



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: June 30, 2020

TIME: 8:38 AM

WSR 20-14-084

Agency: Department of Labor & Industries

Title of rule and other identifying information: (describe subject) Occupational Exposure to Bloodborne Pathogens. WAC 296-823-13005 Make hepatitis B vaccination available to employees and WAC 296-823-16010 Test the blood of the source person.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to update a reference to align with RCW 70.24.017. The proposal also includes a housekeeping update as well as reformatting to reflect clear rule writing. No requirements are affected. Please see below for the amendments being proposed:

Amended Sections

WAC 296-823-13005 Make hepatitis B vaccination available to employees.

- Update subsection (3) as it is part of the requirements not the exception.

WAC 296-823-16010 Test the blood of the source person.

- Update note 1 due to RCW 70.24.017. Law now provides for orders for testing for any bloodborne pathogen.

Reasons supporting proposal: The updates align with RCW 70.24.017.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050.

Statute being implemented: RCW 70.24.017

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:

Name of proponent: (person or organization) Department of Labor & 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

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

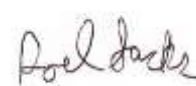
Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): No requirements are being changed during this rulemaking, only updating language to align with RCW 70.24.017, which fits within the parameters of RCW 34.05.353, Expedited Rulemaking

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 & Industries
Address: PO Box 44610 Olympia, WA 98504
Phone: 360-902-5516
Fax: 360-902-5619
Email: Christopher.Miller@Lni.wa.gov
Other:

AND RECEIVED BY (date) August 31, 2020

Date: June 30, 2020	Signature: 
Name: Joel Sacks	
Title: Director	