



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: October 02, 2018

TIME: 11:06 AM

WSR 18-20-104

**Agency:** Department of Labor and Industries

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 16-15-078 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) eRules Phase 9: Chapter 296-62 WAC General occupational health standards

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
November 19, 2018	1:30p.m.	Department of L&I 7273 Linderson Way SW Room S119 Tumwater, WA 98501	

**Date of intended adoption:** December 18, 2018 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

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Other:

By (date) November 26, 2018

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Other:

By (date) November 5, 2018

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

No changes in requirements as a result of this rulemaking.

- Consistent format for all DOSH rules.
- Easy to access rules for smart phone and tablet users.
- Easy navigation in PDF files provided through bookmarks in the rules.
- Easier referencing by replacing bullets and dashes with numbers and letters.
- Enhanced rule update efficiency for customers through electronic postings.

See below for a list of amendments being proposed.

## **Amended Sections**

### **WAC 296-62-020 through WAC 296-62-50010**

- Change bullets to letters or numbers where applicable.
- Change “shall” to “must” where applicable.
- Change “shall be required to” to “must” where applicable.
- Change “shall assure” to “must ensure” where applicable.
- Change “assure” to “ensure” where applicable.
- Remove numbers and quotation marks from all defined words.
- Remove words/phrases such as “means”, “as defined” or “is an” from all applicable definitions and replace it with a period, making all definitions complete sentences.
- Change “his” or “her” to any variation of “their”, “them” or “they” where applicable.

### **WAC 296-62-020 Definitions applicable to all sections of this chapter.**

- Update outdated reference in definition of “Coal tar pitch volatiles” from WAC 296-62-07515 Table I to WAC 296-841-20025 Table 3.

### **WAC 296-62-07306 Requirements for areas containing carcinogens listed in WAC 296-62-07302.**

- Changed reference in subsection 2(c) from WAC 296-62-07304(12) to WAC 296-62-07304.
- Remove outdated reference in subsections (2)(f)(vii)(B) and (2)(f)(viii)(B); in WAC 296-62-07310 there is no longer a subsection (4) after previous rulemaking and therefore that reference needs to be taken out.

### **WAC 296-62-07310 Signs, information and training.**

- Update language in subsection (1)(a) to read: “The employer must post signs at entrances to regulated areas. The signs must bear the legend:”
- Remove subsections (1)(c) and (d), and their outdated language referring to June 1, 2016 that is no longer relevant. Re-letter the rest of the subsection.

### **WAC 296-62-07312 Reports.**

- Update outdated reference under the “Carcinogens Standard Report” table from WAC 296-62-07308 to WAC 296-62-07304.

### **WAC 296-62-07316 Premixed solutions.**

- Remove outdated reference in subsection (1)(c); in WAC 296-62-07310 there is no longer a subsection (4) after previous rulemaking and therefore that reference needs to be taken out.

### **WAC 296-62-07329 Vinyl chloride.**

- Remove subsections (12)(c) and (d) and their outdated language referring to June 1, 2016 that is no longer relevant.
- Remove subsections (13)(b), (c), (d)(i) and (ii) and their outdated language referring to June 1, 2015 that is no longer relevant. Re-letter the rest of the subsection.

### **WAC 296-62-07336 Acrylonitrile.**

- Remove subsection (16)(b)(iii) and its outdated language referring to June 1, 2016 that is no longer relevant.
- Remove outdated language referring to June 1, 2015 from subsection (16)(c)(ii) that is no longer relevant. Renumber the subsection.

### **WAC 296-62-07338 Appendix B – Substance technical guidelines for acrylonitrile.**

- Update outdated reference in subsection (2)(a)(viii) from WAC 296-24-59207 to WAC 296-800-300.
- Update outdated reference in subsection (2)(a)(ix) from WAC 296-24-95613 to WAC 296-800-280.
- Remove outdated reference in subsection (6) to WAC 296-24-120; those requirements are now in Chapter 296-800 WAC, which is already listed.

### **WAC 296-62-07339 Appendix C – Medical surveillance guidelines for acrylonitrile.**

- In subsection (2)(a), remove the word “contract” and replace it with the bracketed word “contact” that was next to it in the sentence. It appears this update was meant to be made previously, but it didn’t occur. Remove the brackets around the word “contact.”

### **WAC 296-62-07342 1, 2-Dibromo-3-chloropropane.**

- Update outdated reference in subsection (15)(a)(ii)(C) from “chapter 296-62 WAC Part E” to “chapter 296-842 WAC”, which is where respiratory protections are covered.

- Remove subsection (16)(b)(ii) and its outdated language referring to June 1, 2016 that is no longer relevant. Renumber the subsection.
- Remove subsection (16)(c)(iii) and its outdated language referring to June 1, 2015 that is no longer relevant.

**WAC 296-62-07373 Communication of EtO hazards.**

- Remove subsection (2)(a)(ii) and its outdated language referring to June 1, 2016 that is no longer relevant. Renumber subsection.
- Remove subsections (2)(b)(ii)(A) and (B) and (c) and its outdated language referring to June 1, 2015 that is no longer relevant. Re-letter the subsection.

**WAC 296-62-07425 Communication of cadmium hazards.**

- Remove outdated language referring to June 1, 2016 from subsection (4)(b) that is no longer relevant. Re-letter the subsection.
- Remove outdated language referring to June 1, 2015 from subsection (5)(b) that is no longer relevant. Re-letter the subsection.
- Update outdated reference in subsection (6)(c)(ix) from “chapter 296-62 WAC Part E” to “chapter 296-842 WAC”, which is where respiratory protections are covered.

**WAC 296-62-07460 1, 3-Butadiene.**

- Update outdated reference in subsection (10) from “WAC 296-62-3112 hazardous waste operations and emergency responses” to “chapter 296-843 WAC hazardous waste operations.”
- Remove outdated language from subsection (14)(a) referring to “this section becoming effective in 1997.” Re-letter the subsection.
- Remove subsection (14)(iii) and its outdated language referring to this subsection being “implemented by February 4, 2000.”

**WAC 296-62-07470 Methylene chloride.**

- Update outdated reference in the “Note” under subsection (6)(d)(ii) from “WAC 296-62-3112” to “chapter 296-843 WAC.”
- Update outdated reference in the “Note” under subsection (7)(d)(ii) from “WAC 296-62-07150 through 296-62-07516” to “WAC 296-842-14005.”
- Remove language referring to “medical surveillance” in subsection (10)(d)(i) that is outdated and no longer relevant.
- Updated outdated reference in subsection (13)(e) from “WAC 296-62-05215” to “WAC 296-802-600 transfer and disposal of employee records.”
- Update outdated reference in subsection (14)(d) from WAC 296-62-07515” to “WAC 296-307-62610.”

**WAC 296-62-07473 Appendix A.**

- Remove outdated reference to “WAC 296-24-120” in subsection (V) “Housekeeping and Hygiene Facilities” – those requirements are now in chapter 296-800 WAC, which is already listed.
- Update outdated reference in subsection (VI)(H) from “WAC 296-24-956” which was previously repealed to “WAC 296-24-957” where the electrical requirements are located.

**WAC 296-62-07519 Thiram.**

- Update outdated reference in subsection (1) from “WAC 296-62-07515” to “chapter 296-841 WAC Airborne contaminants.”
- Update outdated references in subsections (3)(c)(vi) and (3)(c)(ix) from “WAC 296-62-071” to “chapter 296-842 WAC Respirators.”

**WAC 296-62-07521 Lead.**

- Updated subsection (5)(i) to “Reserved” and added subsection letter (j) to avoid confusion of how the subsections in (5) were listed.
- Remove language from subsection (8)(b)(viii) referring to June 1, 2015 that is outdated and no longer relevant. Renumber subsection.
- Update outdated reference in subsection (13)(v)(C) from “chapter 296-62 WAC Part E” to “chapter 296-842 WAC” which is where respiratory protections are covered.
- Remove subsection (14)(b)(v) and its outdated language referring to June 1, 2016 that is no longer relevant.
- Remove language in subsection (17)(b)(xi) referring to June 1, 2016 that is outdated and no longer relevant.

**WAC 296-62-07540 Formaldehyde.**

- Update outdated reference in subsection (9)(a) from “WAC 296-24-120” to “WAC 296-800-230.”

**WAC 296-62-07601 Scope and application.**

- Remove outdated reference to “WAC 296-62-054” in subsection (4). Those requirements are located in chapter 296-901 WAC, which is already listed.

**WAC 296-62-07619 Hygiene facilities and practices.**

- Update outdated reference in subsection (2)(a)(i) from “WAC 296-24-12010” to “WAC 296-800-23065.”

**WAC 296-62-07621 Communication of hazards.**

- Remove subsection (2)(a)(ii) and its outdated language referring to June 1, 2016 that is no longer relevant. Re-letter subsection.
- Remove subsections (2)(b)(i) and (ii) and their outdated language referring to June 1, 2015 that is no longer relevant.
- Update outdated reference in subsection (4)(b)(iii) from “WAC 296-62-07625” to “WAC 296-62-07627” and also added a reference to WAC 296-62-07629 to cover all requirements regarding “medical removal.”

**WAC 296-62-07631 Recordkeeping.**

- Update outdated references in subsections (3)(a), (4)(a), (4)(d) and (6)(c) from “Part B of this chapter” to “chapter 296-802 WAC” which is where requirements regarding employee medical and exposure records are located.
- Update outdated reference in subsection (3)(c) from “Part B of this chapter” to “WAC 296-802-20010.”
- Update outdated reference in subsection (6)(a) from “WAC 296-62-076” to “chapter 296-802 WAC.”
- Update outdated reference in subsection (6)(b) from “WAC 296-800-170” to “chapter 296-800 WAC.”

**WAC 296-62-07637 Appendices.**

- Remove sentence referring to “respiratory fit testing in Appendix E of WAC 296-62-076” – that section was previously repealed.

**WAC 296-62-07711 Regulated areas.**

- Update outdated reference in subsection (7) from “chapter 296-62 WAC Part M” to “chapter 296-809 WAC” – the requirements of Part M were previously moved.

**WAC 296-62-07715 Respiratory protection.**

- Update outdated reference in subsection (5)(b) from “WAC 296-62-07160 through 296-62-07162 and 296-62-07201 through 296-62-07248” to “chapter 296-842 WAC Respirators.”

**WAC 296-62-07721 Communication of hazards.**

- Remove subsection (4)(b)(iii) and its outdated language referring to June 1, 2016 that is no longer relevant.
- Remove subsection (5)(d) and its outdated language referring to June 1, 2015 that is no longer relevant.
- Update outdated reference in subsection (7) from “WAC 296-62-05413” to “WAC 296-901-14014.”

**WAC 296-62-14533 Cotton dust.**

- Remove subsection (10)(b) and its outdated language referring to June 1, 2016 that is no longer relevant. Also, remove letter (a) from subsection (10) for formatting purposes.

**WAC 296-62-20021 Communication of hazards.**

- Remove subsections (2)(e) and (f) and their outdated language referring to June 1, 2016 that is no longer relevant.
- Remove subsection (3)(b) and its outdated language referring to June 1, 2015 that is no longer relevant. Also, remove letter (a) from subsection (3) for formatting purposes.

**WAC 296-62-50055 Implementation plan.**

- Remove subsections (1)(a)-(c) and their outdated language referring to implementing a “written hazardous drugs control program” by January 1, 2014, “training” by July 1, 2014 and “installation of appropriate ventilated cabinets” by January 1, 2015.
- Remove subsection number (2) and replace subsection letters with numbers.

**Reasons supporting proposal:** When the agency updated its website, DOSH rules in HTML were broken and DOSH began forwarding rule users to the Office of the Code Reviser website, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules.

**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:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Chris Miller	Tumwater, WA	360-902-5516
Implementation:	Anne Soiza	Tumwater, WA	360-902-5090
Enforcement:	Anne Soiza	Tumwater, WA	360-902-5090

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

- Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**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:  
TTY:  
Email:  
Other:
- No: Please explain: According to RCW 34.05.328(5)(b)(iv), no cost benefit analysis is required for this rulemaking.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.  
Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** October 2, 2018

**Name:** Joel Sacks

**Title:** Director

**Signature:**

