



**EXPEDITED RULE MAKING  
(RCW 34.05.353)**

**CR-105 (11/1/01)  
EXPEDITED RULE MAKING ONLY**

Agency: Department of Labor and Industries

(a) Title of rule: Chapter 296-823 WAC, Occupational Exposure to Bloodborne Pathogens

Purpose: The department is proposing to clarify the Occupational Exposure to Bloodborne Pathogens Rule (Chapter 296-823 WAC) to ensure consistency with Federal standards. Additional housekeeping changes will be made.

Other identifying information: None.

(b) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

(c) Summary: The department is proposing to clarify the Occupational Exposure to Bloodborne Pathogens Rule (Chapter 296-823 WAC) to ensure consistency with Federal standards. Additional housekeeping changes will be made.

Section 296-823-100 Scope

- The term "Primary health care providers" will be replaced with "Physicians." This will ensure consistency with the OSHA CPL 2-2.69 Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens
- The parenthetical language, (contaminated items with blood or OPIM,) will be removed because it broadens the definition of regulated waste. Regulated waste is already defined in the rule. Additional housekeeping changes will be made.

Section 296-823-140 Control Employee Exposure

- Clarified the requirement to use feasible controls that eliminates or minimizes employee exposure through the use of appropriate equipment, safer medical devices, and appropriate work practices.

Reason supporting proposal: The department is updating the standard to be at least as effective as OSHA.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Tracy Spencer	Tumwater	360-902-5530
2. Implementation.... Michael A. Silverstein	Tumwater	360-902-5495
3. Enforcement..... Michael A. Silverstein	Tumwater	360-902-5495

(e) Name of proponent: Department of Labor and Industries

Private  
 Public  
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:  
NA

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Carmen Moore  
Department of Labor and Industries  
PO Box 44001, Olympia, WA 98504-4001

AND RECEIVED BY May 22, 2004

**CODE REVISER USE ONLY**

**WSR 04-07-158**

NAME  
**Paul Trause**

SIGNATURE

TITLE  
**Director**

DATE  
March 23, 2004

(j) Short explanation of rule, its purpose, and anticipated effects:

WAC 296-823-100, Scope, Occupations Outside Healthcare Typically Covered by the Chapter, the parenthetical language, "(contaminated items with blood or OPIM)" will be removed because it broadens the definition of regulated waste. Regulated waste is already defined in the rule. There are no anticipated effects of this rulemaking.

The term "Primary health care providers" will be replaced with "Physicians." This will ensure consistency with the OSHA CPL 2-2.69 Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens.

Clarified the requirement to use feasible controls that eliminates or minimizes employee exposure through the use of appropriate equipment, safer medical devices, and appropriate work practices.

Does proposal change existing rules?  YES  NO

If yes, describe changes:

The following sections are affected by this rulemaking:

**AMENDED SECTIONS:**

Section 296-823-100 Scope

- The term "Primary health care providers" will be replaced with "Physicians." This will ensure consistency with the OSHA CPL 2-2.69 Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens
- The parenthetical language, (contaminated items with blood or OPIM,) will be removed because it broadens the definition of regulated waste. Regulated waste is already defined in the rule. Additional housekeeping changes will be made.

Section 296-823-140 Control Employee Exposure

- Clarified the requirement to use feasible controls that eliminates or minimizes employee exposure through the use of appropriate equipment, safer medical devices, and appropriate work practices.