



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) December 1, 2009 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

We responded to a Federal Register notice that OSHA updated their respirator requirements for the controlled negative pressure REDON fit testing protocol. We updated our rule to be identical to OSHA's rule.

This rule was also recently reformatted. During that process some helpful information (not including requirements) was inadvertently deleted, so we put it back in. In addition there were some minor housekeeping changes to make this rule consistent with other DOSH rules.

The proposed language in Chapter 296-842 WAC will meet L&I's statutory mandate to be as effective as the Federal equivalent.

Citation of existing rules affected by this order:

See attachment 1.

Statutory authority for adoption: RCW 49.17.050

Other authority : 29 CFR Subpart Z

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-14-07 on June 30, 2009.

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: N/A

Name: _____ phone _____
 Address: _____ fax _____
 e-mail _____

Date adopted:

September 22, 2009

NAME

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 22, 2009
TIME: 12:15 PM

WSR 09-19-119

**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 | <u>1</u> | Amended | <u>14</u> | Repealed | <u>2</u> |
| Federal rules or standards: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Recently enacted state statutes: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |

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

| | | | | | | |
|--|-----|----------|---------|----------|----------|----------|
| | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|--|-----|----------|---------|----------|----------|----------|

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

| | | | | | | |
|--|-----|----------|---------|----------|----------|----------|
| | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|--|-----|----------|---------|----------|----------|----------|

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

| | | | | | | |
|--|-----|----------|---------|----------|----------|----------|
| | New | <u>1</u> | Amended | <u>0</u> | Repealed | <u>2</u> |
|--|-----|----------|---------|----------|----------|----------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|----------|---------|----------|----------|----------|
| Negotiated rule making: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Pilot rule making: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Other alternative rule making: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |

Citation of existing rules affected by this order:

AMENDED SECTIONS:

| | |
|-------------------|--|
| WAC 296-842-100 | Scope and application. |
| WAC 296-842-10505 | Designate a program administrator. |
| WAC 296-842-11005 | Make sure voluntary use of respirators is safe. |
| WAC 296-842-12010 | Keep respirator program records. |
| WAC 296-842-13005 | Select and provide appropriate respirators. |
| WAC 296-842-14005 | Provide medical evaluations. |
| WAC 296-842-15005 | Conduct fit testing. |
| WAC 296-842-16005 | Provide effective training. |
| WAC 296-842-17005 | Maintain respirators in a clean and reliable condition. |
| WAC 296-842-18005 | Prevent sealing problems with tight-fitting respirators. |
| WAC 296-842-19005 | Provide standby assistance in immediately dangerous to life or health (IDLH) conditions. |
| WAC 296-842-22005 | Use this medical questionnaire for medical evaluations. |
| WAC 296-842-22010 | Follow these fit-testing procedures for tight-fitting respirators. |
| WAC 296-842-22020 | Follow procedures established for seal checking respirators. |

NEW SECTIONS:

| | |
|-------------------|--------------|
| WAC 296-842-10200 | Definitions. |
|-------------------|--------------|

REPEALED SECTIONS:

| | |
|-----------------|--|
| WAC 296-842-110 | Voluntary respirator use requirements. |
| WAC 296-842-300 | Definitions. |