

WAC 296-155-17331 Recordkeeping. (1) Objective data for exempted operations.

(a) Where the employer has relied on objective data that demonstrate that products made from or containing MDA are not capable of releasing MDA or do not present a dermal exposure problem under the expected conditions of processing, use, or handling to exempt such operations from the initial monitoring requirements under WAC 296-155-17311(2), you must establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(b) The record must include at least the following information:

(i) The product qualifying for exemption;

(ii) The source of the objective data;

(iii) The testing protocol, results of testing, and/or analysis of the material for the release of MDA;

(iv) A description of the operation exempted and how the data support the exemption; and

(v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) You must maintain this record for the duration of the employer's reliance upon such objective data.

(2) Historical monitoring data.

(a) Where the employer has relied on historical monitoring data that demonstrate that exposures on a particular job will be below the action level to exempt such operations from the initial monitoring requirements under WAC 296-155-17311(2), you must establish and maintain an accurate record of historical monitoring data reasonably relied upon in support of the exemption.

(b) The record must include information that reflect the following conditions:

(i) The data upon which judgments are based are scientifically sound and were collected using methods that are sufficiently accurate and precise;

(ii) The processes and work practices that were in use when the historical monitoring data were obtained are essentially the same as those to be used during the job for which initial monitoring will not be performed;

(iii) The characteristics of the MDA-containing material being handled when the historical monitoring data were obtained are the same as those on the job for which initial monitoring will not be performed;

(iv) Environmental conditions prevailing when the historical monitoring data were obtained are the same as those on the job for which initial monitoring will not be performed; and

(v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) You must maintain this record for the duration of the employer's reliance upon such historical monitoring data.

(3) You may utilize the services of competent organizations such as industry trade associations and employee associations to maintain the records required by this section.

(4) Exposure measurements.

(a) You must keep an accurate record of all measurements taken to monitor employee exposure to MDA.

(b) This record must include at least the following information:

(i) The date of measurement;

(ii) The operation involving exposure to MDA;

- (iii) Sampling and analytical methods used and evidence of their accuracy;
- (iv) Number, duration, and results of samples taken;
- (v) Type of protective devices worn, if any; and
- (vi) Name, Social Security number, and exposure of the employees whose exposures are represented.

(c) You must maintain this record for at least 30 years in accordance with chapter 296-62 WAC, Part B.

(5) **Medical surveillance.**

(a) You must establish and maintain an accurate record for each employee subject to medical surveillance by WAC 296-155-17327 in accordance with chapter 296-62 WAC, Part B.

(b) The record must include at least the following information:

- (i) The name and Social Security number of the employee;
 - (ii) A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physician's recommendations;
 - (iii) Physician's written opinions;
 - (iv) Any employee medical complaints related to exposure to MDA;
- and

(v) A copy of the information provided to the physician as required by WAC 296-155-17327.

(c) You must ensure that this record is maintained for the duration of employment plus 30 years in accordance with chapter 296-62 WAC, Part B.

(d) A copy of the employee's medical removal and return to work status.

(6) **Training records.** You must maintain all employee training records for one year beyond the last date of employment.

(7) **Availability.**

(a) You must, upon written request, make all records required to be maintained by this section available to the assistant secretary and the director for examination and copying.

(b) You must, upon request, make any exposure records required by WAC 296-155-17311 and 296-155-17327 available for examination and copying to affected employees, former employees, designated representatives, and the director, in accordance with chapter 296-802 WAC.

(c) You must, upon request, make employee medical records required by WAC 296-155-17327 and this section available for examination and copying to the subject employee, anyone having the specific written consent of the subject employee, and the director in accordance with chapter 296-802 WAC.

(8) **Transfer of records.**

(a) You must comply with the requirements concerning transfer of records set forth in chapter 296-802 WAC.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, you must notify the director at least 90 days prior to disposal and, upon request, transmit them to the director.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-17331, filed 4/19/16, effective 5/20/16; WSR 04-10-026, § 296-155-17331, filed 4/27/04, effective 8/1/04. Statutory Authority: Chapter 49.17 RCW. WSR 93-04-111 (Order 92-15), § 296-155-17331, filed 2/3/93, effective 3/15/93.]