



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 16, 2024

TIME: 9:40 AM

WSR 24-09-061

Agency: Department of Labor & Industries (L&I)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: L&I received a petition requesting L&I engage in rulemaking to update the language in WAC 296-305-03002, Hazardous materials. There have been many technological advances in the years since this WAC code was written, including in personal protective equipment (PPE) materials, certification and testing. The adopted rule updates the required standards for hazardous materials protective equipment. The current rule requires compliance with the following National Fire Protection Association (NFPA) standards for hazard material protective equipment: NFPA 1991 (2000 edition), NFPA 1992 (2000 edition) and NFPA 1994 (2001 edition). The adopted rule updates the requirements to the NFPA 1990 (2022 edition), which is a consolidation of the currently referenced NFPA standards and the current edition. As requested in the petition, the adopted rule allows an exemption from the requirement that protective ensembles and liquid splash-protective ensembles completely cover the wearer's respiratory protection when respiratory protection meets the National Institute for Occupational Safety and Health (NIOSH) chemical, biological, radiological, and nuclear (CBRN) self-contained breathing apparatus (SCBA) testing.

WAC 296-305-04001, Respiratory equipment protection, which has guidance for breathing air quality for firefighters was also updated. The reference to ANSI/CGA G6-1, Commodity Specification for Air, needed to be updated to fix a typo in the standard number.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 296-305-03002 and 296-305-04001
- Suspended:

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-03-149 on January 23, 2024 (date).
Describe any changes other than editing from proposed to adopted version: No changes were made to the proposed language; it was adopted as proposed.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	<u>2</u>	Repealed	___
-----	-----	---------	----------	----------	-----

The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>2</u>	Repealed	___
-----	-----	---------	----------	----------	-----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: April 16, 2024

Name: Joel Sacks

Title: Director

Signature:

