
**Labor & Workforce Development
Committee**

HB 1110

Brief Description: Addressing respirator requirements for asbestos abatement projects.

Sponsors: Representatives Taylor and Manweller.

Brief Summary of Bill

- Requires an employer to comply with federal standards for the purposes of respirator selection in asbestos abatement projects and, to the extent state rules are inconsistent, the federal rule controls.

Hearing Date: 1/30/13

Staff: Trudes Tango (786-7384).

Background:

OSHA and WISHA.

The federal Occupational Safety and Health Administration (OSHA) develops and enforces various occupational safety and health standards. The federal law also permits a state to develop and operate its own program, subject to approval by the OSHA. A state plan must set occupational safety and health standards that are "at least as effective as" comparable federal standards. In addition, a state plan may set standards covering hazards not addressed by federal standards.

Washington is a "state plan" state under federal law. Under the Washington Industrial Safety and Health Act (WISHA), the Department of Labor and Industries (L&I) is charged with adopting rules governing safety and health standards.

Under both the federal rules and the state rules, there are general standards that apply to most industries, as well as specific standards that apply only to certain industries.

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Rules Governing Respirator Selection for Asbestos Projects.

There are numerous federal and state rules governing respiratory requirements. The type of respirator an employer must provide its employee depends upon a number of factors, such as the work being done and the exposure assessment conducted.

The federal rules specific to asbestos exposure in construction work states that an employer must provide either a powered air-purifying respirator (PAPR) or a full facepiece, supplied-air respirator when:

1. the employee is performing class I asbestos work, which is activity involving the removal of thermal system insulation and surfacing asbestos-containing material;
2. the employer has not demonstrated that employee exposure will be below a certain permissible exposure limit; and
3. the exposure assessment indicates that the exposure level will be within a specified range.

The state rule specific to construction work for class I asbestos work is the same as the federal rule. It gives the employer a choice of providing a PAPR or a full facepiece, supplied-air respirator.

The state rule also specifies, however, that a full facepiece supplied-air respirator must be provided if the employee is engaged in asbestos operations inside a negative pressure enclosure (excluding pipes or piping systems) or engaged in any dry removal of asbestos. The federal rules do not have a similar provision.

A supplied-air respirator (or airline respirator) generally consists of a full face mask with hose that connects to a separate air source such as a tank of compressed air. A PAPR is a respirator with an air-purifying filter, cartridge, or canister that removes air contaminants by passing air through the air-purifying element.

Summary of Bill:

For the purposes of respirator requirements for asbestos abatement projects, an employer must comply with the established federal standards, as enacted on the effective date of the bill. To the extent state rules are inconsistent with federal standards, the federal standards govern and control.

Appropriation: None.

Fiscal Note: Requested on 1/23/13.

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