



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

Subject of possible rule making: The Department is conducting rulemaking related to preventing worker exposure to respirable crystalline silica. This rulemaking is in response to Occupation Safety and Health Administration (OSHA)'s final rule on respirable crystalline silica for general industry/maritime and construction. Respirable crystalline silica is currently included in the Department's air contaminant standard under chapter 296-841 WAC and chapter 296-307-62625 WAC (and other standards that reference these requirements).

Statutes authorizing the agency to adopt rules on this subject: : RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Reasons why rules on this subject may be needed and what they might accomplish: The Occupation Safety and Health Administration (OSHA) issued a final rule to curb lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by limiting their exposure to respirable crystalline silica. The rule is comprised of two standards, one for Construction 29 CFR 1926 and one for General Industry/Maritime 29 CFR 1910. Both standards become effective June 23, 2016, after which industries have one to five years to comply with most requirements depending on the type of work performed. Since this final rule imposes additional or more stringent requirements on employers than existing OSHA standards, State Plans must adopt an "at least as effective" standard or amendment to their existing standards, or show that they already have an existing "at least as effective" standard.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
As an OSHA-approved State Plan, the Department is the primary entity to regulate this subject in Washington, with certain exceptions pertaining to the maritime industry and U.S. government operations, in which cases OSHA maintains jurisdiction.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

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DATE
June 21, 2016

NAME (TYPE OR PRINT)
Joel Sacks

SIGNATURE

TITLE
Director

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STATE OF WASHINGTON
FILED

DATE: June 21, 2016

TIME: 11:00 AM

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