

WSR 15-08-022
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed March 24, 2015, 4:35 p.m.]

Title of Rule and Other Identifying Information: WAC 181-78A-100 sets requirements for existing approved program review. Programs are offered a process for sending a reply to the review: The process is described in the rule. This amendment clarifies that the board will publish the process for submitting the reply.

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 David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY June 2, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifies existing requirements.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting: David Brenna, 600 Washington Street, Room 400, Olympia, WA, (360) 725-6238.

March 24, 2015
David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 14-24-004, filed 11/19/14, effective 12/20/14)

WAC 181-78A-100 Existing approved programs.

Chapter 181-78A WAC rules shall govern all policies related to programs upon adoption by the professional educator standards board, which shall provide assistance to programs in the revision of their existing programs.

(1) The professional educator standards board shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under program approval standards. In determining the schedule for site visits, the board shall take into consideration the partnership agreement between the state and national accreditation organizations as such agreement relates to the accred-

itation cycle and allow CAEP accredited programs to follow the CAEP schedule for their review. Non-CAEP accredited programs shall have a review every five years. The professional educator standards board may require more frequent site visits at their discretion pursuant to WAC 181-78A-110(2). The professional educator standards board will not consider requests for site visit delays.

(2) Each institution shall submit its program for review when requested by the professional educator standards board to ensure that the program meets the state's program approval standards as follows:

(a) At least six months prior to a scheduled on-site visit, the institution shall submit an institutional report that provides evidence and narrative, as needed, that addresses how the program approval standards are met for each preparation program undergoing review. Evidence shall include such data and information from the annual data submissions required per WAC 181-78A-255(2) as have been designated by the professional educator standards board as evidence pertinent to the program approval process.

(b) The institutional report shall be reviewed by a team whose membership is composed of:

(i) One member of the professional educator standards board;

(ii) One peer institution representative;

(iii) One individual with assessment expertise;

(iv) Two K-12 practitioners with expertise related to the programs scheduled for review; and

(v) A site team chair who has completed state site chair training.

(c) Substitutions, drawn from (b)(i) through (iv) of this subsection, may be assigned when individuals are not available. Additions to the team shall be drawn from (b)(i) through (iv) of this subsection when necessary. The professional educator standards board liaison for that institution may be present, but shall not serve in an evaluative role. All members, including substitutes, shall be trained.

(d) Team membership may be reduced for regular continuing visits in which fewer than five standards are being reviewed, initial visits, and focus visits. At a minimum, the team must consist of two members of which one must be a member of the professional educator standards board.

(e) Members of a focus visit team shall, at a minimum, be comprised of one member who served on the on-site team and one member of the professional educator standards board.

(f) Members of the site team may be assigned to conduct an audit of a standard. The standard(s) to be audited during a site review will be determined by the professional educator standards board. The audit must be held during the same semester as the site team review. A site team member conducting an audit will not participate in site team meetings, and will not have a vote in site team decision beyond the standard being audited. The process for an audit shall be published by the professional educator standards board.

(g) The review of the off-site team shall identify additional evidence and clarifications that may be needed to provide adequate support for the institutional report.

(h) The report of the off-site team shall be submitted to the institution, which shall provide an addendum to the insti-

tutional report no later than five weeks preceding the on-site review.

(i) The on-site visit shall be conducted in compliance with the protocol and process adopted and published by the professional educator standards board. The team shall be comprised of members of the off-site review team whenever possible.

(j) The final site visit report and other appropriate documentation will be submitted to the professional educator standards board.

(k) Institutions may submit a reply to the report within two weeks following receipt of the report. The reply is limited to evidence that the review disregarded state standards, failed to follow state procedures for review, or failed to consider evidence that was available at the time of the review. PESB shall publish the process for submitting and reviewing the institutional reply.

(l) In considering the report, the professional educator standards board may grant approval according to WAC 181-78A-110 and 181-78A-100(1).

(m) Institutions may request a hearing in instances where it disagrees with the professional educator standards board's decision. The hearing will be conducted through the office of administrative hearings by an administrative law judge per chapter 34.05 RCW. The institution seeking a hearing will provide a written request to the professional educator standards board in accordance with WAC 10-08-035.

(3) Institutions seeking Council for the Accreditation of Educator Preparation, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the professional educator standards board approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

WSR 15-08-048
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
[Filed March 26, 2015, 3:51 p.m.]

Title of Rule and Other Identifying Information: WAC 388-148-0465 What requirements must I follow when disciplining children?

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 Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, or deliver to 1115 Washington, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, AND RECEIVED BY June 2, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 388-148-0465 was replaced with WAC 388-148-1615 (foster care) and 388-145-1815 (group care) when children's administration division of licensed resources revised all of their WACs in January 2015. Therefore, WAC 388-148-0465 needs to be repealed to eliminate duplication.

Reasons Supporting Proposal: The proposal would eliminate duplication.

Statutory Authority for Adoption: RCW 74.15.030.

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

Name of Proponent: Department of social and health services, children's administration, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Darcey Hancock, P.O. Box 45710, Olympia, WA 98504, (360) 902-0288.

March 26, 2015
Katherine I. Vasquez
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-148-0465 What requirements must I follow when disciplining children?

WSR 15-08-072
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 31, 2015, 9:01 a.m.]

Title of Rule and Other Identifying Information: Hazard communication/globally harmonized system of classification and labeling chemicals (GHS); WAC 296-307-006 What does this chapter cover?, 296-307-550 Employer chemical hazard communication—Introduction, 296-307-560 Scope, 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program, and 296-839-100 Scope.

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 Kevin Walder, Department of Labor and Industries, P.O. Box 44000, Olympia, WA 98504-4000, AND RECEIVED BY June 1, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: It is necessary that the division of occupational safety and health (DOSH) update its rules in order to comply with the Occupational Safety and Health Administration (OSHA) mandate and remain as-effective-as OSHA in light of their adoption of the United Nations Globally Harmonized System of Classification and Labeling Chemicals, effective May 25, 2012 (29 C.F.R. 1910.1200, Hazard Communication, Toxic and Hazardous Substances). OSHA has stipulated a staggered implementation period ending June 1, 2016, by which point the necessary amendments to affected DOSH rules must be adopted.

This proposal, which will constitute Phase 1 of 2, will amend the following sections in order to clarify to whom, when, and how the new rule changes apply during the staggered implementation period ending June 1, 2016:

WAC 296-307-006 What does this chapter cover?, 296-307-550 Employer chemical hazard communication—Introduction, 296-307-560 Scope, 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program, and 296-839-100 Scope.

WAC 296-307-006 What does this chapter cover?

- In subsection (2), correct title of chapter 296-62 WAC by changing "general occupational health rules" to "general occupational health standards," and immediately following add, "and chapter 296-901 WAC, Globally harmonized system for hazard communication."

WAC 296-307-550 Employer chemical hazard communication—Introduction.

- In the Note at bottom of section add a third bullet containing the following language and table:

WAC 296-307-550, Part Y-1, Employer chemical hazard communication, has been changed and replaced by WAC 296-901-140 Hazard communication. However, there are several implementation dates which are listed below and during the transitions employers can comply with this chapter or WAC 296-901-140 Hazard communication, until completion of each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers.
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors, and employers.

Effective Completion Date	Requirement(s)	Who
June 1, 2016	Update alternative workplace labeling and hazard communication program[s] as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers.
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: Chapter 296-307 WAC, Part Y-1, Employer chemical hazard communication. Chapter 296-307 WAC, Part Y-2, Material safety data sheets and label preparation. WAC 296-901-140 Hazard communication.	Chemical manufacturers, importers, distributors, and employers.

WAC 296-307-560 Scope.

- In the Note add a third bullet containing the following language and table:

WAC 296-307-560, Part Y-2, Material safety data sheets and label preparation, has been changed and replaced by WAC 296-901-140 Hazard communication. However, there are several implementation dates which are listed below and during this transition employer can comply with this chapter or WAC 296-901-140 Hazard communication, until completion of each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and SDS format.	Employers.
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors, and employers.
June 1, 2016	Update alternative workplace labeling and hazard communication program[s] as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers.
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: Chapter 296-307 WAC, Part Y-1, Employer chemical hazard communication (agriculture).	Chemical manufacturers, importers, distributors, and employers.

Effective Completion Date	Requirement(s)	Who
	Chapter 296-307 WAC, Part Y-2, Material safety data sheets and label preparation. WAC 296-901-140 Hazard communication.	

WAC 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

- Add a Note at bottom of section containing the following language and table:

WAC 296-800-170 Employer chemical hazard communication rule has been changed and replaced by WAC 296-901-140 Hazard communication. However, there are several implementation dates which are listed below and during this transition employer can comply with this chapter or WAC 296-901-140 Hazard communication until completion of each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and SDS format.	Employers.
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers.
June 1, 2016	Update alternative workplace labeling and hazard communication program[s] as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers.
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: WAC 296-800-170 Employer chemical hazard communication. Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information. WAC 296-901-140 Hazard communication.	Chemical manufacturers, importers, distributors, and employers.

WAC 296-839-100 Scope.

- Add a second bullet to the Note containing the following language and table:

Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information, has been updated to WAC 296-901-140 Hazard communication. During the transition of the implementation dates below, employers can comply with this chapter or WAC 296-901-140 Hazard communication, until completion of the each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and SDS format.	Employers.
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors, and employers.
June 1, 2016	Update alternative workplace labeling and hazard communication program[s] as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers.
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: WAC 296-800-170 Employer chemical hazard communication. Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information. WAC 296-901-140 Hazard communication.	Chemical manufacturers, importers, distributors, and employers.

Reasons Supporting Proposal: By law, labor and industries' DOSH must maintain standards that are as-effective-as OSHA in order to retain its authority.

Statutory Authority for Adoption: RCW 49.17.050.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is necessary because of federal law, 29 C.F.R. 1910.1200 Substances.

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

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, (360) 902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, (360) 902-5090.

March 31, 2015

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-006 What does this chapter cover? (1) Chapter 296-307 WAC applies to all agricultural operations with one or more employees covered by the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW.

"Agricultural operations" means farming and ranching, including, but not limited to:

- (a) Cultivating and tilling the soil;
- (b) Dairy farming;
- (c) Producing, cultivating, growing, and harvesting of any agricultural or horticultural commodity;
- (d) Raising livestock, bees, fur-bearing animals, or poultry; and
- (e) Any practices performed by a farmer or on a farm, incident to or in connection with such farming operations, including but not limited to preparation for market and delivery to:
 - (i) Storage;
 - (ii) Market; or
 - (iii) Carriers for transportation to market. Agricultural operations include, but are not limited to, all employers in one or more of the following standard industrial classification (SIC) codes:

- 0111 Wheat
- 0115 Corn
- 0119 Cash grains not elsewhere classified, barley, peas, lentils, oats, etc.
- 0133 Sugar cane and sugar beets
- 0134 Irish potatoes—all potatoes except yams
- 0139 Field crops—hay, hops, mint, etc.
- 0161 Vegetables and melons, all inclusive
- 0171 All berry crops
- 0172 Grapes
- 0173 Tree nuts
- 0175 Deciduous tree fruits
- 0179 Tree fruits or tree nuts not elsewhere classified
- 0181 Ornamental floriculture and nursery products
- 0182 Food crops grown under cover
- 0191 General farms, primarily crops
- 0211 Beef cattle feedlots
- 0212 Beef cattle except feedlots—cattle ranches
- 0213 Hogs
- 0214 Sheep and goats
- 0219 General livestock except dairy and poultry
- 0241 Dairy farms
- 0251 Broiler, fryer, and roaster chickens
- 0252 Chicken eggs
- 0253 Turkeys and turkey eggs

- 0254 Poultry hatcheries
- 0259 Poultry and eggs not elsewhere classified
- 0271 Fur bearing animals and rabbits
- 0272 Horses
- 0273 Animal aquaculture
- 0279 Animal specialties not elsewhere classified
- 0291 General farms, primarily livestock and animal specialties
- 0711 Soil preparation services
- 0721 Crop planting, cultivating, and protecting
- 0722 Crop harvesting, primarily by machine
- 0751 Livestock services, except veterinary
- 0761 Farm labor contractors
- 0811 Timber tracts, Christmas tree growing, tree farms
- 0831 Forest nurseries
- 0851 Forestry services—reforestation

"Agricultural operations" do not include a farmer's processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees.

(2) Chapter 296-24 WAC does not apply to agricultural operations.

(3) All agricultural operations are also covered by the requirements of chapter 296-62 WAC, General occupational health ((rules)) standards, and chapter 296-901 WAC, Globally harmonized system for hazard communication.

(4) Occasionally, employees engaged in agricultural operations may also be covered by the safety standards of other industries. Following are excerpts from four industry standards that may help you determine if these other standards also apply:

Chapter 296-54 WAC Safety standards—Logging operations

WAC 296-54-501 Scope and application.

This standard establishes safety practices, means, methods and operations for all types of logging, regardless of the end use of the wood. These types of activities include, but are not limited to, pulpwood and timber harvesting and the logging of sawlogs, veneer bolts, poles, pilings and other forest products. The requirements herein contained do not apply to log handling at sawmills, plywood mills, pulp mills or other manufacturing operations governed by their own specific safety standards.

Chapter 296-99 WAC Safety standards for grain handling facilities

WAC 296-99-015 What grain-handling operations does this chapter cover?

(1) WAC 296-99-010 through 296-99-070 apply to:

- Dry grinding operations of soycake;
- Dry grinding operations of soybean;
- Dust pelletizing plants;
- Feed mills;
- Flour mills;
- Flat storage structures;

- Grain elevators;
- Rice mills; and
- Soybean flaking operations.

(2) WAC 296-99-075, 296-99-080, and 296-99-085 apply only to grain elevators.

(3) Chapter 296-99 WAC does not apply to alfalfa storage or processing operations if they do not use grain products.

Chapter 296-78 WAC Safety standards for sawmills and woodworking operations

WAC 296-78-500 Foreword.

The chapter 296-78 WAC shall apply to and include safety requirements for all installations where the primary manufacturing of wood building products takes place. The installations may be a permanent fixed establishment or a portable operation. These operations shall include but are not limited to log and lumber handling, sawing, trimming and planing, plywood or veneer manufacturing, canting operations, waste or residual handling, operation of dry kilns, finishing, shipping, storage, yard and yard equipment, and for power tools and affiliated equipment used in connection with such operation. WAC 296-78-450 shall apply to shake and shingle manufacturing. The provisions of WAC 296-78-500 through 296-78-84011 are also applicable in shake and shingle manufacturing except in instances of conflict with the requirements of WAC 296-78-705.

Chapter 296-155 WAC Safety standards for construction work

WAC 296-155-005 Purpose and scope.

The standards included in this chapter apply throughout the state of Washington, to any and all work places subject to the Washington Industrial Safety and Health Act (chapter 49.17 RCW), where construction, alteration, demolition, related inspection, and/or maintenance and repair work, including painting and decorating, is performed. These standards are minimum safety requirements with which all industries must comply when engaged in the above listed types of work.

(5) If rules in this chapter conflict with rules in another chapter of Title 296 WAC, this chapter prevails.

AMENDATORY SECTION (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

WAC 296-307-550 Employer chemical hazard communication—Introduction. Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The employer chemical hazard communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Note:

- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with Material safety data sheets and label preparation, WAC 296-307-560 through 296-307-56050.
- You may withhold trade secret information under certain circumstances, see Trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.
- WAC 296-307-550, Part Y-1, Employer Chemical Hazard Communication, has been changed and replaced by WAC 296-901-140, Hazard communication. However, there are several implementation dates which are listed below and during the transitions employers can comply with this chapter or WAC 296-901-140, Hazard communication until completion of each effective date.

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors, and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: Chapter 296-307 WAC, Part Y-1, Employer Chemical Hazard Communication. Chapter 296-307 WAC, Part Y-2, Material Safety Data Sheets and Label Preparation. WAC 296-901-140, Hazard communication.	Chemical manufacturers, importers, distributors, and employers

EXEMPTIONS:

- For the purposes of this employer hazard communication rule, if you are engaged in agricultural production of crops or livestock, "employee" does not mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
- Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-307-55055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance
 - Tobacco or tobacco products
 - Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
 - Food or alcoholic beverages
 - Some drugs, such as retail or prescription medications
 - Retail cosmetics

- Ionizing and nonionizing radiation
- Biological hazards
- Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer
- (♦) ■ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products." Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. ("In the same way" means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be consumer use.

- Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	sawed or cut in half	used whole or intact
Pipe	cut by a torch	bent with a tube bender
Nylon rope	burning the ends	tying a knot

- Manufactured items that are fluids or in the form of particles are not exempt for this rule.

Your responsibility:

To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
- Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
- Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program

WAC 296-307-55005

Identify and list all the hazardous chemicals present in your workplace

WAC 296-307-55010

Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used

WAC 296-307-55015

Make sure that material safety data sheets (MSDSs) are readily accessible to your employees

WAC 296-307-55020

Label containers holding hazardous chemicals

WAC 296-307-55025

Inform and train your employees about hazardous chemicals in your workplace

WAC 296-307-55030

Follow these rules for laboratories using hazardous chemicals

WAC 296-307-55035

Follow these rules for handling chemicals in factory sealed containers

WAC 296-307-55040

The department must:

Translate certain chemical hazard communication documents upon request

WAC 296-307-55045

Attempt to obtain a material safety data sheet (MSDS) upon request

WAC 296-307-55050

Exemption: Items or chemicals exempt from the rule, and exemptions from labeling

WAC 296-307-55055

Definitions

WAC 296-307-55060

AMENDATORY SECTION (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

WAC 296-307-560 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

• This chapter applies when you do **one or more** of the following:

- Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
- Sell or distribute hazardous chemicals to manufacturers, distributors or employers
- Choose not to rely on material safety data sheets (MSDSs) provided by the importer, manufacturer or distributor.

Note:

- You are not required to evaluate chemicals or create MSDSs for chemicals you did not produce or import. If you decide to evaluate chemicals or create MSDSs, then the requirements of this chapter will apply to you.
- Use Table 2 to determine which sections in this chapter apply to your workplace.
- WAC 296-307-560, Part Y-2, Material Safety Data Sheets and Label Preparation, has been changed and replaced by WAC 296-901-140, Hazard communication. However, there are several implementations dates which are listed below and during this transition employer can comply with this chapter or WAC 296-901-140, Hazard communication until completion of the each effective date.

Effective Completion Date	Requirement(s)	Who
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015	Compliance with all modified provisions of this final rule, except:	Chemical manufacturers, importers, distributors and employers
December 1, 2015	The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: Chapter 296-307 WAC, Part Y-1, Employer Chemical Hazard Communication (Agriculture). Chapter 296-307 WAC, Part Y-2, Material Safety Data Sheets and Label Preparation. WAC 296-901-140, Hazard communication.	Chemical manufacturers, importers, distributors, and employers

- Exemptions:**
- All of the following are **always** exempt from this chapter:
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Tobacco and tobacco products
 - The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

**Table 1
Conditional Exemptions From
This Chapter**

This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Alcoholic beverages OR • Foods 	<ul style="list-style-type: none"> • Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
<ul style="list-style-type: none"> • An article (manufactured item) 	<ul style="list-style-type: none"> • It is not a fluid or particle AND • It is formed to a specific shape or design during manufacture for a particular end use function¹ AND • It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees
<ul style="list-style-type: none"> • Consumer products - Produced or distributed for sale meeting the definition of "consumer products" in the Con- 	<ul style="list-style-type: none"> • Both criteria apply: - They are used in the workplace for the same purpose as intended by the manufacturer or importer

This chapter does NOT apply to	When
consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052 ²) OR <ul style="list-style-type: none"> • Hazardous household products - Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261²) 	<ul style="list-style-type: none"> - The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
<ul style="list-style-type: none"> • Cosmetics 	<ul style="list-style-type: none"> • Packaged and sold in retail establishments
<ul style="list-style-type: none"> • Drugs - Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321²) 	<ul style="list-style-type: none"> • In solid, final form (for example, tablets, or pills) for direct administration to the patient OR • Packaged and sold in retail establishments (for example, over-the-counter drugs) OR • Intended for employee consumption while in the workplace (for example, first-aid supplies)
<ul style="list-style-type: none"> • Hazardous solid wastes - Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903²) 	<ul style="list-style-type: none"> • Subject to the United States Environmental Protection Agency (EPA) regulations³
<ul style="list-style-type: none"> • Hazardous substances - Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. 	<ul style="list-style-type: none"> • They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (C.F.R.)³)

This chapter does NOT apply to	When
Code, Title 42, Chapter 103, Subchapter I, section 9601 ²⁾	
<ul style="list-style-type: none"> Hazardous wastes - Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW⁴⁾) 	<ul style="list-style-type: none"> Subject to department of ecology regulations, chapter 173-303 WAC⁵⁾, that address the accumulation, handling and management of hazardous waste, and describe all of the following: <ul style="list-style-type: none"> - Safety - Labeling - Personnel training - And other related requirements
<ul style="list-style-type: none"> Solid wood OR Wood products (for example, lumber, and paper) 	<ul style="list-style-type: none"> All of the following apply: <ul style="list-style-type: none"> - The material is not treated with hazardous chemicals - The only hazard is potential flammability or combustibility - The product is not expected to be processed (for example, by sanding or sawing)

¹ End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item.
² This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmain.html>.
³ EPA regulations are included in the Code of Federal Regulations (C.F.R.). See <http://www.epa.gov>.
⁴ This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>.
⁵ See <http://www.ecy.wa.gov>.

Use Table 2 to find out which sections of this part apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-307-56050 applies to all employers covered by the scope of this part.

Table 2
Section Application

If you	Then the sections marked with an "X" apply			
	56010 - 56015	56025	56030 - 56035	56045
<ul style="list-style-type: none"> Import or produce chemicals 	X	X		

If you	Then the sections marked with an "X" apply			
	56010 - 56015	56025	56030 - 56035	56045
<ul style="list-style-type: none"> Sell or distribute hazardous chemicals to <ul style="list-style-type: none"> - Manufacturers OR - Distributors OR - Employers (includes retail or wholesale transactions) 			X	X
<ul style="list-style-type: none"> Choose to NOT rely on MSDSs provided by the importer, manufacturer or distributor 	X	X		

AMENDATORY SECTION (Amending WSR 04-10-026, filed 4/27/04, effective 8/1/04)

WAC 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

You must:

- Develop, implement, maintain, and make available a written Chemical Hazard Communication Program specific to your workplace. The Chemical Hazard Communication Program must, at a minimum, include:
 - A list of hazardous chemicals known to be present in your workplace.
 - Procedures for making sure all containers are properly labeled.
 - A description of how you are going to obtain and maintain your material safety data sheets (MSDSs).
 - A description of how you are going to train and inform your employees about hazardous chemicals in their workplace.
 - A description of how you are going to inform your employees about:
 - ◆ Chemical hazards used during nonroutine tasks.
 - ◆ The hazards associated with chemicals contained in unlabeled pipes in employee work areas.

You must:

- Make your Chemical Hazard Communication Program available to your employees.

Note: • WAC 296-800-170, Employer chemical hazard communication rule has been changed and replaced by WAC 296-901-140, Hazard communication. However, there are several implementation dates which are listed below and during this transition employer can comply with this chapter or WAC 296-901-140, Hazard communication until completion of each effective date.

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: <u>WAC 296-800-170, Employer chemical hazard communication.</u> <u>Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information.</u> <u>WAC 296-901-140, Hazard communication.</u>	Chemical manufacturers, importers, distributors, and employers

- (Note)**
- You must make the written Chemical Hazard Communication Program available, upon request, to employees, their designated representatives, the department and NIOSH, in accordance with the requirements of chapter 296-802 WAC, Employee medical and exposure records.
 - Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.

AMENDATORY SECTION (Amending WSR 03-01-096, filed 12/17/02, effective 6/1/03)

WAC 296-839-100 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

- This chapter applies when you do **one or more** of the following:
 - Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
 - Sell or distribute hazardous chemicals to manufacturers, distributors or employers
 - Choose to develop material safety data sheets (MSDSs) for a product you do not import or manufacture.

Reference:

See WAC 296-800-170, the Employer chemical hazard communication rule, for MSDSs, label, and other requirements that apply when hazardous chemicals are used in your workplace.

- Note:**
- Use Table 2 to determine which sections in this chapter apply to your workplace.
 - Chapter 296-839 WAC, Content and Distribution of Material Safety Data Sheets (MSDSs) and Label Information, has been updated to WAC 296-901-140, Hazard communication. During the transition of the implementation dates below, employers can comply with this chapter or WAC 296-901-140, Hazard communication, until completion of the each effective date.

<u>Effective Completion Date</u>	<u>Requirement(s)</u>	<u>Who</u>
June 1, 2014	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015 December 1, 2015	Compliance with all modified provisions of this final rule, except: The distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition period to the effective completion dates noted above.	May comply with the applicable requirements in the following rules: <u>WAC 296-800-170, Employer chemical hazard communication.</u> <u>Chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information.</u> <u>WAC 296-901-140, Hazard communication.</u>	Chemical manufacturers, importers, distributors, and employers

Exemptions:

- All of the following are **always** exempt from this chapter:
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Tobacco and tobacco products
- The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

Table 1
Conditional Exemptions from this Chapter

This chapter does NOT apply to	When
<ul style="list-style-type: none"> Alcoholic beverages OR Foods 	<ul style="list-style-type: none"> Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)

This chapter does NOT apply to	When
<ul style="list-style-type: none"> An article (manufactured item) 	<ul style="list-style-type: none"> It is not a fluid or particle AND It is formed to a specific shape or design during manufacture for a particular end use function¹ AND It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees
<ul style="list-style-type: none"> Consumer products <ul style="list-style-type: none"> Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052²) OR Hazardous household products <ul style="list-style-type: none"> Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261²) 	<ul style="list-style-type: none"> Both criteria apply: <ul style="list-style-type: none"> They are used in the workplace for the same purpose as intended by the manufacturer or importer The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
<ul style="list-style-type: none"> Cosmetics 	<ul style="list-style-type: none"> Packaged and sold in retail establishments
<ul style="list-style-type: none"> Drugs <ul style="list-style-type: none"> Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321²) 	<ul style="list-style-type: none"> In solid, final form (for example, tablets, or pills) for direct administration to the patient OR Packaged and sold in retail establishments (for example, over-the-counter drugs) OR Intended for employee consumption while in the workplace (for example, first-aid supplies)

This chapter does NOT apply to	When
<ul style="list-style-type: none"> Hazardous solid wastes <ul style="list-style-type: none"> Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903²) 	<ul style="list-style-type: none"> Subject to the United States Environmental Protection Agency (EPA) regulations³
<ul style="list-style-type: none"> Hazardous substances <ul style="list-style-type: none"> Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601²) 	<ul style="list-style-type: none"> They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (C.F.R.))³
<ul style="list-style-type: none"> Hazardous wastes <ul style="list-style-type: none"> Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW⁴) 	<ul style="list-style-type: none"> Subject to department of ecology regulations, chapter 173-303 WAC⁵, that address the accumulation, handling and management of hazardous waste, and describe all of the following: <ul style="list-style-type: none"> Safety Labeling Personnel training And other related requirements
<ul style="list-style-type: none"> Solid wood OR Wood products (for example, lumber, and paper) 	<ul style="list-style-type: none"> All of the following apply <ul style="list-style-type: none"> The material is not treated with hazardous chemicals The only hazard is potential flammability or combustibility The product is not expected to be processed (for example, by sanding or sawing)

¹ End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item

² This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>

³ EPA regulations are included in the Code of Federal Regulations (C.F.R.). See <http://www.epa.gov>

⁴ This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>

⁵ See <http://www.ecy.wa.gov>

Use Table 2 to find out which sections of this chapter apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-839-500 applies to all employers covered by the scope of this chapter.

**((TABLE)) Table 2
Section Application**

If you	Then the sections marked with an "X" apply			
	2005 - 2010	3005	3010 - 3015	4005
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to - Manufacturers OR - Distributors OR - Employers (includes retail or wholesale transactions)			X	X
• Choose to develop MSDSs for a product you do not import or manufacture	X	X		