

WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

3060 Willamette Drive NE Lacey, WA 98516 ~ Phone: (360) 486-2380 ~ Fax: (360) 486-2381 ~ Website: www.waspc.org

Serving the Law Enforcement Community and the Citizens of Washington

September 26, 2017



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

RE: Proposed First Draft Rules on Lead

Dear Ms. Soiza:

I would first like to thank you and your staff for inviting and allowing our association to be part of your stakeholder process. We have found this process to be inclusive and informational, and your staff has been exceptional to go out of their way to help us understand the new proposed rules and their impact on law enforcement agencies.

We take a keen interest in rulemaking regarding lead exposure in the workplace for a number of reasons, not the least of which is that we want to make sure that the law enforcement officers employed by our members are kept as safe as is reasonably possible. Law enforcement is an inherently dangerous job. It is important to us, however, that we only expose our officers to those dangers that are necessary and cannot be reasonably avoided.

Sheriffs and Police Chiefs employ law enforcement officers, each of whom are required to carry firearms while on duty. Each of those officers are periodically required to qualify with their firearm, and all are encouraged to regularly practice firearms skills. Some law enforcement agencies own and manage their own gun range, and others send their officers to publicly owned facilities, commercial gun ranges, and even some gun clubs that may not have employees.

In addition to ensuring that officers are not unreasonably exposed to lead while firing their weapon at a gun range, law enforcement agencies have a responsibility to ensure that the training performed by their officers is as close to 'real world' as reasonably possible.

As we read and understand the first draft proposed rules, we do have some concerns that we would request L&I to work with us in an attempt to refine the proposed rules to better reflect the realities of law enforcement while still ensuring our officers are not unreasonably exposed to lead:

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Ms. Ann Soiza
September 26, 2017
Page 2

1. If our understanding is correct, under the new proposed rules, there is no activity that an employee could perform in a gun range that would not trigger an additional responsibility on the employer.
2. This, combined with the lack of a sufficient mechanism (both in the current and the proposed new rules) for an employer to rebut the presumption that an employee's exposure to lead was the result of workplace activities, creates a new, additional, responsibility to law enforcement agencies regarding lead exposure.

Furthermore, we are interested in learning more about the scientific research that your office used to establish the Presumed Exposure Levels for gun range tasks in the first draft rules. At your earliest convenience, please provide us with a copy of (or a web link to) the research that your office used to establish its Presumed Exposure Levels for gun range tasks as presented in the first draft rules, using the contact information provided below.

We appreciate you considering our feedback and hope that you and your staff are willing to meet with us to address our concerns and craft new language for future draft rules that help relieve our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Barker". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mitch Barker
Executive Director

MB:dg