



EXPEDITED RULE MAKING

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

Agency: Department of Labor and Industries

Title of rule and other identifying information: Chapter 296-62 WAC, Part I-2—Hexavalent Chromium

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

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Agency: Department of Labor and Industries

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AND RECEIVED BY November 23, 2010

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

The Occupational Safety and Health Administration (OSHA) revised their Hexavalent Chromium Standard to adopt new requirements related to the notification requirements in the exposure determination provisions. OSHA now requires employers to notify employees of the results of all hexavalent chromium exposure level monitoring results, not just exposures that exceed the PEL (permissible exposure limit). The department's standard covers more than one industry in one standard and will be making a change in the current 15-day notification requirement. **See attachment 1.**

Reasons supporting proposal:

The department will be making a change to the general industry part of the rule, making the current 15-day notification requirement a 5-day one.

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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 21, 2010

TIME: 1:25 PM

WSR 10-19-113

DATE
September 21, 2010

NAME
Judy Schurke

SIGNATURE

TITLE
Director

Name of proponent: Department of Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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

N/A

Chapter 296-62 WAC, Part I-2—Hexavalent Chromium

WAC 296-62-08009, Exposure determination.

- Subsection (4)(a) – Update the employee notification of determination results from fifteen work days to five work days.
- Subsection (4)(b) – Changed wording to match OSHA’s language without substantial change: “within five work days after making an exposure determination in accordance with subsection (2) or (3) of this section, the employer shall individually notify each affected employee in writing of the results of that determination or post the results in an appropriate location accessible to all affected employees.”