



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:

Chapter 296-842 WAC, Respirators

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: Joshua Swanson

Agency: Department of Labor and Industries

Address: P.O. Box 44001, Olympia WA 98504-4001

AND RECEIVED BY August 31, 2009

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

We are responding to a Federal Register notice that OSHA updated their respirators requirements for the controlled negative pressure REDON fit testing protocol. We are updating our rule to be identical to OSHA's rule.

This rule was also reformatted recently. During that process some helpful information (not including requirements) was inadvertently deleted, so we are putting it back in. In addition there are some minor typos and language changes to make this rule consistent with other DOSH rules.

The proposed language in Chapter 296-842 WAC will meet L&I's statutory mandate to be as effective as the Federal equivalent.

A previous expedited rule package was filed on March 31, 2009 for WSR 09-08-106. A stakeholder requested clarification of WAC 296-842-100 regarding when respirators are required, and that clarification is reflected in this new 105 filing package. Also, we added a clarifying exemption statement to WAC 296-842-16005 that training requirements do not apply when respirators are voluntarily used.

Reasons supporting proposal: By law, Labor and Industries' Division of Occupational Safety and Health is required to have laws at least as effective as OSHA.

Statutory authority for adoption: RCW 49.17.050

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|-----------------------------------------|----------------------------------------|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input 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:
29 CFR Subpart Z

DATE
June 30, 2009

NAME
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 30, 2009
TIME: 12:52 PM

WSR 09-14-107

Name of proponent:

Department of Labor and Industries Division of Occupational Safety and Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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Drafting.....Tracy Spencer	Tumwater	(360) 902-5530
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A