



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Labor and Industries

Title of rule and other identifying information: Chapter 296-849 WAC, Benzene. WAC 296-62-07523, Benzene.

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

Name: Carmen Moore, Rule Coordinator

Agency: Department of Labor and Industries

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AND RECEIVED BY May 24, 2005

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This expedited rulemaking will make housekeeping changes to Benzene, chapter 296-849 WAC and amend the rules so that they are at least as effective as the Occupational Safety and Health Administration (OSHA) rules. In addition, when L&I rewrote the requirements relating to Benzene, adopted as WSR# 05-01-172 on December 21, 2004, it moved the Benzene requirements to new chapter 296-849 WAC. The old Benzene requirements in WAC 296-62-07523 were not repealed. This rulemaking will repeal this WAC section.

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Repealed Sections: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

Reasons supporting proposal: The department is expediting the rulemaking in order 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.

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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

CODE REVISER USE ONLY

WSR# 05-07-123

DATE

March 22, 2005

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Acting Director

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None