject: RE: Leg Building Dome Access Review - OFD Memo

Mr. Lawrence –

As we discussed before the Holidays, DES is requesting an update on the Safety Consultation that was completed in September 2015. Can you tell me when I should expect the report?

Thank you!

Jordan Friedberg, AICP
Asset Manager
Washington State Dept. of Enterprise Services
PO Box 41480 – Olympia, WA 98504-1011
(360) 407-8279 (o)
(360) 529-6056 (m)
Jordan.Friedberg@des.wa.gov

From: Lawrence, James A (LNI)
Sent: Monday, November 02, 2015 9:07 AM
To: Friedberg, Jordan (DES); Taurman, Jon W (LNI); Paulette, Richard G (LNI)
Cc: Larson, Reid B (LNI); Herring, Robyn (DES); Christian, Cheryl (LNI)
Subject: RE: Leg Building Dome Access Review - OFD Memo

The Technical Service person we are working with is new to DOSH. He is currently attending new hire training with graduation in the first week of December. My belief is that the term “catacombs” is a DES term. The 2007 report talks about an area on the seventh floor. David Boyer should be able to explain where this is located. Thanks Jordan.

Jim Lawrence, MBA, CSP
Region 4 Consultation Manager

(W) 360-575-6951
(C) 360-239-0613
lawo235@lni.wa.gov
www.lni.wa.gov



Washington State Department of
Labor & Industries



EyeOnSafety.info

From: Friedberg, Jordan (DES)
Sent: Friday, October 30, 2015 3:24 PM
To: Taurman, Jon W (LNI); Paulette, Richard G (LNI)
Cc: Larson, Reid B (LNI); Lawrence, James A (LNI); Herring, Robyn (DES); Christian, Cheryl (LNI)
Subject: RE: Leg Building Dome Access Review - OFD Memo

Jon –

Thank you for the information. I am sending my management an update on the process, so can you provide an updated estimate of when you expect to deliver the report to DES? Just a ballpark estimate is enough to help me communicate to my management.

Also, in reference to L&I report #504339177 dated 03/16/2007 (attached), can you clarify the meaning of the word "catacombs"? While this term can have specific architectural meaning, I am wondering if the report used the term to refer to all currently restricted maintenance/support/stairwell/cupola/etc spaces above the 4th floor of the Leg Building. Is that reading correct, meaning the report uses "catacomb" to refer to all areas including the stairwells above the 4th floor?

Thank you for L&I's assistance on this important issue. Please feel free to contact me with any questions or concerns.

Thank you!

Jordan Friedberg, AICP
Asset Manager
Washington State Dept. of Enterprise Services
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(360) 529-6056 (m)
Jordan.Friedberg@des.wa.gov

From: Taurman, Jon W (LNI)
Sent: Monday, October 19, 2015 1:42 PM
To: Friedberg, Jordan (DES); Christian, Cheryl (LNI)
Cc: Larson, Reid B (LNI); Lawrence, James A (LNI); Herring, Robyn (DES)
Subject: RE: Leg Building Dome Access Review - OFD Memo

Jordan,

My apologies for the delay in issuing a report that addressed the findings from our visit on 9/22/2015. I have been instructed to get guidance from our policy and technical services staff. I have a scheduled meeting on Monday the 26th with policy and technical to discuss the specifics of the legislative building. This is the earliest available date I was able to get assistance.

Thank you,

Jon

From: Friedberg, Jordan (DES)
Sent: Monday, October 19, 2015 12:18 PM
To: Taurman, Jon W (LNI); Christian, Cheryl (LNI)
Cc: Larson, Reid B (LNI); Lawrence, James A (LNI); Herring, Robyn (DES)
Subject: RE: Leg Building Dome Access Review - OFD Memo

Jon –

Thank you for the update to the L&I Safety consultation for the Leg Building upper dome access. DES has provided floor plans and a building section to L&I for assistance to identify the specific locations in the upper dome area that are confined spaces. I have several questions about this process.

First, my understanding is Rick Paulette's 2007 consultation report identifies only the catacomb areas as confined space. While it refers to the strenuous climb up the staircase and other related physical hazards, the wording does not specifically identify any of the following locations as confined space:

- Spiral staircase or the maintenance elevator (both traveling from the 4th floor to the 8th floor)
- Sloping staircase (from the 8th floor to just beyond the top of the inner dome)
- Spiral staircase immediately below the cupola
- 7th Floor walkway (brass railing)
- 8th Floor walkway (base of the columns)
- Walkway to the top of the inner dome
- Cupola

This wording from past reports does not provide DES the clarity we requested surrounding the above locations, which was a primary reason for requesting this consultation. Please identify in text, on the floor plans or on the building section which areas L&I considers the catacombs. If only the catacombs are confined space, does that mean L&I is confirming the entire walkway from the 4th floor to the cupola is safe for access if the catacombs are gated off or otherwise designated as confined spaces? Please confirm no confined space protocols would be necessary for walking from the 4th floor to the cupola if the catacombs were gated or otherwise restricted. As we discussed during the site visit, DES is requesting additional detail from L&I to delineate confined spaces in the upper dome in order to support an update to agency policy.

Second, my understanding was the Safety consultation would be received by DES on or before 10/14/15. Can you provide an update of when I should expect delivery of this report? I apologize if I missed the document in my Inbox.

I look forward to your assistance clarifying these concerns.

Thank you!

Jordan Friedberg, AICP
Asset Manager

Washington State Dept. of Enterprise Services
PO Box 41480 – Olympia, WA 98504-1011

(360) 407-8279 (o)
(360) 529-6056 (m)

Jordan.Friedberg@des.wa.gov

From: Taurman, Jon W (LNI)
Sent: Wednesday, October 07, 2015 2:37 PM
To: Friedberg, Jordan (DES)
Cc: Larson, Reid B (LNI); Lawrence, James A (LNI); Herring, Robyn (DES)
Subject: RE: Leg Building Dome Access Review - OFD Memo

Jordan,

My report will address hazards observed during my safety visit of 9/22/2015 with regards to fall protection, walkways, guard railing, stairways and electrical. I spoke with Cheryl Christian who is the policy and technical services Industrial Hygienist with regards to the questions of confined space/permit required confined space. She referenced Rick Paulette's report 504339177 on 3/5/2007; Cheryl can be reach at (360)902-5732. I also would reference the email sent by Mel McLaughlin on February 27, 2014 where it states "I contacted L&I and was called back on Tuesday by their Policy and Technical Office and was told that unless any structural changes had taken place since the last report was completed (Dave Boyer, you have a copy of that I believe!) then it is still considered a confined space and needs to be treated as such with permit required entrance. There will be no general public allowed into the dome to ascend to the top unless they meet the requirements confined space training." There were also the concerns of both Washington State Patrol and Olympia Fire Department contained in this email.

Thank you,

Jon

From: Friedberg, Jordan (DES)
Sent: Wednesday, September 30, 2015 5:45 PM
To: Taurman, Jon W (LNI)
Cc: Herring, Robyn (DES)
Subject: RE: Leg Building Dome Access Review - OFD Memo

Jon –

As a follow up to our conversations, please find attached floor plans and a section of the Leg Building for use in your Safety Consultation.

Please note some of the information related to the stairs is illustrative and may not be to scale.

We would appreciate L&I's direction to identify all areas above the 4th floor that are confined space, either in text or marked on the attached plans. This would include the staircases, elevator, balconies, catacombs, cupola and all other spaces we visited.

Thank you!

Jordan Friedberg, AICP
Asset Manager
Washington State Dept. of Enterprise Services
PO Box 41480 – Olympia, WA 98504-1011
(360) 407-8279 (o)
(360) 529-6056 (m)
Jordan.Friedberg@des.wa.gov

From: Friedberg, Jordan (DES)
Sent: Wednesday, September 23, 2015 9:25 AM
To: jon.taurman@lni.wa.gov
Cc: Herring, Robyn (DES)
Subject: Leg Building Dome Access Review - OFD Memo

Thank you for yesterday's consultation at the Leg Building. The process was very informative for me and I am looking forward to L&I's report.

Please find attached the email from the Olympia Fire Department recommending the Dome remain accessible by only maintenance personnel.

If you have any questions please let me know.

Thank you!

Jordan Friedberg, AICP
Asset Manager

Washington State Dept. of Enterprise Services
PO Box 41480 – Olympia, WA 98504-1011
(360) 407-8279 (o)
(360) 529-6056 (m)
Jordan.Friedberg@des.wa.gov

Friedberg, Jordan (DES)

From: Robert Bradley <rbradley@ci.olympia.wa.us>
Sent: Thursday, September 17, 2015 8:09 AM
To: Friedberg, Jordan (DES); James Young
Cc: Boyer, Dave
Subject: RE: Dome Access Update

Follow Up Flag: Follow up
Flag Status: Flagged

Jordan,

The Olympia Fire Department does not recommend opening up the Legislative Building Dome for access to anyone other than maintenance personnel. The stairway is very narrow, steep, and uneven creating a higher chance for falls. Additionally, if someone were to have a serious medical event such as a heart attack, it would be difficult to access the patient in a timely manner.

For the reasons stated above, we respectfully request that you do not open the Dome for access.

Rob Bradley

Asst. Chief/Fire Marshal
Olympia Fire Department
360.753.8458

From: Friedberg, Jordan (DES) [mailto:jordan.friedberg@des.wa.gov]
Sent: Friday, September 11, 2015 1:53 PM
To: James Young; Robert Bradley
Cc: Boyer, Dave
Subject: RE: Dome Access Update

Chief Young and Chief Bradley –

I wanted to check in and see if there is any information we can provide to support OFD regarding the access to the Leg Building Dome.

Please let me know if we can help in any way.

Thank you!

Jordan Friedberg, AICP
Asset Manager
Washington State Dept. of Enterprise Services
PO Box 41480 – Olympia, WA 98504-1011
(360) 407-8279 (o)
(360) 529-6056 (m)
Jordan.Friedberg@des.wa.gov

From: Boyer, Dave [mailto:Dave.Boyer@leg.wa.gov]
Sent: Friday, August 21, 2015 3:33 PM
To: James Young

Cc: Friedberg, Jordan (DES)
Subject: RE: Dome Access Update

Thanks Chief Young we will wait to hear back from you and you both have a great vacation.

From: James Young [<mailto:jyoung@ci.olympia.wa.us>]
Sent: Friday, August 21, 2015 3:23 PM
To: Boyer, Dave <Dave.Boyer@leg.wa.gov>
Subject: RE: Dome Access Update

Hi Dave,

I talked to Chief Bradley regarding anything in the Fire Code that may help limit access. He and I will put something together and send it over to you but it will not be for a few weeks as we are both heading out for some much needed vacation.

Talk to you soon,

J.D.
J.D. Young
Battalion Chief, A- Shift
Olympia Fire Department
100 Eastside Street, NE
Olympia, Washington, 98506
(360) 753-8348
Fax (360) 753-8054
jyoung@ci.olympia.wa.us

From: Boyer, Dave [<mailto:Dave.Boyer@leg.wa.gov>]
Sent: Tuesday, August 18, 2015 10:40 AM
To: James Young
Subject: FW: Dome Access Update
Importance: High

Thanks for coming this morning and going over the dome access questions again here is the email that Mel McLaughlin sent to us last Feb take care DB

From: McLaughlin, Mel (DES) [<mailto:mel.mclaughlin@des.wa.gov>]
Sent: Thursday, February 27, 2014 12:56 PM
To: James Young <jyoung@ci.olympia.wa.us>; Whitehead, Jeff (DES) <jeff.whitehead@des.wa.gov>; Boyer, Dave A. (DES) <dave.boyer@des.wa.gov>; Jeff.Swanson@wsp.wa.gov; Aitken, Tony L. (DES) <tony.aitken@des.wa.gov>
Cc: Wilson, Terry L. (DES) <terry.wilson@des.wa.gov>; Henderson, Thomas R. (DES) <thomas.henderson@des.wa.gov>
Subject: Dome Access Update

Good Afternoon Everyone,

As you know over a year ago we were asked by the DES Director (Joyce Turner) to re-verify from the three sources that had identified the capitol dome access as a confined space. The Washington State Patrol quickly responded saying that they did not want such a high and easily defendable perch available to the general public, they still asked that it be treated as a permit required confined space. The Olympia Fire Department, Lt. James Young of their Special Operations

team came out with several firefighters and ascended the stairs and upon returning to the base of the stairs reconfirmed their belief and recommendations that this should not be opened to the general public because of recovery concerns. I contacted L&I and was finally called back on Tuesday by their Policy and Technical office and was told that unless any structural changes had taken place since the last report was completed (Dave Boyer, you have a copy of that I believe!) then it is still considered a confined space and needs to be treated as such with permit required entrance. There will be no general public allowed into the dome to ascend to the top unless they meet the requirements of confined space training.

With the 2014 Legislative Session with a few weeks of its scheduled closing, I will be contacting Lt. Young of the Olympia Fire Department once it actually has closed to begin coordination with his team so that they can practice extractions from the dome. As these talks progress, I will keep everyone informed of possible times and dates of their training.

If there are any questions please let me know.

Mel

Mel McLaughlin,
Safety & Risk Manager
Department of Enterprise Services
1500 Jefferson St. SE, Olympia WA 98504 MS: 41481
360-407-8425
Mel.McLaughlin@DES.WA.GOV



October 21, 2015

Department of Enterprise Services
Attn: Jordon Friedberg

Dear Mr. Friedberg:

Re: Capitol Dome Access Inspection

Thank you for including the City of Olympia Building and Safety Division as a participant in the Capitol dome access review meeting of October 14. As requested by DES, our evaluation included a physical and visual inspection of the floors above the 4th floor.

Based on my review, I have made the determination that the current policy restricting public access to the dome beyond the 4th floor should remain in place. The areas above the 4th floor are currently viewed by our building and safety division as maintenance and limited access confined space areas wherein only access by qualified personnel should be allowed for maintenance and repair of electrical, mechanical, plumbing or other building components and systems. The areas accessing these floors were not designed or constructed for public use and have very limited access features including narrow doors, a very small service elevator, narrow spiral stairways and narrow travel corridors which are poorly illuminated.

While less than code compliant measurements, clearances and lighting may be allowed for qualified personnel; they do not meet a level of compliance for general public use pursuant to building and fire code regulations. Additionally, these areas have no disabled access features allowing those with disabilities any level of appropriate accessibility.

Allowing access for other than maintenance, emergency or other qualified personnel above the 4th floor is not something I can support or recommended; doing so would place those people in a heightened state of hazard and would not be in the best interest of public safety as it relates to code compliance and minimum standards of safety.

If you should have further questions related to my determination; please do not hesitate to contact me.

Respectfully,

Todd Cunningham
Building Official

Taurman, Jon W (LNI)

From: Lawrence, James A (LNI)
Sent: Friday, October 30, 2015 7:36 AM
To: Taurman, Jon W (LNI); Larson, Reid B (LNI)
Subject: RE: Legislative Building

I would like an interpretation of spiral stairways. The capitol dome only has one access/egress route (not counting an elevator) that goes from the fourth floor to the cupola. (The elevator only goes to the eighth floor.) WAC 296-800-25005 states "Not use spiral stairways except as secondary exit routes." "You could use spiral stairway as an exit route in a restricted area that lacks room for a conventional stairway." The spiral stairway is somewhere from 27 inches to 18 inches wide, depending on where you measure. A federal letter of interpretation of 1910.36(g)(2) (exit route width for stairs) states:

April 27, 2000

Mr. Gregory W. Faeth
President
Safety Consulting & Training Services
PO Box 1718
Fairfield, IA 52556

Dear Mr. Faeth:

Thank you for your December 28, 1999 to the Occupational Safety and Health Administration's (OSHA's) Directorate of Compliance Programs. Please be aware that this response may not be applicable to any scenario not delineated within your original correspondence. You had specific questions regarding **Fixed Industrial Stairs**, 29 CFR §1910.24, and the redesignation of the **Access to Employee Exposure and Medical Records** Standard, 29 CFR §1910.1020. Your questions and our reply follow.

Question #1: The OSHA [exit route] requirements, [§1910.36(g)(2)], state that the minimum width of any way of exit access shall in no case be less than 28 inches and the OSHA stair requirement, §1910.24(d), requires a minimum stair width of 22 inches. Is an employer out of compliance with this [exit route] standard if the stairs are 22 inches in width?

Reply: Yes, if the stair is an [exit route] component (the exit access, the exit itself, or exit discharge). All stairs, and other approved [exit route] components, must meet the Subpart E, [**Exit Routes**] standards.¹

Furthermore, in order to afford all occupants convenient facilitates for escape, the capacity of an [exit route] (i.e., stair) for any occupied space must be appropriate to the individual building or structure with due regard to the character of the occupancy; the number of persons exposed; the fire protection available; and the height and type of construction of the building or structure. [See paragraph 1910.36(b)(3).] The minimum width permitted for a passageway used as an exit access is, according to [§1910.37(g)(2)], 28 inches; however, most occupancies require additional width based upon the capacity of [exit route] requirements.

The 22 inch stair width requirement applies to both interior and exterior, fixed industrial stairs (i.e., around machinery, tanks, and other equipment; to and from floors, platforms, or pits) when they are used as described in the application paragraphs 1910.24(a) and (b). Where these requirements overlap, the [**Exit Routes**] requirements would apply.

Question #2: Why did OSHA move §1910.20 to §1910.1020 without updating other 1910 standard references to §1910.1020? There are many references to §1910.20 and the only corrected reference is in the newer **Respiratory Protection**, §1910.134, Standard. For example, paragraph 1910.120(f)(8)(i) incorrectly directs a reader to §1910.20 instead of §1910.1020.

Reply: In redesignating §1910.20 as §1910.1020, OSHA has simply moved the standard from Subpart C to Subpart Z of the Part 1910 - Occupational Safety and Health Standards. We have not changed or modified the standard language. Your observation correctly identifies OSHA's omission to change the §1910.20 reference language. Our [Directorate of Standards and Guidance] is currently working on a correction notice to rectify this inconsistency. This notice should be published in the Federal Register and become effective this year.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. Please be aware that the enforcement guidance contained in this response represents the views of OSHA at the time the letter was written based on the facts of an individual case, question, or scenario and is subject to periodic review and clarification, amplification, or correction. It could also be affected by subsequent rulemaking; past interpretations may no longer be applicable. In the future, should you wish to verify that the guidance provided herein remains current, you may consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the [Office of General Industry Enforcement] at (202) 693-1850.

Sincerely,

Richard E. Fairfax, Director
[Directorate of Enforcement Programs]

[Corrected 2/4/2004]

¹ The source for the performance-oriented standard is the National Fire Protection Association Life Safety Code (NFPA 101-1970); ~~it is current OSHA's policy to use this consensus standard as a reference source for clarification purposes.~~ In the past, OSHA has used the Life Safety Code (the Code) as an aid in interpreting Subpart E and we intend to continue to rely on the NFPA Life Safety Code (NFPA 101-2000) and other consensus standards as guidance in implementing performance-oriented requirements. [Back to text]

Therefore, can the stairs be used even on a restricted basis if they are less than 22inches in width?

Jim Lawrence, MBA, CSP
Region 4 Consultation Manager

(W) 360-575-6951
(C) 360-239-0613
lawo235@lni.wa.gov
www.lni.wa.gov



From: Taurman, Jon W (LNI)
Sent: Thursday, October 29, 2015 9:13 AM
To: Larson, Reid B (LNI); Lawrence, James A (LNI)
Subject: Legislative Building

Reid I would like you to critique or add to my request from policy and technical service. Thanks, Jon