



# 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) December 1, 2006 (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 purpose of this rulemaking is to amend the department's requirements relating to smoking in office work environments to conform with RCW 70.160, which was expanded with the passage of Initiative 901. See attachment 1.

**Citation of existing rules affected by this order:**

Repealed: See attachment 2  
 Amended: See attachment 2  
 Suspended: N/A

**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 06-16-105 on August 16, 2006.

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

**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:**

October 24, 2006

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director, Acting

**CODE REVISER USE ONLY**

WSR 06.22-023

**Citation of existing rules affected by this order:**

**AMENDED SECTIONS:**

- WAC 296-307-590, Summary.
- WAC 296-307-59005, Prohibit tobacco smoke in your office work environment.
- WAC 296-800-240, Summary.
- WAC 296-800-24005, Prohibit tobacco smoke in your office work environment.

**REPEALED SECTIONS:**

- WAC 296-307-59010, Control tobacco smoke that comes in from the outside.
- WAC 296-800-24010, Control tobacco smoke that comes in from the outside.

---

---

**Purpose:**

The purpose of this rulemaking is to amend the department's requirements relating to smoking in office work environments to conform with RCW 70.160, which was expanded with the passage of Initiative 901.

**Chapter 296-307 WAC, Safety Standards for Agriculture**  
**Chapter 296-800 WAC, Safety and Health Core Rules**

**AMENDED SECTIONS:**

**WAC 296-307-590, Summary.**

- Changed the title of WAC 296-307-59005 to “Prohibit tobacco smoke in your office work environment.
- Deleted WAC 296-307-59010.
- Added a link to this section.

**WAC 296-307-59005, Prohibit tobacco smoke in your office work environment.**

- Added language to the exemption relating to maintaining a twenty-five feet distance from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.
- Combined this section and WAC 296-307-59010.
- Deleted language relating to smoking rooms.

**WAC 296-800-240, Summary.**

- Changed the title of WAC 296-800-24005 to “Prohibit tobacco smoke in your office work environment.
- Deleted WAC 296-800-24010.
- Added a link to this section.

**WAC 296-800-24005, Prohibit tobacco smoke in your office work environment.**

- Added language to the exemption relating to maintaining a twenty-five feet distance from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.
- Combined this section and WAC 296-800-24010.
- Deleted language relating to smoking rooms.

**REPEALED SECTIONS:**

**WAC 296-307-59010, Control tobacco smoke that comes in from the outside.**

- Moved requirements relating to administrative controls to WAC 296-307-59005.
- Repealed this section.

**WAC 296-800-24010, Control tobacco smoke that comes in from the outside.**

- Moved requirements relating to administrative controls to WAC 296-800-24005.
- Repealed this section.

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	4	Repealed	2
-----	-------	---------	---	----------	---

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	4	Repealed	2
-----	-------	---------	---	----------	---

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	4	Repealed	2