

WAC 296-115-015 Definitions. (1) **Approved.** Approved by the assistant director or an authorized representative. However, if a provision of this chapter requires approval by an agency or organization other than the department, such as nationally recognized testing laboratories or the United States Coast Guard, then approval by the specified authority will be accepted.

(2) **Assistant director.** The assistant director of the division of occupational safety and health (DOSH) within the department of labor and industries.

(3) **Authorized person.** A person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

(4) **Bare boat charter.** The unconditional lease, rental, or charter of a boat by the owner, or owner's agent, to a person who by written agreement, or contract, assumes all responsibility and liability for the operation, navigation, and provisioning of the boat during the term of the agreement or contract, except when a captain or crew is required or provided by the owner or owner's agents to be hired by the charterer to operate the vessel.

(5) **Carrying passengers or cargo.** The transporting of any person or persons or cargo on a vessel for a fee or other consideration.

(6) **C.F.R.** Code of Federal Regulations.

(7) **Charter boat.** A vessel or barge operating on waters of the state of Washington which is:

(a) Not inspected or licensed by the United States Coast Guard and over which the United States Coast Guard does not exercise jurisdiction; and

(b) Rented, leased, or chartered to carry seven or more persons, or cargo.

(8) **Commercial.** Any activity from which the operator, or the person chartering, renting, or leasing a vessel derives a profit, and/or which qualifies as a legitimate business expense under the Internal Revenue Statutes.

(9) **Competent person.** Someone who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt action to eliminate them.

(10) **Confined space.** A space that is all of the following:

(a) Large enough and arranged so that an employee could fully enter the space and perform work; and

(b) Has limited or restricted means for entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, and pits; and

(c) Not primarily designed for human occupancy.

(11) **Consideration.** An economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(12) **Defect.** Any characteristic or condition that tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(13) **Department.** The department of labor and industries.

(14) **Employee:**

(a) Someone who is employed in the business of an employer; and

(b) Every person in this state who is working for an employer under an independent contract for personal labor.

(15) **Employer.** Any person, firm, corporation, partnership, business trust, legal representative, or other business entity that operates a passenger vessel for hire in this state and employs one or more employees or contracts with one or more persons for personal labor. Any person, partnership, or business entity that has no employees, and is covered by the Industrial Insurance Act is considered both an employer and an employee.

(16) **Enclosed space.** Any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(17) **Equipment.** A system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

(18) **Flammable liquid.** As defined in National Fire Protection Association (NFPA) 306, a liquid that has a closed-cup flash point that is below 37.8°C (100°F) and a maximum vapor pressure of 2,068 mm Hg (40 psia (pounds per square inch absolute) at 37.8°C (100°F)).

(19) **Hazard.** A condition, potential or inherent, that is likely to cause injury, death, or occupational disease.

(20) **Hazardous substance.** A substance that, because it is explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury, including all substances listed on the USCG hazardous materials list.

(21) **Inspection.** The examination of vessels by the assistant director or an authorized representative of the assistant director.

(22) **Keel laid.** The date a vessel's keel was laid or the vessel was at a similar stage of construction.

(23) **Maritime safety specialist.** A technical and operations specialist in maritime issues located in the department.

(24) **Master.** The individual having command of the vessel and who is the holder of a valid license that authorizes the individual to serve as master of a small passenger vessel.

(25) **Passenger.** A person carried on board a charter boat except (a) the owner of the vessel or the owner's agent, or (b) the captain and members of the vessel's crew.

(26) **Passenger for hire.** A passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(27) **Should.** Recommended.

(28) **Standard safeguard.** A device intended to remove a hazard incidental to the machine, appliance, tool, or equipment to which the device is attached. Standard safeguards must be constructed of either metal, wood, other suitable material, or a combination. The final determination of the sufficiency of any safeguard rests with the assistant director.

(29) **State waters.** All waters within the territorial limits of the state of Washington, and not subject to the jurisdiction of the United States Coast Guard.

(30) **Substantial.** An object is constructed of such strength, material, and workmanship that it will withstand all normal wear, shock, and usage.

(31) **Suitable.** That which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(32) **Under way.** A vessel is not at anchor, made fast to the shore, or aground.

(33) **USCG.** The United States Coast Guard.

(34) **United States Coast Guard Navigation.** Rules International/Inland, Commandants Instruction M16672.2D as now adopted, or legally amended by the United States Coast Guard.

(35) **Vessel.** Every description of motorized watercraft, other than a bare boat charter boat, seaplane, or sailboat, used or capable of being used to transport seven or more passengers, or cargo, on water for rent, lease, or hire.

(36) **Working day.** A calendar day, except Saturdays, Sundays, and legal holidays as described in RCW 1.16.050. The time within which an act must be done is computed by excluding the first working day and including the last working day.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-015, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-115-015, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-015, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-115-015, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-015, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 95-04-007, § 296-115-015, filed 1/18/95, effective 3/1/95; WSR 91-24-017 (Order 91-07), § 296-115-015, filed 11/22/91, effective 12/24/91; WSR 91-03-044 (Order 90-18), § 296-115-015, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-015, filed 11/13/80.]