



# 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:**

Hazard Communication/Globally Harmonized System of Classification and Labeling Chemicals (GHS) - Final Stage

**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: Chris Miller  
Agency: Department of Labor and Industries  
Address: PO Box 44610 Olympia, WA 98504

**AND RECEIVED BY** December 5, 2016

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

The primary purpose of this proposal is to repeal Chapter 296-62 WAC Part B1, Chapter 296-307 WAC Part Y-1 & Y-2, WAC 296-800-170 through WAC 296-800-17055, Chapter 296-816 WAC, and Chapter 296-839 WAC, which have been rendered obsolete as a result of the adoption of WAC 296-901-140 Globally Harmonized System for Hazard Communication, which became fully effective June 1, 2016.

This proposal also includes several minor corrections within various WAC chapters and sections such as replacing antiquated terminology like "Material Safety Data Sheet (MSDS)" with the globally harmonized term "Safety Data Sheet (SDS)," and replacing the obsolete "combustible liquid" classifications with the now preferred and globally recognized "flammable liquid" categories that were not updated in previous GHS rulemaking packages.

The changes are outlined in "Attachment 1".

**Reasons supporting proposal:**

Updating these housekeeping errors will help keep employers and workers safe by being current.

**Statutory authority for adoption:**

RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060

**Statute being implemented:**

Chapter 49.17 RCW

**Is rule necessary because of a:**

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 04, 2016**  
**TIME: 10:51 AM**

**WSR 16-20-079**

**DATE**

October 4, 2016

**NAME (TYPE OR PRINT)**

Joel Sacks

**SIGNATURE**

**TITLE**

Director

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

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Chris Miller	Tumwater	(360) 902-5516
Implementation.... Anne Soiza	Tumwater	(360) 902-5090
Enforcement.....Anne Soiza	Tumwater	(360) 902-5090

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

N/A

Department of Labor and Industries  
Division of Occupational Safety and Health  
CR-105 Filing Date: October 4, 2016

**Repealed Chapters/Sections**

Notes have been added to the following directing readers to pertinent sections of WAC 296-901-140 Globally Harmonized System for Hazard Communication:

**Chapter 296-62 WAC General Occupational Health Standards, Part B-1 (296-62-05301 - 296-62-05325)**

**Chapter 296-307 WAC Safety Standards for Agriculture, Part Y-1 & Y-2 (296-307-550 - 296-307-56050)**

**Chapter 296-800 WAC Safety and Health Core Rules, Section 296-800-170 - 296-800-17055**

**Chapter 296-816 WAC Protecting Trade Secrets**

**Chapter 296-839 WAC Content and Distribution of Material Safety Data Sheets (MSDSs) and Label Information**

**Amended Sections**

**WAC 296-24-33001**

- Removed definition for obsolete term “combustible liquid.”
- Replaced reference to obsolete combustible classifications with corresponding flammable categories within definition of “viscous.”

**WAC 296-24-33009 (2)(d)(ii)**

- Replaced the word “class” with the word “category” referring to GHS flammable categories.

**WAC 296-24-33009 (5)(d)(ii)**

- Replaced reference to obsolete combustible classifications with corresponding flammable categories

**WAC 296-24-33009 Table H-14, Table H-15, Table H-16, and Table H-17**

- Replaced reference to obsolete combustible classifications with corresponding flammable categories

**WAC 296-24-33013 (4)(e)**

- Replaced reference to obsolete combustible classifications with corresponding flammable categories

**WAC 296-24-47505 (6)(g)**

- Replaced reference to obsolete combustible classifications with corresponding flammable categories

Department of Labor and Industries  
Division of Occupational Safety and Health  
CR-105 Filing Date: October 4, 2016

**WAC 296-62-07753**

- Changed obsolete term “Material Safety Data Sheet (MSDS)” to “Safety Data Sheet (SDS)”

**WAC 296-305-01005**

- Replaced reference to WAC 296-800-170 with reference to WAC 296-901-140
- Corrected alphabetical placement of Incident command system (ICS)

**WAC 296-305-01509**

- Replaced reference to WAC 296-800-170 with reference to WAC 296-901-14010

**WAC 296-305-05502**

- Replaced reference to WAC 296-800-170 with reference to WAC 296-901-14016

**WAC 296-800-180 - WAC 296-800-18020**

- Changed obsolete term “Material Safety Data Sheet (MSDS)” to “Safety Data Sheet (SDS)” throughout
- Replaced reference to Chapter 296-816 WAC with reference to WAC 296-901-14018
- Removed obsolete reference to WAC 296-800-17010

**WAC 296-828-099**

- Corrected definition of “Health Hazard” to match WAC 296-901-140 (An error during GHS Phase 1 resulted in the wrong/unrelated definition being added in this section.) It now correctly reads:

***Health hazard.*** A chemical which is classified as posing one of the following hazardous effects: Acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in WAC [296-901-14022](#), Appendix A—Health hazard criteria

**WAC 296-835-11030**

- Changed obsolete term “Material Safety Data Sheet (MSDS)” to “Safety Data Sheet (SDS)”
- Replaced reference to WAC 296-800-170 with reference to WAC 296-901