

**WAC 296-62-07371 Medical surveillance.** (1) General.

(a) Employees covered.

(i) The employer must institute a medical surveillance program for all employees who are or may be exposed to EtO at or above the action level, without regard to the use of respirators, for at least thirty days a year.

(ii) The employer must make available medical examinations and consultations to all employees who have been exposed to EtO in an emergency situation.

(b) Examination by a physician. The employer must ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(2) Medical examinations and consultations.

(a) Frequency. The employer must make available medical examinations and consultations to each employee covered under subsection (1)(a) of this section on the following schedules:

(i) Prior to assignment of the employee to an area where exposure may be at or above the action level for at least thirty days a year.

(ii) At least annually each employee exposed at or above the action level for at least thirty days in the past year.

(iii) At termination of employment or reassignment to an area where exposure to EtO is not at or above the action level for at least thirty days a year.

(iv) As medically appropriate for any employee exposed during an emergency.

(v) As soon as possible, upon notification by an employee either (A) that the employee has developed signs or symptoms indicating possible overexposure to EtO, or (B) that the employee desires medical advice concerning the effects of current or past exposure to EtO on the employee's ability to produce a healthy child.

(vi) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer must provide such examinations to affected employees at the frequencies recommended by the physician.

(b) Content.

(i) Medical examinations made available pursuant to (a)(i) through (iv) of this subsection must include:

(A) A medical and work history with special emphasis directed to symptoms related to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(B) A physical examination with particular emphasis given to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(C) A complete blood count to include at least a white cell count (including differential cell count), red cell count, hematocrit, and hemoglobin.

(D) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

(ii) The content of medical examinations or consultation made available pursuant to (a)(i)(v) of this subsection shall be determined by the examining physician, and shall include pregnancy testing or laboratory evaluation of fertility, if requested by the employee and deemed appropriate by the physician.

(3) Information provided to the physician. The employer must provide the following information to the examining physician:

(a) A copy of WAC 296-62-07355 through 296-62-07389.

(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(4) Physician's written opinion.

(a) The employer must obtain a written opinion from the examining physician. This written opinion must contain the results of the medical examination and must include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to EtO;

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators; and

(iii) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from EtO exposure that require further explanation or treatment.

(b) The employer must instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to EtO.

(c) The employer must provide a copy of the physician's written opinion to the affected employee within fifteen days from its receipt.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 19-01-094, § 296-62-07371, filed 12/18/18, effective 1/18/19. Statutory Authority: Chapter 49.17 RCW. WSR 87-24-051 (Order 87-24), § 296-62-07371, filed 11/30/87.]