



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- | | |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-15-064 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information:

Chapter 296-62 WAC, General Occupational Health Standards (Hazardous Drugs)

Hearing location(s):

9 a.m., November 28, 2011
 Department of Labor and Industries – Tumwater Auditorium
 7273 Linderson Way SW
 Tumwater, WA 98501

1 p.m., December 1, 2011
 DoubleTree by Hilton – Spokane City Center
 322 North Spokane Falls Court
 Spokane, WA 99201

Submit written comments to:

Name: Beverly Clark
 Address: PO Box 44620
 Olympia, WA 98504
 e-mail: beverly.clark@lni.wa.gov
 fax: (360) 902-5516 by 5 p.m. on December 7, 2011

Assistance for persons with disabilities: Contact

Beverly Clark by November 14, 2011
 (360) 902-5516 or beverly.clark@lni.wa.gov

Date of intended adoption: January 3, 2012

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The 2011 Legislature passed Engrossed Substitute Senate Bill (ESSB) 5594 which requires the Department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs. The legislation requires the rules be consistent with the recommendations set forth in NIOSH's alert and states that the rules may not exceed these recommendations. The Department may incorporate Centers for Disease Control and Prevention (CDC) updates and changes to the alert. See Attachment 1.

Reasons supporting proposal: This proposal was developed with the assistance of a stakeholder group from the industry representing business and labor.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and Chapter 39, Laws of 2011.

Statute being implemented: Chapter 49.17 RCW.

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: October 18, 2011

TIME: 9:26 AM

WSR 11-21-080

DATE
 October 18, 2011

NAME
 Judy Schurke

SIGNATURE

TITLE
 Director

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

None.

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, Washington	(360) 902-5530
Implementation	Michael Silverstein	Tumwater, Washington	(360) 902-4805
Enforcement	Michael Silverstein	Tumwater, Washington	(360) 902-4805

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

No small business economic impact statement is required because this rule is enacting Engrossed Substitute Senate Bill 5594 in which the Washington State Legislature directed the department to complete this rulemaking. The department's proposed rules are subject to the Regulatory Fairness Act, but they do not require a small business economic impact statement because the proposed changes are exempt by law [see RCW 19.85.025 referencing RCW 34.05.310 (4)].

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain:

No cost-benefit analysis is required because this rule is enacting Engrossed Substitute Senate Bill 5594 in which the Washington State Legislature directed the department to complete this rulemaking. The department's proposed rules are subject to the Regulatory Fairness Act, but they do not require a cost-benefit analysis because the proposed changes are exempt by law.

NEW SECTIONS:

WAC 296-62-500 Hazardous drugs.

- There are no requirements in this section.
- Statement that hazardous drugs are also covered under WAC 296-800-170 and the most protective requirement will take precedent.

WAC 296-62-50005 Scope.

- Requirements relating to occupational exposure are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50010 Definitions.

- There are no requirements in this section.

WAC 296-62-50015 Hazardous drugs control program.

- Requirements relating to hazardous drugs control program are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50020 Hazard assessment.

- Requirements relating to hazard assessment are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50025 Personal protective equipment (PPE).

- Requirements relating to personal protective equipment are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50030 Engineering controls.

- Requirements relating to engineering controls are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50035 Safe handling practices.

- Requirements relating to safe handling practices are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50040 Cleaning, housekeeping and waste handling.

- Requirement relating to cleaning, housekeeping and waste handling are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50045 Spill control.

- Requirements relating to spill control are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50050 Medical surveillance.

- Requirements relating to medical surveillance are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50055 Training.

- Requirements relating to training are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.

WAC 296-62-50060 Recordkeeping.

- Requirements relating to recordkeeping are located in this section. These requirements are state-initiated and derived from the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.