



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

Subject of possible rule making:
Physical Health Hazards (Temperature Extremes)
Chapter 296-62 WAC, General Occupational Health Standards

Statutes authorizing the agency to adopt rules on this subject:
RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060.

Reasons why rules on this subject may be needed and what they might accomplish:
WISHA is proposing to rewrite and clarify requirements relating to temperature extremes. WISHA plans to update the requirements for heat stress. There have been 2 heat stress fatalities during the past 2 summer seasons that may have been prevented with rules that are more protective of workers. The department is currently researching Workers Compensation claims where temperature extremes may have been a factor. This rulemaking would help reduce the number of serious injuries and fatalities by increasing worker protection from temperature extremes. This proposal will create chapter 296-820 WAC, Physical Health Hazards, a new chapter. WISHA plans to move all of the physical health hazard requirements from chapter 296-62 WAC, General Occupational health Hazards, to this new chapter.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
No other state or federal agencies are known to regulate exposure to workplace physical health hazards Washington state.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The department must adopt rules identical to or at least as effective as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
November 29, 2005

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SIGNATURE

TITLE
Director

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