



# 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) September 1, 2010 (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:** See Attachment 1

Added language to the Scope section to clarify how the Formaldehyde rule applies to certain labs in relation to this rule.

**Current language:** "When your laboratory operation is covered by this Chapter, and you use any of the substances in Table 2, the following applies:" followed by a bulleted list.

**New language:** "When your laboratory operation is covered by this Chapter, and you use any of the substances in Table 2, the following applies with the exception of Formaldehyde use in histology, pathology, and anatomy laboratories. In histology, pathology, and anatomy laboratories you must follow the requirements in Chapter 296-856, Formaldehyde. This chapter applies to all other formaldehyde laboratory uses as defined in Table 1." The same bulleted list then follows.

The revision made clearer the relationship between the requirements of DOSH's Hazardous Chemicals in Laboratories Standard and the requirements of the Formaldehyde Standard, thereby eliminating confusion and clarifying employer obligations. Eliminating confusion and clarifying employer obligations should increase employee safety while reducing compliance costs.

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

- Repealed: 0
- Amended: 1
- Suspended: 0

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

**Other authority :** RCW 49.17

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 10-09-093 on April 20, 2010.

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: N/A

Name: \_\_\_\_\_ phone \_\_\_\_\_  
 Address: \_\_\_\_\_ fax \_\_\_\_\_  
 e-mail \_\_\_\_\_

**Date adopted:**

July 20, 2010

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 20, 2010**

**TIME: 4:10 PM**

**WSR 10-15-106**

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	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>1</u>	Repealed	<u>0</u>
--	-----	----------	---------	----------	----------	----------

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

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

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

**Purpose:**

**Chapter 296-828 WAC, Hazardous Chemicals in Laboratories**

**WAC 296-828-100 Scope.**

Added language to the Scope section to clarify how the Formaldehyde rule applies to certain labs in relation to this rule.

**Current language:** “When your laboratory operation is covered by this Chapter, and you use any of the substances in Table 2, the following applies:” followed by a bulleted list.

**New language:** “When your laboratory operation is covered by this Chapter, and you use any of the substances in Table 2, the following applies with the exception of Formaldehyde use in histology, pathology, and anatomy laboratories. In histology, pathology, and anatomy laboratories you must follow the requirements in Chapter 296-856, Formaldehyde. This chapter applies to all other formaldehyde laboratory uses as defined in Table 1.” The same bulleted list then follows.

**Reasons supporting proposal:**

The revision made clearer the relationship between the requirements of DOSH’s Hazardous Chemicals in Laboratories Standard and the requirements of the Formaldehyde Standard, thereby eliminating confusion and clarifying employer obligations. Eliminating confusion and clarifying employer obligations should increase employee safety while reducing compliance costs.

**CR 103 RULE-MAKING ORDER** (RCW 34.05.360)

Department of Labor and Industries  
Division of Occupational Safety and Health  
CR-103 Filing Date: July 20, 2010

**Attachment 2**  
(Citation of Rules)

---

**Citation of existing rules affected by this order:**

**Chapter 296-828 WAC, Hazardous Chemicals in Laboratories**

**AMENDED SECTIONS:**

WAC 296-828-100 Scope