



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) September 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)

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: OSHA has amended their rules to clarify that employers are to provide PPE, especially respirators, for each employee who needs one. They also have reworded their rules to ensure that training is provided to each and every employee. DOSH has a statutory obligation to remain as effective as OSHA and are amending our wording to reflect OSHA's language.

Citation of existing rules affected by this order:

Repealed: 0
 Amended: See Attachment 1
 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 09-08-105 on March 31, 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:

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:

July 21, 2009

NAME

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: July 21, 2009

TIME: 9:32 AM

WSR 09-15-145

**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>27</u>	Repealed	<u>0</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>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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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:

NEW SECTIONS:

- WAC 296-800-16002 Compliance duties owed to each employee.

AMENDED SECTIONS:

- WAC 296-62-07306 Requirements for areas containing carcinogens listed in WAC 296-62-07302.
- WAC 296-62-07308 General regulated area requirements
- WAC 296-62-07329 Vinyl chloride
- WAC 296-62-07336 Acrylonitrile
- WAC 296-62-07342 1,2-Dibromo-3-chloropropane.
- WAC 296-62-07413 Respirator protection
- WAC 296-62-07425 Communication of cadmium hazards to Employees
- WAC 296-62-07460 Butadiene
- WAC 296-62-07470 Methylene chloride
- WAC 296-62-07521 Lead
- WAC 296-62-07615 Respiratory protection
- WAC 296-62-07715 Respiratory protection
- WAC 296-62-08015 Respiratory protection
- WAC 296-62-14533 Cotton dust.
- WAC 296-62-20011 Respiratory protection.
- WAC 296-155-17317 Respiratory protection.
- WAC 296-155-174 Cadmium.
- WAC 296-155-17613 Respiratory protection.
- WAC 296-155-17625 Employee information and training.
- WAC 296-155-717 Training.
- WAC 296-811-40015 Self-contained breathing apparatus' (SCBAs).
- WAC 296-817-20020 Make sure exposed employees receive training about noise and hearing protection.
- WAC 296-842-12005 Develop and maintain a written program.
- WAC 296-848-40045 Respirators.
- WAC 296-849-13045 Respirators.
- WAC 296-855-40040 Respirators.
- WAC 296-856-40030 Respirators.