



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Department of Labor & Industries

**Title of rule and other identifying information:**

Chapter 296-828 WAC, Hazardous Chemicals in Laboratories

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Naomi Goodman

Agency: Department of Labor and Industries

Address: Post Office Box 44001, Olympia, Washington 98504-4001

**AND RECEIVED BY** (Date) June 22, 2010

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Adding language to WAC 296-828-100, Scope, 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 will make the relationship clearer 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.

**Statutory authority for adoption:**

RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

**Statute being implemented:**

RCW 49.17

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**DATE**

April 20, 2010

**NAME**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 20, 2010

TIME: 3:23 PM

**WSR 10-09-093**

**Name of proponent:** Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360)902-5530
Implementation.... Michael Silverstein	Tumwater	(360)902-4805
Enforcement.....Michael Silverstein	Tumwater	(360)902-4805

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

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

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

**IMPORTANT statement:** Adding language 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.