



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) April 1, 2007 (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: See Attachment 1.

Citation of existing rules affected by this order:

See Attachment 2.

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 07-01-079 on December 19, 2007.

Describe any changes other than editing from proposed to adopted version: none.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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: February 20, 2007

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Acting Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 20, 2007

TIME: 11:53 AM

WSR 07-05-062

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>1</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>25</u>	Repealed	<u>10</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	<u>26</u>	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Purpose:

The Occupational Safety and Health Administration (OSHA) recently adopted rules regulating Hexavalent Chromium. We made changes to our Permissible Exposure Limit table to remain as effective as OSHA. In addition, general ventilation requirements in chapter 296-62 WAC, the General Occupational Health Standards were repealed from that chapter and moved into chapter 296-841 into the general exposure control sections. We also changed the title of the rule, reformatted it, and clarified some language.

Amended sections:

Chapter 296-841 WAC, Respiratory Hazards

- Changes were being made throughout this rule to bring it into compliance with OSHA, to change the title to Airborne Hazards, and to further clarify language.
- General ventilation requirements were moved from Chapter 296-62 WAC into this chapter.

The following sections were amended to correct references to chapter 296-841 WAC:

- 296-56-60001
- 296-78-71015
- 296-155-20301
- 296-304-01009
- 296-806-47502
- 296-809-800
- 296-824-800
- 296-828-100
- 296-828-20005
- 296-839-30005
- 296-848-20060
- 296-848-40020
- 296-849-11030
- 296-849-13005
- 296-849-13020
- 296-855-20050
- 296-855-40030

Repealed sections:

Chapter 296-62 WAC, General Occupational Health Standards

- General ventilation requirements were repealed from this chapter and moved into Chapter 296-841 WAC.

Citation of existing rules affected by this order:

AMENDED SECTIONS:

WAC 296-841-100	Scope.
WAC 296-841-200	Evaluate and control employee exposures.
WAC 296-841-20005	Exposure evaluations.
WAC 296-841-20010	Exposure controls.
WAC 296-841-20015	Respirators.
WAC 296-841-20020	Notification.
WAC 296-841-20025	Permissible exposure limits.
WAC 296-841-300	Definitions.
WAC 296-56-60001	Scope and applicability.
WAC 296-78-71015	Tanks and chemicals.
WAC 296-155-20301	Definitions
WAC 296-304-01009	Precautions for hot work.
WAC 296-806-47502	Guard drum sanders.
WAC 296-809-800	Definitions
WAC 296-824-800	Definitions
WAC 296-828-100	Scope
WAC 296-828-20005	Chemical hygiene plan
WAC 296-839-30005	Develop or obtain material safety data sheets (MSDSs).
WAC 296-848-20060	Exposure evaluations.
WAC 296-848-40020	Exposure controls.
WAC 296-849-11030	Exposure evaluations.
WAC 296-849-13005	Exposure control plan.
WAC 296-849-13020	Exposure controls.
WAC 296-855-20050	Exposure evaluations.
WAC 296-855-40030	Exposure controls.

REPEALED SECTIONS:

WAC 296-62-100	Oxygen deficient atmospheres.
WAC 296-62-110	Ventilation.
WAC 296-62-11001	Definition.
WAC 296-62-11003	Ventilation guide.
WAC 296-62-11005	Adequate system.
WAC 296-62-11007	Exhaust.
WAC 296-62-11009	Make-up air quantity.
WAC 296-62-11011	Design and operation.
WAC 296-62-11013	Compatibility of systems.
WAC 296-62-11017	Grinding, polishing, and buffing operations.