



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: In August, OSHA revised its existing Respiratory Protection Standard to add definitions and requirements for Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs). We amended our rules to be consistent with OSHA. In addition, we made housekeeping corrections in these rules.

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 07-01-076 on December 19, 2006.
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: 2:34 PM

WSR 07-05-072

**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>18</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>13</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	<u>31</u>	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

In August, OSHA revised its existing Respiratory Protection Standard to add definitions and requirements for Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs). We amended our rules to be consistent with OSHA. In addition, we made housekeeping corrections in these rules.

Amended sections:

The following sections were amended to make our rules match Federal regulations:

296-62-07329 Vinyl Chloride
296-62-07336 Acrylonitrile
296-62-07342 1,2-Dibromo-3-chloropropane
296-62-07413 Cadmium
296-62-07470 Methylene chloride
296-62-07521 Lead
296-62-07615 MDA
296-62-07715 Asbestos
296-62-14533 Cotton dust
296-62-20011 Coke ovens

296-155-17317 MDA
296-155-174 Cadmium
296-155-17613 Lead

296-842-13005 Select and provide appropriate respirators

296-848-40045 Respirators (Arsenic)
296-849-13045 Respirators (Benzene)
296-855-40040 Respirators (Ethylene oxide)
296-856-40030 Respirators (Formaldehyde)

The following sections were amended to correct typographical errors, make other housekeeping changes, and edit for clarity:

296-842-100 Scope
296-842-11005 Make sure voluntary use of respirators is safe.
296-842-11010 Keep voluntary use program records
296-842-13005 Select and provide appropriate respirators.
296-842-15005 Conduct fit testing
296-842-160 Training
296-842-170 Maintenance
296-842-17005 Maintain respirators in a clean and reliable condition
296-842-20005 Make sure breathing air and oxygen meet established specifications
296-842-20010 Prevent conditions that could create a hazardous breathing air supply.
296-842-20015 Make sure compressors do not create a hazardous breathing air supply.
296-842-22010 Follow these fit-testing procedures for tight-fitting respirators
296-842-300 Definitions

CR 103 RULE-MAKING ORDER (RCW 34.05.360)

Department of Labor and Industries

Division of Occupational Safety and Health

CR-103 Filing Date: February 20, 2007

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Attachment 1

(Purpose Statement)

Citation of existing rules affected by this order:

AMENDED SECTIONS:

296-62-14533 Cotton dust
296-62-20011 Coke ovens
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296-62-07336 Acrylonitrile
296-62-07342 1,2-Dibromo-3-chloropropane
296-62-07413 Cadmium
296-62-07470 Methylene chloride
296-62-07521 Lead
296-62-07615 MDA
296-62-07715 Asbestos

296-155-17317 MDA
296-155-174 Cadmium
296-155-17613 Lead

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296-842-300 Definitions

296-848-40045 Respirators (Arsenic)

296-849-13045 Respirators (Benzene)

296-855-40040 Respirators (Ethylene oxide)

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