



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Labor and Industries

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) March 1, 2005 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:**

The department has rewritten and clarified requirements relating to benzene. The department has amended the rule in chapter 296-62 WAC to only apply to agriculture and adopted benzene as a new chapter for all other industries, chapter 296-849 WAC. This rulemaking was part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department has eliminated unnecessary requirements and outdated terminology.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: WAC 296-62-07523, Benzene  
 Suspended: None

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

**Other authority :** None.

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 04-15-106 on July 20, 2004.

Describe any changes other than editing from proposed to adopted version: See attachment A.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: \_\_\_\_\_ phone \_\_\_\_\_  
 Address: \_\_\_\_\_ fax \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

<b>Date adopted:</b> December 21, 2004
<b>NAME (TYPE OR PRINT)</b> Paul Trause
<b>SIGNATURE</b>
<b>TITLE</b> Director

<b>CODE REVISER USE ONLY</b>
WSR#05-01-172

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>20</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>20</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>20</u>	Amended	<u>1</u>	Repealed	<u>0</u>

**(A) Describe any changes other than editing from proposed to adopted version:**

As a result of written and oral comments received, the following sections are being changed as indicated below:

**CHANGES TO THE RULES** (Proposed rule versus rule actually adopted):

**Chapter 296-849 WAC, Benzene**

**WAC 296-849-11070, Notification**

- Removed language in the first bullet that read, "...including notification about whether exposures exceed a permissible exposure limit (PEL)..."
- Changed the note to include four bullets that read, "You can notify employees either individually or post the notifications in areas readily accessible to affected employees. Posted notification may need specific information that allows affected employees to determine which monitoring results apply to them. Notification may be in any written form, such as hand-written or e-mail. Notification may be limited to the required information, such as exposure monitoring results. When notifying employees about corrective actions, your notification may refer them to a separate, document that's available and provides the required information."