



# PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: August 21, 2018

TIME: 10:11 AM

WSR 18-17-148

Agency: Department of Labor and Industries

Original Notice

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

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

Preproposal Statement of Inquiry was filed as WSR 16-18-086 ; 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) Chapter 296-305 WAC Safety Standards for Firefighters; Chapter 296-800 WAC Safety and Health Core Rules; Chapter 296-802 WAC Employee Medical and Exposure Records; Chapter 296-833 WAC Temporary Housing for Workers; Chapter 296-843 WAC Hazardous Waste Operations; Chapter 296-848 WAC Arsenic; Chapter 296-849 WAC Benzene; Chapter 296-855 WAC Ethylene Oxide; Chapter 296-856 WAC Formaldehyde - eRules Phase 6

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
October 2, 2018	9:00am	Department of Labor and Industries 7273 Linderson Way SW Tumwater, WA 98501	Room S130

**Date of intended adoption:** November 6, 2018 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Kevin Walder  
Address: PO Box 44620  
Olympia, WA 98504  
Email: wake235@lni.wa.gov  
Fax: (360) 902 - 4233  
Other: N/A  
By (date) October 9, 2018

**Assistance for persons with disabilities:**

Contact Kevin Walder  
Phone: (360) 902-6681  
Fax: (360) 902-4233  
TTY:  
Email: wake235@lni.wa.gov  
Other:  
By (date) September 21, 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 safety and health rules.
- Easy to access rules for smart phone and table 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.

- “Housekeeping” corrections such as correcting dead links and obsolete references.
- Applying “plain talk” principles such as changing passive language to active for better clarity.
- Definitions sections moved to the beginning of several chapters, requiring the repeal of old sections and creation of new sections.

**Reasons supporting proposal:**

When the agency updated its website, template 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?            | <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:

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

**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	(360) 902-5516
Implementation:	Anne Soiza	Tumwater	(360) 902-5090
Enforcement:	Anne Soiza	Tumwater	(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: Since the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect, they are exempted by RCW 34.05.328(5)(b)(iv) from the requirement for a cost benefit analysis.

**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:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations)         | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)             | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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:** August 21, 2018

**Name:** Joel Sacks

**Title:** Director

**Signature:**

