

**WAC 296-856-30030 Medical removal.**

**Exemption:** Medical removal or restrictions do not apply when skin irritation or skin sensitization occurs from products that contain less than 0.05 percent of formaldehyde.

**IMPORTANT:**

- This section applies when an employee reports irritation of the mucosa of the eye or the upper airways, respiratory sensitization, dermal irritation, or skin sensitization from formaldehyde exposure.

- When determining the content of formaldehyde in materials that employees have exposure to, you may use documentation, such as manufacturer's data, or independent laboratory analyses.

You must complete Steps 1 through 4 of the medical evaluation process for removal of employees, in this section, for employees that report signs and symptoms of formaldehyde exposure.

**Note:** When the employee is exposed to products containing less than 0.1 percent formaldehyde, the LHCP can assume, absent of contrary evidence, that employee signs and symptoms are not due to formaldehyde exposure.

**Medical evaluation process for removal of employees:**

**Step 1:** Provide the employee with a medical evaluation by an LHCP selected by the employer.

**Step 2:** Based on information in the medical questionnaire the LHCP will determine if the employee will receive an examination as described in Table 3, Content of Medical Evaluations, in Medical and emergency evaluations, WAC 296-856-30020.

- If the LHCP determines that a medical examination is not necessary, there will be a two-week evaluation and correction period to determine whether the employee's signs and symptoms resolve without treatment, from the use of creams, gloves, first-aid treatment, personal protective equipment, or industrial hygiene measures that reduce exposure.

- If before the end of the two-week period the employee's signs or symptoms worsen, immediately refer them back to the LHCP.

- If signs and symptoms persist after the two-week period, the LHCP will administer a physical examination as outlined in Table 3, Content of Medical Evaluations, in Medical and emergency evaluations, WAC 296-856-30020.

**Step 3:** Promptly follow the LHCP's restrictions or recommendations. If the LHCP recommends removal from exposure, do either of the following:

- Transfer the employee to a job currently available that:

- The employee qualifies for, or could be trained for, in a short period of time (up to six months);

**AND**

- Will keep the employee's exposure to as low as possible, and never above the AL of 0.5 parts per million.

- Remove the employee from the workplace until either:

- A job becomes available that the employee qualifies for, or could be trained for in a short period of time **and** will keep the employee's exposure to as low as possible and never above the AL;

**OR**

- The employee is returned to work or permanently removed from formaldehyde exposure, as determined by completing Steps 1 through 3 of the medical evaluation process for removal of employees, in this section.

**Step 4:** Make sure the employee receives a follow-up examination within six months from being removed from the formaldehyde exposure by the LHCP. At this time, the LHCP will determine if the employee can return to their original job status, or if the removal is permanent.

(1) You must maintain the employee's current pay rate, seniority, and other benefits if:

(a) You move them to a job that they qualify for, or could be trained in a short period of time, and will keep the employee's exposure to as low as possible and never above the AL;

OR

(b) In the case there is no such job available, then until they are able to return to their original job status or after six months, whichever comes first.

**Note:** • If you must provide medical removal benefits and the employee will receive compensation for lost pay from other sources, you may reduce your medical removal benefit obligation to offset the amount provided by these sources.

• Examples of other sources are:

- Public or employer-funded compensation programs.

- Employment by another employer, made possible by the employee's removal.

(2) You must make medical evaluations available:

(a) At no cost to employees, including travel costs and wages associated with any time spent obtaining the medical examinations and evaluations; and

(b) At reasonable times and places.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 18-22-116, § 296-856-30030, filed 11/6/18, effective 12/7/18; WSR 06-08-087, § 296-856-30030, filed 4/4/06, effective 9/1/06.]