



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 05-16-098; 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:

Cholinesterase Monitoring, Chapter 296-307 WAC, Part J-1

Hearing location(s):

Date: October 26, 2005 Time: 1:30 p.m. and 6:00 p.m.
 Red Lion Hotel Yakima Center
 607 East Yakima Avenue, East Ballroom
 Yakima, Washington

Date: October 28, 2005 Time: 1:30 p.m.
 Department of Labor and Industries Building
 7273 Linderson Way S.W., Auditorium
 Tumwater, Washington

Submit written comments to:

Name: Cindy Ireland, Project Manager
 Address: Department of Labor and Industries
 Post Office Box 44620
 Olympia, Washington 98507-4620
 E-mail: mooc235@lni.wa.gov
 Phone: (360)902-5522
 Fax: (360)902-5529 by November 4, 2005.

Assistance for persons with disabilities:

Contact Kim Johnson by October 14, 2005
 at rhok235@lni.wa.gov

Date of intended adoption: November 22, 2005
 (Note: This is NOT the effective date)

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

This rulemaking is being proposed based on recommendations made by members of the Cholinesterase Scientific Committee and the Cholinesterase Advisory Committee. These proposed changes are to modify the written opinion to address all employee blood tests, to clarify some requirements, and to make some minor housekeeping changes.

- WAC 296-307-14815 – Currently there is a requirement in RCW 49.17.285 which requires employers to provide handling hours to the medical provider/laboratory, we are adding this language to our rule for clarity.
- WAC 296-307-14815 – Adding a requirement for the employer to obtain a written opinion from the health care provider for all blood testing and to make the opinion available to the employee. This will provide employees with ready access to test results and health care provider recommendations.
- WAC 296-307-14830 – Clarifying the medical removal protection requirements, which are confusing to some employers.

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: Yes No

CODE REVISER USE ONLY

WSR #05-19-087

DATE
 September 20, 2005

NAME (type or print)
Gary K. Weeks

SIGNATURE

TITLE
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....Steve Cant	Tumwater	(360) 902-5495
Enforcement..... Steve Cant	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 SBEIS is required if a proposed rule will impose more than a minor cost on business. RCW 19.85.030(1)(a). An analysis of these rule amendments reveals that that these rules will not impose more than minor costs. In addition to not imposing new costs on businesses, these revisions will make L&I rules easier for employers and employees to understand and use, and thus save them time, therefore a small business economic impact statement is not required. (see RCW 34.05.310(4)(d))

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 within these rule amendments. Additionally, the amendments will make the rules easier for employers and employees to understand and use, and thus save them time. (see RCW 34.05.328(5)(b)(iv))

AMENDED SECTIONS:

WAC 296-307-14805, Maintain handling records for covered pesticides.

- Delete the reference to the table and add the reference to the applicable WAC section.

WAC 296-307-14810, Implement a medical monitoring program.

- Delete the table and the reference to this table in this section.
- Add two notes to this section for clarity.

WAC 296-307-14815, Identify a physician or licensed health care professional.

- There is a current requirement in RCW 49.17.285 which requires employers to provide handling hours to the medical provider/laboratory; we are adding this for clarity.
- Add a requirement for the employer to obtain a written opinion from the health care provider for all blood testing and to make the opinion available to the employee. This will provide employees with ready access to test results and health care provider recommendations.
- Add a note relating to testing being done by the same laboratory whenever possible.
- Add a note relating to obtaining employee's written consent to obtain blood test results.
- Clarified language.

WAC 296-307-14820, Make cholinesterase testing available.

- Delete the reference to the table and add the reference to the applicable WAC section.
- Add a note relating to a "working baseline".
- Move two notes to WAC 296-307-14810 for better organization.
- Add language relating to the employee receiving a copy of the signed declination statement within five business days after receipt from the LHCP.
- Clarified language.

WAC 296-307-14825, Respond to depressed cholinesterase levels.

- Change the table to "Table 1".
- Add language in the table for clarity.

WAC 296-307-14830, Provide medical removal protection benefits.

- Add a clarifying note relating to benefits being paid while on medical removal.