WISHA Regional Directive 84-12B

WRD 84-12B


I. Purpose: To revise and update guidelines for uniform inspection and compliance procedures and to identify current compliance dates with clarification of the implementation schedule for the lead standard, WAC 296-62-07521. This directive provides current compliance dates for the lead standard, with clarification of the implementation schedule for the engineering work practice control provisions in WAC 296-62-07521(5)(a), Table 1. This directive cancels WRD 81-5 (2nd Amendment) dated February 22, 1983, and WRD 84-12 Amended, dated March 5, 1989. It replaces WRD 84-12A.

II. Background: The WISHA occupational exposure to lead standard was initially adopted as WAC 296-62-07349, but has now been recodified as WAC 296-62-07521. This WISHA Regional Directive has been revised to reflect current WISHA policy and recently issued OSHA interpretive guidelines. Since issuance on October 8, 1984, the definition of lead on page A-1 of Appendix A has been amended to agree with OSHA's definition.

III. Application: The following guidelines shall be used for the evaluation of compliance.

A. Compliance Procedures.

1. Inspections to assess compliance with WAC 296-62-07521 must be conducted by, or under the guidance of an industrial hygienist prepared for doing inspections in the lead industry (e.g., thoroughly familiar with all effective and stayed provisions of WAC 296-62-07521 and with the guidelines in this Directive.) Guidelines for determining if the employer is in compliance with the standard, and for classifying and grouping violations, are presented in Appendix A of this instruction. Also, see WISHA Operations Manual, specifically Chapter XIII, Industrial Hygiene and Occupational Health.

2. In cases where deviations from the recommended guidelines for classifying and grouping of violations seem to be warranted, the reasons for the deviations shall be noted in the case file and shall be reviewed with the industrial hygiene regional supervisor.

3. If there are any areas where this instruction differs from the Industrial Hygiene
Operations Manual and/or WISHA Operations Manual, then this instruction (in that it presents a special program limited to lead) takes precedence.

4. WISHA has administratively stayed certain aspects of WAC 296-62-07521(5)(a). The stay of enforcement remains in effect for the industries listed in Appendix C of this directive. The industries for which 296-62-07521(5)(a) is stayed must install engineering controls to meet the 200 ug/m³ level. They may use any combination of engineering, work practice (including administrative controls), and respiratory controls to meet the 50 ug/m³ PEL.

B. Violation Prior to WAC 296-62-07521. The WISHA lead standard was recodified to WAC 296-62-07521 from WAC 296-62-07349 which had an effective date of September 6, 1980. When a compliance inspection reveals that an employer had been previously cited under WAC 296-62-07349, that employer shall be cited under WAC 296-62-07521 for conditions which are repeated or in non-abatement when appropriate. Extension of abatement date requests for violations previously granted under WAC 296-62-07349 shall continue to be granted (or denied) under the specific standard originally cited. For the purpose of determining the effective dates of various provisions under the lead standard, the initial standard effective date of September 6, 1980, shall be used.

C. Biological Monitoring. If biological testing is determined necessary for WISHA to document a violation of WAC 296-62-07521, the industrial hygienist regional supervisor shall arrange for medical support.

D. Monitoring Citations. Each industrial hygiene regional supervisor shall discuss all alleged medical removal protection violations and any other novel or complex situations involving enforcement of the new lead standard with the industrial hygiene compliance supervisor before citations are issued.

E. Current Implementation Schedule.

1. In accordance with the decision of the United States Court of Appeals for the District of Columbia Circuit, the implementation schedule for WAC 296-62-07521(5)(a) should appear as shown in Appendix C of this instruction.

2. Under WAC 296-62-07521(10), Medical Surveillance, paragraph 296-62-07521(10)(b)(i), the zinc protoporphrin (ZP) test is required as of December 29, 1981.

3. All provisions of the lead standard WAC 296-62-07521 are enforceable except for the following:

   a. Paragraph 296-62-07521(5)(a) [therefore, 296-62-07521(5)(c) and 296-
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62-07521(18)(g) as well] for the selected industries listed in Appendix C of this instruction. However, WAC 296-62-07521(5(a) is enforceable insofar as it requires employers in these industries to reduce air lead levels to a level of 200 ug/m³ through the implementation of engineering controls.

b. WAC 296-62-07521(6)(b)(i), Table II. Permits the continued use of dust, fume, and mist air-purifying respirators for concentrations not in excess of 0.5 mg/m³ in addition to the respirators listed in Table II, pending reconsideration.

The following documents were used in the preparation of this WISHA Regional Directive:

OSHA Instruction CFL 2-2.8A dated June 24, 1980;

Federal Register notice, 47 FR 51117, dated November 12, 1982;

Federal Register notice, 47 FR 54433, dated December 3, 1982;

Federal Register notice, 49 FR 23175, dated June 5, 1984;

OSHA Notice CPL 2-2 dated July 23, 1984;

OSHA Notice CPL 2-2 dated July 24, 1984;

OSHA Notice CPL 2-2 dated July 25, 1984;

OSHA Notice CPL 2-2.47 dated January 5, 1989; and


IV. Action: WISHA Compliance Officers shall be guided by the application section while enforcing WAC 296-62-07521.

V. Effective Date: This amended WISHA Regional Directive was effective on July 5, 1989, is amended August 15, 1990, and shall remain in effect until cancelled or superseded.