



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: **Department of Labor and Industries**

- Preproposal Statement of Inquiry was filed as WSR 05-03-091 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:**

**Amendments to Ethylene Oxide**

The Department of Labor and Industries is proposing to rewrite and clarify requirements relating to ethylene oxide. The requirements in chapter 296-62 WAC will be re-numbered and moved to chapter 296-855 WAC. This rulemaking is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity and ease of use. The department is eliminating unnecessary requirements and outdated terminology. Ethylene Oxide relating to agriculture will remain in chapter 296-62 WAC.

**Hearing location(s):**

Department of Labor and Industries  
Auditorium  
7273 Linderson Way SW  
Tumwater, WA 98501

Date: June 23, 2005 Time: 9:30 a.m.

**Submit written comments to:**

Name: Beverly Clark  
Address: P.O Box 44620  
Olympia, WA 98504-4620  
e-mail Clah235@lni.wa.gov  
fax (360)902-5529 by June 30, 2005

**Assistance for persons with disabilities:** Contact

Kimberly Johnson by June 16, 2005  
Rhok235@lni.wa.gov or (360) 902-5008

**Date of intended adoption:** August 23, 2005

(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of this rulemaking is to make the ethylene oxide rule easy to read, understand and more usable for employers. This proposal will move requirements relating to ethylene oxide into chapter 296-855 WAC, Ethylene Oxide. Ethylene Oxide related to agriculture industries will remain in chapter 296-62 WAC. This rulemaking is part of our plan to rewrite all safety and health rules for clarity. **See attachment (a)**

**Reasons supporting proposal:** See purpose above.

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

**Statute being implemented:** Chapter 49.17 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

**WSR #05-10-076**

**DATE**

May 3, 2005

**NAME (type or print)**

**Judy Schurke**

**SIGNATURE**

**TITLE**

**Acting Director**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation.... Michael Wood	Tumwater	(360) 902-5495
Enforcement..... Michael Wood	Tumwater	(360) 902-5495

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

A small business economic impact statement is not required because this rule will not impose more than a minor cost on businesses. The amendments made to these rules will make WISHA rules easier for employers and employees to understand and use, and thus save them time.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

There are no costs to assess with this rulemaking. The amendments will require employers to provide notification of exposure evaluation results to employees within 5 days. Currently employers are required to provide this information within 15 days. Therefore, this amendment will require employers to provide this information to employees quicker and will not require additional costs.

**CR 102 RULE-MAKING ORDER (RCW 34.05.320)**

Department of Labor and Industries

WISHA Services Division

CR-102 Filing Date: May 3, 2005

Hearing Date: June 23, 2005

Page 1

**Attachment (a)**

(Purpose)

---

---

The purpose of this rulemaking is to make the ethylene oxide rule easy to read, understand and more usable for employers. This proposal will move requirements relating to ethylene oxide into chapter 296-855 WAC, Ethylene Oxide. Ethylene Oxide related to agriculture industries will remain in chapter 296-62 WAC. This rulemaking is part of our plan to rewrite all safety and health rules for clarity.

**NEW SECTIONS:**

WAC 296-855-100, Scope

- Created this section to explain the requirements relating to ethylene oxide.

WAC 296-855-200, Basic Rules

- Created this summary page to include all the sections located in WAC 296-855-200 that relate to general requirements for ethylene oxide.

WAC 296-855-20010, Preventive Practices

- Requirements in this section were moved from WAC 296-62-07373

WAC 296-855-20020, Exposure Controls

- Requirements in this section were moved from WAC 296-62-07363
- Requirements in this section were moved from WAC 296-62-07373

WAC 296-855-20040, Personal Protective Equipment (PPE)

- Requirements in this section were moved from WAC 296-62-07367

WAC 296-855-20050, Employee Protective Measures

- Moved from WAC 296-841, Respiratory Hazards for clarity of requirements

WAC 296-855-20060, Exposure Evaluations

- Requirements in this section were moved from WAC 296-62-07361
- Requirements in this section were moved from WAC 296-62-07377

WAC 296-855-20070, Notification

- Requirements in this section were moved from WAC 296-62-07361

WAC 296-855-20080, Exposure Records

- Requirements in this section were moved from WAC 296-62-07375

WAC 296-855-20090, Training

- Requirements in this section were moved from WAC 296-62-07373

WAC 296-855-300, Exposure and Medical Monitoring

- Created this summary page to include all the sections located in WAC 296-855-300 that relate to exposure and medical monitoring.

WAC 296-855-30010, Periodic Exposure Evaluations

**CR 102 RULE-MAKING ORDER (RCW 34.05.320)**

Department of Labor and Industries  
WISHA Services Division  
CR-102 Filing Date: May 3, 2005  
Hearing Date: June 23, 2005  
Page 2

**Attachment (a)**  
(Purpose)

- 
- Requirements in this section were moved from WAC 296-62-07361

WAC 296-855-30030, Medical Evaluations

- Requirements in this section were moved from WAC 296-62-07371

WAC 296-855-30080, Medical Records

- Requirements in this section were moved from WAC 296-62-07375

WAC 296-855-400, Exposure Controls

- Created this summary page to include all the sections located in WAC 296-855-400 that relate to exposure controls.

WAC 296-855- 40010, Exposure Control Plan

- Requirements in this section were moved from WAC 296-62-07365
- Requirements in this section were moved from WAC 296-62-07369

WAC 296-855-40030, Exposure Control Areas

- Requirements in this section were moved from WAC 296-62-07365

WAC 296-855-40040, Respirators

- Requirements in this section were moved from WAC 296-62-07367

WAC 296-855-500, Definitions

- The following definitions have been added or moved from Chapter 296-62 WAC:
  - Action level
  - Authorized personnel
  - Director
  - Emergency
  - Ethylene oxide (EtO)
  - Exposure

**AMENDED SECTIONS:**

WAC 296-62-07355 Ethylene oxide. Scope and application.

- The scope and application relating to ethylene oxide has been moved to WAC 296-855-100.

Chapter 296-841 WAC Respiratory Hazards.

WAC 296-841-100, Scope.

- Update references.