
Labor & Workforce Development Committee

ESSB 5594

Brief Description: Regulating the handling of hazardous drugs.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Keiser, Prentice, Conway, Kline and Murray).

<p style="text-align: center;">Brief Summary of Engrossed Substitute Bill</p> <ul style="list-style-type: none">• Requires the director of the Department of Labor and Industries to adopt rules for handling certain hazardous drugs in health care facilities.

Hearing Date: 3/9/11

Staff: Jill Reinmuth (786-7134).

Background:

The federal Occupational Safety and Health Act established the national occupational safety and health program. The federal law created both the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA). The NIOSH conducts research and provides information, education, and training related to occupational safety and health. The OSHA develops and enforces various occupational safety and health standards. However, the federal law also permits a state to develop and operate its own program, subject to approval by the federal agency. A state plan must set occupational safety and health standards that are "at least as effective as" comparable federal standards. A state plan may set standards covering hazards not addressed by federal standards.

The Washington Industrial Safety and Health Act (WISHA) established the state's industrial safety and health program. The state law directs the Department of Labor and Industries (L&I) to adopt rules governing safety and health standards that require the adoption of practices or processes reasonably necessary or appropriate to provide safe or healthful employment. There

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are general standards that apply to most industries, as well as specific standards that apply only to specific industries. Washington's standards have been found to be "at least as effective as" federal standards. As a result, Washington is a "state plan state" under federal law and L&I is responsible for administering and enforcing state standards.

The NIOSH issued an alert entitled "Preventing Occupational Exposure to Antineoplastic and Other Hazardous Drugs" in 2004 and an update in 2010. The alert contains a warning that "working with or near hazardous drugs in health care settings may cause skin rashes, infertility, miscarriage, birth defects, and possibly leukemia or other cancers." The alert states that health care workers who work with or near hazardous drugs may be exposed to these agents in various ways, contains a list of hazardous drugs, and includes recommendations for protecting health care workers from hazardous drugs.

Neither OSHA nor L&I has adopted specific standards for the control of hazardous drugs. Instead, these agencies have relied on general standards for the control of recognized hazards, the use of personal protective equipment, and hazard communication.

Summary of Bill:

The Legislature declares that health care personnel who work with or near hazardous drugs in health care settings may be exposed to these agents. The Legislature intends to require health care facilities to follow rules requiring compliance with a National Institute for Occupational Safety and Health (NIOSH) alert on preventing occupational exposures to antineoplastic and other hazardous drugs in health care settings.

An antineoplastic drug is a chemotherapeutic agent that controls or kills cancer cells. A hazardous drug is any drug identified by NIOSH, as well as any drug that meets certain criteria (e.g., one that causes cancer, developmental or reproductive toxicity, or harm to organs).

The Director of the Department of Labor and Industries must adopt rules for handling antineoplastic and other hazardous drugs in health care facilities. The rulemaking must consider input from hospitals, organizations representing health care personnel, and other stakeholders. It also must consider reasonable time for facilities to implement new requirements. The rules must be consistent with and not exceed provisions adopted by the NIOSH alert. The rules may incorporate updates and changes to the NIOSH guidelines. The rules will be enforced as provided in the Washington Industrial Safety and Health Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.