



STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES

Government Affairs and Policy Division • Office PO Box 44001 • Olympia, Washington 98504-4001

November 8, 2013

David Fleming, MD  
Director and Health Officer  
401 Fifth Avenue, Suite 1300  
Seattle, Washington 98104-1818

Dear Dr. Fleming:

On behalf of the Department of Labor and Industries (L&I), I am responding to your petition for rulemaking to Governor Jay Inslee, which was forwarded to L&I on September 10, 2013. In your petition, you have asked that Washington's occupational standards for lead be updated. We share the concerns you have expressed. However, we believe that it is premature for us to engage in rulemaking at this time. As a result, we are respectfully denying your petition.

As you may know, our current worker safety lead rules cover all industries. These rules require employers to comprehensively manage and prevent worker exposure to lead in the workplace. We understand that failure to comply with the workplace requirements can also have a serious public health impact beyond the workplace with "take home lead exposures" to the workers and their families. The serious impact of an employers' failure to comply with the existing rules was illustrated in the 2012 incident that you refer to in your petition. We inspected multiple companies directly involved in the remodeling project and found that some employers failed to implement major preventative requirements of our current rules.

We are aware of and are monitoring California's potential attempt to revise its occupational lead standards. Our understanding is that the work is in the initial stages of evaluating scientific evidence, feasibility, and advisory committee input. We will continue to monitor Cal/OSHA's efforts to revise its general industry and construction lead standards.

We have a mutual interest in protecting the health and safety of all workers in Washington state. While we are denying your petition for rulemaking at this time, we want to assure you that we are very concerned about worker exposure to lead levels and the subsequent public health concerns that can happen when employers do not follow the occupational lead rules. We want to work with health experts such as you to explore appropriate, necessary and feasible changes to the standards based on the best available scientific evidence. Specific rule change recommendations would be helpful based on your organization's health professionals' scientific opinions. To that end, we will be seeking your input on how to best partner together.

You have the right to appeal this decision. Under [RCW 34.05.330](#), you may appeal to the Governor within 30 days of this letter. You may also seek judicial review under [RCW 34.05.570\(4\)\(c\)](#) by petitioning to the Thurston County Superior Court.

If you have additional questions or concerns about our lead rules, please contact Cheryl Christian at (360) 902-5732 or [Cheryl.Christian@lni.wa.gov](mailto:Cheryl.Christian@lni.wa.gov).

Sincerely,



Suchi Sharma  
Counsel for Executive Policy and Rules Coordinator

cc: Joel Sacks, Director  
Anne Soiza, Assistant Director for Division of Occupational Safety and Health  
Dave Puente, Deputy Assistant Director for Division of Occupational Safety and Health  
Alan Lundeen, Sr. Program Manager, DOSH Standards, Technical and Laboratory Services