

January 11, 2018

Ms. Ann Soiza
Assistant Director
Division of Occupational Safety and Health
Washington State Department of Labor & Industries
PO Box 44000
Olympia, WA 98504-4000

Dept. of Labor & Industries
DOSH Discrimination, Audit, & Appeals
Received

JAN 15 2019

RE: Washington State Rulemaking Related to Occupational Lead Exposure

Dear Ms. Soiza:

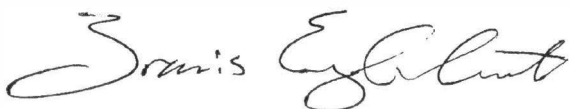
We are writing on behalf of Puget Sound Energy (PSE) to express our concerns over the Washington Department of Labor and Industries, Division of Occupational Safety and Health's (DOSH) draft rule for occupational lead exposure. We believe the rule provides very limited additional protection to workers while creating unnecessary burden for employers. This is especially true for PSE since our employees encounter lead in only very limited circumstances. PSE shares DOSH's goal of protecting worker safety and health, but we believe this can be achieved without many of the provisions included in the rule. Below are a few examples of provisions we believe are burdensome and not beneficial in protecting workers:

- **WAC 296-857-10010(2)(d), Material content criteria:** We believe the aerosol action level of 100 ppm is unduly burdensome as it would likely trigger monitoring and blood lead testing requirements for workers performing any welding operation.
- **WAC 296-857-40020, Monitoring of worker exposure over time:** We believe the requirement to repeatedly perform exposure monitoring, even when materials or processes used have not changed, is excessive and provides no benefit to workers.
- **WAC 296-857-60010, Monitoring worker blood lead levels:** We believe the requirement to perform verification blood lead testing for workers not exposed at or above any lead action level is excessive and provides no benefit to workers.
- **WAC 296-857-90030, Clean areas:** We believe the requirement to perform initial and repeat sampling and surveying in areas where no lead work is performed and no exposure is expected is excessive and provides no benefit to workers.

In addition to providing little additional protection for workers, we believe the proposed rule will create an excessive financial burden for Washington employers. This will be demonstrated by thorough cost-benefit and financial impact analyses. At a minimum, we believe a phased-in adoption will be necessary for employers to absorb the significant administrative and financial burden of compliance.

Finally, we urge DOSH to ensure this complex rulemaking effort is supported by appropriate scientific data. An effort is currently underway at the Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health to evaluate the current data on lead and develop updated worker safety recommendations. We strongly encourage DOSH to allow this work to conclude before proceeding so that any proposed rule is well supported scientifically.

Thank you for your consideration.



Travis Englehart, CSP
Manager Corporate Safety
Puget Sound Energy