



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 23, 2022

TIME: 9:10 AM

WSR 22-17-124

**Agency:** Department of Labor & Industries (L&I)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) September 26, 2022 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** L&I conducted rulemaking to clarify language and correct errors in chapter 296-307 WAC, Safety standards for agriculture, Part I, Worker Protection Standard, to better align the standard with the Washington State Department of Agriculture (WSDA) Worker Protection Standard found at chapter 16-233 WAC; and, to comply with, and, be at least as effective as, U.S. Environmental Protection Agency (EPA) regulations found in 40 CFR Part 170, as required by chapter 49.17 RCW, The Washington Industrial Safety and Health Act [RCW 49.17.280(2)(b)].

L&I collaborated with the WSDA on this rulemaking to ensure chapter 296-307 WAC, Safety standards for agriculture, Part I, Worker Protection Standard, aligns with chapter 16-233 WAC, Worker Protection Standard, as statutorily required for these pesticide protection rules. WSDA will incorporate the same amendments within chapter 16-233 WAC, Worker Protection Standard.

**Amended Sections**

**WAC 296-307-10805**

- Changed “Worker Protection Standards” to “Worker Protection Standard” to align with EPA regulations at 40 CFR 170.

**WAC 296-307-10825**

- **Subsection (6)(b)** - Updated to require information be provided to the treating medical personnel, and, maintained the option to give the information to the worker or handler, if requested. Adopted amendments are to align with WSDA Worker Protection Standard and EPA regulations at 40 CFR 170.309(f)(2), which require the information be provided to the treating medical personnel.
- Updated formatting of numbers throughout the section.

**WAC 296-307-10830**

- **Subsection (1)(d)(ii)** - Updated requirements related to decontamination supplies to require quantities to meet the requirements of 11 or more workers or handlers. Adopted amendments are to align with WSDA Worker Protection Standard and EPA requirements at 40 CFR 170.311(a)(5)(ii).
- Updated formatting of numbers throughout the section.

**WAC 296-307-10905**

- **Subsection (3)(d)(ii)** - Updated requirements for trainers of workers to require completion of an EPA-approved pesticide safety train-the-trainer program for trainers of workers to align with WSDA Worker Protection Standard and EPA requirements at 40 CFR 170.401(c)(4)(ii).
- Updated formatting of numbers throughout the section.

**WAC 296-307-11205**

- **Subsection (3)(d)(ii)** - Updated requirements for trainers of handlers to require completion of an EPA-approved pesticide safety train-the-trainer program for trainers of handlers to align with WSDA Worker Protection Standard and EPA requirements at 40 CFR 170.501(c)(4)(ii).
- Updated formatting of numbers throughout the section.

**WAC 296-307-11220**

- **Subsection (2)(e)(iii)** - Moved “Table 3 Chemical Resistance Category Selection Chart for Gloves” from sub-section (2)(i) to subsection (2)(e)(iii) as subsection (2)(e) details selection of gloves.
- **Subsection (2)(e)(iii)** - Added “Table 4 Solvent List” after Table 3. Table 3 currently refers to Table 4. Table 4 previously not included, in error. Both Table 3 and Table 4 from “EPA Label Review Manual, Chapter 10: Worker Protection Labeling.”
- **Subsection (4)(f)** - Updated language to provide clarification of requirements. Adopted amendments provide clarification and further align with WSDA Worker Protection Standard found at chapter 16-233 WAC.
- Updated formatting of numbers throughout the section.

**WAC 296-307-11225**

- **Subsection (4)** - Changed references of “eyeflushing” or “eye-flushing” to “eye flushing.” Changed to use two words throughout, without hyphenating, for consistency.
- Updated formatting of numbers throughout the section.

**WAC 296-307-11415**

- **Subsection (2)(h)** - Removed reference to WAC 296-307-10835(1) to align with WSDA Worker Protection Standard found at WAC 16-233-311(2)(h) and EPA requirements at 40 CFR 170.605(b)(8). The reference to WAC 296-307-10835(1) is not applicable.
- Updated formatting of numbers throughout the section.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 296-307-10805, 296-307-10825, 296-307-10830, 296-307-10905, 296-307-11205, 296-307-11220, 296-307-11225, 296-307-11415

Suspended:

**Statutory authority for adoption:** RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060, RCW 49.17.280, RCW 49.17.285

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 22-12-078 on May 31, 2022 (date).

Describe any changes other than editing from proposed to adopted version: There were no changes to the proposed language; the language is adopted as proposed.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

|                                  |     |     |         |     |          |     |
|----------------------------------|-----|-----|---------|-----|----------|-----|
| Federal statute:                 | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards:      | New | ___ | Amended | 7   | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**


New \_\_\_\_ Amended 8 Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended 8 Repealed \_\_\_\_

**The number of sections adopted using:**

|                                |     |      |         |          |          |      |
|--------------------------------|-----|------|---------|----------|----------|------|
| Negotiated rule making:        | New | ____ | Amended | ____     | Repealed | ____ |
| Pilot rule making:             | New | ____ | Amended | ____     | Repealed | ____ |
| Other alternative rule making: | New | ____ | Amended | <u>8</u> | Repealed | ____ |

|                                      |  |
|--------------------------------------|--|
| <b>Date Adopted:</b> August 23, 2022 | <b>Signature:</b><br> |
| <b>Name:</b> Joel Sacks              |  |
| <b>Title:</b> Director               |  |