

WSR 06-23-013
WITHDRAWAL OF
EXPEDITED RULE MAKING
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 3, 2006, 11:58 a.m.]

On October 4, 2006, WSR 06-20-129 was filed with your office. We would like to withdraw the abovementioned WSR due to the filing of another CR-105 pertaining to chapter 392-107 WAC.

If you have any questions, please call Penny Coker at (360) 725-6133.

Penny Coker
 Administrative Resources

WSR 06-23-046
EXPEDITED RULES
DEPARTMENT OF TRANSPORTATION

[Filed November 7, 2006, 4:26 p.m.]

Title of Rule and Other Identifying Information: WAC 468-100-403 (1)(f), deductions from relocation payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gerald L. Gallinger, Director, Real Estate Services, Washington State Department of Transportation, P.O. Box 47338, Olympia, WA 98504-7338, AND RECEIVED BY January 22, 2006 [2007].

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Title 49 C.F.R. Part 24, implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (the Uniform Act). The Uniform Act applies to all acquisitions of real property or displacements of persons resulting from federal or federally-assisted programs or projects and affects eighteen federal agencies. The Uniform Act was enacted to provide fair, equitable and consistent treatment without disproportionate injury for persons being displaced as a result of a federal or federally-funded projects. The federal regulations adopted changes in February 2005. The changes clarify present requirements, meet modern needs and improve the service to individuals and businesses affected by federal or federally-assisted projects while at the same time saving time reducing the burdens of government regulations.

The purpose of these changes is to amend WAC 468-100-403 (1)(f) to reflect regulatory changes made by the Federal Highway Administration (FHWA) to the federal regula-

tions in 49 C.F.R. Part 24 Section 24 that became effective on February 3, 2005.

Reasons Supporting Proposal: To be in compliance with federal regulations.

Statutory Authority for Adoption: Chapter 8.26 RCW.

Statute Being Implemented: WAC 468-100-403 (1)(f).

Rule is necessary because of federal law, the existing rules changed by Docket No. FHWA-2003-14747 - issued on January 4, 2005, and effective on February 3, 2005.

Name of Proponent: Washington state department of transportation, governmental.

Name of Agency Personnel Responsible for Drafting: Dianna Ayers, P.O. Box 47338, Olympia, WA 98504-7338, (360) 705-7329; Implementation and Enforcement: Gerald Gallinger, P.O. Box 47338, Olympia, WA 98504-7338, (360) 705-7305.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The Washington state department of transportation, based on authority granted in RCW 34.05.350, is using the expedited process to make necessary changes to WAC 468-100-403 (1)(f) to comply with changes made to 49 C.F.R. Part 24, Section 24 which became effective on February 3, 2005.

The Washington state department of transportation must comply with the federal regulations as supported in 49 C.F.R. Part 24, Section 24. This change was overlooked in our original November 2005 request.

November 1, 2006

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

AMENDATORY SECTION (Amending WSR 06-02-068, filed 1/3/06, effective 2/3/06)

WAC 468-100-403 Additional rules governing replacement housing payments. (1) **Determining cost of comparable replacement dwelling:** The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined in WAC 468-100-002(6)).

(a) **Three-comparable method:** If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling.

(b) **Major exterior attribute:** If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (e.g., the site is significantly smaller or does not contain a swimming pool or outbuildings), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

(c) **Remainder offer:** If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a remnant of the displacement dwelling site or a buildable residential lot, the agency may offer to purchase the entire property. If such an offer is made and the owner refuses to sell the remainder

to the agency, the value attributable to that remainder, shall be added to the acquisition price paid for the displacement dwelling for purposes of computing the price differential.

(d) **Location:** To the extent feasible, comparable replacement dwellings shall be selected preferably from the neighborhood in which the displacement dwelling was located or, if not otherwise feasible, from nearby or similar neighborhoods where housing costs are generally the same as in the displacement neighborhood. Where that is not possible dwellings may be selected from neighborhoods where housing costs are the same or higher.

(e) **Multiple occupants of one displacement dwelling:** If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

(f) **Deductions from relocation payments:** An agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. ~~((Similarly, where such a deduction would not prevent the displaced person from obtaining a comparable replacement dwelling as required by WAC 468-100-204, an agency may deduct from relocation payments any rent that the displaced person owes the agency.))~~ The agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

(g) **Mixed-use and multifamily properties:** If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a tract larger than a site that is typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential.

(h) **Insurance proceeds:** To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (Also see WAC 468-100-003.)

(2) **Inspection of replacement dwelling:** Before making a replacement housing payment or releasing a payment from escrow, the agency or its designated representative shall inspect the replacement dwelling and determine whether it is a DSS dwelling as defined in WAC 468-100-002(8).

(3) **Purchase of replacement dwelling:** A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

- (a) Purchases a dwelling; or
- (b) Purchases and rehabilitates a substandard dwelling;

or

(c) Relocates a dwelling which the person owns or purchases; or

(d) Constructs a dwelling on a site the person owns or purchases; or

(e) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or

(f) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

(4) **Occupancy requirements for displacement or replacement dwelling:** No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this chapter for a reason beyond the person's control, including:

(a) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the funding agency; or

(b) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the agency.

(5) **Conversion of payment:** A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under WAC 468-100-402(2) is eligible to receive a payment under WAC 468-100-401 or 468-100-402(3) if the person meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under WAC 468-100-401 or 468-100-402(3).

(6) **Payment after death:** A replacement housing payment is personal to the displaced person and upon the person's death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

(a) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.

(b) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a DSS replacement dwelling.

(c) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

WSR 06-23-068

EXPEDITED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 9, 2006, 11:39 a.m.]

Title of Rule and Other Identifying Information: WAC 392-107-201 Election of educational service district board members.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Martin T. Mueller, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY January 22, 2006 [2007].

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made to make the WAC and RCW consistent.

Statutory Authority for Adoption: RCW 28A.310.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Endorsement: Martin T. Mueller, Office of Superintendent of Public Instruction, (360) 725-6175.

Marty Daybell
Deputy Superintendent

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

WAC 392-107-201 Election of educational service district board members. (1) The procedures governing the election of members to the boards of directors of educational service districts are set forth under RCW 18A.310.080 through 28A.310.110 and WAC (~~180-22-205 through 180-22-225~~) 392-107-205 through 392-107-225.

(2) Elections for members of boards of educational service districts shall be conducted biennially in (~~odd-numbered~~) even-numbered years.

WSR 06-23-085
WITHDRAWAL OF
EXPEDITED RULEMAKING
DEPARTMENT OF LICENSING
(By the Code Reviser's Office)
[Filed November 14, 2006, 8:00 a.m.]

WAC 308-93-087 and 308-93-088, proposed by the department of licensing in WSR 06-10-015 appearing in issue 06-10 of the State Register, which was distributed on May 17, 2006, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 06-23-125
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 21, 2006, 11:23 a.m.]

Title of Rule and Other Identifying Information: Chapter 296-19A WAC, Vocational rehabilitation.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY January 23, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to repeal WAC 296-19A-280, 296-19A-290, and 296-19A-300. There are no anticipated effects.

Reasons Supporting Proposal: The proposed rule making will repeal rules that are no longer used by the department.

Statutory Authority for Adoption: RCW 51.04.010.

Statute Being Implemented: RCW 51.32.095.

Rule is necessary because of state court decision, *Career Counseling, et al., vs. Washington State Department of Labor and Industries*.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Cheri Ward, Tumwater, Washington, (360) 902-4581; Implementation and Enforcement: Bob Malooly, Tumwater, Washington, (360) 902-4209.

November 21, 2006
Judy Schurke
Acting Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-19A-280	What criteria does the department use to evaluate a vocational rehabilitation provider's performance?
WAC 296-19A-290	How does the department incorporate performance measurement into making referrals to providers?
WAC 296-19A-300	How does the department evaluate performance when a

vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?

WSR 06-23-126
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 21, 2006, 11:27 a.m.]

Title of Rule and Other Identifying Information: Benzene and arsenic appendices update.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Josh Swanson, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY January 22, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule making is to rewrite the arsenic and benzene appendices from chapter 296-62 WAC into plain language and move them into their appropriate chapters.

Reasons Supporting Proposal: These changes are being made to provide consistency with the recently adopted rules: Chapter 296-848 WAC, Arsenic and chapter 296-849 WAC, Benzene.

This change will prevent confusion about the location of these appendices.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Stephen M. Cant, Tumwater, (360) 902-5495.

November 21, 2006

Judy Schurke
Acting Director

AMENDATORY SECTION (Amending WSR 05-01-173, filed 12/21/04, effective 5/1/05)

WAC 296-848-30005 Training.

You must:

- Train employees:
 - Who are exposed above the action level (AL) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air;

OR

- Who could experience eye or skin irritation from exposure.

- Provide training:

- At the time of initial assignment;

AND

- At least every twelve months after initial training.

- Make sure training and information includes all of the following:

- A review of ~~((this chapter))~~ WAC 296-848-100 through 296-848-40045, and 296-848-500.

~~((The information found in another chapter:~~

- ~~Go to the General occupational health standards, chapter 296-62 WAC;~~

~~**AND**~~

- ~~Find Appendix A Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).))~~ – The following health information about inorganic arsenic:

- Inorganic arsenic is a poison and can affect your body if it's swallowed or inhaled.

- Exposure to airborne concentrations of inorganic arsenic may cause lung cancer and can be a skin irritant.

- Arsenic trichloride can be absorbed readily through your skin and is especially dangerous.

- Wash hands thoroughly before eating or smoking to help minimize your risk for swallowing inorganic arsenic.

- The purpose for medical evaluations and a description of how you are fulfilling the medical evaluation requirements of this chapter found in Medical evaluations, WAC 296-848-30030.

- Make a copy of ~~((each of the following))~~ this chapter readily available to all employees required to be trained under this section(:

~~– This chapter;~~

~~**AND**~~

~~– These appendices found in another chapter, the General occupational health standards, chapter 296-62 WAC:~~

- ~~Appendix A Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).~~

- ~~Appendix B Substance Technical Guidelines, WAC 296-62-07354(2).~~

- ~~Appendix C Medical Surveillance Guidelines, WAC 296-62-07354(3)).~~

Reference: • To see additional training and information requirements in other chapters, go to the:

– Respirators rule, chapter 296-842 WAC.

– Safety and health core rules, chapter 296-800 WAC, and find the section titled, Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030.

• When following these requirements, include specific information about potential exposures to inorganic arsenic, such as the types of operations, locations, quantities, exposure sources, exposure controls, inorganic arsenic use, and storage.

AMENDATORY SECTION (Amending WSR 05-01-173, filed 12/21/04, effective 5/1/05)

WAC 296-848-30030 Medical evaluations.

IMPORTANT:

• Medical evaluations conducted under this section will satisfy the medical evaluation requirement found in another chapter, Respirators, chapter 296-842 WAC.

You must:

• Make medical evaluations available to current employees who have been, are, or will be exposed to inorganic arsenic concentrations above the AL:

– At least thirty days in any twelve-month period;

OR

– A total of ten years or more of combined employment with you or previous employers with at least thirty days of exposure per year.

• Make medical evaluations available at no cost to employees.

– Pay all costs, including travel costs and wages associated with any time spent outside of the employee's normal work hours.

• Make medical evaluations available at reasonable times and places.

• Make medical evaluations available by completing Steps 1 through 6 of the Medical Evaluation Process for each employee covered.

- Note:**
- Employees who wear respirators need to be medically evaluated to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators. Employees who decline to receive medical examination and testing to monitor for health effects caused by inorganic arsenic are not excluded from receiving a separate medical evaluation for a respirator use.
 - If employers discourage participation in medical monitoring for health effects caused by inorganic arsenic, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceeding, or testifying prohibited—Procedure—Remedy.

Helpful tool:

Declination form for nonemergency related medical evaluations.

You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to inorganic arsenic. To see this form, go to the Resources section within this chapter.

Medical Evaluation Process

Step 1: Identify employees who qualify, as stated above, for medical evaluations.

Step 2a: Make medical evaluations available for employees identified in Step 1 at the following times:

• Initially, when employees are assigned to work in an area where exposure monitoring results are, or will likely be, above the action level for at least thirty days in a twelve-month period.

• Periodically as specified in Table 3.

• When employment with exposure ends, if the employee has not had an evaluation within the six-month period before exposure ends. Include in these evaluations the same content as specified in Table 4 for initial evaluations, excluding a chest X ray.

**Table 3
Frequencies for Periodic Medical Evaluations**

For:	Provide periodic medical evaluations every:
Employees less than forty-five years old with less than ten years of exposure above the AL	Twelve months;
Employees forty-five or older; AND Employees with more than ten years of exposure above the AL	Six months; AND Twelve months to obtain a fourteen by seventeen-inch posterior-anterior chest X ray for monitoring purposes, unless the LHCP has determined a different frequency for periodic X rays.

Step 2b: Provide appropriate medical examination and emergency treatment when an employee identified in Step 1 develops signs or symptoms commonly associated with inorganic arsenic exposure.

Step 3: Select a licensed health care professional (LHCP) who will conduct or supervise examinations and procedures.

Step 4: Make sure the LHCP receives all of the following before the medical evaluation is performed:

- A copy of((= -)) this chapter((= -))

AND

—The following information found in the General occupational health standards, chapter 296-62 WAC:

■ ~~Appendix A Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).~~

■ ~~Appendix B Substance Technical Guidelines, WAC 296-62-07354(2).~~

■ ~~Appendix C Medical Surveillance Guidelines, WAC 296-62-07354(3)).~~

• A description of the duties of the employee being evaluated and how these duties relate to inorganic arsenic exposure.

• The anticipated or representative exposure monitoring results for the employee being evaluated.

• A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.

• Information from previous employment-related examinations when this information is not available to the examining LHCP.

• Instructions that the written opinions the LHCP provides you be limited to the following information:

- Results from examinations and tests.
- The LHCP's opinion about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to inorganic arsenic.
- Any recommended limitations for:

■ Inorganic arsenic exposure;

AND

- Use of respirators or other PPE.

– A statement that the employee has been informed of medical results and medical conditions caused by inorganic arsenic exposure requiring further examination or treatment.

Step 5: Make the medical evaluation available to the employee. Make sure it includes the content listed in Table 4, Content of Medical Evaluations.

Step 6: Obtain the LHCP's written opinion for the employee's medical evaluation and give a copy to the employee.

- Make sure the written opinion is limited to the information specified for written opinions in Step 4.

Note: If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

Table 4
Content of Medical Evaluations

When conducting:	Include:
An initial evaluation	<ul style="list-style-type: none"> • A work history and medical history including: <ul style="list-style-type: none"> – Smoking history. – The presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing. • A physical examination that includes: <ul style="list-style-type: none"> – A fourteen by seventeen-inch posterior-anterior chest X ray and the International Labor Office UICC/Cincinnati (ILO U/C) rating. – A nasal and skin examination. • Additional examinations the licensed healthcare professional (LHCP) believes appropriate based on the employee's exposure to inorganic arsenic or respirator use.
Periodic evaluations for employees less than forty-five years old with less than ten years of exposure above the action level (AL)	<ul style="list-style-type: none"> • The same content as specified for initial evaluations repeated every twelve months.
Periodic evaluations for employees: • Forty-five or older;	<ul style="list-style-type: none"> • The following content repeated every six months: <ul style="list-style-type: none"> – A work history and medical history including: <ul style="list-style-type: none"> ■ Smoking history.
OR	

Table 4
Content of Medical Evaluations

When conducting:	Include:
<ul style="list-style-type: none"> • With more than ten years of exposure above the AL 	<ul style="list-style-type: none"> ■ The presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing. <ul style="list-style-type: none"> – A physical examination that includes a nasal and skin examination. – Additional examinations the LHCP believes appropriate based on the employee's exposure to inorganic arsenic or respirator use. • A physical examination, repeated every twelve months, that obtains a fourteen by seventeen-inch posterior-anterior chest X ray and the International Labor Office UICC/Cincinnati (ILO U/C) rating.

NEW SECTION

WAC 296-848-50010 Essential information.

Your responsibility:

To make sure employees and licensed health care professionals (LHCPs) receive this information about inorganic arsenic.

NEW SECTION

WAC 296-848-50020 Health information about inorganic arsenic.

- Make this section readily available to employees as required in Training, WAC 296-848-30005.

- Provide this section to the licensed health care professional (LHCP) as required in Step 4 of the medical evaluation process found in Medical evaluations, WAC 296-848-30030.

Table 5
General Health Information About Inorganic Arsenic

What is inorganic arsenic?
<p>In this chapter, "inorganic arsenic" means:</p> <ul style="list-style-type: none"> – The element arsenic; – Arsenic-containing compounds that don't contain the element carbon; – Copper aceto-arsenite. <p>Arsine is a gaseous inorganic arsenic compound not addressed by requirements in this chapter. It's addressed in a separate chapter, Respiratory hazards, chapter 296-841 WAC.</p>
How does inorganic arsenic get into my body?
<p>Inorganic arsenic enters your body when you:</p>

Table 5

General Health Information About Inorganic Arsenic

- Breath in (**inhale**) airborne particles such as dusts, fume, sprays, or other aerosols that contain inorganic arsenic. You will also inhale inorganic arsenic particles when you smoke tobacco products that have become contaminated from contact with inorganic arsenic at work. Some compounds, including arsenic trichloride, can be inhaled as a vapor;
- Swallow (**ingest**) food, drink, cosmetics such as lip balm, sweat and other substances that become contaminated from contact with inorganic arsenic at work.

Inorganic arsenic particles brought home on your clothes, shoes, or body can be inhaled or ingested by household members.

Some inorganic arsenic compounds enter your body when **eye or skin contact** occurs. Arsenic trichloride is one example of a compound that is readily **absorbed** through the eyes and skin.

What happens after inorganic arsenic enters my body?

Once inorganic arsenic enters your body, some of it is changed into a less harmful organic form by the liver. Both the organic and inorganic forms leave your body in urine.

Most of the arsenic will be gone within several days, although some will remain in your body for several months and even longer.

Why is medical monitoring necessary?

Although exposure to inorganic arsenic is associated with various health effects, the most serious health effects are **lung and skin cancer**. The medical monitoring requirements in this chapter are established to minimize your risk for these diseases.

To learn more about the medical monitoring process, see Medical evaluation, WAC 296-848-30030.

What health effects and symptoms are linked with exposure to inorganic arsenic?

Exposure to inorganic arsenic is associated with various health effects ranging from **temporary local** effects such as skin irritation to **lasting systematic** effects due to gradual (chronic) or sudden (acute) poisoning. Such effects should not occur if the requirements in this chapter are followed.

Skin Health Effects:

Arsenic trioxide, arsenic trichloride, and other trivalent compounds can cause **skin irritation** from direct contact.

- The following moist mucous membranes are most sensitive to irritation:
 - Eye and inner eyelid (conjunctiva);
 - Linings inside the nose, mouth, and respiratory system.

Table 5

General Health Information About Inorganic Arsenic

- Other sites most vulnerable irritation also include:
 - Eyelids;
 - Angles (the space between 2 planes) of the ears, nose, and mouth;
 - Moist and macerated (softened by moisture) areas of skin;
 - Wrists;
 - Genitalia, if personal hygiene is poor.

Inorganic arsenic is also capable of causing keratoses (**small corns or warts**), especially on palms and soles.

Trivalent arsenic compounds are **corrosive** to skin:

- Brief contact won't cause irritation, but prolonged contact causes localized engorgement (hyperemia) which later forms vesicular (blister-like) or pustular (pimple-like) eruptions.
- Exposure can create perforations (holes) in the nasal septum (the tissue dividing the nasal cavity in half).

Arsenic trioxide and arsenic pentoxide exposure have been linked to **skin sensitization** (acquired sensitivity or allergy) **and contact dermatitis** (inflammation due to allergic or irritant reaction).

Acute Poisoning Effects:

Acute poisoning is usually linked to ingestion, not inhalation, of inorganic arsenic. Cases of acute poisoning **rarely** occur in occupational settings and inhalation-related cases are exceedingly rare.

When acute poisoning is due to **ingestion**, the following gastrointestinal symptoms develop within 1/2 to 4 hours:

- Tightening (constriction) of the throat followed by difficulty or inability to swallow (dysphagia), pain in the region above the belly button (epigastric pain), vomiting, and watery diarrhea. Blood may appear in vomit and stools;
- Shock may develop due to severe fluid loss when the amount of inorganic arsenic swallowed is sufficiently high. Death can occur in 24 hours.

When acute poisoning is due to inhalation:

- The following symptoms develop first:
 - Cough;
 - Chest pain;
 - Shortness of breath (dyspnea);
 - Giddiness;
 - Headache;
 - Extreme general weakness.
- Gastrointestinal symptoms will follow.

Chronic Poisoning Effects:

Cases of chronic poisoning caused by **ingestion** are also rare. Symptoms are:

- Weight loss;

Table 5

General Health Information About Inorganic Arsenic

- Nausea and diarrhea alternating with constipation;
- Skin pigmentation and eruptions;
- Hair loss;
- Numbness in hands and feet, "pins and needles" sensation, muscle weakness, and other symptoms resulting from peripheral neuritis;
- Horizontal white lines (striations) on fingernails and toenails.

Inhalation of inorganic arsenic is the most common cause of chronic poisoning in occupational settings. Symptoms associated with this condition are divided into 3 phases.

- 1st phase, earliest symptoms:
 - Weakness;
 - Loss of appetite;
 - Some nausea;
 - Occasional vomiting;
 - Sense of heaviness in the stomach;
 - Some diarrhea.
- 2nd phase symptoms:
 - Inflammation of the eyes and inner eyelid (conjunctivitis);
 - Inflammation, accompanied by an abundant discharge from mucous membranes (a catarrhal state) of the nose, larynx, and respiratory passage;
 - Symptoms associated with the common cold (Coryza), hoarseness, and mild tracheobronchitis may occur;
 - Skin lesions are common (eczematoid and allergic in type). Perforations (holes) in the nasal septum (the tissue dividing the nasal cavity in half) are the most typical lesions of the upper respiratory tract.
- 3rd phase symptoms (related to peripheral neuritis):
 - Numbness in hands and feet, "pins and needles" sensation, muscle weakness.
 - In severe cases, motor paralyses occur: Initially affecting the toe extensors and the peronei (outer portion of the lower leg).
 - "Wrist drop" or "foot drop" (resulting from paralysis of flexor muscles of feet and hands) **only occurs in the most severe cases.**

NEW SECTION

WAC 296-848-50030 Medical guidelines.

- Make this section readily available to employees as required in Training, WAC 296-848-30005.
- Provide this section to the licensed health care professional (LHCP) as required in Step 4 of the medical evaluation process found in Medical evaluations, WAC 296-848-30030.

Table 6

Medical Guidelines

For Evaluating Employees With Exposure

Part 1: DOSH's Requirements

In addition to requiring employers to train employees and protect them from inorganic arsenic exposure, this chapter (the Arsenic rule) requires employers to monitor their employees' health with assistance from licensed health care professionals (LHCPs).

- For employees who will use respirators, the LHCP will also need to provide the employer with a written medical opinion clearing the employee for workplace respirator use.

These guidelines were designed to support an informed partnership between the LHCP and the employer when monitoring the health of employees exposed to inorganic arsenic.

The employer initiates this partnership by providing the LHCP with a copy of the chapter and other supporting information about the employee and job conditions. The LHCP can then become familiar with the medical monitoring requirements found in WAC 296-848-30030 and 296-848-30080, which address:

- Frequency and content for routine (initial and periodic) medical examinations and consultations;
- Emergency and other unplanned medical follow-up;
- Medical opinions;
- Medical records retention and content.

Part 2: Inorganic Arsenic Toxicology

Health information about inorganic arsenic, WAC 296-848-50020 provides **basic information** about the health effects and symptoms associated with inorganic arsenic exposure.

In addition, consider the following information:

Acute Poisoning

Exfoliative dermatitis and peripheral neuritis may develop in patients who survive health effects due to acute poisoning (by ingestion).

Acute toxic symptoms of trivalent arsenical poisoning are caused by severe inflammation of the mucous membranes and greatly increased permeability of the blood capillaries.

Acute and Chronic Poisoning

In cases of acute and chronic poisoning, toxic effects to the myocardium (the middle layer of the heart) reported on EKG changes are now largely discounted and are attributed to electrolyte disturbances concomitant with arsenicalism.

Arsenic has a depressant effect upon bone marrow, with disturbances of both red blood cell production (erythropoiesis) and myelopoiesis.

Chronic Poisoning

**Table 6
Medical Guidelines**

For Evaluating Employees With Exposure

Cases of chronic poisoning caused by ingestion are generally linked to patients taking prescribed medications. However, sputum from inhaled inorganic arsenic can be swallowed in addition to other ingested inorganic arsenic due to hand-to-mouth transfer.

Skin lesions are usually melanotic and keratotic and may occasionally take the form of an intradermal cancer of the squamous cell type, but without infiltrative properties.

Chronic hepatitis and cirrhosis have been described. Liver damage is still debated and as yet the question is unanswered.

Polyneuritis may be the prominent feature, but more frequently there are numbness and parasthenias of "glove and stocking" distribution. Horizontal white lines (striations) on the fingernails and toenails are commonly seen and are considered a diagnostic accompaniment of arsenical polyneuritis.

References:

- Other sources for toxicology information include:
 - ToxFAQs™ and the Toxicological Profile for Arsenic. Both of these free documents are available from the Agency for Toxic Substances and Disease Registry (ATSDR) and can be obtained by:
 - Visiting <http://www.atsdr.cdc.gov/toxprofiles>
 - OR
 - Calling 1-888-422-8737.
 - A variety of technical resources on arsenic, available from the National Institutes for Occupational Safety and Health (NIOSH) by visiting <http://www.cdc.niosh/topics/chemicals.html>

Part 3: Clinical Evaluation of Employees Exposed to Inorganic Arsenic

IMPORTANT:

- When an employee will use a respirator during work, the LHCP will need to determine whether the employee can safely wear a respirator and what limitations, if any, apply.

Guidance for Physical Examinations

In addition to its immediate diagnostic usefulness, a patient's initial examination will provide a baseline for comparing future test results.

This chapter establishes the minimum content for medical examinations. Additional tests such as lateral and oblique X rays or pulmonary function test may be useful.

You should also include palpation of superficial lymph nodes and a complete blood count when employees are exposed to any of the following compounds:

**Table 6
Medical Guidelines**

For Evaluating Employees With Exposure

- Copper aceto-arsenite;
- Potassium arsenite;
- Sodium arsenite;
- Other arsenicals associated with lymphatic cancer.

Arsenic trioxide and other inorganic arsenical dusts don't give rise to radiological evidence or pneumoconiosis.

AMENDATORY SECTION (Amending WSR 05-01-172, filed 12/21/04, effective 3/1/05)

WAC 296-849-11050 Training.

You must:

- Provide training and information to employees:
 - At the time of initial assignment to a work area where benzene is present;

AND

- At least every twelve months after initial training for employees exposed to airborne concentrations at or above the action level (AL) of 0.5 parts per million (ppm).

- Make sure training and information includes all of the following:

- Specific information on benzene for each hazard communication training topic. For the list of hazard communication training topics, go to the Safety and health core rules, chapter 296-800 WAC, and find Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030;

AND

- An explanation of the contents of ~~((each of the following))~~ this chapter and guidance about where to find a copy~~((of this chapter))~~

- ~~This chapter.~~

- ~~The following found in another chapter, the General occupational health standards, chapter 296-62 WAC:~~

- ◆ ~~The substance safety data sheet—benzene, found in WAC 296-62-07525, Appendix A.~~

- ◆ ~~The substance technical guidelines—benzene, found in WAC 296-62-07527, Appendix B.~~

- ◆ ~~The medical surveillance guidelines for benzene, found in WAC 296-62-07529, Appendix C))~~ of it;

AND

- A description of the medical evaluation requirements of this chapter found in:

- Medical evaluations, WAC 296-849-12030;

AND

- Medical removal, WAC 296-849-12050.

- Reference:** To see additional training and information requirements in other chapters, go to the:
- Respirators rule, chapter 296-842 WAC, and find the Training section, WAC 296-842-16005.
 - Safety and health core rules, chapter 296-800 WAC, and find the section titled, Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030.

AMENDATORY SECTION (Amending WSR 05-13-152, filed 6/21/05, effective 8/1/05)

WAC 296-849-12030 Medical evaluations.

IMPORTANT:

Medical evaluations conducted under this section will satisfy the medical evaluation requirement found in Respirators, chapter 296-842 WAC.

You must:

- Provide the relevant medical follow-up specified in Tables 4 and 5 to any employee exposed to benzene during an emergency.
- Make medical evaluations available to current employees who meet the following criteria:
 - Potential or actual exposure to benzene at or above the action level (AL) for at least thirty days in any twelve-month period.
 - Potential or actual exposure to benzene at or above either permissible exposure limit (PEL) for at least ten days in a twelve-month period.
 - Past exposure to concentrations above 10 ppm benzene for at least thirty days in a twelve-month period before November 11, 1988.
 - Current or past work as a tire building machine operator using solvents containing more than 0.1% benzene during tire building operations.

You must:

- Make medical evaluations available at no cost to employees.
 - Pay all costs, including travel costs and wages associated with any time spent outside of the employee's normal work hours;
- Make medical evaluations available at reasonable times and places;
- Make medical evaluations available by completing Steps 1 through 6 of the medical evaluation process for each employee covered.

- Note:**
- Employees who wear respirators need to be medically evaluated to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators. Employees who decline to receive medical examination and testing to monitor for health effects caused by benzene are not excluded from receiving a separate medical evaluation for a respirator use.
 - If employers discourage participation in medical monitoring for health effects caused by benzene, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceeding, or testifying prohibited—Procedure—Remedy.

Helpful tool:

Declination form for nonemergency related medical evaluations.

- You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to benzene.

Medical evaluation process:

Step 1: Identify employees who qualify, as stated above, for medical evaluations.

Step 2: Make medical evaluations available for employees identified in Step 1 at the following times:

- Initially, before the employee starts a job or task assignment where benzene exposure will occur.
- Every twelve months from the initial medical evaluation.
- Whenever the employee develops signs or symptoms commonly associated with toxic benzene exposure.

• After benzene exposure from an emergency.

Step 3: Select a licensed health care professional (LHCP) who will conduct or supervise medical evaluations and make sure:

- Individuals who conduct pulmonary function tests have completed a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution, if they are not licensed physicians;

AND

- Your LHCP uses an accredited laboratory, such as one accredited by a nationally or state-recognized organization, to conduct laboratory tests.

Step 4: Make sure the LHCP receives all of the following before the medical evaluation is performed:

- A copy of((=
-)) this chapter.
- ((= The following information found in the General occupational health standards, chapter 296-62 WAC:
 - ~~Appendix A, the substance safety data sheet—benzene, found in WAC 296-62-07525.~~
 - ~~Appendix B, the substance technical guidelines—benzene, found in WAC 296-62-07527.~~
 - ~~Appendix C, the medical surveillance guidelines for benzene, found in WAC 296-62-07529.~~))

- A description of the duties of the employee being evaluated and how these duties relate to benzene exposure.
- The anticipated or representative exposure monitoring results for the employee being evaluated.
- A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.
- Information from previous employment-related examinations when this information is not available to the examining LHCP.
- Instructions that the written opinions the LHCP provides, be **limited to** the following information:
 - Specific records, findings, or diagnosis relevant to the employee's ability to work around benzene.
 - The occupationally relevant results from examinations and tests.
 - A statement about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to benzene.
 - Any recommended limitations for benzene exposure.
 - Whether or not the employee can use respirators and any recommended limitations for respirator or other PPE use.

– A statement that the employee has been informed of medical results and medical conditions caused by benzene exposure requiring further explanation or treatment.

Step 5: Provide the medical evaluation to the employee. Make sure it includes the content listed in Table 4, Content of medical evaluations, and Table 5, Medical follow-up requirements.

Step 6: Obtain the LHCP's written opinion for each employee's medical evaluation and give a copy to the employee within fifteen days of the evaluation date.

- Make sure the written opinion is limited to the information specified for written opinions in Step 4.

Note: If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

IMPORTANT:

These tables apply when conducting medical evaluations, including medical follow-up for employees exposed to benzene during emergencies.

Table 4
Content of Medical Evaluations

When conducting	Include
An initial evaluation	<ul style="list-style-type: none"> • A detailed history including: <ul style="list-style-type: none"> – Past work exposure to benzene or other hematological toxins; – Exposure to marrow toxins outside of current employment; – Exposure to ionizing radiation; – Family history of blood dyscrasias including hematological neoplasms; – History of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, and abnormal function of formed blood elements; – History of renal or liver dysfunction; – History of medications routinely taken. • A complete physical examination: <ul style="list-style-type: none"> – Include a pulmonary function test and specific evaluation of the cardiopulmonary system if the employee is required to use a respirator for at least thirty days a year. • A complete blood count including a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Quantitative thrombocyte count; – Hematocrit; – Hemoglobin;

When conducting	Include
	<ul style="list-style-type: none"> – Erythrocyte count and indices (MCV, MCH, MCHC). • Additional tests the examining LHCP determines are necessary based on alterations in the components of the blood or other signs that may be related to benzene exposure. • Medical follow-up as required in Table 5.
Annual evaluations	<ul style="list-style-type: none"> • An updated medical history covering: <ul style="list-style-type: none"> – Any new exposure to potential marrow toxins; – Changes in medication use; – Any physical signs associated with blood disorders. • A complete blood count including a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Quantitative thrombocyte count; – Hematocrit; – Hemoglobin; – Erythrocyte count and indices (MCV, MCH, MCHC). • Additional tests that the examining LHCP determines necessary, based on alterations in the components of the blood or other signs that may be related to benzene exposure. • A pulmonary function test and specific evaluation of the cardiopulmonary system every three years if the employee is required to use a respirator for at least thirty days a year. • Medical follow-up as required in Table 5.
Evaluations triggered by employee signs and symptoms commonly associated with the toxic effects of benzene exposure	<ul style="list-style-type: none"> • An additional medical examination that addresses elements the examining LHCP considers appropriate.

When conducting	Include
Evaluations triggered by employee exposure during an emergency	<ul style="list-style-type: none"> • A urinary phenol test performed on the exposed employee's urine sample within seventy-two hours of sample collection. – The urine sample must be collected at the end of the work shift associated with the emergency; – The urine specific gravity must be corrected to 1.024. • Medical follow-up as required in Table 5. <p>Reference: Employees who are not covered by medical evaluation requirements in this chapter may be covered by medical evaluation requirements in other chapters such as Emergency response, chapter 296-824 WAC.</p>

If	Then
<ul style="list-style-type: none"> ■ Outside the normal limit (95% C.I.) according to the laboratory; OR – The hematocrit or hemoglobin level is either of the following, and can not be explained by other medical reasons: ■ Below the normal limit (outside the 95% C.I.), as determined by the laboratory for the particular geographical area; OR ■ Persistently decreasing compared to the employee's preexposure levels. 	
Results from the urinary phenol test conducted during an emergency evaluation show phenol levels less than 75 mg/L.	<ul style="list-style-type: none"> • No further evaluation is required.
Results from the urinary phenol test conducted during an emergency evaluation show phenol levels equal or more than 75 mg/L.	<ul style="list-style-type: none"> • Provide a complete blood count monthly for three months. Include a: <ul style="list-style-type: none"> – Leukocyte count with differential; – Thrombocyte count; – Erythrocyte count; AND • If any of the abnormal conditions previously listed in this table for complete blood count results are found: <ul style="list-style-type: none"> – Provide the employee with periodic examinations, if directed by the LHCP; AND

**Table 5
Medical Follow-up Requirements**

If	Then
<ul style="list-style-type: none"> • The complete blood count test result is normal. 	<ul style="list-style-type: none"> • No further evaluation is required.
<ul style="list-style-type: none"> • The complete blood count test shows any of the following abnormal conditions: <ul style="list-style-type: none"> – A leukocyte count less than 4,000 per mm³ or an abnormal differential count; OR – A thrombocyte (platelet) count that is either: <ul style="list-style-type: none"> ■ More than 20% below the employee's most recent values; OR 	<ul style="list-style-type: none"> • Repeat the complete blood count within two weeks: <ul style="list-style-type: none"> – If the abnormal condition persists, refer the employee to a hematologist or an internist for follow-up medical examination and evaluation, unless the LHCP has good reason to believe it is unnecessary; – The hematologist or internist will determine what follow-up tests are necessary; AND • Follow the requirements found in Medical removal, WAC 296-849-12050.

If	Then
	<ul style="list-style-type: none"> <li data-bbox="466 199 764 451">– Refer the employee to a hematologist or an internist for follow-up medical examination and evaluation unless the LHCP has good reason to believe a referral is unnecessary; <li data-bbox="516 464 565 485" style="text-align: center;">AND <li data-bbox="466 497 764 615">– Follow the requirements found in Medical removal, WAC 296-849-12050; <li data-bbox="516 630 565 651" style="text-align: center;">AND <li data-bbox="466 663 764 781">– The hematologist or internist will determine what follow-up tests are necessary.

NEW SECTION

WAC 296-849-500 Essential information.

Your responsibility:

To make sure you meet the information requirements for employees and licensed health care professionals (LHCPs) as specified in this chapter.

NEW SECTION

WAC 296-849-50010 Health information about benzene.

- Include an explanation of the contents of this section to employees as required in Training, WAC 296-849-11050.
- Provide a copy of this section to the licensed health care professional (LHCP) as required in Step 4 of the medical evaluation process found in Medical evaluations, WAC 296-849-12030.

Table 7

General Health Information About Benzene

What is benzene?
<p>Benzene is a clear, colorless liquid with a pleasant, sweet odor. It evaporates into air very quickly. The odor of benzene does not provide adequate warning of its hazard.</p> <p>In this chapter, "benzene " means:</p> <ul style="list-style-type: none"> <li data-bbox="180 1591 764 1709">– Liquid benzene, benzene vapor, and benzene in liquid mixtures and the vapor released by these liquids. The CAS Registry Number that identifies benzene is 71-43-2. <p>Synonyms for benzene include: Benzol, benzole, coal naphtha, cyclohexatriene, phenyl hydride, pyrobenzol. Benzin, petroleum benzin, and benzine are chemicals that do not contain benzene.</p>
How am I exposed to benzene?
Benzene exposure occurs when you:

Table 7

General Health Information About Benzene

<ul style="list-style-type: none"> <li data-bbox="880 222 1471 310">– Breath in (inhale) vapor or liquid particles (from actions such as spraying or splashing) containing benzene; <li data-bbox="880 323 1471 508">– Have skin or eye contact with liquid or vapor containing benzene. Benzene is absorbed through the skin. Absorption occurs more rapidly with abraded skin or when benzene is present in solvents (as an ingredient or contaminant) which are readily absorbed; <li data-bbox="880 520 1203 539">– Swallow (ingest) benzene.
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What happens after I'm exposed to benzene?
<p>Some benzene that enters your body will be absorbed into the bloodstream. Once in the bloodstream, benzene travels throughout your body and can be temporarily stored in the bone marrow and fat.</p> <p>Benzene is converted to products, called metabolites, in the liver and bone marrow. Some of the harmful effects of benzene exposure are caused by these metabolites.</p> <p>Most of the metabolites of benzene leave the body in the urine within 48 hours after exposure.</p>

Why is medical monitoring necessary?
<p>Medical monitoring is necessary to detect changes in your body's blood-forming system, including the bone marrow. These changes can occur due to repeated or prolonged, unprotected exposure to benzene, even at relatively low concentrations. Such changes can lead to various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many of these disorders may occur without symptoms.</p> <p>Benzene is classified as a confirmed human carcinogen (Group 1) by the International Agency for Research on Cancer (IARC).</p> <p>To learn more about the medical monitoring process, see Medical evaluation, WAC 296-849-12030.</p>

What health effects are linked to benzene exposure?
<p>Unprotected exposure to benzene is associated with various health effects including symptoms and diseases associated with either short-term (acute) exposure or long-term exposure (chronic).</p> <p>Acute effects from inhaling high vapor concentrations:</p> <p>An initial stimulatory effect on the central nervous system (brain and spinal cord) can occur, characterized by exhilaration, nervous excitation (irritability), and/or giddiness. This may be followed by a period of depression, drowsiness, or fatigue.</p> <p>Headache, dizziness, nausea, or a feeling of intoxication may develop.</p> <p>A sensation of tightness in the chest may occur, accompanied by breathlessness. Ultimately the victim may lose consciousness.</p>

Table 7
General Health Information About Benzene

<p>In severe inhalation cases, tremors, convulsions, and death may follow due to respiratory paralysis or circulatory collapse in a few minutes to several hours.</p> <p>Acute effects from inhaling liquid benzene: Aspiration of small amounts of liquid benzene immediately causes pulmonary edema (excessive accumulation of fluid in lung tissues) and hemorrhage of pulmonary tissue.</p> <p>Skin contact: Direct contact may cause redness (erythema). Benzene has a defatting action on skin. Repeated or prolonged contact may result in any of the following:</p> <ul style="list-style-type: none"> - Primary irritation; - Dry skin; - Scaling dermatitis (inflammation); - Development of secondary skin infections. <p>Effects on the eyes and mucous membranes: Localized effects from vapor or liquid contact on the eye are slight. High concentrations of benzene are irritating to eyes (causing a stinging sensation) and mucous membranes of the nose and respiratory tract.</p> <p>Effects due to prolonged exposure: The blood forming (hematopoietic) system is the main target for benzene's toxic effects. These effects can vary from anemia to leukemia, an irreversible, fatal disease. Many of the toxic effects may occur without symptoms. Most importantly, prolonged exposure to small quantities of benzene vapor is damaging to the blood forming system. This damage has occurred at concentrations of benzene that may not cause irritation of mucous membranes or unpleasant sensory effects.</p> <p>Early signs and symptoms are varied and often not readily noticed and nonspecific. These include:</p> <ul style="list-style-type: none"> - Subjective complaints of headache, dizziness, and loss of appetite may precede or follow clinical signs; - Rapid pulse and low blood pressure, in addition to a physical appearance of anemia, may accompany a subjective complaint of shortness of breath and excessive tiredness. <p>Other symptoms may occur as the condition progresses:</p> <ul style="list-style-type: none"> - Bleeding from the nose, gums, or mucous membranes; <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> - Development of purpuric spots (small bruises).
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NEW SECTION

WAC 296-849-50020 Medical guidelines for benzene.

- Include an explanation of the contents of this section to employees as required in Training, WAC 296-849-11050.

- Provide a copy of this section to the licensed health care professional (LHCP) as required in Step 4 of the medical evaluation process found in Medical evaluations, WAC 296-849-12030.

Table 8
Medical Guidelines For Evaluating Employees Exposed to Benzene

<p>Part 1: Becoming familiar with medical requirements in this chapter</p> <p>In addition to requiring employers to train employees and protect them from exposure to benzene, this chapter (the Benzene rule) requires employers to monitor their employees' health with assistance from licensed health care professionals (LHCPs).</p> <ul style="list-style-type: none"> • For employees who will use respirators, the LHCP will also need to provide the employer with a written medical opinion clearing the employee for workplace respirator use. <p>These guidelines were designed to support an informed partnership between the LHCP and the employer when monitoring the health of employees exposed to benzene. The employer initiates this partnership by providing the LHCP with a copy of the chapter and other supporting information about the employee and job conditions. The LHCP can then become familiar with the medical monitoring requirements found in WAC 296-849-12030 through 296-849-12080, which address:</p> <ul style="list-style-type: none"> • Frequency and content for routine (initial and periodic) medical examinations and consultations; • Emergency and other unplanned medical follow-up; • Medical opinions; • Employee medical removal; • Medical records retention and content. <p>Part 2: Benzene toxicology</p> <p>Benzene is primarily an inhalation hazard. Systematic absorption may cause depression of the hematopoietic system, pancytopenia, aplastic anemia, and leukemia. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, has been frequently reported among the first signs.</p> <p>Health information about benzene, WAC 296-848-50010, provides basic information about the health effects and symptoms associated with benzene exposure.</p> <p>Reference:</p> <ul style="list-style-type: none"> • Other sources for toxicology information include: <ul style="list-style-type: none"> - ToxFQATM and the Toxicological Profile for Benzene. This free document is available from the Agency for Toxic Substances and Disease Registry (ATSDR) and can be obtained by: <ul style="list-style-type: none"> ■ Visiting http://www.atsdr.cdc.gov/toxprofiles <p style="text-align: center;">OR</p>

Table 8

Medical Guidelines For Evaluating Employees Exposed to Benzene

<ul style="list-style-type: none"> ■ Calling 1-888-422-8737 – A variety of technical resources on benzene from the National Institutes for Occupational Safety and Health (NIOSH) by visiting http://www.cdc.niosh/topics/chemicals.html
<p>Part 3: Treatment of acute toxic effects</p> <p>When providing assistance to someone contaminated with benzene, make sure you are adequately protected and do not risk being overcome by benzene vapor.</p> <p>Remove the patient from exposure immediately.</p> <p>Give oxygen or artificial resuscitation, if indicated.</p> <p>Flush eyes, wash skin if contaminated and remove all contaminated clothing.</p> <p>Recovery from mild exposures is usually rapid and complete. Symptoms of intoxication may persist following severe exposures.</p>
<p>Part 4: Preventive considerations</p> <p>The principal effects of benzene exposure which form the basis for the requirements in this chapter are pathological changes in the hematopoietic system, reflected by changes in the peripheral blood and manifesting clinically as pancytopenia, aplastic anemia, and leukemia.</p> <p>Consequently, the medical monitoring program is designed to observe, on a regular basis, blood indices for early signs of these effects, and although early signs of leukemia are not usually available, emerging diagnostic technology and innovative regimes make consistent surveillance for leukemia, as well as other hematopoietic effects, essential.</p> <p>Symptoms and signs of benzene toxicity can be nonspecific. Only a detailed history and appropriate investigative procedure will enable a physician to rule out or confirm conditions that place the employee at increased risk.</p> <p>Bone marrow may appear normal, aplastic, or hyperplastic, and may not, in all situations, correlate with peripheral blood forming tissues. Because of variations in the susceptibility to benzene morbidity, there is no "typical" blood picture.</p> <p>The onset of effects of prolonged benzene exposure may be delayed for many months or years after the actual exposure has ceased and identification or correlation with benzene exposure must be sought out in the occupational history.</p> <p>There are special provisions for medical tests in the event of hematologic abnormalities or for emergency situations.</p>

Table 8

Medical Guidelines For Evaluating Employees Exposed to Benzene

<ul style="list-style-type: none"> – This chapter specifies that blood abnormalities that persist must be referred "unless the physician has good reason to believe such referral is unnecessary." Examples of conditions that could make a referral unnecessary despite abnormal blood limits are iron or folate deficiency, menorrhagia, or blood loss due to some unrelated medical abnormality. – Blood values that require referral to a hematologist or internist are noted under Part 5: Hematology guidelines.
<p>Part 5: Hematology guidelines</p> <p>The following guidelines are established to assist the examining LHCP with regard to which laboratory tests are necessary and when to refer an employee to the specialist. A minimum battery of tests is to be performed using strictly standardized methods.</p> <p>Basic tests</p> <ul style="list-style-type: none"> • The following must be determined by an accredited laboratory: <ul style="list-style-type: none"> – Red and white cell counts; – Platelet counts; – White blood cell differential; – Hematocrit; – Red cell indices. • The normal ranges for the red cell and white cell counts are influenced by altitude, race, and sex, and therefore should be determined by the accredited laboratory in the specific area where the tests are performed. • Either a decline from an absolute normal or an individual's baseline to a subnormal value or a rise to a supra-normal value, are indicative of potential toxicity, particularly if all blood parameters decline. <ul style="list-style-type: none"> – The normal total white blood count is approximately 7,200/mm³ plus or minus 3,000; – For cigarette smokers the white count may be higher and the upper range may be 2,000 cells higher than normal for the laboratory; – In addition, infection, allergies and some drugs may raise the white cell count; – The normal platelet count is approximately 250,000 with a range of 140,000 to 400,000. Counts outside this range should be regarded as possible evidence of benzene toxicity. • Certain abnormalities found through routine screening are of greater significance in the benzene-exposed worker and require prompt consultation with a specialist, namely:

Table 8

Medical Guidelines For Evaluating Employees Exposed to Benzene

- Thrombocytopenia;
- A trend of decreasing white cell, red cell, or platelet indices in an individual over time is more worrisome than an isolated abnormal finding at one test time. The importance of trend highlights the need to compare an individual's test results to baseline and/or previous periodic tests;
- A constellation or pattern of abnormalities in the different blood indices is of more significance than a single abnormality. A low white count not associated with any abnormalities in other cell indices may be a normal statistical variation, whereas if the low white count is accompanied by decreases in the platelet and/or red cell indices, such a pattern is more likely to be associated with benzene toxicity and merits thorough investigation;
 - Anemia, leukopenia, macrocytosis or an abnormal differential white blood cell count should alert the physician to further investigate and/or refer the patient if repeat tests confirm the abnormalities. If routine screening detects an abnormality, follow-up tests which may be helpful in establishing the etiology of the abnormality are the peripheral blood smear and the reticulocyte count;
 - The extreme range of normal for reticulocytes is 0.4 to 2.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent;
 - A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to about 2.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

Additional tests

1. Peripheral blood smears:

- Collecting the sample: As with reticulocyte count, the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may, under certain limited conditions, be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin).

Table 8

Medical Guidelines For Evaluating Employees Exposed to Benzene

- Prepping the smear: When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to twelve hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature.
- Minimum mandatory observations:
 - The differential white blood cell count;
 - Description of abnormalities in the appearance of red cells;
 - Description of any abnormalities in the platelets;
 - A careful search must be made throughout of every blood smear for immature white cells such as band forms (in more than normal proportion, i.e., over 10 percent of the total differential count), any number of metamyelocytes, myelocytes, or myeloblasts. Any nucleate or multinucleated red blood cells should be reported. Large "giant" platelets or fragments of megakaryocytes must be recognized;
 - An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention, for it may represent a change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes, in the absence of another probable cause, is to be considered a possible indication of benzene-induced toxicity;
 - An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count;

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- The normal range of monocytes is from 2.0 to 8.0 percent of the total white count with an average of about 5.0 percent. About 20 percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persistent monocytosis. The findings of a monocyte count which persists at more than 10 to 12 percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess of 800/mm³ should be regarded as a possible sign of benzene-induced toxicity;
- A less frequent but more serious indication of benzene toxicity is the finding in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments - less often one or three round segments - rather than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly. Other tests that can be administered to investigate blood abnormalities are discussed below; however, such procedures should be undertaken by the hematologist.

2. Sucrose water test and Ham test:

- An uncommon sign, which cannot be detected from the smear, but can be elicited by a "sucrose water test" of peripheral blood, is transient paroxysmal nocturnal hemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia, and may be followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PNH, which occurs in only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the "sucrose water test" is positive, the somewhat more definitive Ham test, also known as the acid-serum hemolysis test, may provide confirmation.

Important clinical findings

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1. Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene may have progressed through a preliminary phase of hematologic abnormality. In some instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin, but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years.
 - Depression of a single blood cell type or platelets may represent a harbinger of aplasia or leukemia. The finding of two or more cytopenias, or pancytopenia in a benzene-exposed individual, must be regarded as highly suspicious of more advanced although still reversible, toxicity.
 - "Pancytopenia" coupled with the appearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or unexplained elevations of white blood cells must be regarded as evidence of benzene overexposure unless proved otherwise.
 - Many severely aplastic patients manifested the ominous findings of:
 - 5 to 10 % myeloblasts in the marrow;
 - Occasional myeloblasts and myelocytes in the blood;
 - 20 to 30 monocytes.
 - It is evident that isolated cytopenias, pancytopenias, and even aplastic anemias induced by benzene may be reversible and complete recovery has been reported on cessation of exposure. However, since any of these abnormalities is serious, the employee must immediately be removed from any possible exposure to benzene vapor.
 - Certain tests may substantiate the employee's prospects for progression or regression. One such test would be an examination of the bone marrow, but the decision to perform a bone marrow aspiration or needle biopsy is made by the hematologist.
2. The findings of basophilic stippling in circulating red blood cells (usually found in one to five percent of red cells following marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken seriously, as they have been noted in recent years to be premonitory signs of subsequent leukemia.

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3. Recently peroxidase-staining of circulating or marrow neutrophil granulocytes, employing benzidine dihydrochloride, have revealed the disappearance of, or diminution in, peroxidase in a sizable proportion of the granulocytes, and this has been reported as an early sign of leukemia. However, relatively few patients have been studied to date. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase has also been reported as suggestive of early acute leukemia.

- Peroxidase and alkaline phosphatase staining are usually undertaken when the index of suspicion for leukemia is high.

4. Exposure to benzene may cause an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus, serial measurements of serum iron levels may provide a means of determining whether or not there is a trend representing sustained suppression of erythropoiesis.

5. Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed in most pathology laboratories.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| WAC 296-62-07354 | Appendices—Inorganic arsenic. |
| WAC 296-62-07525 | Appendix A substance safety data sheet—Benzene. |
| WAC 296-62-07527 | Appendix B substance technical guidelines—Benzene. |
| WAC 296-62-07529 | Appendix C medical surveillance guidelines for benzene. |