



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) August 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 recently adopted chapter 296-849 WAC, Benzene. During that rulemaking, the department rewrote the requirements relating to Benzene in plain language. The purpose of this rulemaking is to make housekeeping changes and add a requirement that will make WISHA's safety and health rules at least as effective as the federal equivalent. In addition, we will be repealing the benzene requirements in WAC 296-62-07523, since those requirements were all moved into the new chapter. There are no anticipated effects.
See Attachment A.

Citation of existing rules affected by this order:

Repealed: See Attachment A.
Amended:
Suspended:

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 05-07-123 on March 22, 2005.

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

A sentence was removed from the exemption in WAC 296-849-100, Scope. There were no additional changes between the proposal from adoption.

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:

Date adopted: June 21, 2005

NAME (TYPE OR PRINT)

Gary K. Weeks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR #05-13-152

**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
Recently enacted state statutes:	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>0</u>	Amended	<u>0</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>0</u>	Amended	<u>5</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>5</u>	Repealed	<u>1</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

(A) Purpose:

Amended Sections:

WAC 296-849-100, Scope.

- Corrected an incorrect reference.
- Added an omitted word “apply” to Step 2b.

WAC 296-849-11030. Exposure evaluations.

- Corrected bulleting errors in Step 6.

WAC 296-849-12010, Periodic exposure evaluations.

- Added an omitted requirement in Table 3, Periodic Exposure Evaluation Frequencies, to provide consistency with the federal OSHA requirement in CFR 1910.1028(e)(3)(ii).

WAC 296-849-12030, Medical evaluations.

- Clarified bulleting by adding two additional “and” statements in Table 5, Medical Follow-up Requirements.

WAC 296-849-13045, Respirators.

- Correct bulleting errors under the first primary bullet.

Repealed Sections:

WAC 296-62-07523, Benzene