



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) January 2, 2008 (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:

On February 20, 2007, the department adopted changes to chapter 296-62 WAC, Part L – Atmospheres and Ventilation. Two sections were accidentally repealed in the rulemaking. This rulemaking corrected the error by putting the language back into the rule, which kept it as effective as the federal equivalent.

WAC 296-62-100, Oxygen deficient atmospheres, and WAC 296-62-110, Ventilation was added back into chapter 296-62 WAC as WAC 296-62-135 and WAC 296-62-136.

These changes will not result in additional compliance costs.

See attachment 1.

Citation of existing rules affected by this order: See attachment 2.

Repealed: 0
 Amended: 0
 Suspended: 0

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 07-17-155 on August 21, 2007.

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

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:

November 19, 2007

NAME

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 19, 2007
TIME: 11:49 AM

WSR 07-23-072

(COMPLETE REVERSE SIDE)

**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	9	Amended	_____	Repealed	_____
Recently enacted state statutes:	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	9	Amended	_____	Repealed	_____
-----	---	---------	-------	----------	-------

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

New	9	Amended	_____	Repealed	_____
-----	---	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	9	Amended	_____	Repealed	_____

Purpose:

Chapter 296-62 WAC, Part L – Atmospheres and Ventilation

WAC 296-62-135, Oxygen deficient atmospheres.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-100, Oxygen deficient atmospheres.

WAC 296-62-136, Ventilation.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation.

WAC 296-62-13605, Definition.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation.

WAC 296-62-13610, Ventilation guide.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation.

WAC 296-62-13615, Adequate system.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation.

WAC 296-62-13620, Exhaust.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation.

WAC 296-62-13625, Make-up air quantity.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation.

WAC 296-62-13630, Design and operation.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation

WAC 296-62-13635, Compatibility of systems.

- Created this new section—wording is exactly the same as the wording that had been repealed from WAC 296-62-110, Ventilation.

Citation of existing rules affected by this order:

- WAC 296-62-135, Oxygen deficient atmospheres.
- WAC 296-62-13610, Ventilation guide.
- WAC 296-62-13615, Adequate system.
- WAC 296-62-13620, Exhaust.
- WAC 296-62-13625, Make-up air quantity.
- WAC 296-62-13630, Design and operation.
- WAC 296-62-13635, Compatibility of systems.