



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) 9/1/2004 (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 Trade Secrets. This made the trade secret requirements easy to read and understand, making them more useful for employers. Trade secret requirements have been moved from chapter 296-62 WAC, General Occupational Health Standards, to a new chapter, chapter 296-816 WAC, Protecting Trade Secrets.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 296-62-05305
 Suspended: None

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

Other authority : None.

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-07-159 on March 23, 2004
 Describe any changes other than editing from proposed to adopted version: See attachment.

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

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:

Date adopted: June 29, 2004

NAME (TYPE OR PRINT)

Paul Trause

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR# 04-14-026

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>7</u>	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>7</u>	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>7</u>	Amended	<u>1</u>	Repealed	_____

Describe any changes other than editing from proposed to adopted version:

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

WAC 296-816-20015, Respond to requests for trade secret information in nonemergency situations.

- Replace “trade secret information” with “specific chemical identity”.
- Clarified the language in this section to:
 - “Provide the specific chemical identity in non-emergency situations when a written request by a health professional, employee, or designated representative, includes the following:
 - The procedures that will be used to keep the information confidential.
 - A written confidentiality agreement between the parties that says
 - The information will not be used for anything other than the health needs stated
 - The parties agree that the information will not be released to anyone else, other than WISHA, according to the terms of the agreement.”

WAC 296-816-20020, Provide trade secret information when requested by WISHA.

- Replace “trade secret information” with “specific chemical identity”.
- We will add language to the note for information. Wording will read as follows: “WISHA will review the denial and determine if it meets the requirements of this chapter, such as whether
 - It is a bona fide trade secret
 - There is a medical or occupational health need for the information
 - Adequate means are in place to protect the confidentiality of the information”