

**MAY 17, 1989**

**OLYMPIA, WASHINGTON**

**ISSUE 89-10**



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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

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## CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of May 1989 pursuant to RCW 19.52.020 is thirteen point three eight percent (13.38%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1989 pursuant to RCW 63.14.130(1)(a) is thirteen and one-half percent (13.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fifteen and one-quarter percent (15.25%) for the second calendar quarter of 1989.

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# WASHINGTON STATE REGISTER

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Chairman, Statute Law Committee

Kerry S. Radcliff  
Editor

Dennis W. Cooper  
Code Reviser

Joyce Matzen  
Subscription Clerk

Gary Reid  
Chief Assistant Code Reviser

## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

### 2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

### 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) ~~deleted material is ((lined out and bracketed between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

### 4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

### 5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 6. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [ ].

### 7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1988 – 1989

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No. —	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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88-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
88-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
88-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
88-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
88-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989
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<sup>1</sup>All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup>"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

**WSR 89-09-034**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Order 2786—Filed April 14, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to boarding homes, amending chapter 248-16 WAC.

This action is taken pursuant to Notice No. WSR 88-21-086 filed with the code reviser on October 19, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 18.20.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 10, 1989.

By Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Abuse" means the injury, sexual use or sexual mistreatment of an individual resident by any person under circumstances which indicate the health, welfare, and safety of the resident is harmed thereby. Abuse includes emotional, as well as physical, abuse.

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal or nonverbal actions which constitute harassment.

(2) "Ambulatory (~~resident~~)" means (~~a resident who~~) physically and mentally (~~is~~) capable of (~~walking unaided or is capable of independent mobility with the use of a cane, crutches, a walkerette, a walker, a wheelchair or artificial limb. It shall mean an individual who is able to walk or traverse a normal path to safety unaided by another individual. This definition shall not be interpreted to include an individual who needs the assistance of another individual in order to get into and out of bed, to transfer to a chair or toilet or to move from place to place~~) walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(a) "Semi-ambulatory" means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

(b) "Nonambulatory" means physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

(c) "Physical assistance" as used in subsection (2)(a) and (b) of this section means carrying, pushing, pulling, holding, or dragging a resident along a normal path to safety.

(3) "Area," ((f))except when used in reference to a major section of a boarding home((?)), means a portion of a room which contains the equipment essential to carry out a particular function and is separated from other facilities of the room by a physical barrier or adequate space.

(4) "Bathing facility" means a bathtub, shower or sit-down shower.

(5) "Bathroom" means a room containing at least one bathing facility.

(6) "Board" as used in RCW 18.20.020(2) means the provision of daily meal service and lodging.

(7) "Boarding home" means:

(a) A facility as defined in RCW 18.20.020(2) and in this chapter;

(b) The licensee or person granted a license by the department to operate a boarding home.

(8) "Department" means the Washington state department of social and health services (DSHS).

(9) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American dietetic association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

((8)) (10) "Domiciliary care," as used in RCW 18.20.020 and this chapter, means the care offered an individual in his or her living accommodation which includes the assumption of a general responsibility for the safety and well-being of the individual and provision of assistance in the activities of daily living, as needed.

((9)) (11) "Facilities" means a room or area and/or equipment to serve a specific function.

((10)) (12) "Foot candle" means a measurement of light approximately equal to the light produced by a lighted candle at the distance one foot away from the candle.

(13) "Functional abilities" means the physical, mental, emotional and social abilities to cope with the affairs and activities of daily living.

((11)) (14) "Grade" means the level of the ground adjacent to the building measured at required windows((-)) with ground ((shall be)) level or ((slope)) sloping downward for a distance of at least ten feet from the wall of the building.

((12)) (15) "Health care practitioner" means any individual, group or organization ((that provides)) providing health care as ((legally)) authorized by Washington state law, including, but not limited to, physician, chiropractor, naturopath, certified registered nurse, physician's assistant.

((13)) (16) "Home health care ((service)) agency" means any nursing ((service)) or other service provided by licensed nurses, other practitioners or aides on a periodic or short-term basis ((which does not include)) excluding continuous nursing care.

~~((+4))~~ (17) "Infirmity," as used in RCW 18.20.020 and this chapter, means a disability which materially limits normal activity ~~((but does not cause))~~ without causing an individual to need inpatient medical or nursing care of a type provided by institutions licensed under the provisions of chapters 18.46, 18.51, 70.41 or 71.12 RCW. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, developmental disability, chemical addiction or habituation or mental confusion, disability or disturbance.

~~((+5))~~ (18) "Lavatory" means a plumbing fixture designed and equipped to serve for handwashing purposes.

~~((+6))~~ (19) "May" means to permit, at the discretion of the department.

~~((+7))~~ "Medication service" means the procurement and administration of drugs in accordance with the orders of a physician or other health care practitioner who is legally authorized to prescribe drug therapy and acting within the scope of his or her license in prescribing such therapy.

~~((+8))~~ (20) "Medication" means all pharmaceuticals, vitamins, and nutrient supplements, both over-the-counter and prescribed.

(21) "Medication administration" means an act in which a single dose of a medication is given to a resident by an authorized person, other than the resident, under laws and regulations governing such acts and entailing:

(a) Removing an individual dose from a previously dispensed, properly labeled container;

(b) Reviewing the label on the container with prescriber's order or with a direct copy of a verified transcription of the order;

(c) Giving an individual dose to the proper resident; and

(d) Properly recording the time and dose given.

(22) "Minor alteration" means:

(a) Physical or functional modification in a boarding home without changing department-approved use of the modified room or area; and

(b) Prior department review of the plan specified in WAC 248-16-055 is not required.

(23) "Neglect" means negligent treatment or maltreatment; an act or omission which evinces a disregard of consequences of such a magnitude as to constitute a clear and present danger to a resident's health, welfare, and/or safety.

~~((+9))~~ (24) "New construction" means ~~((any of the following started after promulgation of these rules and regulations))~~:

(a) Constructing or building ~~((+))~~ a new physical plant or facility to be used as a boarding home;

(b) ~~((Addition(s)))~~ Additions to an existing ~~((building(s) to be used as))~~ facility or physical plant constructed for intended use as part of a boarding home;

(c) A ~~((structural))~~ physical alteration, modification, or ~~((functional modification within an existing boarding home which changes the))~~ renovation changing department-approved use of ~~((the))~~ a room or area excluding "minor alteration".

~~((+20))~~ (25) "Nurse" means either a licensed practical nurse under provisions of chapter 18.78 RCW or a registered nurse.

(26) "Nursing care" means services:

(a) Designed to maintain or promote achievement of optimal, independent function, and health status; and

(b) Planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care as in WAC 248-14-001.

(27) "Physician" or "doctor," as used in RCW 18.20.160 and in this chapter, means an individual licensed as a physician under chapters 18.57 or 18.71 RCW.

(28) "Prescriber" means a physician, dentist under chapter 18.32 RCW, or registered nurse with prescriptive authority or others legally authorized in Washington state to prescribe drugs.

(29) "Registered nurse" means an individual licensed under chapter 18.88 RCW.

(30) "Resident" means an individual who, by reason of age or infirmity, requires domiciliary care and who is not related by blood or marriage to the operator of the boarding home.

~~((+1))~~ (31) "Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

~~((+2))~~ (32) "Self-administration of medication" means medication administration by a resident taking his or her own medication from a properly labeled container.

(33) "Sit-down shower" means a shower which has a molded seat, fold-down type of seat, or an equivalent means for sitting and is designed for bathing while in a sitting position.

~~((+3))~~ (34) "Suitable chair" means a piece of furniture intended to accommodate the act of sitting which is sturdy, comfortable, and appropriate for the age and physical condition of a resident.

(35) "Supervised medication service category A" means:

(a) A level of self-medication or self-administration; or

(b) Self-directed medication service for a resident requiring limited assistance or no assistance, and monitoring by boarding home staff to assure medication is taken and stored properly.

(36) "Supervised medication service category B" means a level of service for residents requiring assistance and monitoring by boarding home staff to assure:

(a) Medications taken in accordance with a health care practitioner's instructions; and

(b) Inaccessibility of medications to other residents.

(37) "Supervised medication service category C" means a full medication administration service.

(38) "Toilet" means a disposal apparatus consisting of a hopper, fitted with a seat and flushing device, used for urination and defecation.

~~((+4))~~ (39) "Usable floor space" means floor area available for:

(a) Use in a resident bedroom ~~((exclusive of))~~ excluding areas with ceiling height ~~((less than))~~ under seven feet six inches and walk-in closets if initially and continuously licensed prior to December 31, 1988; or

(b) Living and sleeping, excluding bathrooms, toilets, toilet compartments, closets, halls, storage, or utility spaces if initially licensed after December 31, 1988.

~~((25) "Utility sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.))~~

#### NEW SECTION

WAC 248-16-031 BOARDING HOME LICENSE APPLICATION—DEPARTMENT DENIAL, SUSPENSION, REVOCATION OF LICENSE. (1)

Boarding home license applicants shall:

(a) Submit appropriate, signed, completed department application forms to the department;

(b) Apply at least thirty days prior to expiration of license for renewal;

(c) Promptly report changes in information related to the application including identity of:

(i) Officers and directors if operated by a legally incorporated entity; and

(ii) Partners if a legal partnership.

(2) The department shall:

(a) Evaluate qualifications of persons named in boarding home license application prior to granting initial and subsequent licenses;

(b) Deny, suspend, or revoke a boarding home license if the department finds persons named unqualified or unable to operate or direct operation of the facility as described in chapter 18.20 RCW and chapter 248-16 WAC;

(c) Determine if reasonable relationship exists between any previous conviction of the applicant and ability to competently, safely oversee, or operate a boarding home;

(d) Deny, suspend, or revoke a boarding home license if any person named:

(i) Was previously denied a license to operate an agency for care of children, aged, ill, or infirm in Washington or elsewhere;

(ii) Had a license to operate an agency for treatment or care of people revoked or suspended;

(iii) Has a record of a criminal or civil conviction for:

(A) Operating an agency for care of aged, children, ill, or infirm without an appropriate, applicable license; or

(B) Any crime involving physical harm to another person.

(iv) Is identified on department abuse registry as perpetrator of substantiated abuse described in chapter 26.44 RCW;

(v) Committed, permitted, aided, or abetted an illegal act on boarding home premises;

(vi) Demonstrated cruelty, abuse, negligence, assault, or indifference to welfare and well-being of a resident;

(vii) Failed to exercise fiscal accountability and responsibility involving:

(A) A resident;

(B) The department;

(C) Public agencies; or

(D) The business community.

(3) The department may grant a license to operate a boarding home to previously disqualified licensees as

specified in subsection (2) of this section if such person provides evidence including demonstrated ability to operate a boarding home according to applicable laws and rules.

#### NEW SECTION

WAC 248-16-033 CHANGE OF LICENSEE. (1) Boarding homes shall:

(a) Notify the department in writing at least thirty days prior to planned change of boarding home license including:

(i) Full names of the present licensee and prospective licensee;

(ii) Name and address of the boarding home concerned;

(iii) The date of the proposed change; and

(iv) The kind of change to be made, such as sale, lease, or rental.

(b) If a corporation or partnership:

(i) Notify the department, in writing, with the name and address of the responsible officers in corporation or controlling partners; and

(ii) Submit a signed statement testifying the new controlling officer or officers is in compliance with WAC 248-16-031.

(2) Applicants for an initial boarding home license shall submit a new application thirty days or more before proposed effective date of license as specified in WAC 248-16-031.

#### NEW SECTION

WAC 248-16-036 REQUIREMENT FOR AND QUALIFICATIONS OF BOARDING HOME ADMINISTRATOR. (1) Boarding homes shall have continuous availability of an administrator or designated alternate who:

(a) Is available in person or by phone or page at all times;

(b) Is at least twenty-one years of age;

(c) Is not a resident as defined in WAC 248-16-001;

(d) Possesses a high school diploma or equivalent unless administering a boarding home in Washington state prior to January 1, 1958;

(e) Has demonstrated competence and experience in management of a boarding home or completed high school or post-high school courses including:

(i) Basic accounting, except when a designated alternate administrator is in charge for two weeks or less;

(ii) Management including personnel management; and

(iii) Care of persons characteristic of those admitted or accepted as residents in a specific boarding home, such as frail elderly, developmentally disabled, or mentally ill persons.

(f) Meets requirements as specified in WAC 248-16-046 (2)(b).

(2) Boarding homes shall notify the department when changes in the administrator occur including:

(a) Provide written notice to the department of new administrator's name upon appointment; and

(b) Provide a statement of administrator's compliance with WAC 248-16-036 and 248-16-046.

#### NEW SECTION

WAC 248-16-046 STAFF AND EMPLOYEES—OTHER PERSONS LIVING IN BOARDING HOME. (1) Boarding homes shall provide:

(a) Sufficient, trained staff in each boarding home to provide:

(i) Services and care needed by residents;  
(ii) Maintenance of the facility for resident health and safety;

(iii) Implementation of fire and disaster plans.

(b) One or more staff aged eighteen years of age or older:

(i) On boarding home premises at all times when residents are present;

(ii) Capable of assisting all residents present in boarding home; and

(c) Staff present and responsible for "on-premises" supervision when any resident is working as staff or employed by the boarding home unless approved in advance by the department;

(d) Orientation and appropriate training of employees and staff pertinent to expected duties including:

(i) Organization of boarding home;

(ii) Physical facility layout;

(iii) Specific duties and responsibilities;

(iv) Policies, procedures, equipment necessary to perform duties as expected, minimally including:

(A) Actions during emergencies;

(B) Actions related to suspected, or alleged abuse, neglect, or accidents involving residents; and

(C) Methods of preventing transmission of infection.

(2) Boarding homes shall require and have:

(a) Staff with resident care duties possessing:

(i) Current first aid cards, unless licensed nurses, from instructors certified by:

(A) American Red Cross; or

(B) American Heart Association; or

(C) United States Bureau of Mines; or

(D) Washington state department of labor and industries.

(ii) Current cardiopulmonary resuscitation cards from instructors certified as in subsection (2)(a)(i)(A), (B), (C), and (D) of this section.

(b) A written statement from all staff and persons other than residents living or working in a boarding home regarding:

(i) Convictions for felony;

(ii) Convictions for crimes involving physical harm to another; and

(iii) Previous perpetrator of substantiated abuse as described in chapter 26.44 RCW.

(c) Exclusion of persons other than residents from living or working on the premises when evidence indicates previous conviction or abuse, as in subsection (2)(b) of this section, unless the boarding home licensee:

(i) Determines such person is rehabilitated enough to warrant public trust; and

(ii) Records the facts and basis for decision.

(3) Boarding homes shall reassign and/or restrict staff contact with residents when:

(a) Staff have a known communicable disease in the infectious stage; and

(b) The disease is likely to be spread in the boarding home setting or by casual contact.

(4) Boarding homes shall maintain documentation of:

(a) Staff orientation and training pertinent to duties, including cardiopulmonary resuscitation and first aid if required in subsection (2)(a) of this section; and

(b) Individual staff statements related to conviction or abuse and related boarding home actions as required in subsection (2)(b) and (c) of this section.

#### NEW SECTION

WAC 248-16-057 NEW CONSTRUCTION—MODIFICATION OF EXISTING STRUCTURE. (1) Boarding homes shall forward plans for new construction, if applicable, to the department including:

(a) Preliminary documents with:

(i) Description of program, services, and operational methods affecting boarding home building, premises, or residents;

(ii) Scaled drawings for any physical or functional construction or modification;

(iii) Two sets of plans drawn to scale including:

(A) Plot plan showing streets and driveways;

(B) Water supply;

(C) Sewage disposal system;

(D) Grade and location of each building;

(E) Designated function of each room; and

(F) Fixed equipment.

(iv) General description of construction and materials.

(b) Final construction documents requiring department approval which are two sets of final plans and specifications including:

(i) Plot plans;

(ii) Plans for each floor of each affected building designating function for each room and fixed equipment;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) A schedule of floor, wall, and ceiling finishes and the type and size of doors and windows;

(v) Plumbing, heating, ventilating, and electrical systems;

(vi) Specifications which fully describe workmanship and finishes; and

(vii) A sample of each different carpet, if provided, including tests for flame spread and smoke density conducted by an independent testing laboratory approved by the department.

(2) Boarding homes involved in new construction projects shall:

(a) Obtain department approval of final construction documents prior to starting construction;

(b) Consult with the department prior to changing approved plans and specifications;

(c) Submit modified plans or addenda if required by the department;

(d) Construct only changes approved by the department;

(e) Provide a written notice of construction project completion to the department indicating date to be completed and compliance with requirements of chapter 18.20 RCW and chapter 248-16 WAC; and

(f) Occupy and use buildings or rooms only after authorization by the department.

(3) When modifications or alterations to existing boarding home structure are planned, boarding homes shall forward plans to the department including:

(a) Preliminary documents with:

(i) Descriptive drawings of each floor of proposed modifications indicating area to be modified;

(ii) Description of impacts on physical plant, operations, and services;

(iii) A plan showing existing and proposed function of each room and fixed equipment; and

(iv) A sample of carpets, if provided, including tests for flame spread and smoke density conducted by an independent testing laboratory approved by the department.

(b) Final plans submitted after department review of preliminary documents.

(4) Boarding homes involved in alteration or modification projects shall:

(a) Begin modifications only after department approval of final plans; and

(b) Make adequate provisions for the health, safety, and comfort of residents during construction.

(5) Boarding homes shall obtain approval of the Washington state division of fire protection prior to new construction, modifications, alterations, and minor alterations under RCW 18.20.130.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-060 COMMUNICATION SYSTEM((S)). Boarding homes shall provide:

(1) ~~((There shall be at least))~~ One ((<sup>a</sup>)) or more non-pay(<sup>a</sup>) telephones in each ((boarding home so)) building located ((as to be easily accessible from all parts of the building(s:)) for ready access by staff;

(2) ~~((A telephone, which may be a "pay phone," shall be accessible for personal use by the residents:))~~ Intercoms, phone extensions, or other means of communications as required for maintaining resident safety;

(3) ~~((When))~~ Resident ((safety conditions require, internal means of communication shall be available, such as intercom or phone extensions)) access to one or more pay or nonpay telephones on the premises.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-070 WATER SUPPLY. Boarding Homes shall:

(1) ~~Provide a water ((used for domestic purposes in boarding homes shall meet the standards of the department:)) supply system and water meeting requirements described in chapter 248-54 WAC((-)) public water supplies;~~

~~(2) ((Cross connections of any kind are prohibited:))~~ Maintain water supply systems free of cross-connections;

~~(3) ((In the event that an unsafe or nonpotable water supply is used for irrigation, fire protection or other purpose, it shall be adequately color-coded or labeled so as to lessen any chance of its being used for domestic purposes:))~~ Provide hot and cold water under adequate pressure readily available throughout the facility;

~~(4) Provide hot ((and cold)) water ((under pressure shall be readily available at all times:))~~ not to exceed 120° Fahrenheit at lavatories and bathing facilities used by residents;

~~(5) ((Hot water at lavatories, bathtubs, and showers shall not exceed 120° Fahrenheit))~~ Label or color code unsafe or nonpotable water supplies used for irrigation, fire protection, and purposes other than domestic use;

~~(6) Meet laundry requirements of WAC 248-16-160;~~ and

~~(7) Meet dishwashing machine requirements in WAC 248-16-141.~~

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-080 SEWAGE AND LIQUID WASTE DISPOSAL. Boarding homes shall:

(1) ~~Have all sewage and ((liquid)) waste((s shall be discharged))~~ water drain into a ((public)) sewerage system ((where such system is available and is acceptable to the department, otherwise sewage and liquid wastes shall be collected, treated and disposed of in an independent sewerage system which meets the requirements of the department:)) approved by the governmental agency having jurisdiction;

(2) ~~Prevent discharge of sewage or liquid wastes directly on the surface of the ground((, or into bodies of water:))~~ or directly into ground water ((is prohibited)); and

(3) ~~For new construction, if on-site sewage disposal systems are used, discharge sewage and liquid wastes per chapter 248-96 WAC on-site sewage disposal or chapter 173-240 WAC.~~

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-090 GARBAGE AND REFUSE DISPOSAL. Boarding homes shall:

(1) ~~((Storage pending disposal. There shall be provided and maintained:))~~ Provide garbage containers which are:

~~(a) In a suitable location((-a)) or storage area;~~

~~(b) Sufficient in number ((of garbage containers of watertight construction, made of));~~

~~(c) Constructed to be nonabsorbent ((material)) and water-tight;~~

~~(d) Appropriately ((covered or otherwise contained. Garbage containers shall be)) maintained; and~~

~~(e) Cleaned ((at adequate intervals)) frequently to prevent presence of vectors, odors, and other nuisances.~~

(2) ~~((Disposal:))~~ Dispose of garbage and ((refuse shall be disposed of)) wastes at ((sufficiently)) sufficient

frequent intervals (~~so as not~~) to (~~create a~~) prevent hazards and nuisance(-s); and

(3) Assure final disposal (~~shall be~~) of garbage and refuse by (~~an~~) use of authorized garbage collection (~~agency or by some other method satisfactory to the~~) services or other department-approved methods.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-105 LIGHTING. (~~All areas shall be appropriately lighted by natural or artificial means when in use~~) Boarding homes shall maintain light fixtures and lighting to provide for comfort and safety of residents minimally to include an intensity of:

(1) Five foot-candles of light measured thirty inches from the floor in all areas;

(2) Thirty foot-candles of light measured at reading, work, and recreation surfaces in any room or area used by residents for reading, work, and recreation; and

(3) Ten foot-candles of light measured thirty inches from the floor in toilet rooms and bathrooms.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-110 HEATING—TEMPERATURE. (~~(+)~~) Boarding homes shall (~~be equipped with an approved heating system capable of maintaining a healthful temperature. Use of portable space heaters is prohibited unless approved in writing by the Washington state fire marshal.~~)

(1) Equip each resident-occupied building with an approved heating system capable of maintaining a healthful temperature for residents;

(2) (~~Temperature shall be maintained at a healthful level~~) Prohibit use of portable space heaters unless approved, in writing, by the Washington state director of fire protection; and

(3) Maintain a temperature during sleeping hours no less than 60° Fahrenheit and no less than 68° Fahrenheit during waking hours except when:

(a) A room is designated for activities requiring physical exertion; or

(b) Individual residents can control temperature in their own unit, independent from other areas.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-115 VENTILATION. Boarding homes shall:

(1) Ventilate rooms (~~with~~) to prevent excessive odors or moisture (~~shall be appropriately ventilated~~);

(2) (~~Operable windows or openings that serve for ventilation shall be provided with insect screening. Screening used in openings designated for rescue or fire exit shall be of a type which do not restrict or hinder escape or rescue, in event of a fire emergency~~) Designate and maintain appropriately ventilated smoking areas to prevent air contamination throughout the facility if smoking is permitted in a boarding home;

(3) Provide insect screens for operable windows or openings serving for ventilation; and

(4) Avoid using a type of screen which might restrict or hinder escape or rescue in emergencies if a screen is used in a fire or emergency exit opening.

#### NEW SECTION

WAC 248-16-121 RESIDENT ROOM—ROOM FURNISHINGS—STORAGE. (1) Boarding homes shall have resident sleeping rooms with:

(a) Eighty square feet usable floor space in a one-person room;

(b) At least seventy square feet of usable floor space per person in rooms occupied by two or more;

(c) Ceiling heights of at least seven feet six inches over all portions of rooms considered usable floor space;

(d) Accommodations for a maximum of four persons per room if initially and continuously licensed before July 1, 1989;

(e) Maximum occupancy of two persons per room for boarding homes applying for initial license or increasing number of resident sleeping rooms after June 30, 1989;

(f) Appropriate room identification and resident capacity consistent with department-approved list;

(g) Unrestricted direct access to a hallway, living room, outside, or other acceptable common-use area;

(h) An exclusion for use as corridors or passageways;

(i) Window sill or sills of a window or windows used for required window area, under subsection (1)(j) of this section:

(i) No more than three feet eight inches from the floor;

(ii) At or above grade extending ten or more feet outside horizontally from the window sill.

(j) Windows, excluding openings into window wells, enclosed porches, light or ventilation shafts, or similarly enclosed areas, providing:

(i) Clear glass area at least one-tenth of required room area;

(ii) Minimum area of ten square feet.

(k) Windows designed to operate freely if necessary for fire exit or ventilation;

(l) Adjustable window curtains, shades, blinds, or equivalent for visual privacy;

(m) One or more duplex electrical outlets per bed if initially licensed after July 1, 1983;

(n) Switch at entry of bedroom to control one or more light fixtures in room;

(o) Artificial lighting at bedside if requested by a resident under WAC 248-16-105; and

(p) Noncombustible wastebaskets.

(2) Boarding homes shall provide or ensure each resident has:

(a) Sufficient storage facilities either in or immediately adjacent to his or her sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(b) Individual towel and washcloth rack or equivalent;

(c) A secure space for valuables at least one-half cubic foot and a minimum dimension of four inches if requested by the resident;

(d) A comfortable bed appropriate for size of resident and at least thirty-six inches wide with:

(i) A mattress which:

- (A) Fits the bed frame;
- (B) Is in good condition; and
- (C) Is at least four inches thick unless otherwise requested or necessary for resident health and/or safety.

(ii) Spacing at least three feet from the other beds unless otherwise requested by all affected residents; and

(iii) Acceptable types including:

(A) Standard household bed;

(B) Studio couch;

(C) Hide-a-bed;

(D) Day bed; and

(E) Water bed if it is structurally and electrically safe.

(e) One or more comfortable pillows;

(f) Clean, and in good repair, bedding at least one time per week, or as necessary to maintain cleanliness;

(g) Clean towels and washcloths at least once each week or more often if necessary to maintain cleanliness; and

(h) At least one suitable chair excluding those used to permanently furnish the day room, dining room, or other common-use rooms.

(3) Boarding homes may permit a resident to use his or her own furniture and furnishings when consistent with health and safety of all residents including:

(a) Cooking equipment, coffee makers, and other equipment and appliances in sleeping rooms when approved by the Washington state director of fire protection; and

(b) Food and beverage storage and preparation area in sleeping room if maintained in a sanitary condition.

(4) Boarding homes shall regularly:

(a) Ascertain functional ability of residents to use cooking facilities safely; and

(b) Take appropriate actions to prohibit resident access to cooking facilities when a resident is judged unable to cook safely, including:

(i) Rewire, disconnect, or remove stove or appliance;

(ii) Transfer of resident to another accommodation; or

(iii) Ensure constant attendance by a responsible person when resident has access to or use of cooking facilities.

(5) Boarding homes may use and allow use of carpets or other floor coverings if:

(a) Securely fastened to the floor or provided with nonskid backing;

(b) Free of hazards such as curling edges or tattered sections; and

(c) Clean.

(6) If a boarding home plans to install carpeting, the boarding home shall submit samples to the department for approval prior to purchase and installation as required in WAC 248-16-055 (3)(a)(iv).

#### NEW SECTION

WAC 248-16-131 TOILET AND BATHING FACILITIES. (1) Unless a private toilet and bathing facility is provided for exclusive use in each resident living unit, boarding homes shall provide common-use facilities for residents, staff, and others as follows including:

(a) At least one toilet and one lavatory available in a ratio of one toilet and lavatory for each eight or fewer persons;

(b) Toilet rooms containing more than one toilet reserved for use by one sex;

(c) No more than one toilet in a room containing a bathing facility to be counted as a required toilet;

(d) A lavatory located in:

(i) Each toilet room; or

(ii) A directly adjacent adjoining lounge, dressing room, locker room, or other suitable common-use area; or

(iii) A resident's room if the toilet room opens into resident's room.

(e) Lavatories equipped with:

(i) Suitable mirrors;

(ii) Soap; and

(iii) Single-use or disposable towels, blower, or equivalent hand-drying device.

(f) Bathing facilities and toilets for resident use located where:

(i) Reasonable access is possible from a common hall or area for all residents living on the same level or floor;

(ii) Residents served live on same floor or level as toilet;

(iii) Residents served live on same floor or level as bathing facility or no more than one floor or level up or down;

(iv) Resident access is possible without passage through facility kitchen, pantry, food preparation, food storage, or dishwashing area; and

(v) Access occurs without passage from one bedroom through another bedroom.

(g) At least one bathing facility for every twelve or fewer persons; and

(h) Bathrooms containing more than one bathing facility reserved for use by one sex only.

(2) General requirements for all resident toilets, bathing facilities, and lavatories:

(a) Bathing facilities designed to meet the needs of residents living in the facility;

(b) Toilets and bathroom facilities equipped with:

(i) Water resistant, smooth, low gloss, nonslip, and easily cleanable materials;

(ii) Walls washable to height of splash or spray;

(iii) Suitable numbers of grab bars installed and located to minimize accidental falls including:

(A) At least one grab bar installed at each bathing facility; and

(B) Grab bars at toilets if needed by residents.

(iv) Sanitarily designed plumbing fixtures in good repair with clean, nonabsorbent toilet seats free of cracks;

(v) Adequate lighting;

(vi) A suitable mirror at each lavatory; and

(vii) Adequate ventilation to outside.

#### NEW SECTION

WAC 248-16-141 FOOD AND NUTRITION SERVICES. (1) Boarding homes shall maintain food service facilities and practices required in chapter 248-84 WAC food service sanitation. Boarding homes may

use home-canned high-acid foods with a pH of less than 4.6, such as fruit, jelly, and jam.

(2) Boarding homes using dishwashing machines shall ensure:

(a) Machine operation per manufacturer directions; and

(b) "Home-type" machines, without high temperature sanitizing cycles, maintain water temperature at 155° Fahrenheit or above.

(3) Boarding homes shall:

(a) Provide a minimum of three meals in each twenty-four-hour period;

(b) Deviate from minimum of three meals in a twenty-four-hour period only following written approval by the department;

(c) Allow no more than fourteen hours between the evening meal and breakfast unless a snack contributing to the daily nutrient total is served or made available to all residents between the evening meal and breakfast;

(d) Provide sufficient time for residents to consume meals;

(e) Have written menus which:

(i) Are available at least one week in advance;

(ii) Include date, day of week, month, and year;

(iii) Are retained at least six months; and

(iv) Provide a variety of foods with cycle duration of at least three weeks before repeating.

(f) Prepare palatable, attractively served foods, meals, and nourishments sufficient in quality, quantity, and variety to meet the recommended dietary allowances of the food and nutrition board, National Research Council, 1980;

(g) When substituting for food contributing to daily nutrient total requirement, use food of comparable nutrient value and record food actually served;

(h) Keep a record of all food and snacks served and contributing to nutritional requirements; and

(i) Maintain an adequate dining area approved by the department with seating capacity for fifty percent or more residents per meal setting.

(4) Boarding homes shall prepare and serve:

(a) Resident specific modified or therapeutic diets when and as prescribed by a health care practitioner using a dietitian-approved menu or diet manual; and

(b) Only nutrient concentrates and supplements prescribed in writing by a health care practitioner.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-150 DAY ROOMS. (~~Suitable day room or living room space, comfortably furnished, adequately heated and adequately lighted, shall be provided which has space adequate for the usual functions of daily living and which includes an area for social and diversional activities. Floor space requirements shall be related to the number of residents as follows: One to fifty beds, inclusive, ten square feet per bed, fifty-one beds and over, five square feet per bed in addition to the first five hundred square feet, except that no boarding home shall provide less than one hundred fifty square feet. In arriving at the total square footage available for day room or living room usage,)~~ Boarding homes shall

provide day room area or areas for residents to participate in social, recreational, and diversional activities. Boarding homes shall provide in the day room area or areas:

(1) Comfortable furniture and furnishings to meet resident needs;

(2) Heat and light appropriate for the comfort of residents;

(3) Floor space of no less than one hundred fifty square feet or ten square feet per resident, whichever is larger. Such total area may include:

(a) Solariums,

(b) Enclosed sun porches,

(c) Recreation rooms,

(d) Dining rooms(, etc., may be included as part of the required floor space. Residents' rooms, entryways, corridors and hallways shall not be considered as part of required day room or), and

(e) Living rooms.

(4) Floor space of no less than one hundred fifty square feet or twenty square feet per resident, whichever is larger, for boarding homes newly licensed after December 31, 1988.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-160 LAUNDRY ((ROOM)). (1) ~~((The))~~ Boarding homes shall provide or make provision ~~((and be responsible))~~ for ~~((the proper))~~ appropriate handling, cleaning, and storage of linen and ~~((other))~~ washable goods.

~~(2) ((Unless all laundry is sent out, every boarding home shall be provided with a laundry room equipped with adequate laundry facilities.~~

~~(a) Laundry equipment shall have the capability of reaching a temperature of one hundred forty degrees Fahrenheit.~~

~~(b) There shall be separation of clean and soiled laundry.~~

~~(c) The laundry room, storage, and sorting areas shall be located in rooms not))~~ When facility and/or comingled personal resident laundry is washed on the premises, boarding homes shall provide, maintain, and appropriately equip a laundry room including:

(a) Washing machines with hot water intake temperature of 140° Fahrenheit for each load;

(b) Means of separating clean and soiled items; and

(c) Soiled laundry and linen storage and sorting areas in rooms other than those used for open food storage, food preparation, or ((serving)) food service.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-170 STORAGE SPACE((S)). (1) Boarding homes shall provide adequate storage space ~~((shall be provided))~~ for:

(a) Supplies((:));

~~(b) Equipment (stored personal possessions of residents);~~

~~(c) Linens (and similar items);~~

~~(1) Storage space shall be such that it does not constitute a fire or accident hazard)~~

~~(d) Personal possessions of residents including spaces described in WAC 248-16-121(2).~~

~~(2) Boarding homes shall maintain storage space to:~~

~~(a) Prevent fire or accident hazards; and~~

~~(b) Provide separate, lockable storage for disinfectants and poisonous compounds (shall be stored separately) in (cabinets;) drawers, rooms, or equivalent (which can be locked).~~

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-180 STAIRS—RAMPS. ~~((AH))~~ Boarding homes providing stairways ~~((used by))~~ or ramps for resident(s) use shall ~~((have))~~ maintain:

~~(a) Nonskid surfaces (;~~

~~(2) Step(s shall be) treads at least nine inches deep (run) and ((not more than)) a maximum of eight inches high (rise); and~~

~~(3) Ramps with a maximum slope of one to twelve (vertical to horizontal), as needed for resident safety.~~

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-190 GUARDRAILS, HAND-RAILS. (1) Boarding homes shall install and maintain sturdy handrails ~~((may be required))~~ located:

~~(a) In halls and corridors if conditions indicate a need (All inside and outside stairs shall be equipped with sturdy handrails on each side. PROVIDED; HOWEVER, That one handrail may be permitted following evaluation by the department to determine safety of residents is maintained. Guardrails may be required);~~

~~(b) On each side of interior and exterior stairways unless rail installation on one side:~~

~~(i) Maintains safety of residents; and~~

~~(ii) Is approved in writing by the department.~~

~~(c) In stairways with more than one step riser; and~~

~~(d) On each side of interior and exterior ramps.~~

~~(2) The department may require a boarding home to install guardrails if safety of residents is jeopardized.~~

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-202 MAINTENANCE AND HOUSEKEEPING. Boarding homes shall provide maintenance and housekeeping including:

~~(1) ((The)) Safe and sanitary exterior grounds, boarding home structure, ((its)) and component parts (facilities, equipment and furnishings shall be kept clean and in good repair and maintained in the interest of residents safety and well-being. No hazard shall exist from structural conditions.);~~

~~(2) ((All bedrooms used by residents shall be kept in a safe and sanitary condition at all times. If a resident does not care for his or her own room, such maintenance~~

~~shall be provided by staff of the boarding home.)) Clean facilities, equipment, and furnishings in good repair;~~

~~(3) ((The boarding home shall provide a utility sink or an equivalent means of obtaining and disposing of mop water in areas other than those used for food preparation and serving. Wet mops shall be stored in an area with adequate ventilation)) Safe and sanitary conditions in resident bedrooms;~~

~~(4) Provision for maintaining each resident bedroom if a resident does not keep his or her room clean and safe;~~

~~(5) Absence of safety hazards;~~

~~(6) A utility sink or equivalent means of obtaining and disposing of mop water away from areas used in food preparation and food service; and~~

~~(7) Storage for wet mops in areas:~~

~~(a) mechanically ventilated; or~~

~~(b) Ventilated to outside air.~~

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-213 ADMISSION, PLACEMENT AND RETENTION OF RESIDENTS. (1) Prior to admission ~~((of an applicant for residency in))~~ or acceptance as a resident, boarding ~~((home, the boarding))~~ homes shall ~~((have obtained))~~ obtain sufficient information ~~((about the applicant's current ability to function to determine if the))~~ to evaluate whether or not a resident/applicant can be ~~((properly))~~ safely housed and provided domiciliary care in the ~~((boarding home))~~ particular facility, including information in reference to:

~~(a) Resident/applicant's ability to function with respect to the physical premises, equipment, and staff of the boarding home;~~

~~(b) Space, equipment, and furniture requirements;~~

~~(c) Ambulatory status;~~

~~(d) Currently demonstrated overt behavior dangerous to self or others;~~

~~(e) Need for care in a hospital, nursing home, or other licensed facility under chapters 18.51, 70.41, and 71.12 RCW;~~

~~(f) Requirements for assistance in obtaining or administering medications; and~~

~~(g) Need or desire for nursing care exceeding periodic visits by staff of a home health care agency or a licensed nurse employed by an individual resident.~~

~~(2) ((Admission of individuals as residents shall be limited to those who can be accommodated by the physical plant facilities, space, furniture, equipment, staff and program of domiciliary care in accordance with these rules, regulations and standards, chapter 248-16 WAC)) Boarding homes shall accept, admit, and retain persons as residents only when:~~

~~(a) Ambulatory unless the boarding home is approved by the Washington state director of fire protection to:~~

~~(i) Care for semi-ambulatory residents; or~~

~~(ii) Care for nonambulatory residents not needing medical or nursing care as specified in subsection (2)(f)(ii) and (iii) of this section.~~

~~(b) Nonsmoking residents can be accommodated with smoke-free rooms and smoke-free common-use areas to prevent contact with smoke;~~

(c) Smoking residents can be accommodated by areas meeting the requirements in WAC 248-16-115(2);

(d) The individual resident can be accommodated by:

(i) physical plant, facilities, and spaces;

(ii) Furniture and equipment; and

(iii) Staff who are available and sufficient to provide nature of domiciliary care required and desired by the resident.

(e) The amount and nature of needed assistance with medication or medication service is available in the boarding home under RCW 18.20.160 and WAC 248-16-229; and

(f) Individuals do not:

(i) Exhibit continuing overt behavior which is a danger to others or self;

(ii) Need inpatient care in a hospital, nursing home, or other facility licensed under chapters 18.51, 70.12, or 70.41 RCW; or

(iii) Need continuous nursing care exceeding periodic or short-term services from:

(A) Staff of a home health care agency; or

(B) A licensed nurse retained by an individual resident.

(3) ~~((Only individuals who are ambulatory, as defined in WAC 248-16-001 shall be admitted and retained as residents unless the state fire marshal approves the boarding home for acceptance of nonambulatory individuals. PROVIDED, That there is compliance with RCW 18.20.160.~~

(4) ~~Accommodations for individuals who, though capable of independent mobility with the use of a cane, crutches, a walker, a wheelchair or artificial limb, are not capable of walking unaided shall be restricted to sections or areas of a boarding home which have been specifically approved for occupancy by such individuals by the state fire marshal, unless the state fire marshal has approved the entire boarding home for occupancy by such individuals.~~

(5) ~~The following shall not be admitted or retained as residents:~~

(a) ~~Individuals who are manifesting overt behavior which is a danger to others or self;~~

(b) ~~Individuals who are in need of inpatient care in a hospital, a nursing home, or other facility licensed under the provisions of chapters 70.41, 71.12 or 18.51 RCW;~~

(c) ~~Individuals who need nursing care over and above the following:~~

(i) ~~Simple nursing care, of a type ordinarily given in a private home by lay persons, to one who has a mild, temporary illness which does not exceed fourteen days in duration;~~

(ii) ~~Service from a community home health care agency.~~

(6) ~~An individual who requires medication service shall not be admitted or retained as a resident unless the boarding home makes provision for medication services in accordance with RCW 18.20.160 and WAC 248-16-228.~~

(7) ~~At the time of admission, the boarding home administrator shall make definite arrangements with the resident regarding the health care practitioner and/or other individual to be called in case the resident becomes~~

ill)) Upon admission or acceptance of an individual as a resident, boarding homes shall determine a resident's choice regarding:

(a) Definite arrangements with a health care practitioner; and

(b) Who to call in case of resident illness or death.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-215 BOARDING HOME RESIDENT RIGHTS ~~((SERVICES TO BE PROVIDED)).~~ ~~((+))~~ Boarding homes shall assure each resident maintains the following rights in addition to any rights not specifically withheld by law insofar as a general or specific nuisance or a danger to the individual ~~((s))~~ or others is not created ~~((; each resident shall have, in addition to any rights not specifically withheld by law, the following)):~~

(1) Rights to:

(a) ~~((To))~~ Be informed or to have ~~((an))~~ a resident-designated agent ~~((; designated by the resident;))~~ informed of ~~((his or her))~~ resident rights and the policies of the facility at the time of admission ~~((; A written copy of rights and policies shall be provided to each resident or designated agent;)):~~

(b) Have a written copy of resident rights and policies with verification of date of receipt in the resident's file or available elsewhere in the facility;

(c) ~~((To))~~ Be treated in a manner ~~((that respects his or her))~~ respecting individual identity ~~((and))~~ human dignity, and ~~((fosters))~~ fostering constructive self-esteem ~~((; (c) To)):~~

(d) Be notified thirty days in advance if ~~((he or she requires))~~ transfer is necessary for medical or nursing care, resident well-being, or ~~((for his or her))~~ welfare ~~((or that))~~ of other residents, ~~((except as prohibited by Titles XVIII, XIX or XX of the Social Security Act;))~~ unless:

(A) An emergency condition requires immediate transfer ~~((;))~~ or ~~((there is failure to comply with))~~

(B) Resident does not abide by written boarding home policy ~~((of the boarding home or to ensure orderly transfer or discharge))~~ affecting health and safety of self or others; or

(C) Orderly transfer or discharge is enhanced for the resident by earlier transfer. ~~((The))~~

(2) Rights to:

(a) Have any notice of transfer ~~((or discharge))~~ and discharge ~~((planning shall be))~~ documented in ~~((the))~~ resident's record ~~((; (d) To)):~~

(b) Associate, visit, and communicate privately with persons of his or her choice; ~~((to))~~

(c) Send and receive uncensored correspondence through the mail; ~~((to))~~

(d) Have reasonable access to a telephone ~~((both to make))~~ for making and ~~((to receive))~~ receiving personal calls ~~((;)):~~

(e) ~~((To))~~ Manage personal financial affairs unless ~~((such person has been))~~ adjudicated ~~((to be))~~ incompetent in a court proceeding directed to that particular issue ~~((or pursuant to law;)):~~

(f) ~~((To))~~ Retain and use personal clothing and possessions unless to do so would infringe upon the rights of other residents~~((:));~~<sub>2</sub>

(g) ~~((To))~~ Refuse to perform services for the facility unless these services are included in a plan of care~~((:));~~<sub>2</sub>

(h) ~~((To be assured privacy for visits with relatives or guests.~~

~~(i) To))~~ Voice grievances and recommend changes in policies and services to the facility staff and~~((/or))~~ to outside representatives of his or her choice free from restraint, interference, coercion, discrimination or reprisal~~((:));~~<sub>2</sub>

~~((j) To))~~ (i) Be informed of telephone numbers and address of the licensing ~~((agency))~~ agent or appropriate advocacy ~~((group(s). (k) To))~~ group;

(j) Meet with and participate in activities of social, religious, and community groups at his or her discretion~~((.(h) To be free));~~<sub>2</sub>

(k) Freedom from physical, chemical, and psychological restraints unless authorized by law~~((.(m) To be free));~~<sub>2</sub>

(l) Freedom from exploitation, assault, abuse, and neglect~~((:));~~<sub>2</sub>

(m) Access information in own record or provide written authorization for a designated agent to access record;

(n) ~~((To have))~~ Confidential treatment of information contained in resident health records ~~((kept confidential))~~ with access only ~~((to))~~ by authorized ~~((personnel))~~ persons and those persons authorized by the department~~((:));~~<sub>2</sub>

(o) ~~((To be given))~~ Receive timely notice of changes in ~~((admission or retention))~~ policy and procedures affecting residents; and

(p) Be informed of facility rules, including smoking rules and location of smoking and nonsmoking areas.

~~((2))~~ Each resident shall have at least one comfortable pillow and adequate, clean bedding. Clean sheets, a pillow case, towels and washcloths shall be provided as needed and at least each week.

~~(3)~~ A resident shall be regularly observed for changes in physical, mental and emotional functioning. When observations reveal the resident has need for services unavailable in the boarding home, the administrator or designee shall arrange for the transfer of the resident.

~~(4)~~ Basic domiciliary care services shall be conducted so as to attain or maintain each resident's highest degree of functioning possible and compatible with individual safety and welfare. The following services shall be provided when a resident requires such services:

(a) General health supervision, which means provision of the following services in accordance with a resident's particular needs including:

~~(i) To encourage a resident to self-administer medically prescribed drugs and treatment;~~

~~(ii) To encourage a resident to follow any medically prescribed modified diet, rest or activity regimen;~~

~~(iii) To encourage and assist a resident to keep appointments for health care services, e.g., physicians, dentists, home health care services or clinics;~~

~~(iv) Encourage and assist a resident to see his or her health care practitioner if the resident manifests signs~~

~~and symptoms of an illness or abnormality for which medical diagnosis and treatment seem indicated.~~

~~(b) Reminding and/or guidance, supervision or assistance to a resident in:~~

~~(i) Personal hygienic care, dressing, grooming, and other activities;~~

~~(ii) Maintenance of functional aids or equipment, such as glasses, hearing aids, canes, crutches, walker or wheelchair;~~

~~(iii) Maintenance of clothing and other personal effects;~~

~~(iv) Maintenance of personal living quarters in a manner conducive to safety and comfort.~~

~~(c) Encouraging, guiding or assisting a resident to participate in social, recreational, diversional, vocational, church or other activities within the boarding home and the community in accordance with his or her interests, tolerance and abilities.~~

~~(5) Whenever a resident is believed to be ill or injured, the health care practitioner or other individual designated by the resident shall be notified immediately.)~~

#### NEW SECTION

WAC 248-16-216 BOARDING HOME RESIDENT SERVICES. (1) Boarding homes shall:

(a) Observe and note changes in physical, mental, and emotional functioning; and

(b) Assist with arrangements for appropriate transfer as needed.

(2) Boarding homes shall provide basic domiciliary care including, but not limited to:

(a) Assisting each resident to maintain his or her highest functional ability possible and compatible with individual safety and welfare;

(b) Providing general health supervision if required by resident including:

(i) Encouraging resident to self-administer medically prescribed drugs and treatment;

(ii) Encouraging resident to follow any medically prescribed modified diet, rest or activity regimen;

(iii) Encouraging and assisting a resident with arrangements to keep appointments for health care services, e.g., physicians, dentists, home health care services, or clinics;

(iv) Encouraging and assisting resident with arrangements to see his or her health care practitioner when the resident shows signs or describes symptoms of an illness or abnormality for which medical diagnosis and treatment may be indicated; and

(v) Encouraging, supervising, or assisting resident with:

(A) Personal hygienic care, dressing, grooming, and other activities;

(B) Functional aids or equipment, such as glasses, hearing aids, canes, crutches, walker, or wheelchair;

(C) Clothing and other personal effects;

(D) Personal living quarters in a manner conducive to safety and comfort.

(c) Encouraging, guiding, or assisting residents with arrangements to participate in social, recreational, diversional, vocational, church, or other activities within

the boarding home and the community in accordance with his or her interests, tolerance, and abilities.

(3) Boarding homes shall post a calendar of daily social or recreational activities and events for residents.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-222 FIRST AID SERVICES. Boarding homes shall have:

(1) ~~((Staff having the responsibility for resident care services shall have current, basic first aid training and cardiopulmonary resuscitation training.~~

(2) ~~There shall be))~~ Written medical emergency policies and procedures available in appropriate locations in the facility~~((All staff shall be oriented to medical emergency policies and procedures. (3)))~~; and

(2) Adequate first aid supplies and a first aid manual ~~((shall be))~~ kept in a specific location ~~((in the boarding home))~~ and readily available to all staff.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-223 NOTIFICATION REGARDING SERIOUS OR SIGNIFICANT CHANGE IN RESIDENT'S CONDITION. ~~((A))~~ Boarding homes shall:

(1) Notify the resident's next of kin, guardian, or other individual or agency responsible for, or designated by, the resident ~~((shall be notified))~~ as ~~((rapidly))~~ soon as possible ~~((should))~~ regarding:

(a) A serious or significant change in the resident's condition~~(:);~~

(b) Transfer of the resident to a hospital ~~((or));~~ and

(c) Death of a resident ~~((occur)).~~

(2) In case of death, notify the coroner if required under RCW 68.50.010.

(3) Document notification ~~((shall be documented))~~ in the resident's record.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-226 SAFETY MEASURES. ~~((+))~~ ~~The))~~ Boarding homes shall ~~((be free of))~~:

(1) Eliminate hazards~~(:);~~

(2) ~~((Any))~~ Investigate and document accidents or ~~((incident which jeopardized))~~ incidents jeopardizing the health or life of a resident ~~((shall be investigated to ascertain the circumstances of the accident or incident and appropriate measures instituted))~~ to:

(a) Ascertain the circumstances of the accident or incident; and

(b) Institute appropriate measures to prevent similar future occurrences ~~((in the future insofar as is))~~ when possible~~(:);~~

(3) ~~((There shall be provision for staff members to gain rapid access to any bedroom, toilet, shower, bathroom or other room occupied by residents should an emergency arise. This provision shall be made known to all staff members who have a responsibility for resident care.))~~ Provide a type of hardware on doors of storage

rooms and closets preventing accidental lock-in of a resident;

(4) ~~((Methods for the cleaning, sanitizing, handling and storage of supplies and equipment used in services to residents shall be designed to prevent the transmission of infection.))~~ Provide emergency means of rapid staff access to resident-occupied bedrooms, toilets, showers, bathrooms, and other rooms;

(5) ~~((Hardware on the doors of storage rooms and closets shall be of a type to prevent residents from being locked in.))~~ Keep resident care staff informed of emergency means of rapid access to resident-occupied rooms;

(6) Prevent transmission of infection by sanitizing and appropriate handling and storage of supplies and equipment used for resident services; and

(7) Ensure availability of flashlights or other ~~((means of))~~ emergency lighting ~~((shall be available))~~ in all ~~((parts of the boarding home))~~ areas.

NEW SECTION

WAC 248-16-229 MEDICATION SERVICES.

(1) Boarding homes shall:

(a) Provide at least one category of medication service as described in subsections (3), (5), and (6) of this section;

(b) Determine an appropriate category of medication service for each resident involving the resident or resident-designated agent when possible;

(c) Document the designated category or categories of each resident in the individual resident's health record;

(d) Take actions appropriate to safety of a resident when the boarding home suspects the resident is having trouble with his or her medication management or is inappropriately categorized, including:

(i) Assigning a resident to a new medication service category; or

(ii) Transferring or discharging resident from the boarding home when the appropriate medication service category is unavailable in the boarding home.

(2) Boarding homes shall follow established written policies and procedures for each medication service category provided in the boarding home including:

(a) Limitations of staff assistance;

(b) Requirements for staff providing assistance with medications;

(c) Storing of resident medications:

(i) In the original medication containers with pharmacist-prepared or manufacturer's label;

(ii) Together for each resident and physically separated from other residents' medications;

(iii) Separate from food or toxic chemicals;

(iv) Accessible only to designated, responsible staff or appropriate resident; and

(v) In an environment recommended on label, if centrally stored.

(d) Arrangements or means for assuring the resident obtains medication as prescribed;

(e) Methods for disposition of medications following recommendations of a pharmacist or pharmacy consultant for:

(i) Outdated or discontinued medications;

(ii) Medications left behind when a resident leaves or dies;

(iii) Sending resident medication with a resident upon transfer or discharge or temporary leave.

(f) Procedures and system for documenting and recording of:

(i) Recommendations of a pharmacist about appropriate disposition action by the boarding home for outdated prescription medications in a centralized storage;

(ii) Medication disposition actions taken by boarding home staff;

(iii) Identity by signature of two persons observing any staff medication disposition, except when a resident is totally accountable and responsible for his or her own medication management;

(iv) Current prescriber's order for any medications managed and controlled by the boarding home; and

(v) When a resident takes or does not take medication, unless the resident is totally accountable and responsible for his or her own medication management.

(g) Maintenance and retention of completed medication records for five years from date of discharge.

(3) Boarding homes shall designate a resident as eligible for supervised medication service category A when:

(a) A resident is capable of self-administration of medication without assistance or guidance from another person; and

(b) A resident is capable of storing his or her own medications in a manner prohibiting access and availability to other residents; or

(c) A resident has a physical condition or disability prohibiting or interfering with his or her ability to take prescribed medication properly, but:

(i) The resident understands the appropriate use of his or her medication; and

(ii) The resident is capable of communicating and directing others to give physical assistance with his or her medication as prescribed.

(4) Boarding homes shall only assist a resident in service category A to self-administer medication according to:

(a) A health care practitioner's written order or the pharmacist or manufacturer's prepared label;

(b) Limits specified in subsection (3) of this section;

(c) Procedures for designated staff responsible for physically assisting residents with medications limiting staff assistance to:

(i) Reading the label;

(ii) Opening the container; and

(iii) Application or instillation of oral, skin, nose, eye, and ear preparations.

(5) Boarding homes shall designate a resident as needing supervised medication service category B when:

(a) A resident requires reminding, guiding, or coaching to take medication properly, but requires no physical assistance except opening of a container; and

(b) Access and availability of medications only to authorized persons cannot be assured unless controlled in locked storage by the boarding home.

(6) Boarding homes shall only assist a resident in service category B to self-administer medication according to:

(a) A health care practitioner's written order or the pharmacist's or manufacturer's prepared label;

(b) Limits specified in subsection (5) of this section; and

(c) Procedures for designated staff responsible for reminding, guiding, or coaching residents with medication, limiting staff assistance to:

(i) Reading the label or more current prescriber order;

(ii) Opening the container; and

(iii) Communicating the prescriber's order to the resident in such a manner that the resident self-administers his or her medication properly.

(7) Boarding homes shall designate a resident as needing supervised medication service category C when:

(a) A resident cannot take or handle his or her own medication appropriately; and

(b) The resident's physician provided a written order specifying the resident requires certain specified medications administered by a person licensed to administer medications.

(8) Boarding homes accepting or retaining any resident requiring supervised medication service category C shall:

(a) Have a physician or registered nurse available for supervised medication service category C who:

(i) Plans, directs, and supervises the service; and

(ii) Reviews each resident's condition and medication regimen as needed and at least quarterly, documenting reviews in the resident health record.

(b) Provide registered nurses, licensed practical nurses, or other licensed person under Washington state laws to administer medications; and

(c) Maintain and include in the resident health record a current, written prescriber's order specifying medications requiring nurse administration.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-230 RESIDENT REGISTER. ((There)) Boarding homes shall ((be)) maintain a permanent, current book or a register of all individuals ((admitted as)) who become residents ((which shall contain)) including:

(1) Date of admission((:));

(2) Full name((:)); and

(3) Date of discharge.

AMENDATORY SECTION (Amending Order 264, filed 6/16/83)

WAC 248-16-235 RESIDENT HEALTH RECORD((S)). (1) ((There)) Boarding homes shall ((be)) maintain a health record ((f)) in ink, typewritten or equivalent((t) ~~in the boarding home~~), for each resident ((to include the following)) including:

(a) Full name, date of birth, and former address of ((the)) resident;

(b) Date ((of admission(s))) admitted as resident and date ((of discharge(s))) discharged;

(c) Name, address, and telephone number of next-of-kin or other responsible person;

(d) Name, address, and telephone number of resident's personal physician or health care practitioner;

(e) Signed staff entries about:

(i) Dates and descriptions of ~~((and))~~ resident illnesses ~~((or))~~, accidents ~~((and))~~, or incidents;

(ii) Changes in resident functional abilities ~~((of the individual while a resident of the boarding home, including actions taken with entries signed by staff))~~ or physical and mental coordination; and

(iii) Actions of staff related to subdivision (e)(i) and (ii) of this subsection.

(f) ~~((A))~~ Orders signed ~~((written prescription))~~ by ~~((the))~~ a resident's physician or health care practitioner for any modified diet, concentrate or supplement provided by the boarding home ~~((for the resident)); and~~

(g) Medication orders and records as specified in WAC 248-16-229.

(2) Boarding homes shall:

(a) Maintain a systematic, secure method of identifying and filing resident health records ~~((shall be provided so each record can be located readily. (3)))~~ for ease in locating; and

(b) Retain each resident health record ~~((shall be retained for a minimum of))~~ at least five years ~~((after))~~ following resident discharge.

#### NEW SECTION

WAC 248-16-300 ADULT DAY CARE. (1) Boarding homes choosing to provide adult day care services and to accept or admit adults for domiciliary care in a boarding home for less than a contiguous twenty-four hours shall:

(a) Accept and retain for day care only those adults meeting resident criteria described in WAC 248-16-213;

(b) Provide day room and dining room facilities complying with WAC 248-16-141 and 248-16-150;

(c) Provide toilets and lavatories complying with WAC 248-16-131;

(d) Provide comfortable, suitable chairs and furniture;

(e) Provide sufficient furniture for comfort of residents and day care adults including, but not limited to:

(i) Napping furniture for day care adults such as lounge chairs, recliners, couches; and

(ii) Ability to space napping furniture at least three feet apart if needed or requested.

(f) Provide staff to supervise and assist day care adults in activities of daily living and medication management as described in WAC 248-16-216 and 248-16-229;

(g) Provide a meal meeting at least one-third of the recommended dietary allowance during every five-hour period of stay (the exception to the recommended dietary allowance is during normal sleeping hours when fasting periods greater than fourteen hours are prohibited);

(h) Ensure and provide rights, services, notification, and safety as described in WAC 248-16-215, 248-16-216, 248-16-223, 248-16-226;

(i) Maintain a separate register of all day care adults using format described in WAC 248-16-230;

(j) Maintain a health record for each day care adult as described for residents in WAC 248-16-235.

(2) Boarding homes choosing to accept adults for day care shall:

(a) Notify the department of the plan to accept or admit adults to day care;

(b) Provide information as required for the department to establish compliance with this section; and

(c) Obtain written department approval for maximum day care adult capacity prior to accepting or admitting adults for day care.

(3) When notified of boarding home licensee's plan to accept day care adults, the department shall:

(a) Determine whether or not a boarding home complies with this section;

(b) Issue written approval for occupancy based on compliance with WAC 248-16-300; and

(c) Indicate approved capacity for day care adults on the boarding home license.

AMENDATORY SECTION (Amending Order 2348, filed 3/20/86)

WAC 248-16-900 EXEMPTIONS. (1) The secretary of the department or the designated licensing program administrator may ~~((in its discretion, exempt a boarding home from complying with parts of these rules pursuant to the procedure set forth in WAC 248-08-595))~~ approve an exemption to a specific rule under certain terms or conditions for a specified boarding home premise:

(a) Following an investigation regarding safety; and

(b) Provided an evaluation of the results reveals safety and health of residents will remain unjeopardized in that facility.

(2) Boarding homes shall maintain a copy of each department-approved exemption.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-16-030 APPLICATION FOR LICENSE, INFORMATION REQUIRED.

WAC 248-16-035 QUALIFICATIONS OF ADMINISTRATOR.

WAC 248-16-040 LICENSURE, DENIAL, SUSPENSION OR REVOCATION.

WAC 248-16-045 PERSONNEL.

WAC 248-16-050 LOCATION.

WAC 248-16-055 NEW CONSTRUCTION.

WAC 248-16-056 CHANGE OF LICENSEE, I.E., OPERATOR OF THE BUSINESS.

WAC 248-16-120 RESIDENTS' ROOMS AND ROOM FURNISHINGS.

WAC 248-16-130 TOILET AND BATHING FACILITIES.

WAC 248-16-140 FOOD STORAGE, PREPARATION AND SERVICE.

WAC 248-16-227 SELF-ADMINISTRATION OF MEDICATIONS BY RESIDENTS.

WAC 248-16-228 MEDICATION SERVICES.

**WSR 89-09-047****ADOPTED RULES****GAMBLING COMMISSION**

[Order 190—Filed April 18, 1989—Eff. July 1, 1989]

Be it resolved by the Washington State Gambling Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to new sections WAC 230-02-155, 230-02-160, 230-02-161, 230-02-163, 230-02-166, 230-02-169, 230-02-173, 230-02-176, 230-02-179, 230-02-182, 230-02-185, 230-02-188, 230-02-191, 230-04-005, 230-04-022, 230-04-024, 230-04-035, 230-04-040, 230-04-064, 230-08-122 and 230-12-060; amending WAC 230-04-010, 230-04-020, 230-04-065, 230-04-190, 230-08-095, 230-08-120, 230-08-125, 230-12-020 and 230-20-064; and repealing WAC 230-04-050, 230-04-060 and 230-04-061.

This action is taken pursuant to Notice No. WSR 89-05-064 filed with the code reviser on February 15, 1989. These rules shall take effect at a later date, such date being July 1, 1989.

This rule is promulgated pursuant to RCW 9.46.070 (7), (8), (9), (10), (14), (19) and (20) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 14, 1989.

By Frank L. Miller  
Deputy Director

**NEW SECTION**

WAC 230-02-155 BONA FIDE CHARITABLE ORGANIZATION DEFINED. A bona fide charitable organization is an organization that meets all of the requirements of RCW 9.46.0209 and is organized and operated primarily to provide charitable services as defined by WAC 230-02-160. Each charitable organization shall provide evidence of its charitable status by submitting documentation setting forth the progress it has made toward accomplishing its charitable purpose(s) during its previous fiscal year. This statement and other evidence such as articles of incorporation, by-laws, and the fact that donations to such organization qualify as tax deductible contributions for federal income tax purposes, shall be taken into account when determining charitable organization status.

**NEW SECTION**

WAC 230-02-160 CHARITABLE DEFINED. For the purposes of this title, charitable, eleemosynary and benevolent are synonymous and mean: The relief of poverty, indigence and/or personal distress; help for disadvantaged persons; treatment and prevention of physical or mental distress. Services must be provided free of charge or for a fee which does not exceed the cost of providing the service. Any organization that requires a

fee must utilize the revenue collected to continue its program services. In accordance with all state and federal law on discrimination, there can be no discrimination in providing services among those recipients chosen by the licensee. Corporations which have been incorporated under Title 36, U.S.C. for the principal purposes of furnishing volunteer aid to members of the armed forces of the United States and to carry on a system of national relief of suffering caused by pestilence, famine, fire, floods, and other national calamities or undertakes measures to prevent such are deemed to be charitable under this section. Charitable encompasses at least the following activities:

(1) Relief of the aged and disadvantaged in the form of food, clothing, shelter, or health care;

(2) Services or material assistance that will enable persons to maintain an adequate standard of living and/or improve their quality of life by raising their standard of living above the federal poverty level;

(3) Programs for youths, 17 years old or younger, that assists them in learning and practicing the cultural and social skills necessary to:

(a) integrate them into society;

(b) improve their physical fitness; or

(c) prevent delinquency;

(4) Advancement of education and learning which benefit and improve the quality of life of the general public or the community at large;

(5) Advancement of a religion; and

(6) Activities which reduce the burdens of government.

**NEW SECTION**

WAC 230-02-161 BONA FIDE NONPROFIT ORGANIZATION DEFINED. A bona fide nonprofit organization is a organization that meets all of the requirements of RCW 9.46.0209 and is organized and operated primarily to provide one or more of the following nonprofit services:

(1) Educational;

(2) Civic;

(3) Patriotic;

(4) Political;

(5) Social;

(6) Fraternal;

(7) Athletic;

(8) Agricultural;

(9) Church and religious societies under RCW 24.12;

(10) Fraternal societies under RCW 24.20;

(11) Granges under RCW 24.28; and

(12) Agricultural fairs under RCW 15.76 or RCW 36.37.

Each nonprofit organization shall provide evidence of its nonprofit status by submitting documentation setting forth the progress it has toward accomplishing its nonprofit purposes during its previous fiscal year. The fact that an organization is not exempt from payment of federal income taxes on income from its primary activities shall be prima facie evidence that the organization is not a nonprofit organization for purposes of conducting gambling activities.

NEW SECTION

WAC 230-02-163 EDUCATIONAL DEFINED. Educational means providing instruction or training to individuals for the purpose of improving or developing their capabilities, or providing instruction to the public on subjects useful to individuals and beneficial to the community.

NEW SECTION

WAC 230-02-166 CIVIC DEFINED. Civic means promoting social welfare for the common good of the community by bringing about civic betterment and social improvements.

NEW SECTION

WAC 230-02-169 PATRIOTIC DEFINED. Patriotic means promoting patriotism, Americanism, loyalty, support, and love of country. Normal activities conducted by veteran groups would be included in this definition.

NEW SECTION

WAC 230-02-173 POLITICAL DEFINED. Political means the process of electing candidates to public or party offices. Activities conducted with the goal of influencing executive action, legislation or WAC rules are considered lobbying activities and not included under this definition.

NEW SECTION

WAC 230-02-176 RELIGIOUS DEFINED. Religious means advancement of a sincerely held theological philosophy. Included are the practices and rituals associated with the beliefs or creed of those groups of people which form a church, religious society, congregation, or religious denomination, when such practices or rituals are not illegal or against public policy. Corporations sole, as set out in RCW 24.12; are encompassed in this definition.

NEW SECTION

WAC 230-02-179 SOCIAL DEFINED. Social means providing recreation, recreational facilities, and/or other activities when solely for the pleasure of a membership.

NEW SECTION

WAC 230-02-182 FRATERNAL DEFINED. Fraternal means promoting and carrying on activities for the common interests of a membership and is organized under the lodge system which is comprised of local self-governing branches, chartered by a parent organization. Incorporated fraternal societies, as set out in RCW 24.20, are also encompassed under this definition.

NEW SECTION

WAC 230-02-185 ATHLETIC DEFINED. Athletic means activities which provide entertainment/

pleasure or which promote physical fitness, sportsmanship, and development of amateur athletes through the conducting of athletic contests and training programs. For purposes of this title, athletic is further defined in the following categories:

- (1) Educational – The training of youth 17 years old and younger to enhance normal physical and social development and to prevent juvenile delinquency;
- (2) Patriotic – Fostering and promoting national and international amateur competition; and
- (3) Recreational – Providing recreational activities for adults.

NEW SECTION

WAC 230-02-188 AGRICULTURAL DEFINED. Agricultural means promoting the art or science of cultivating land, harvesting crops or aquatic resources, or raising livestock. Incorporated granges as set out in RCW 24.28 are encompassed within this definition.

NEW SECTION

WAC 230-02-191 AGRICULTURAL FAIR DEFINED. Agricultural fair means those activities authorized by RCW 15.76 and RCW 36.37 and includes the exhibition of livestock, agricultural produce of all kinds, products of the farm home and educational contests, and displays and demonstrations designed to train youth and promote the welfare of farm and rural living.

NEW SECTION

WAC 230-04-005 GAMBLING LICENSE CERTIFICATION PROGRAM. The Gambling License Certification Program is an investigative licensing process in which all applicants are assessed and evaluated against the standards and requirements contained in Chapter 9.46 RCW. All applicants that meet the qualifications for licensing will be certified by the Commission for an initial license and are subject to recertification by the Commission on an annual basis.

AMENDATORY SECTION (Amending Order 5, filed 12/19/73)

WAC 230-04-010 CERTIFICATION PROCEDURE – APPLICATION FORMS. Each application for a license from the commission shall be submitted on the license application form approved by the commission. These application forms may be obtained ((by coming in person to, or writing to, the offices of the commission in Olympia. From time to time the commission may designate additional locations where application forms may be obtained and shall make these locations public by notifying the news media.)) from any office of the Commission.

AMENDATORY SECTION (Amending Order 172, filed 10/9/87)

WAC 230-04-020 ((APPLICATION)) CERTIFICATION PROCEDURE – GENERAL REQUIREMENTS—MANDATORY TRAINING REQUIRED. Applicants for license from the commission shall submit

applications with the fee as established by WAC 230-04-201 to the office of the commission in Olympia. The information requested on the appropriate application form is required to be submitted by each applicant for a license.

(1) The application shall be signed under oath by the highest ranking ((**executive**)) officer of a charitable, nonprofit or profit seeking corporation, such as the president of a firm or club or the head pastor or minister of a church; or by the principal owner of a profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the state of Washington, the application must be signed by the mayor or the mayor's designated representative.

(2) Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.

(3) The commission will consider only those applicants submitting the form and fully completing all the applicable portions of the form. Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.

(4) The application form and all information set forth therein and all supplemental information submitted at the commission's request, except statements as to arrests of any person, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the public or discussed at the public meetings of the commission.

(5) The commission shall issue the license applied for only after it is satisfied that the applicant is qualified to operate the activity for which the license is being requested. The commission will refrain from issuing the license until the person that signed the application form and the designated person responsible for the gambling activity has completed a training course as established and provided by the commission and until the completion of such review and investigation as the commission deems necessary. Provided: Mandatory training shall not be required for licensing of manufacturers; manufacturers representatives; recertification of existing licenses, unless there has been a change in the highest ranking ((**executive**)) officer since the issuance of the license; and for licensees with special circumstances as approved by the director.

#### NEW SECTION

WAC 230-04-022 CERTIFICATION PROCEDURE - INFORMATION REQUIRED FROM ALL APPLICANTS. In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(1) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any

bylaws and other documents which set out the organizational structure and purposes of the organization;

(2) A copy of a nonprofit or charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained;

(3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;

(4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;

(5) The name, address, date of birth, and Social Security number of each paid employee or agent who will work in the activity for which the license is sought and a schedule of the proposed number of employees, job descriptions, and a proposed pay schedule;

(6) For each person listed below, a completed copy of the commission's form entitled "Personal information form":

(a) Each person who has a substantial interest in the applicant;

(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of a corporation and/or bona fide nonprofit charitable organization;

(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;

(7) If any information required on the application, changes or becomes inaccurate in any way, the commission shall be notified prior to issuance of a license. Failure to notify the commission of any changes affecting an application may constitute grounds for suspension or revocation of all licenses.

(8) Sections (1), (2), and (6) shall not apply to applications by or on behalf of an incorporated city or town in the state of Washington.

#### NEW SECTION

WAC 230-04-024 CERTIFICATION PROCEDURE - CHARITABLE AND NONPROFIT ORGANIZATIONS - QUALIFICATIONS. To qualify for a gambling license, an organization must be a bona fide charitable or nonprofit organization as that term is defined in RCW 9.46.0209. A bona fide charitable or nonprofit organization must demonstrate in its initial application and in future annual certification reports, that progress has been made toward meeting its organizational purpose(s) as required by RCW 9.46.0209.

(1) The following bona fide charitable or nonprofit organizations are authorized to conduct gambling activities:

(a) Any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW.

(b) Organizations whether incorporated or not, which are organized and operating for one or more of the following purposes:

- (i) Charitable;
- (ii) Benevolent;
- (iii) Eleemosynary;
- (iv) Educational;
- (v) Civic;
- (vi) Patriotic;
- (vii) Political;
- (viii) Social;
- (ix) Fraternal;
- (x) Athletic; or
- (xi) Agricultural.

(c) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW.

(d) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the Armed Forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the suffering caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(e) An incorporated city or town in the state of Washington.

(2) A branch or chapter of a parent organization, which parent organization is itself eligible for licensure, must demonstrate to the satisfaction of the commission that the branch or chapter was not established and is not and will not be organized and operated with the evasion of the limitations of state law or commission rule on the operation of gambling activities as one of its purposes. The branch or chapter must be organized and operating for one of the purposes set out in subparagraph (1) above and be otherwise qualified to obtain the license sought. The director may require an affidavit signed by the chief executive officers of the parent organization certifying that the branch or chapter is a bona fide subdivision of the parent organization.

(3) Each applicant shall be required to provide in its bylaws or, if incorporated, in its articles of incorporation, a statement of dissolution which requires that all assets of the organization remaining upon dissolution after satisfying its debts be distributed to another bona fide nonprofit or charitable organization which has been granted IRS exemption, unless otherwise exempted from this requirement by the commission.

(4) An organization demonstrating an excessive accumulation of cash or other assets, not primarily related to its organizational purpose(s), may be deemed as being organized primarily for purposes of gambling and therefore ineligible for licensing pursuant to RCW 9.46.0209. For the purposes of this subsection, the following definitions apply:

(a) Organizational Purpose(s) – one or more of the lawful purposes contained in RCW 9.46.0209 for which an organization is formed and operated;

(b) Excessive accumulation – amounts over and above the licensee's liabilities due within one year, plus all expenses of the organization for a six month period. This

computation shall be based on the most current financial data on file;

(c) Cash – actual cash, demand deposits, certificates of deposit, money market funds, securities, or other liquid assets;

(d) Other assets not primarily related to the purpose of the organization – any assets which would not be normally associated with providing charitable or nonprofit services or for providing revenues necessary to conduct such activities.

#### NEW SECTION

WAC 230-04-035 CERTIFICATION PROCEDURE – CHARITABLE AND NONPROFIT ORGANIZATIONS – CLASSIFICATION OF PURPOSE. (1) Each organization requesting a license to conduct gambling shall be classified as either a "charitable organization" or a "nonprofit organization." The classification will be based upon an organization's primary purpose as set forth below:

(a) If an organization is classified as a "charitable organization," its primary purpose shall be charitable as defined in WAC 230-02-160.

(b) If an organization is classified as a "nonprofit organization," it will be assigned one or more of the purposes set forth in WAC 230-02-161 as its primary purpose(s).

For the purposes of this classification, the term primary purpose shall mean the lawful purpose to which a majority of an organization's fiscal year income was spent or dedicated. If an organization did not use a majority of its income for any single purpose, the purpose to which the greatest percentage of its income was devoted shall be an organization's primary purpose.

(2) In determining an organization's primary purpose, the Commission staff shall review the organization's declaration of purpose, reported achievements, and expenditures during the preceding twelve months.

(3) An organization may challenge its assigned purpose, by submitting to the Director additional evidence supporting its choice. The Director shall then issue a written decision as to the organization's primary purpose. The Director's decision may be reviewed by the Commission upon written request.

#### NEW SECTION

WAC 230-04-040 CERTIFICATION PROCEDURE – CHARITABLE AND NONPROFIT ORGANIZATIONS – ADDITIONAL INFORMATION REQUIRED. (1) Any organization requesting a license to conduct bingo in Group I or any organization requesting a license to conduct non-bingo activities with annual gross gambling receipts of less than \$500,000 shall submit the information required in the annual certification report pursuant to WAC 230-08-122(1) as a condition of certification.

(2) Any organization requesting a license or license upgrade to conduct bingo in Group II or III, or to conduct any other gambling activity in excess of \$500,000 gross gambling receipts, shall submit the information required in the annual certification report pursuant to

WAC 230-08-122 (1), (2), and, if applicable, (3) as a condition of certification.

#### NEW SECTION

**WAC 230-04-064 CERTIFICATION PROCEDURE - ALL LICENSES - FORMAL COMMISSION APPROVAL.** (1) Charitable and Nonprofit Organizations-To ensure that only bona fide charitable or nonprofit organizations are granted the privilege of raising funds from authorized gambling activities, the Commission shall annually certify the qualifications of each organization requesting a license to conduct such activities. As a part of this process, each organization shall affirmatively demonstrate that progress has been made in meeting its purpose(s) by submitting required information and answering such inquiries as deemed necessary by the commission. The certification process shall be completed as follows:

(a) All organizations requesting certification for a license to conduct bingo in Group I, or to conduct any other gambling activity, shall be reviewed by the Commission staff and forwarded to the Commission for review and certification.

(b) Any organization requesting certification or an upgrade for a license to conduct bingo in Group II shall be reviewed by the Commission staff and a qualification summary shall be prepared and provided to the Commission for review and certification. The Commission may require additional information, or if warranted, call for a Special Review pursuant to WAC 230-12-060. In the event additional information or a Special Review is required, a temporary or conditional license shall be issued pending completion of the review process;

(c) Any organization requesting certification or an upgrade for a license to conduct bingo in Group III shall complete a Formal Review as a condition of initial certification and annually thereafter: Provided, that an organization shall be exempted from this requirement if a Formal Review has been completed within the last two years. If exempted, the procedures in subparagraph (b) above shall apply. The Formal Review shall be at a scheduled open meeting of the Commission and, when possible, held in the general area which encompasses the organization's service area. The review will cover the organization's most recent Annual Certification and Financial Report as required by WAC 230-08-122: Provided, if an organization desires to submit additional information, it must submit that information at least twenty days prior to the date of its scheduled review. The organization must be represented by at least a majority of its board of directors, its chief executive officer, and the primary Bingo Manager. Provided, the majority requirement may be waived for good cause shown. Good cause includes economic hardship due to geographic proximity, or other factors outside a board member's control that would limit the ability to attend. The organization may solicit testimony from clients, local social and welfare providing agencies, other public agencies, and other charitable or nonprofit organizations. The Commission may solicit information from the public or any other interested parties and shall notify local law

enforcement agencies of the time and location of the review. The Formal Review will include a thirty minute session for the organization to brief the Commission on the progress made during its previous fiscal year in achieving its purposes, including the extent to which bingo income was used for charitable as opposed to non-profit services and planned uses for any bingo income remaining from the previous fiscal year.

At the conclusion of the Formal Review, the Commission will either formally certify the organization as qualified to be licensed, or require additional information for further review. If warranted, the Commission may call for a Special Review. If the Commission requires additional information, or calls for a Special Review, a temporary or conditional license will be issued pending completion of the review process.

(2) Commercial, Individual and All Other Licensees - After the staff has completed its review of a new application or a request for a recertification, the Commission shall certify at a public meeting that each applicant is qualified to be licensed.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending Order 140 [179], filed 6/15/84 [6/14/88])

**WAC 230-04-065 ((SIMPLIFIED APPLICATION FORM AUTHORIZED FOR LOWER VOLUME GAMBLING ACTIVITIES)) CERTIFICATION PROCEDURE - BONA FIDE CHARITABLE AND NONPROFIT ORGANIZATIONS - LOWER VOLUME - SIMPLIFIED APPLICATION.** (1) The director may prepare a simplified license application form for ((bona fide charitable and nonprofit organizations conducting)) at least the following activities:

- (a) Fund raising events (All classes);
  - (b) Bingo (Classes A, ((and)) B, and C);
  - (c) Raffles (Classes ((f)) A, B, ((and)) C, and D);
- and
- (d) Amusement games (Classes A, B, C, and ((E)) D)((:); and
  - (e) Card Games (Classes C and D).

(2) The simplified application form shall follow the same procedure as required by WAC 230-04-020.

(3) At the minimum, the following information and documents shall be submitted with the application:

(a) Copy of a corporate applicant's articles of incorporation and bylaws or, if not incorporated, a copy of any bylaws and other documents which set out the organizational structure and purposes for which a noncorporate organization applicant was formed and operates. If the above documents are not available, an affidavit of the chief officer or responsible person with the organization setting out the purpose for which the organization exists and operates;

(b) A copy of the tax exemption letter from the United States Internal Revenue Service or information as to

whether such exemption has been applied for and denied;

(c) The name, address and date of birth of each employee who will participate in the operation of, and of each person who will participate in the management of, the activity for which the license is sought;

(d) The name, address and date of birth of each person who has any interest in the gambling activity for which the license is sought, the building within or premises upon which the activity will occur or the equipment to be used for such gambling activity;

(4) Refer to WAC 230-20-400 for certain other exemptions subsequent to issuance of license(s). These exemptions and those referred to in WAC 230-08-015, do not apply to fund raising events.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

#### AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs;
- (e) Social cards; and

(2) Fund raising event as defined in RCW 9.46.0233. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items

of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(7) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and

(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(8) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That:

(a) All annual licenses for punchboard and pull tab and Class ((€)) D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31(~~(, whichever);~~); Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. Th~~((is))e~~ prorat~~((ing))ed~~ ~~((of))~~ fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. ~~((Prorating shall))~~ A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of subsection (a), a license issued ~~((for the))~~ to conduct ~~((of))~~ a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall ~~((authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the~~

license)) be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A ((E)) license((s)) issued ((for)) to conduct a card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A ((E)) license((s)) issued ((for)) to conduct a fund raising events shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW (({9.46.020-33}-f))9.46.0233((f)) defining a fund raising event((s)).

(f) A ((E)) license((s)) issued to an individual((s)) shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, ((that; licenses issued to)) a bingo game manager((s)) license shall expire as set out in WAC 230-04-145.

(g) If ((the)) any licensee fails to renew ((the)) a license prior to ((the)) its expiration date, the license shall expire. ((The licensee)) A new application must ((reap- ply for licensure according to the statutory and regula- tory conditions then in force as would any other person)) then be submitted.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

(9) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

## REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 230-04-050 QUALIFIED BONA FIDE CHARITABLE AND NONPROFIT ORGANIZATION QUALIFICATIONS.

(2) WAC 230-04-060 REQUIRED INFORMATION.

(3) WAC 230-04-061 REQUIRED INFORMATION, BONA FIDE CHARITABLE & NONPROFIT ORGANIZATIONS.

AMENDATORY SECTION (Amending Order 144, filed 1/9/85)

WAC 230-08-095 MINIMUM STANDARDS FOR CLASS ((E)) D AND LARGER BINGO GAMES—MONTHLY AND ANNUAL ACCOUNTING RECORDS. ~~((A double entry accounting system shall be maintained by all bingo licensees, except Class A and B:~~

~~(1) This system shall include all receipts and disbursements of the licensee, including but not limited to, those related to bingo, and shall conform to generally accepted accounting principles, except as modified by other commission rules or instructions for activity reports:~~

~~The preferable method of accounting shall be the accrual method. The cash basis or modified cash basis shall be acceptable accounting system methods only as long as they accurately represent the results of operations. The accrual method is mandatory where the licensee has substantial liabilities or substantial expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.~~

~~At minimum, the double entry system shall include all records required by other sections of this WAC, a monthly cash disbursements journal (check register), a monthly sales journal (cash receipts journal), plus a listing of all assets and liabilities. Licensees with substantial assets and liabilities or licensed to receive more than \$300,000 bingo gross receipts must have a complete general ledger system.)) Each operator of bingo games licensed in class D or above shall maintain accounting records necessary to document all receipts and disbursements of the licensee, including but not limited to those related to bingo. This accounting system shall be double entry and conform to general accepted accounting principles (GAAP), except as modified by other commission rules and instructions for activity reports. All income shall be recorded when earned and all expenses recorded when incurred (accrual accounting method): Provided, that the cash, modified cash, or tax basis accounting methods shall be allowed if they accurately represent the licensee's financial position and results of operations and have been approved by the commission. The accrual method is mandatory when a licensee has substantial liabilities or expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.~~

(1) The minimum accounting records required shall include:

(a) A cash disbursements journal and/or check register;

(b) A cash receipts and/or sales journal;

(c) A listing of all assets and liabilities; and

(d) A complete general ledger system must be maintained if the licensee has substantial assets and/or liabilities or, if licensed to receive more than \$300,000 in gambling receipts.

(2) All expenditures by the licensee relating to gambling activities, shall be sufficiently documented in the following manner:

(a) Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:

- (i) The name of the person or entity selling the goods or providing the service;
- (ii) A complete description of goods or services purchased;
- (iii) The amount of each product sold or service provided;
- (iv) The price of each unit;
- (v) The total dollar amount billed; and
- (vi) The date of the transaction.

(b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, should be supported by other written documentation indicating at least the following details:

- (i) The name of the person receiving the payment;
- (ii) The amount;
- (iii) The date; and
- (iv) The purpose.

(c) Normally, cancelled checks and/or bank statements without further support, such as listed in (2)(a) and (b) above, are not considered sufficient documentation.

(3) All expenditures by the licensee relating to non-gambling activities shall be sufficiently documented to provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s) and ((with)) conforms to generally accepted accounting principles.

#### AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-120 QUARTERLY ACTIVITY REPORT BY OPERATORS OF BINGO GAMES (LICENSE CLASS ((€)) D AND ABOVE). Each ~~((licensee for the operation of))~~ organization licensed to conduct bingo games ~~((license))~~ in Class ((€)) D and above ~~((- conducted by bona fide charitable or nonprofit organizations;))~~ shall submit an activity report to the commission concerning the licensed activity and other matters set forth below during each of the following periods of the year:

- January 1st through March 31st
- April 1st through June 30th
- July 1st through September 30th
- October 1st through December 31st

If the licensee does not renew ~~((his))~~ its license, then ~~((he))~~ it shall file a report for the period between the previous report filed and the expiration date of ~~((his))~~ its license.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the highest ranking ~~((executive))~~ officer or his/her designee. If the report is prepared by someone other than the licensee or ~~((his))~~ an employee, then the preparer shall also sign the report and print his/her name and phone number on the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

- (1) The gross gambling receipts from bingo, by month.
- (2) The total amount of cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out by month.
- (3) The net gambling receipts, by month.
- (4) Full details on all expenses directly related to bingo, including at least the following:
  - (a) ~~((A listing of))~~ Wages, monies, or things of value paid or given to each person connected with the management, promotion, conduct or operation of the bingo game ((along)) together with ((his duties, hours and wages;)) an attachment setting out the following:
    - (i) Name;
    - (ii) Duties performed;
    - (iii) Hours worked; and
    - (iv) Wages, monies or things of value paid or given for conducting bingo activities. When an employee works in more than one activity, the total hours worked and total wages shall also be reported,
  - (b) A statement describing the allocation method used in allocating common use expenses; and
  - (c) A detailed listing of all items included under "other."
- (5) The net income.
- (6) The total number of customers participating.
- (7) The total number of sessions held.

#### NEW SECTION

WAC 230-08-122 ANNUAL CERTIFICATION AND FINANCIAL REPORT – ALL NONPROFIT AND CHARITABLE ORGANIZATIONS. (1) Every organization licensed to conduct gambling shall report on a standard form provided by the Commission, for its last annual fiscal accounting period completed, the information required below: Provided, that if any applicant has provided such information on an application within the preceding twelve months, only those items requiring update must be reported. This report shall include at least the following information:

- (a) A brief history of the organization, including its purpose(s): Provided, that only changes in the purposes and organizational structure need to be reported after the initial application;
- (b) A written statement setting out the progress made in meeting its organizational purpose(s) during the period;
- (c) Number of membership meetings conducted;
- (d) Number of active members;
- (e) Number of voting members;
- (f) The nature, type, or kind of program services provided;
- (g) The scope of their program services, including:
  - (i) Number of persons served by their charitable or nonprofit programs;
  - (ii) The extent of their service area;
  - (iii) Number of volunteer workers and estimation of hours worked;

(h) A list of contributions made that includes the following:

(i) The name of each organization and individual receiving a contribution. In the alternative, if a contribution was made to an individual, the term "individual contribution" may be used instead of the individual's name: Provided, the organization maintains necessary records to verify and identify the recipient for each individual contribution listed;

(ii) The amount(s);

(iii) Date(s) made; and

(iv) Whether the contribution was from gambling income or other funds.

(i) Gross income from all non-gambling sources including the source;

(j) Total disbursements to provide charitable services, and total disbursements to provide nonprofit services;

(k) The percentage or extent to which bingo income was used for charitable as distinguished from nonprofit purposes;

(l) Income and expenses for any non-gambling sales activity must be presented separately when it is conducted primarily in conjunction with gambling activities: Provided, that if the gambling activity is not conducted in a rented premise and/or if employees are not used in the gambling activity, then separation is not required;

(m) Details of any loans, contracts, or other business transactions with related parties that accumulatively exceed \$1,000 during the period. "Related parties" is defined as officers, board members, or key employees, including spouses, parents, children, and brothers or sisters of each; and

(n) The names, duties performed, total hours worked, and total compensation paid for the following employees:

(i) All employees paid more than \$30,000 annually;

(ii) Part-time employees paid more than \$15 per hour; and

(iii) All officers receiving compensation for services rendered.

(2) In addition to information required in paragraph (1), Group II and III bingo licensees must submit the following information no later than 120 days following the end of its fiscal year accounting period. The information must be submitted in the form of complete financial statements, including all required footnotes and a "Statement of Cash Flow," and shall be prepared in accordance with generally accepted accounting principles.

(a) A complete balance sheet;

(b) Income and expenses for each gambling activity, separately;

(c) Income from all other sources, separately;

(d) Direct expenses for providing charitable services and direct expenses for providing nonprofit services; and

(e) Capital expenditures made during the period.

(f) Loans to or from officers, members, and employees must be presented separately in the Balance Sheet/Statement of Financial Position or disclosed in the footnotes: Provided, that employee salary advances of \$200.00 or less will not be considered as loans. Details of all terms, including interest rates and payment schedules must be disclosed;

(g) Income and expenses for each function or activity must be separately presented in the Income Statement/Statement of Operations. Material differences between amounts reported in gambling activity reports and the financial statements must be reconciled and explained: Provided, that a consolidated income statement may be presented, if details of all activities are provided as supplemental information;

(h) All civil penalties, fines, bribes, or embezzlement discovered by the organization are considered material and must be disclosed; and

(i) An explanation of any adjustments made to prior period capital accounts or fund balances must be disclosed in the footnotes or provided as supplemental information.

(3) The Commission may require additional information to ensure completeness of the information reported in subsection (1) or (2) above, including selected information covering the period from the end of the fiscal year reported and the license renewal date;

(4) The Commission may grant additional time to submit the information required by subsection (1) or (2) above upon demonstration of undue hardship and a written request received prior to the due date. Any request for additional time shall be signed by the president and include a statement setting out the hardship necessitating the delay and the expected date the required report(s) will be submitted.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-125 ANNUAL ACTIVITY REPORTS BY OPERATORS OF CLASS A<sub>2</sub> ((~~OR~~)) B<sub>2</sub> AND C BINGO, ALL CLASSES O((~~R~~))F RAFFLES, AND BONA FIDE CHARITABLE OR NONPROFIT AMUSEMENT GAMES. Each licensee for the operation of all classes of raffles and bona fide charitable or nonprofit amusement games, and Class A<sub>2</sub> ((~~OR~~)) B<sub>2</sub> or C bingo games shall submit to the commission an annual summary of each separate licensed activity on a form supplied by the commission. ((This section shall become effective for license years beginning after March 31, 1983.))

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the expiration of such organization's license year. The report shall be signed by the highest ranking ((~~executive~~)) officer or his/her designee. If the report is prepared by someone other than this officer, then the preparer shall ((~~also sign~~)) include his/her name and phone number on the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include, among other items, the following:

(1) The gross gambling receipts from the conduct of each licensed activity;

(2) The total amount of cash prizes actually paid out, and the total of the cost to the licensee of all merchandise prizes actually paid out for each licensed activity;

(3) The net gambling receipts for each activity;

(4) Full details on all expenses directly related to each activity, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of each of the licensed activities, including a description of the work performed by that person. Provided that RCW 9.46.02((~~0(19)~~))77 and WAC 230-20-070 are observed in relation to the restriction against employing persons to conduct or otherwise take part in the operation of a raffle(-);

(5) The net income from each activity((-);

(6) The total number of sessions conducted during the year; and

(7) The total number of players participating in bingo games.

AMENDATORY SECTION (Amending Order 144, filed 1/9/85)

WAC 230-12-020 GAMBLING RECEIPTS DEPOSIT REQUIRED BY ALL BONA FIDE CHARITABLE AND NONPROFIT ORGANIZATIONS - EXEMPTIONS. (1) Every licensed bona fide charitable or nonprofit organization shall keep a separate gambling receipts' account in a recognized Washington state depository authorized to receive funds, which shall be kept separate and apart and actually segregated from the licensee's general funds: Provided, That if such activities are conducted on the United States' portion of the Point Roberts Peninsula, Washington, the deposit may be made in a British Columbia branch of a Canadian bank. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained. The following conditions of deposit will be met:

(a) No expenditures other than for prizes shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: Provided, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

(i) The total of all such prize funds does not accumulate to exceed \$200.00;

(ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

(b) All net gambling receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

(c) All net gambling receipts from the operation of card rooms, punchboards, pull tabs, raffles (Class ((~~Ⓓ~~)) E and above), and amusement games (Class ((~~Ⓓ~~)) D and above) shall be deposited in the licensee's gambling receipts account at least once each week; and

(d) All deposits from bingo net gambling receipts, made to the gambling receipts account, shall be made

separately from all other deposits, and the validated deposit receipt shall be kept ((~~with~~)) as a part of the daily records as required by WAC 230-08-080.

(2) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

(a) Raffles under the provisions of RCW 9.46.03((~~0(2)~~))15;

(b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.03((~~0(3)~~))21;

(c) Class A, B, or C bingo game;

(d) Class A, B, C, or D raffle; or

(e) Class A, B or C amusement game.

(3) Bona fide charitable or nonprofit organizations who conduct only fund raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

(a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;

(b) All net gambling receipts shall be deposited within two banking days following receipt thereof; and

(c) The validated deposit receipt shall be kept with the licensee's gambling records.

NEW SECTION

WAC 230-12-060 CHARITABLE OR NONPROFIT - BINGO - SPECIAL REVIEW. (1) The Director or the Commission may require an organization to appear before the Commission for a Special Review of the organization's performance during the preceding 18 months. Topics for the review shall be limited to the following:

(a) Failure to make progress in meeting its organizational purpose(s);

(b) Payment of excessive wages;

(c) Payment of excessive rent or excessive purchase price for bingo premises;

(d) The loss of exemption from the Internal Revenue Service and its effect on continued eligibility; or

(e) Violation of bingo prize payout or net return requirements.

(2) The Commission will notify all other bingo operations within a five mile radius, of the time, date, and place of the Special Review. The Commission will also notify local law enforcement of this information.

(3) The organization shall be represented by at least a majority of the members of its board of director, its chief executive officer, its primary bingo manager, and may be represented by an attorney.

(4) At the completion of any special review, the Commission may issue a written position regarding the organization reviewed. If the Commission deems that corrective action is necessary, it may require the organization to develop a plan to address the concerns of the Commission. The plan will be reviewed by the staff and the Commission and the organization will be notified of any additional concerns. Any organization subject to corrective action will be allowed a maximum of six (6)

months after the review to conform to the approved corrective action plan. The progress made toward compliance will be monitored by the Commission staff. In the event an organization fails to comply with the corrective action plan, the Director may initiate administrative action concerning any subsequent rule violations. Topics brought before the Commission for a Special Review that constitute rule violations will be treated as a formal warning, and not subject to further administrative action. Provided, if new or continued violations occur after the completion of the Special Review, those violations will be subject to separate administrative action.

**AMENDATORY SECTION** (Amending Order 175, filed 3/15/88)

**WAC 230-20-064 MAXIMUM RECEIPTS, PRIZES, AND EXPENSES FOR BINGO GAMES—NET INCOME REQUIRED.** Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. (~~Bona fide charitable or nonprofit o~~) Organizations licensed to operate bingo must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-201 and Table 1. below. Any organization not currently licensed to conduct bingo at any class and applying for a Class ~~((F))~~ D or above license shall submit with its license application a pro forma plan of operation including a market study with: Planned attendance; prices; prize payout schedules; (~~and~~) net income predictions; and any other information requested by the commission.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license. Any licensee who exceeds the maximum calendar quarter prize payout limit for its class of license by more than two percentage points (2.0%) in (~~any month and/or exceeds its calendar quarter limits during~~) any quarter must report such to the commission, no later than 15 days following the end of the (~~month or~~) quarter and provide the commission additional reports as necessary to monitor progress toward compliance.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, adjusted net income as a percentage of gross receipts shall not be less than the percentage listed in Table 1. by class of license for any (~~calendar year~~) annual license period. Any licensee who reports net income more than two percentage points (2.0%) below the minimum (~~calendar year~~) annual license period requirement for its class during any quarter must report to the commission additional (~~information as required~~) reports necessary to monitor progress toward compliance: Provided, that bingo games located in jurisdictions which do not authorize punchboards and pull tabs shall be allowed the following expense credit for measuring compliance with this subsection.

- (a) Class D, E, or F - 1.0%
- (b) Class G, H, I, or J - 2.0%
- (c) Class K and above - 3.0%

(~~4~~) All administrative procedures, policies, and definitions required to administer this section shall be approved by the commission, and furnished to all affected licensees. Prize payout limits, net income minimum requirements, and administrative procedures will be reviewed annually to measure the effect of this section on the licensed organizations. The annual review shall be held at the March meeting and/or periodically by request of the commission with proper and timely notification to the staff.

(5) During the commission's study on maximum limitations on bingo income, an organization may exceed the Class K gross receipts limitation if the organization has been in compliance for the last 12 months with all Class K requirements set forth in Table 1. This authorization will only be issued to those organizations who voluntarily agree to donate 14% of all gross income generated in excess of \$3,500,000 to a charitable organization of their choice. Provided: The donation may not be given to an auxiliary or to another bingo licensee Class E and above. Provided further: All donations made within the licensed year may be counted as a credit towards the 14% requirement. This section will terminate on December 31, 1988.)

Table 1.  
~~((Calendar Year))~~ Annual Prize Payout Limits      Calendar Quarter Prize Payout Limits      ~~((Calendar Year))~~ Annual Adjusted Net Income. Minimum Requirements

<u>Group</u>	<u>License Class</u>	<u>Annual Gross Receipts</u>	<del>((Calendar Year))</del> Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	<del>((Calendar Year))</del> Annual Adjusted Net Income. Minimum Requirements
	A	Up to \$ 10,000	No Limits	No Limits	None
	B	\$ 10,001- 50,000	No Limits	No Limits	None
	C	50,001- 100,000	No Limits	No Limits	None
	D	100,001- 300,000	<del>((No Limits))</del> Max of 85%	<del>((No Limits))</del> 86.5%	<del>((None))</del> At least 2.0%
	E	300,001- 500,000	<del>((No Limits))</del> Max of 84.0%	<del>((No Limits))</del> 85.0%	<del>((None))</del> At least 3.0%
<u>I</u>	F	500,001- 1,000,000	Max of 83.0 <del>((=80.0))</del> %	84.0%	<del>((4.0-5.0))</del> At least 4.5%

Group	License Class	Annual Gross Receipts	((Calendar Year))	Calendar Quarter	((Calendar Year))
			Annual Prize Payout Limits	Prize Payout Limits	Annual Adjusted Net Income. Minimum Requirements
	G	1,000,001- 1,500,000	Max of 80.0 <del>((=78.0))</del> %	81.0%	<del>((5.0-7.0))</del> At least 6.0%
	H	1,500,001- 2,000,000	Max of 78.0 <del>((=76.0))</del> %	79.0%	<del>((7.0-9.0))</del> At least 8.0%
	I	2,000,001- 2,500,000	Max of 76.0 <del>((=74.0))</del> %	77.0%	<del>((9.0-11.0))</del> At least 10.0%
	J	2,500,001- 3,000,000	Max of 74.0 <del>((=72.0))</del> %	75.0%	<del>((11.0-13.0))</del> At least 12.0%
<u>II</u>	K	3,000,001- 3,500,000	Max of 72.0 <del>((=70.0))</del> %	73.0%	<del>((13.0-14.0))</del> At least 13.5%
	L	3,500,001- 4,000,000	Max of 70.0%	71.0%	At least 14.5%
	M	Over 4,000,000	Max of 70.0%	71.0%	At least 15.5%

**WSR 89-10-001**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 89-1—Filed April 20, 1989]

- 173-50-100 Interim accreditation.
- 173-50-110 Provisional accreditation.
- 173-50-120 Accreditation categories.
- 173-50-130 Requirements for maintaining accreditation status.
- 173-50-140 Denying accreditation status.
- 173-50-150 Revoking accreditation status.
- 173-50-160 Reciprocity.
- 173-50-170 Third-party accreditation.
- 173-50-180 Exemptions.
- 173-50-190 Fee structure.
- 173-50-200 Appeals.
- 173-50-210 Enforcement.

I, Steve Hunter, assistant director of Central Programs and Enforcement, do promulgate and adopt at Lacey, Washington, the annexed rules relating to accreditation of environmental laboratories, adopting chapter 173-50 WAC.

This action is taken pursuant to Notice Nos. WSR 89-04-052 and 89-07-032 filed with the code reviser on February 1, 1989, and March 10, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.230 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 17, 1989.

By Steve Hunter  
 Assistant Director  
 Central Programs and Enforcement

**Chapter 173-50 WAC**  
**ACCREDITATION OF ENVIRONMENTAL LABORATORIES**

**WAC**

- 173-50-010 Purpose.
- 173-50-020 Scope.
- 173-50-030 Objectives.
- 173-50-040 Definitions.
- 173-50-050 Responsibilities.
- 173-50-060 Requirements for accreditation.
- 173-50-070 Performance audit.
- 173-50-080 System audit.
- 173-50-090 Evaluation and issuance of certificate.

NEW SECTION

WAC 173-50-010 PURPOSE. The purpose of this chapter is to establish a state program for accreditation of environmental laboratories which conduct tests for or prepare data for submittal to the department of ecology. The accreditation program implemented under this chapter is designed to satisfy the intent of RCW 43.21A.230.

NEW SECTION

WAC 173-50-020 SCOPE. The environmental laboratory accreditation program applies to laboratories, within or outside the state, which conduct tests for or prepare analytical data for submittal to the department. Federal laboratories may participate in the accreditation program on a voluntary basis.

NEW SECTION

WAC 173-50-030 OBJECTIVES. The primary objective of the accreditation program is to assure accredited laboratories have a demonstrated capability to accurately analyze environmental samples. A secondary objective is to assist environmental laboratories in improving their quality assurance/quality control procedures. Accreditation does not guarantee validity of analytical data submitted by the laboratory subsequent to accreditation.

NEW SECTION

WAC 173-50-040 DEFINITIONS. Definitions set forth in this section shall apply throughout this chapter, unless context clearly indicates otherwise.

(1) "Accreditation" means the formal recognition by the department that an environmental laboratory is capable of producing accurate analytical data, signified by the issuance of a written certificate accompanied by a scope of accreditation indicating those parameters for which the laboratory has been accredited. The term "accredit" as used in this chapter is intended to have the same meaning as the term "certify" as used in RCW 43.21A.230. Any laboratory accredited under this chapter shall be deemed to have been certified under RCW 43.21A.230. The department does not, by certifying or accrediting any laboratory pursuant to this chapter, vouch for or warrant the accuracy of any particular work done or report issued by the laboratory.

(2) "Analytical data" means the recorded qualitative and/or quantitative results of a chemical, physical, biological, microbiological, radiological, or other scientific determination.

(3) "Department" means the state of Washington department of ecology.

(4) "Environmental laboratory" means any facility under the ownership and technical management of a single entity in a single geographical locale, where scientific examinations are performed on samples taken from the environment, the data from which is submitted to the department under the provisions of a department regulation, permit, or contractual agreement.

(5) "Mandatory analytical method" means a recognized written procedure for acquiring analytical data which is required by law or a regulatory agency of the federal or state government.

(6) "Matrix" means the substance from which a material to be analyzed is extracted, such as ground or surface water, wastewater, air, solid waste, nuclear waste, and hazardous waste.

(7) "Parameter" means a single determination or group of related determinations using a specific written method chosen by an applying laboratory.

(8) "Performance audit" means evaluation of the results of analyses of unknown samples whose true values are unknown to the laboratory conducting the analyses and which are provided by a source external to the environmental laboratory. Such samples may be referred to as performance evaluation samples.

(9) "Quality control" means those activities designed to assure analytical data produced by an environmental laboratory meet data quality objectives for accuracy. Those activities include routine application of statistically based procedures to evaluate and control the accuracy of analytical results.

(10) "Quality assurance (QA)" means those activities whose purpose is to assure that a quality control program is effective. A quality assurance program is a totally integrated program for assuring reliability of measurement data.

(11) "Quality assurance manual" means a written record of the policies, organization, objectives, and specific quality control and quality assurance activities established for use in an environmental laboratory to assure accuracy of analytical results. Volume and scope of quality assurance manuals vary with complexity of laboratory mission.

(12) "Recognized analytical method" means a documented analytical procedure for analysis of an environmental sample which was developed through collaborative studies by organizations or groups recognized by the department.

(13) "System audit" means an on-site inspection of laboratory capabilities by an agency external to the laboratory.

NEW SECTION

WAC 173-50-050 RESPONSIBILITIES. (1) The department shall require persons and organizations submitting analytical data to the department under the purview of department programs to use environmental laboratories which are accredited under the provisions of this chapter.

(2) The department shall not require use of accredited laboratories for determination of analytical parameters for which no suitable accreditation process can be reasonably devised as determined by the quality assurance section.

(3) The department shall develop a procedural manual describing specifics of the accreditation process. As a minimum, the procedural manual shall describe in detail the procedures to be followed for: Submitting an application; system (on-site) audits; performance audits; accreditation of out-of-state laboratories; determination and payment of fees; issuance, denial, and revocation of accreditation; and methods for notifying laboratories and authorized department officials of accreditation actions. The procedural manual shall be made available to all interested persons.

(4) Managers of environmental laboratories desiring accreditation shall submit an application along with appropriate fees to the department fiscal officer, submit results of performance evaluations, a quality assurance manual and other required documentation to the quality assurance section, and assist/accommodate department personnel during system audits as required.

NEW SECTION

WAC 173-50-060 REQUIREMENTS FOR ACCREDITATION. (1) Managers of environmental laboratories desiring accreditation shall submit to the department fiscal officer an application and pay required fees as predetermined by coordination with the quality assurance section. Concurrently, the laboratory manager shall submit a copy of their laboratory quality assurance manual to the quality assurance section and arrange with the quality assurance section for completion of a performance audit and system audit.

(2) Through the application, laboratory managers shall request accreditation in applicable parameters and provide evidence that sufficient personnel, equipment,

and facilities are available to successfully perform analytical methods as specified in the application. The quality assurance manual submitted concurrently with the application shall be in detail and scope commensurate with the size and mission of the laboratory.

#### NEW SECTION

**WAC 173-50-070 PERFORMANCE AUDIT.** (1) The quality assurance section shall advise applying laboratories of specific requirements for performance audits which shall be completed for applicable parameters no more frequently than twice annually (see exception in subsection (4) of this section). Current performance audits conducted under the provisions of other recognized programs may be used to satisfy the accreditation program performance audit requirement. Sufficiency of such audits shall be determined by the quality assurance section.

(2) Submission of raw data along with the report of analysis of the performance evaluation sample may be required at the discretion of the quality assurance section.

(3) Performance audits for certain accreditation parameters may be waived at the discretion of the quality assurance section if performance evaluation samples are not available or for other valid reasons.

(4) Laboratories which fail to accurately analyze a performance evaluation sample may be allowed a second performance audit. If necessitated by a second failure, a third performance audit may be allowed (as an exception to subsection (1) of this section) only after the laboratory has investigated cause for failure in the preceding audits and completed corrective actions.

(5) Applying laboratories shall be responsible for obtaining performance evaluation samples. No fee shall be charged to the department for analysis of performance evaluation samples.

#### NEW SECTION

**WAC 173-50-080 SYSTEM AUDIT.** The laboratory shall undergo a system audit by the department to assess critical elements and areas of recommended practices.

(1) Critical elements for accreditation. Those elements of an environmental laboratory's operations which are critical to the consistent generation of reliable, accurate data are critical elements for accreditation. Those critical elements shall be the subject of intense scrutiny throughout the accreditation process and deficiencies in critical elements may be the basis for denial or revocation of accreditation status. Functional areas within which there are critical elements are:

(a) Analytical methods. The system audit shall seek to determine if documentation of mandatory or recognized analytical methods are present at the laboratory, readily available to analysts, and being routinely followed. If a locally-developed method is being followed, the audit may include an evaluation of the adequacy of that method.

(b) Equipment and supplies. The system audit shall seek to determine if sufficient equipment and supplies as required by analytical methods are available, being adequately maintained, and are in a condition to allow successful performance of applicable analytical procedures.

(c) Quality assurance. The laboratory quality assurance manual shall be reviewed for adequacy prior to the system audit. The system audit shall include a review of quality assurance plans and quality assurance/quality control records for programs/projects within which the laboratory is generating analytical data for submission to the department.

(d) Sample management. The system audit shall include a review of applicable procedures for receipt, preservation, transportation, and storage of samples. The laboratory shall be held responsible only for those elements of sample management over which it has direct control.

(2) Recommended practices. Those elements of laboratory operations which might affect efficiency, safety, and other administrative functions, but do not normally affect quality of analytical data, shall be brought to the attention of laboratory management under the heading of "recommended practices" and individually, shall not be the basis for denial or revocation of accreditation status. Functional areas within which recommended practices may be noted are:

(a) Personnel. The system audit shall seek to determine if managerial, supervisory, and analytical personnel have adequate training and experience to allow satisfactory completion of analytical procedures and compilation of reliable, accurate data. Minimum recommended education and experience criteria for laboratory personnel shall be specified in the program procedural manual.

(b) Facilities. The system audit shall seek to determine if laboratory facilities allow efficient generation of reliable, accurate data in a safe environment.

(c) Safety. When the system audit notes laboratory safety problems, those judged serious shall be referred to appropriate state or federal agencies.

#### NEW SECTION

**WAC 173-50-090 EVALUATION AND ISSUANCE OF CERTIFICATE.** Following receipt of an application and completion of a performance audit and system audit, the quality assurance section shall submit a report to the affected laboratory concerning the results of the overall accreditation process. The report shall list findings, assess the importance of each finding, and make recommendations concerning actions necessary to ensure resolution of problems. After completing the accreditation review, the quality assurance section shall decide, based on information in the application and results of the system audit, performance audit, and review of the quality assurance manual, whether accreditation should be granted. If this decision is affirmative, a certificate shall be issued authorizing the affected laboratory to submit analytical data to the department as specified on an accompanying scope of accreditation. The certificate shall remain the property of the department

and shall be surrendered to the department upon revocation of accreditation status. If accreditation is not justified, the department shall issue a report specifying areas of deficiency and steps necessary to upgrade the laboratory to accredited status. In such cases, the laboratory shall be allowed thirty days in which to provide documentation that the specified deficiencies have been corrected. Based on such documentation the department shall decide whether to grant, renew, deny, or revoke accreditation.

#### NEW SECTION

**WAC 173-50-100 INTERIM ACCREDITATION.** If for valid reasons based on a deficiency in the department and not the laboratory, the quality assurance section cannot conduct a complete assessment of laboratory capabilities within six months of receipt of an application, an interim accreditation may be granted based on submission of an application and fees by the laboratory, completion of a performance audit where appropriate, and an update of the laboratory's quality assurance manual.

#### NEW SECTION

**WAC 173-50-110 PROVISIONAL ACCREDITATION.** Laboratories which have deficiencies requiring corrective action but can produce valid analytical data as determined by the quality assurance section may be given a provisional accreditation. When the laboratory has corrected such deficiencies, it may provide evidence of correction to the quality assurance section, or request reaudit, as appropriate. Upon determining deficiencies have been corrected, the quality assurance section shall take action to award full accreditation as in WAC 173-50-090. Provisional accreditation shall not be renewed for a subsequent accreditation period (fiscal year) unless laboratory management can demonstrate that all reasonable measures to correct deficiencies noted during the initial capability assessment have been exhausted.

#### NEW SECTION

**WAC 173-50-120 ACCREDITATION CATEGORIES.** Environmental laboratories shall be accredited within the broad categories Chemistry I (General), Chemistry II (Trace Metals), Organics I (Gas Chromatography (GC), High Pressure Liquid Chromatography (HPLC) Methods), Organics II (Gas Chromatography/Mass Spectrometry (GC/MS) Methods), Radiological, Microbiological, Bioassay, and Limited Municipal Wastewater Treatment. Within those broad categories, laboratories shall specifically be accredited to perform within the well-defined parameters identified in WAC 173-50-190 or as requested by the applying laboratory, using specific, recognized analytical methods chosen by the applying laboratory. Additional parameters may be designated in the program procedural manual without amendment of this chapter if required to allow more efficient execution of the accreditation program.

#### NEW SECTION

**WAC 173-50-130 REQUIREMENTS FOR MAINTAINING ACCREDITATION STATUS.** Accreditation shall be granted for a given fiscal year and shall expire at the end of each fiscal year (last day of June). Renewal shall require submission of an application and appropriate fees, an update of the laboratory's quality assurance manual, and successful completion of a new performance audit. System audits shall be required for renewal of accreditation at periods not to exceed three years from the previous system audit.

#### NEW SECTION

**WAC 173-50-140 DENYING ACCREDITATION STATUS.** A laboratory may be denied accreditation for failing to comply with standards for critical elements of the system audit, for misrepresenting its capabilities or failing to disclose pertinent information in the application, for falsifying analytical data, or for failing to render appropriate fees. Additionally, a laboratory may be denied accreditation for a specific parameter for unsatisfactory analysis of that parameter in the performance audit. Laboratories denied accreditation may appeal under the provisions of WAC 173-50-200 or, following correction of deficiencies, may reapply for accreditation to include payment of appropriate fees as determined in WAC 173-50-190.

#### NEW SECTION

**WAC 173-50-150 REVOKING ACCREDITATION STATUS.** Accreditation status may be suspended or revoked if the laboratory violates a state rule relative to the analytical procedures for which it is accredited, misrepresents itself to the department, fails to submit an application and associated fees for renewal, falsifies reports of analysis, or engages in unethical or fraudulent practices concerning the generation of analytical data. Additionally, an accredited laboratory may be reaudited for cause and, if found to be deficient in its ability to provide accurate analytical data, may have its accreditation suspended or revoked.

#### NEW SECTION

**WAC 173-50-160 RECIPROCITY.** The department may recognize accreditation (or certification, registration, licensure, approval) of an out-of-state laboratory by another state with which the department has established a reciprocity agreement. In such cases, the out-of-state laboratory shall submit an application and associated fee to offset administrative costs of processing its application (see WAC 173-50-190(5)), and a copy of their accreditation documentation including scope of accreditation. After review of the application and accreditation to assure compliance with minimum accreditation requirements as stated in this chapter, the laboratory may be recognized as authorized to submit analytical data to the department.

**NEW SECTION**

**WAC 173-50-170 THIRD-PARTY ACCREDITATION.** The department may recognize accreditation (or certification, registration, licensure, approval) of a laboratory, including in-state laboratories, by a third party when the accreditation is determined to be equivalent to that described in this chapter. Laboratories applying for recognition of third-party accreditation shall submit an application and associated fee to offset administrative costs (see WAC 173-50-190(5)), and provide documented information demonstrating requirements for accreditation have been fulfilled as a result of accreditation carried out by a third party. After review of the application and accreditation to ensure compliance with minimum accreditation requirements as stated in this chapter, the laboratory may be recognized as authorized to submit analytical data to the department.

**NEW SECTION**

**WAC 173-50-180 EXEMPTIONS.** (1) The application form shall provide for wastewater dischargers whose laboratories meet the exemption qualifications of RCW 43.21A.230 to request exemption from the accreditation program. Those laboratories shall be required to submit evidence that they are participating in a federal Environmental Protection Agency Administered Quality Assurance Program including as a minimum the following elements: Current QA program/project plans; performance evaluation audits; system audits; corrective action for audit deficiencies; quality control guidelines and records; and training in quality assurance for laboratory management personnel. The department shall grant exemption from accreditation requirements of this chapter upon receipt of confirmation from Region X of the federal Environmental Protection Agency of such participation by a laboratory.

(2) Exemption shall be granted only for those analytical parameters included in the federal Environmental Protection Agency Quality Assurance Program. The exemption status shall be reviewed annually based upon submittal by the laboratory of a new application and updated evidence of continued participation in a sufficient quality assurance program.

**Note:** The federal Environmental Protection Agency does not presently administer a complete quality assurance program for wastewater dischargers in the state of Washington, such as would provide an exemption under subsection (1) of this section. Thus, this exemption is not presently available. The Environmental Protection Agency considers annual analysis of performance evaluation samples to constitute only one element of participation in a quality assurance program. The complete Environmental Protection Agency Quality Assurance Program is described in their Order 5360.1, "Policy and Program Requirements to Implement the Mandatory Quality Assurance Program," which is the basis for exemption requirements stated in subsection (1) of this section.

**NEW SECTION**

**WAC 173-50-190 FEE STRUCTURE.** (1) Fees in this chapter are those established for initiation of the accreditation program. The fee structure shall be reviewed annually and modified as necessary to reflect

currency value fluctuations or changes in program administration costs. Laboratory directors may request addition of parameters within given categories.

CATEGORY	PARAMETER	FEE/PARAMETER	MAX FEE PER CATEGORY		
Chemistry I (General)	Calcium Chloride Fluoride Magnesium pH Potassium Sodium Specific Conductance Sulfate Total Alkalinity Total Dissolved Solids (TDS) Total Hardness Ammonia (NH3-N) Kjeldahl Nitrogen Nitrate (NO3-N) Nitrate-Nitrite (NO3-NO2) Nitrite (NO2-N) Orthophosphate Phosphorous (total) Biochemical Oxygen Demand (BOD)/Carbonaceous BOD (CBOD) Chemical Oxygen Demand (COD) Total Organic Carbon (TOC) Acidity Anionic Surfactants (LAS) Bromide Color Cyanide (total) Dissolved Oxygen (DO) Nonfilterable Residue/ Total Suspended Solids (TSS) Oil/grease Phenolics (total) Salinity Silica Sulfide Sulfite Total Residual Chlorine Turbidity	\$50	\$600		
	Chemistry II (Trace Metals)	Aluminum Antimony Arsenic Beryllium Cadmium Chromium Cobalt Copper Iron Lead Manganese Mercury Molybdenum Nickel Selenium Silver Strontium Thallium Tin Titanium Vanadium Zinc	\$30	\$400	
		Organics I (GC, HPLC methods)	Acrolein/Acrylonitrile Phenols Purgeable (volatile) Halocarbons Purgeable (volatile) Aromatics Benzidines Phthalate Ester Nitrosamines Chlorinated Hydrocarbon Pesticides and Polychlorinated Biphenyls (PCBs)	\$50	\$250

CATEGORY	PARAMETER	FEE/PARAMETER	MAX FEE PER CATEGORY
Organics II (GC/MS methods)	Nitroaromatics/Isophorone Polynuclear Aromatic Hydrocarbons		
	Haloethers		
	Chlorinated Hydrocarbons		
	Purgeables (volatiles) Base/Neutrals and Acids (semivolatiles)	\$100	\$250
Radiological	Dioxin (2,3,7,8-Tetra- chlorodibenzo-p-dioxin)		
	Alpha Beta Radium	\$50	\$100
	Coliform (fecal) Coliform (total) Fecal streptococci Enterococci E. coli	\$100	\$250
Bioassay	Fish	\$100	\$400
	Rat		
	Amphipod		
	Bivalve Larvae		
	Chromosomal abnormality		
	Microtox		
	Daphnid		
	Echinoderm		
	Mysid		
	Algae		
Limited Municipal Wastewater Treatment	Not Applicable		\$150

**NEW SECTION**

WAC 173-50-200 APPEALS. An environmental laboratory manager may appeal final accreditation actions (awards, denials, revocations) in writing to the director of the department within thirty days of notification of final action.

**NEW SECTION**

WAC 173-50-210 ENFORCEMENT. The department may enter any premises in which analytical data pertaining to accreditation under the provisions of this chapter are generated or stored, for the purpose of conducting system audits or otherwise enforcing this chapter. Refusal to permit entry for such purposes shall result in denial, revocation, or suspension of accreditation status.

**WSR 89-10-002**

**PROPOSED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed April 20, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Definition—Total eligible credits, WAC 392-121-260;

that the agency will at 9:00 a.m., Friday, June 16, 1989, in the Brouillet Conference Room, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28A.41.170.

The specific statute these rules are intended to implement is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 14, 1989.

Dated: April 20, 1989

By: Judith A. Billings  
Superintendent of  
Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-121 WAC.

Rule Section(s): WAC 392-121-260.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To amend an existing rule related to the counting of credits earned in in-service programs after the awarding of a master's degree from August 1, 1987, to August 1, 1988.

Summary of the New Rule(s) and/or Amendments: This amendment eliminates the current "window" for school districts to report in-service credits for apportionment purposes by certificated instructional staff. This rule affects only those in-service credits earned after August 31, 1987, and before August 31, 1988. The in-service credits that will not be reported will be those

earned prior to earning an advanced degree. Current rule allows school districts to continue to count these credits when staff earns a master's degree. This change will result in in-service credits being treated consistently year-by-year.

Reasons Which Support the Proposed Action(s): See Attorney General's Opinion Number 89-7, dated March 31, 1989.

Section Analysis: WAC 392-121-260, amending this section to eliminate current window allowing school districts to report in-service credits earned between August 31, 1987, and August 31, 1988, prior to the awarding of a master's degree.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction.

Agency Personnel Responsible for Drafting: Richard M. Wilson, SPI, 3-2298; Implementation: Robert M. Schley, SPI, 753-6742; and Enforcement: Doyle Winter, SPI, 3-1880.

The rule is necessary as the result of Washington State Attorney General's Opinion No. 89-7.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The proposed rule has no fiscal impact for the current school year but will result in some slight reduction in state apportionment in the out-years.

AMENDATORY SECTION (Amending Order 88-24, filed 11/2/88)

WAC 392-121-260 DEFINITION—TOTAL ELIGIBLE CREDITS. As used in this chapter, "total eligible credits" means the number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257.

(2) For an employee whose highest degree is a master's degree (~~which was awarded or conferred on or before August 31, 1987~~), sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257 earned after the awarding or conferring of the master's degree.

~~((3) For an employee whose highest degree is a master's degree earned after August 31, 1987, sum the following:~~

~~(a) Academic credits as defined in WAC 392-121-255 earned after the awarding or conferring of the master's degree;~~

~~(b) In-service credits as defined in WAC 392-121-257 earned after the awarding or conferring of the master's degree; and~~

~~(c) In-service credits as defined in WAC 392-121-257 earned after August 31, 1987, and before August 31, 1988, or the awarding or conferring of the master's degree whichever is earlier.)~~

**WSR 89-10-003**

**NOTICE OF PUBLIC MEETINGS  
WHATCOM COMMUNITY COLLEGE**

[Memorandum—April 19, 1989]

The board of trustees of Whatcom Community College will hold a special meeting of the board to discuss planning and program on May 6, 1989, at 1:00 p.m. at Lakewood, 2035 Lake Whatcom Boulevard, Bellingham, WA 98226.

This meeting will be a board retreat and will not take the place of the regular meeting on May 16, 1989.

**WSR 89-10-004**

**NOTICE OF PUBLIC MEETINGS  
THE EVERGREEN STATE COLLEGE**

[Memorandum—April 19, 1989]

The board of trustees of The Evergreen State College has postponed its regularly scheduled meeting of May 10 until Tuesday, May 23, at 1:30 p.m.

The meeting will be held on the campus of The Evergreen State College in Room 3112 of the Daniel J. Evans Library Building.

**WSR 89-10-005**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE LIBRARY**

**(Library Commission)**

[Memorandum—April 19, 1989]

Wednesday, June 7, 1989, 6:30 p.m., the Washington State Library Commission will meet for a staff briefing at the Windows in Season Restaurant, Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane, WA.

Thursday, June 8, 1989, 10:00 a.m., the Washington State Library Commission will hold its regular business meeting at Cavanaugh's Inn at the Park, Corbin Meeting Room, West 303 North River Drive, Spokane, WA.

**WSR 89-10-006**

**PROPOSED RULES**

**WESTERN WASHINGTON UNIVERSITY**

[Filed April 20, 1989]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the board of trustees, Western Washington University, intends to adopt, amend, or repeal rules concerning:

Amd	ch. 516-22 WAC	Student rights and responsibilities.
New	ch. 516-28 WAC	Standards and procedures for involuntary administrative withdrawal of students at Western Washington University for behavior from mental disorders.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 4, 1989.

The authority under which these rules are proposed is RCW 28B.35.120(12).

The specific statute these rules are intended to implement is none.

This notice is connected to and continues the matter in Notice No. WSR 89-05-049 filed with the code reviser's office on February 15, 1989.

Dated: April 19, 1989

By: Wendy Bohlke  
Assistant Attorney General

**WSR 89-10-007**  
**EMERGENCY RULES**  
**STATE PATROL**  
**(Commission on Equipment)**

[Order 204-29-010A—Filed April 21, 1989]

I, George B. Tellevik, chief of the Washington State Patrol, do promulgate and adopt at the General Administration Building, AX-12, Olympia, Washington, the annexed rules relating to marking the license plate of a person who has been arrested for driving while suspended or revoked in accordance with RCW 46.16.710(1).

I, George B. Tellevik, chief, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is RCW 46.16.710 took effect July 1, 1988. This administrative code is necessary to properly administer this statute.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 46.16.710 which directs that the Washington State Patrol has authority to implement the provisions of RCW 46.16.710.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 21, 1989.

By George B. Tellevik  
 Chief

NEW SECTION

**WAC 204-29-010 MARKING LICENSE PLATE.** *When marking a Washington State license plate under RCW 46.16.710(1), the law enforcement officer shall apply a 1.25" x 3.4" adhesive label in the upper right-hand corner of the rear license plate. The adhesive label shall be coated with alternating red and yellow stripes of reflectorized material. The adhesive labels may be assigned serial numbers for internal accounting purposes by the law enforcement agency.*

**WSR 89-10-008**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Memorandum—April 21, 1989]

The board of trustees of South Puget Sound Community College District 24 will hold a study session, Wednesday, April 26, 1989, beginning at 1:00 p.m. in the boardroom at South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA. The trustees plan to review the community college budget allocation model and 1989-90 allocation, the draft mission, goals and objective statement, and strategic planning and other topics

relevant to the continued operation and success of the college.

No action will be [taken] as a result of the study session.

**WSR 89-10-009**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 89-23—Filed April 21, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to subsistence fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available for a subsistence fishery. This conforms state regulations with Yakima Tribe regulations. There is inadequate time to follow the permanent rule adoption procedure.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 21, 1989.

By Judith Merchant  
 Deputy  
 for Joseph R. Blum  
 Director

NEW SECTION

**WAC 220-32-05900P COLUMBIA RIVER TRIBUTARIES—SUBSISTENCE.** *Notwithstanding the provisions of WAC 220-32-059, effective immediately until further notice it is unlawful for any fisher to take salmon for commercial or subsistence purposes from the Yakima, or Klickitat Rivers except treaty Indian fishers possessing treaty rights under the Yakima Treaty may fish for foodfish for subsistence purposes as provided for in this section:*

(1) *Yakima River – where it borders the reservation, open noon Monday to 6 p.m. Saturday, April 17, to July 1, 1989.*

a. *Horn Rapids Dam and Prosser Dam, open noon Monday to 6 p.m. Saturday, April 19, to July 1, 1989.*

*In all open areas it shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 30 feet of any fish ladder, fishway, or fish bypass pipes associated with irrigation canal fish screening structures and no fishing is allowed from boats or any*

other floating devices. Lawful gear is restricted to dipnet, setbag net, or rod and reel with bait or lure.

(2) Klickitat River - open noon Tuesday to 6 p.m. Saturday, April 4 to June 3, 1989, in those waters from the Swinging Bridge to Fishway Number 5. No fishing is allowed within 30 feet of any fish ladder, fishway or fish bypass pipes associated with irrigation canal fish screening structures, and no fishing is allowed from boats or any other floating devices. Lawful gear is restricted to dipnet, setbag net, or rod and reel with bait or lure.

**WSR 89-10-010**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 89-25—Filed April 21, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is insufficient numbers of herring are predicted to be present to allow a traditional commercial herring fishery. There is inadequate time to promulgate permanent regulations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 21, 1989.

By Judith Merchant  
 Deputy  
 for Joseph R. Blum  
 Director

NEW SECTION

WAC 220-49-02000Z SEASONS—HERRING. Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective immediately until further notice it is unlawful to fish for or possess herring taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B and 21B.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-49-02000Y SEASONS—HERRING. (89-18)

**WSR 89-10-011**  
**EMERGENCY RULES**  
**STATE PATROL**  
 [Order 89-01-RD—Filed April 21, 1989]

I, George B. Tellevik, chief of the Washington State Patrol, do promulgate and adopt at the General Administration Building, AX-12, Olympia, Washington, the annexed rules relating to:

Amd WAC 446-40-020 Definitions.  
 New WAC 446-40-025 Line duty disabilities.

I, George B. Tellevik, chief, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the emergency rule adopted June 29, 1988, has expired.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Washington State Patrol as authorized in RCW 43.43.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 21, 1989.

By George B. Tellevik  
 Chief

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-40-020 DEFINITIONS. (1) The term "active service," as it applies to a member of the Washington state patrol, is defined as all performance of duties of whatever type, performed pursuant to orders by a superior of the member, provided, such duties shall be consistent with the responsibilities of the Washington state patrol. "Active service" shall consist of "line duty" and "other duty."

(2) "Line duty" is active service which encompasses the traffic ((safety)) law enforcement duties and/or other law enforcement responsibilities of the Washington state patrol. These duties encompass all law enforcement activities, accident and criminal investigations, or actions requiring physical exertion or exposure to hazardous elements. ((the accomplishment of which require, from time to time, extreme physical exertion:))

(3) "Other duty" is active service which encompasses activities consistent with the responsibilities of the Washington state patrol, but which do not foreseeably require more physical exertion than that normally required for the performance of clerical tasks.

(4) "Disability" is defined as any injury or incapacitation of such an extent as to render a member of the Washington state patrol mentally or physically incapable of active service.

(5) "Applicant" as the term is used in this regulation shall refer either to the member or to the department, whichever is initiating action pursuant to this regulation.

(6) The term "member" is defined as a regularly commissioned officer in the Washington state patrol.

(7) The term "chief" in this regulation refers to the chief of the Washington state patrol.

(8) The term "personnel officer" is defined as the person designated by the chief to be responsible for personnel matters within the Washington state patrol.

(9) The term "department" refers to the Washington state patrol as a state agency.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

### NEW SECTION

#### WAC 446-40-025 LINE DUTY DISABILITIES.

(1) Line duty disabilities occur when a commissioned officer of the Washington state patrol is injured or incapacitated while:

(a) Performing traffic law enforcement duties.

(b) Investigating accidents or suspected criminal activities.

(c) Participating in law enforcement training that requires physical exertion, use of firearms, or exposure to hazardous elements.

(d) Performing other activities which must be performed by a commissioned law enforcement officer and exposes the officer to hazardous elements or requires physical exertion.

(2) Injuries that occur while performing activities that do not expose the officer to hazardous elements or require physical exertion, such as, but not limited to, report writing, answering telephone inquiries, attending meetings, or performing limited duty, do not qualify as line duty injuries.

(3) If a commissioned officer assigned to administrative duties must perform work defined as "line duty" and is injured, it will be considered a line duty injury.

**WSR 89-10-012**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**

[Filed April 21, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Accountancy intends to adopt, amend, or repeal rules concerning board meeting, officers, fees, amending WAC 4-25-040; that the agency will at 9:00 a.m., Thursday, July 13, 1989, in the Center House, Conference Room H, Seattle Center, 305 Harrison, Seattle, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.04.055.

The specific statute these rules are intended to implement is RCW 18.04.065.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 1989.

Dated: April 20, 1989

By: Carey L. Rader  
Chief Executive Officer

### STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Accountancy.

Purpose: To reduce fees to part-time or retired licensees.

Statutory Authority: RCW 18.04.055 and 18.04.065.

Summary of the Rules: The rule amendment eliminates firm license fees for sole proprietor firms which do not employ statutory employees.

Reasons Proposed: Existing fees for sole proprietor firms fail to take into account that some sole proprietors are semiretired or otherwise only marginally engaged in practice.

Responsible Personnel: In addition to the members of the board, the following Board of Accountancy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Carey L. Rader, Chief Executive Officer, 210 East Union, Suite H, Olympia, WA 98504, phone (206) 753-2585 or 234-2585 scan.

Proponents: These rules are proposed by the Washington State Board of Accountancy.

Agency Comments: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

### AMENDATORY SECTION (Amending Order ACB-165, filed 1/17/89)

WAC 4-25-040 BOARD MEETINGS, OFFICERS, FEES. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

- (1) Fees. Fees charged by the board shall be as follows:
  - (a) CPA examination applications:
    - (i) One or two parts ..... \$ 75
    - (ii) Three parts ..... \$ 100
    - (iii) Five parts ..... \$ 125
  - (b) Transfer of grade credits from other jurisdictions, pursuant to RCW 18.04.105(3) ..... \$ 40
  - (c) Administration of examination for out-of-state applicants, per part ..... \$ 10
  - (d) Application for certificate by reciprocity from other jurisdictions ..... \$ 40
  - (e) Biennial license to practice public accounting, includes certificate renewal fee ..... \$ 80
  - (f) Biennial certificate renewal ..... \$ 10
  - (g) Biennial firm license:
    - (i) Sole proprietorships (with one or more employees) .... \$ 50
    - (ii) Partnerships ..... \$ 100
    - (iii) P.S. corporations ..... \$ 100
  - (h) Amendments to firm registration, each filing ..... \$ 10
  - (i) Temporary practice license, per individual who is to practice within this state ..... \$ 10
  - (j) Copies of records, per page ..... \$ 0.10
  - (k) Applications for reinstatement ..... \$ 25
  - (l) Replacement CPA certificates ..... \$ 25

(m) Failure to file or complete an application to renew an individual certificate, individual license, or firm license by the due date of the application will result in a delinquency fee of twenty-five dollars per month (or any part thereof) from the due date of the application, not to exceed two hundred dollars total delinquency fee.

Note: The board may waive delinquency fees for good cause.

(2) Any applicant for a certificate or license who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

**WSR 89-10-013**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**  
 [Filed April 21, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Accountancy intends to adopt, amend, or repeal rules concerning independence, integrity and objectivity, amending WAC 4-25-080;

that the agency will at 9:00 a.m., Thursday, July 13, 1989, in the Center House, Conference Room H, Seattle Center, 305 Harrison, Seattle, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.04.055(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 1989.

Dated: April 20, 1989  
 By: Carey L. Rader  
 Chief Executive Officer

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Accountancy.

Purpose: To relax restrictions against CPAs receiving third party compensation.

Statutory Authority: RCW 18.04.055.

Summary of the Rules: WAC 4-25-080 amendment removes the prohibition against CPAs receiving commissions from third parties for the sales of goods or services.

Reasons Proposed: Requested by H. D. Vest Financial Services.

Responsible Personnel: In addition to the members of the board, the following Board of Accountancy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Carey L. Rader, Chief Executive Officer, 210 East Union, Suite H, Olympia, WA 98504, phone (206) 753-2585 or 234-2585 scan.

Proponents: These rules are proposed by H. D. Vest Financial Services.

Agency Comments: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

**AMENDATORY SECTION** (Amending Order ACB 104, filed 10/10/83)

WAC 4-25-080 RULES OF CONDUCT—INDEPENDENCE, INTEGRITY, AND OBJECTIVITY. A licensee shall not express an opinion on financial statements of an enterprise in such a manner as to imply that he is acting as an independent public accountant with respect thereto unless he is independent with respect to such enterprise. Independence will be considered to be impaired if, for example:

- (1) During the period of his professional engagement, or at the time of expressing his opinion, the licensee:
  - (a)(i) Had or was committed to acquire any direct or material indirect financial interest in the enterprise; or
  - (ii) Was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise; or
  - (b) Had any joint closely-held business investment with the enterprise or any officer, director, or principal stockholder thereof which was material in relation to the net worth of either the licensee or the enterprise; or
  - (c) Had any loan to or from the enterprise or any officer, director, or principal stockholder thereof other than loans of the following kinds made by a financial institution under normal lending procedures, terms and requirements:
    - (i) Loans obtained by the licensee which are not material in relation to the net worth of the borrower;
    - (ii) Home mortgages; and
    - (iii) Other secured loans, except those secured solely by a guarantee of the licensee.
- (2) During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, the licensee:

(a) Was connected with the enterprise as a promoter, underwriter, or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

(b) Was a trustee for any pension or profit-sharing trust of the enterprise.

The foregoing examples are not intended to be all inclusive.

A licensee shall not in the performance of professional services knowingly misrepresent facts, nor subordinate his judgment to others. In tax practice, however, a licensee may resolve doubt in favor of his client as long as there is reasonable support for his position.

~~A licensee shall not pay a commission to obtain a client ((, nor accept a commission for a referral to a client of products or services of others. This rule does not prohibit payments for the purchase of all, or a material part, of an accounting practice, or retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons)). A licensee may accept a commission for a referral to a client of products or services of others provided the client is not one for whom the CPA also performs attest services (i.e., audits, reviews, or compilations with third party reliance). The CPA shall, no later than the making of such recommendation or referral, disclose to the client in writing, the nature, source, and amount of all such other compensation. Disclosure shall be made regardless of the amount of the other compensation involved. The provisions of this section shall not be construed to apply to payments received from the sale of all or part of an accounting practice or to retirement payments to persons formerly engaged in the practice of public accounting.~~

A licensee shall not offer or perform professional services for a fee which is contingent upon the findings or results of such services: PROVIDED HOWEVER, That this rule does not apply to professional services involving federal, state, or other taxes in which the findings are those of the tax authorities and not those of the licensee, nor does it apply to professional services for which the fees are to be fixed by courts or other public authorities, and which are therefore indeterminate in amount at the time the professional services are undertaken.

A licensee shall not concurrently engage in the practice of public accountancy and in any other business or occupation which impairs his independence or objectivity in rendering professional services.

### WSR 89-10-014

#### ADOPTED RULES

### DEPARTMENT OF LABOR INDUSTRIES

[Order 88-32—Filed April 24, 1989—Eff. June 1, 1989]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to establishment of a minimum wage for 16 and 17-year olds which is equal to the rate required by RCW 49.46.020 for employees 18 years of age or older; and establishment of a minimum wage of 85% per hour of the minimum required for adults, age 18 and over pursuant to RCW 49.46.020 for individuals under 16 years of age.

This action is taken pursuant to Notice Nos. WSR 89-01-111, 89-06-035, 89-08-058 and 89-09-007 filed with the code reviser on December 21, 1988, February 24, 1989, April 3, 1989, and April 10, 1989. These rules shall take effect at a later date, such date being June 1, 1989.

This rule is promulgated pursuant to RCW 43.22.270 and chapter 236, Laws of 1988 which directs that the Department of Labor and Industries has authority to implement the provisions of chapters 49.12 and 49.46 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 24, 1989.

By Joseph A. Dear  
Director

AMENDATORY SECTION (Amending Order 74-9, filed 3/13/74, effective 4/15/74)

WAC 296-126-020 MINIMUM WAGES—MINORS. Except where a higher minimum wage is required by Washington state or federal law(;) :

(1) Every employer shall pay to each of his or her ((minor)) employees ((wages at a rate of not less than one dollar and sixty cents per hour, and beginning the calendar year of 1975 not less than one dollar and seventy-five cents per hour)) who have reached their sixteenth or seventeenth year of age a rate of pay per hour which is equal to the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older, whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(2) Every employer shall pay to each of his or her employees who have not reached their sixteenth year of age a rate of pay per hour that is not less than eighty-five percent of the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(3) These provisions shall not apply to handicapped minors for whom special handicapped minor work permits have been issued as provided in RCW 49.12.110. The handicapped rate therein shall be set at a rate designed to adequately reflect the individual's earning capacity.

AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

WAC 296-125-043 MINIMUM WAGES ((FOR))—MINORS. Except where a higher minimum wage is required by Washington state or federal law:

(1) Every employer shall pay to each of his or her ((minor)) employees ((not less than one dollar and seventy-five cents per hour)) who have reached their sixteenth or seventeenth year of age a rate of pay per hour which is equal to the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older, whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(2) Every employer shall pay to each of his or her employees who have not reached their sixteenth year of age a rate of pay per hour that is not less than eighty-five percent of the hourly rate required by RCW 49.46.020 for employees eighteen years of age or older whether computed on an hourly, commission, piecework,

or other basis, except as may be otherwise provided under this chapter.

(3) These ((minimum wage)) provisions shall not apply to handicapped minors for whom special handicapped minor work permits have been issued as provided in RCW 49.12.110. The handicapped rate therein shall be set at a rate designed to adequately reflect the individual's earning capacity.

((3)) (4) These minimum wage provisions shall not apply when a minor student is in a work place to carry out an occupational training experience assignment directly supervised on the premises by a school official or an employer under contract with a school and when no appreciable benefit is rendered to the employer by the presence of the minor student.

**WSR 89-10-015  
ADOPTED RULES  
STATE PATROL**

[Order 89-01-RD—Filed April 24, 1989]

I, George B. Tellevik, chief of the Washington State Patrol, do promulgate and adopt at the General Administration Building, AX-12, Olympia, Washington, the annexed rules relating to:

- Amd WAC 446-40-020 Definitions.
- New WAC 446-40-025 Line duty disabilities.

This action is taken pursuant to Notice No. WSR 88-14-023 filed with the code reviser on June 29, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Patrol as authorized in RCW 43.43.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 24, 1989.

By George B. Tellevik  
Chief

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-40-020 DEFINITIONS. (1) The term "active service," as it applies to a member of the Washington state patrol, is defined as all performance of duties of whatever type, performed pursuant to orders by a superior of the member, provided, such duties shall be consistent with the responsibilities of the Washington state patrol. "Active service" shall consist of "line duty" and "other duty."

(2) "Line duty" is active service which encompasses the traffic ((safety)) law enforcement duties and/or other law enforcement responsibilities of the Washington

state patrol. These duties encompass all law enforcement activities, accident and criminal investigations, or actions requiring physical exertion or exposure to hazardous elements. ((the accomplishment of which require, from time to time, extreme physical exertion:))

(3) "Other duty" is active service which encompasses activities consistent with the responsibilities of the Washington state patrol, but which do not foreseeably require more physical exertion than that normally required for the performance of clerical tasks.

(4) "Disability" is defined as any injury or incapacitation of such an extent as to render a member of the Washington state patrol mentally or physically incapable of active service.

(5) "Applicant" as the term is used in this regulation shall refer either to the member or to the department, whichever is initiating action pursuant to this regulation.

(6) The term "member" is defined as a regularly commissioned officer in the Washington state patrol.

(7) The term "chief" in this regulation refers to the chief of the Washington state patrol.

(8) The term "personnel officer" is defined as the person designated by the chief to be responsible for personnel matters within the Washington state patrol.

(9) The term "department" refers to the Washington state patrol as a state agency.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 446-40-025 LINE DUTY DISABILITIES.

(1) Line duty disabilities occur when a commissioned officer of the Washington state patrol is injured or incapacitated while:

- (a) Performing traffic law enforcement duties.
- (b) Investigating accidents or suspected criminal activities.
- (c) Participating in law enforcement training that requires physical exertion, use of firearms, or exposure to hazardous elements.
- (d) Performing other activities which must be performed by a commissioned law enforcement officer and exposes the officer to hazardous elements or requires physical exertion.

(2) Injuries that occur while performing activities that do not expose the officer to hazardous elements or require physical exertion, such as, but not limited to, report writing, answering telephone inquiries, attending meetings, or performing limited duty, do not qualify as line duty injuries.

(3) If a commissioned officer assigned to administrative duties must perform work defined as "line duty" and is injured, it will be considered a line duty injury.

**WSR 89-10-016**  
**ADOPTED RULES**  
**STATE PATROL**  
**(Commission on Equipment)**  
 [Order 89-02-RD—Filed April 24, 1989]

I, George B. Tellevik, chief of the Washington State Patrol, do promulgate and adopt at the General Administration Building, AX-12, Olympia, Washington 98504, the annexed rules relating to marking the license plate of a person who has been arrested for driving while suspended or revoked in accordance with RCW 46.16.710(1).

This action is taken pursuant to Notice No. WSR 88-20-064 filed with the code reviser on October 4, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.16.710 which directs that the Washington State Patrol has authority to implement the provisions of RCW 46.61.710(1).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 24, 1989.

By George B. Tellevik  
 Chief

**NEW SECTION**

**WAC 204-29-010 MARKING LICENSE PLATE.** When marking a Washington State license plate under RCW 46.16.710(1), the law enforcement officer shall apply a 1.25" x 3.4" adhesive label in the upper right-hand corner of the rear license plate. The adhesive label shall be coated with alternating red and yellow stripes of reflectorized material. The adhesive labels may be assigned serial numbers for internal accounting purposes by the law enforcement agency.

**WSR 89-10-017**  
**NOTICE OF PUBLIC MEETINGS**  
**PUGET SOUND**  
**WATER QUALITY AUTHORITY**  
 [Memorandum—April 24, 1989]

The Puget Sound Water Quality Authority will be holding a special meeting on May 9, 1989, at 3:30 p.m. The meeting will be held to determine the comments the authority will make to the Department of Ecology on the draft discharge permit fee regulations chapter 173-224 WAC.

The meeting will be held in the Robotics Room of the Occupational Skills Center, 18010 Eighth Avenue South, Seattle near the Seattle-Tacoma Airport. To get there, take Exit 152 from either southbound or northbound I-5, go west on 188th South to Eighth Avenue

South and turn right and the Occupational Skills Center is on that corner.

Ecology and authority staff will make a presentation to authority members on the effect of the proposed permit fee schedule on the implementation of the municipal and industrial discharges program of the 1989 Puget Sound water quality management plan. The regulations are being issued in response to the passage of Initiative 97 which directs ecology to establish fees to fully recover expenses related to administration of discharge permits.

If you have any questions about the agenda, please call Jim Abernathy at (206) 464-7320.

**WSR 89-10-018**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1989 No. 8**  
 [April 21, 1989]

**FEDERAL PREEMPTION—MEDICAL DISCIPLINARY BOARD—MEDICINE, SURGERY, AND OSTEOPATHY—STATE RESERVED POWERS**

1. Sections 422(b) and 423(c) of Public Law No. 99-660 do not infringe upon rights reserved to the States under the Tenth Amendment of the United States Constitution, because these portions of the Health Care Quality Improvement Act of 1986 carry out a federal purpose, the regulation of interstate commerce.
2. Sections 422(b) and 423(c) of Public Law No. 99-660, portions of the Health Care Quality Improvement Act of 1986, do not preempt independent state reporting requirements for health-related professions such as those contained in RCW 18.180.110(2) and similar statutes.

**Requested by:**

R. Milton Schayes, M.D.  
 Chairman  
 Medical Disciplinary Board  
 Department of Licensing  
 Highways-Licenses Bldg.  
 Olympia, WA 98504

**Reviser's note:** The typographical error in the above material appeared in the original copy of the Attorney General Opinion and appears herein pursuant to the requirements of RCW 34.08.040.

**WSR 89-10-019**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 89-24—Filed April 25, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the

public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable quota of widow rockfish and sable fish is being taken at a higher than expected rate. In order to insure the economic well-being of the coastal fishery, it is necessary to slow the harvest rate. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is interim until permanent rules can take effect.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 25, 1989.

By Joseph R. Blum  
Director

#### NEW SECTION

**WAC 220-44-05000V COASTAL BOTTOM-FISH CATCH LIMITS.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 A.M. April 26, 1989, until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B., 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) **Widow Rockfish (*Sebastes entomelas*)** – 10,000 pounds per vessel trip per calendar week, defined as Wednesday through the following Tuesday. Except that a fisherman having made a 1989 declaration of intent may make one landing of not more than 20,000 pounds biweekly, defined as Wednesday through the second Tuesday following. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish per calendar week.

(2) **Shortbelly rockfish (*Sebastes jordani*)** – no maximum poundage per vessel trip, no minimum size.

(3) **Pacific ocean perch (*Sebastes alutus*)** – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) **All other species of rockfish (*Sebastes* spp.)** – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1989 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species combined per vessel

trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 15,000 pounds may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species in any one calendar week of which no more than 3,750 pounds in any one landing may be yellowtail rockfish. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) **Deepwater Complex – Sablefish, Dover Sole, Arrowtooth Flounder, and Thorneyhead (or Idiot) Rockfish (*Sebastes* spp.)** – 30,000 pounds of the deepwater complex per vessel trip per calendar week, defined as Wednesday through the following Tuesday except that a fisherman having made a 1989 declaration of intent, may make either one landing of no more than 60,000 pounds of the deepwater complex per vessel trip biweekly, defined as Wednesday through the second Tuesday following or two landings of not more than 15,000 pounds of the deepwater complex in any one calendar week. It is unlawful for any vessel to make more than one landing in excess of 4,000 pounds of the deepwater complex per calendar week (including no more than 1,000 pounds of sablefish; see below) if no declaration to land the deepwater complex twice weekly has been made.

(a) **Sablefish taken from trawl vessels** – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of total combined round weight of the deepwater complex on board. To convert from round weight to dressed weight multiply the dressed weight by 1.75. Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deep water complex on board but not to exceed 5,000 pounds per trip.

(b) **Sablefish taken from non-trawl vessels** – No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Non-trawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds.

(6) **1989 Declarations of Intent** – All previous 1989 declaration forms remain in effect. If no declaration been made, to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section, a new declaration form must be completed as provided for in this subsection. The 1989 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing will commence and must be signed and dated by the fisherman. The fisherman may return to the

one vessel trip per calendar week fishing by filing a declaration on intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(7) It is unlawful during unloading of the catch and prior to its being weighted or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(8) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

**WSR 89-10-020**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 26, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning services available to recipients of categorical needy medical assistance, amending WAC 388-86-005;

that the agency will at 10:00 a.m., Tuesday, June 6, 1989, in the Auditorium, 12th and Franklin, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1989.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Correspondence concerning this notice and proposed rules shown below should be addressed to:

Troyce Warner  
 Office of Issuances  
 Department of Social and Health Services  
 Mailstop OB-33H  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of

Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 23, 1989. The meeting site is in a location which is barrier free.

Dated: April 26, 1989

By: Leslie F. James, Director  
 Administrative Services

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-005.

Purpose: To include as part of the medical assistance program chemically dependency detoxification and medical stabilization to pregnant women in the hospital or on an outpatient basis; and to include that cornea transplants are provided under the medical assistance program.

Reason: A change of policy based on federal law.

Statutory Authority: RCW 74.08.090.

Summary: The department shall provide detoxification and medical stabilization to chemically dependent pregnant women in a hospital or on an outpatient basis. The department will limit transplants to include cornea transplants.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are proposed by DSHS.

These rules are necessary as a result of a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985.

No economic impact statement is required under the Regulatory Fairness Act.

### AMENDATORY SECTION (Amending Order 2600, filed 3/2/88)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF CATEGORICAL NEEDY MEDICAL ASSISTANCE. (1) The department shall provide the following Title XIX mandatory services:

(a) Early and periodic screening diagnosis and treatment services to eligible individuals (~~under twenty-one~~) twenty years of age or under;

(b) Family planning services;

(c) Home health agency services;

(d) Inpatient and outpatient hospital care;

(e) Other laboratory and x-ray services;

(f) Skilled nursing home care;

(g) Certified registered nurse practitioner services; and

(h) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

(a) Anesthetization services;

(b) Blood;

(c) Chiropractic services;

(d) Drugs and pharmaceutical supplies;

(e) Eyeglasses and examination;

(f) Hearing aids and examinations;

(g) Nurse midwife services;

(h) Oxygen;

(i) Physical therapy services;

(j) Private duty nursing services;

(k) Rural health clinic services;

(l) Surgical appliances;

(m) Prosthetic devices and certain other aids to mobility; and

(n) Dental services.

(3) The department shall limit organ transplants ((~~shall be limited~~)) to the cornea, heart, kidney, liver, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys ((~~shall be~~))

provided)) in the home, hospital, and kidney center. See WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically dependent pregnant women in a hospital or on an outpatient basis.

(6) The department shall not provide treatment to detoxify narcotic addiction cases, other than pregnant women, in a hospital or on an outpatient basis ((shall not be provided)) as a part of the medical assistance program. The department shall provide treatment for concurrent diseases and complications.

((67)) (7) The department shall provide detoxification of an acute alcoholic condition ((shall be provided)) only in a certified detoxification center or in a general hospital with certified detoxification facilities.

((77)) (8) The department shall approve requested services:

(a) That are listed in this section; and

(b) Where evidence is obtainable to establish medical necessity, ((as)) defined ((m)) under WAC 388-80-005, if the recipient or provider submits sufficient objective clinical information ((f)) including, but not limited to((-));

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports; and

(iv) Patient profiles((7)).

((87)) (9) The department shall deny a request for medical services ((shall be denied by the department)) if the requested service is:

(a) ((s)) Not medically necessary as defined ((m)) under WAC 388-80-005; or

(b) ((s)) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

((97)) (10) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) If additional justifying information is necessary before a decision can be made, ((the request shall be)) neither ((approved)) approve nor ((denied)) deny the request, but shall ((be returned)) return the request to the provider within five working days of the original receipt. If additional justifying information is:

(i) ((s)) Not returned within thirty days of the date ((rt)) the request was returned to the provider, then the department shall approve or deny the original request ((shall be approved or denied)).

(ii) ((s)) Returned to the department, the department shall act on the request ((shall be acted upon)) within five working days of the receipt of the additional justifying information.

((107)) (11) ((Whenever)) When the department denies a request for medical services, the department shall, within five working days of the decision, give the recipient and the provider written notice of the denial ((to the recipient and the provider)). The notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service((-);

(b) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing((-);

(c) The recipient may be represented at the hearing by legal counsel or other representative((-);

(d) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office((-); and

(e) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department.

((117)) (12) For services available under:

(a) The limited casualty program—medically needy ((f)), see chapter 388-99 WAC((7)); and

(b) The limited casualty program—medically indigent ((f)), see chapter 388-100 WAC((7)).

((127)) (13) The department may require a second opinion and/or consultation prior to the approval of any elective surgical procedure.

((137)) (14) The department shall designate those surgical procedures which:

(a) Can be performed in other than a hospital in-patient setting; and

(b) Require prior approval by the ((area medical)) central authorization unit for a hospital admission.

((147)) (15) The department shall assure the ((availability)) availability((7)) of necessary transportation to and from covered Title XIX medical services.

**WSR 89-10-021**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed April 26, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning HIV testing—Ordering—Reporting, WAC 248-100-207;

that the agency will at 9:30 a.m., Wednesday, June 14, 1989, in the Spokane County Health District, Rooms 320-21, West 1101 College Avenue, Spokane, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 70.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 14, 1989, 1112 South Quince, Olympia, WA, ET-23, (206) 586-0399.

Dated: April 24, 1989

By: Paul Trause  
 Deputy Secretary

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-100-207, Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting.

Purpose of Rule Change: To amend existing language to add rules for HIV testing requested by insurance providers or other persons subject to Title 48 RCW.

Reason These Rules are Necessary: To incorporate concerns and needs of insurance providers into existing rules.

Statutory Authority: Chapter 70.24 RCW.

Summary of Rule Change: WAC 248-100-207 is amended to include substantive changes regarding HIV testing requested by persons subject to Title 48 RCW for underwriting purposes as a condition for obtaining, renewing or maintaining coverage under an insurance contract, health care service contract or health maintenance organization agreement.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Jean Ullom, Rules Development Coordinator, Washington State Board of Health, Division of Health, phone 753-5824, mailstop ET-24.

The Department of Social and Health Services proposes these rule changes.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

**AMENDATORY SECTION** (Amending Order 318, filed 8/17/88)

WAC 248-100-207 HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING—ORDERING—LABORATORY SCREENING—INTERPRETATION—REPORTING. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or ((as)) provided ((m)) under subsections (2) and (3) of this section, shall:

(a) Provide or refer for pretest counseling ((as)) described ((m)) under WAC 248-100-209; and

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to ordering or prescribing an HIV test, unless accepted under provisions in chapter 70.24 RCW; and

(c) Provide or refer for post-test counseling ((as)) described ((m)) under WAC 248-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain the reason for HIV testing is to prevent contamination of the blood supply or tissue or organ bank donations; and

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session.

(3) Persons subject to regulation under Title 48 RCW and requesting an insured, a subscriber, or a potential insured or subscriber, to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before drawing blood to perform an HIV test, provide written information to the individual tested explaining:

(i) What an HIV test is;  
 (ii) Behaviors placing a person at risk for HIV infection;  
 (iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and  
 (v) Where to obtain HIV pretest counseling.  
 (b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) Requirements under subsection (3)(c) of this section.

(c) Establish procedures to inform and ensure an applicant of the following:

(i) Post-test counseling, specified under WAC 248-100-209(4), is required if an HIV test is positive;

(ii) Post-test counseling is done at the time any positive HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual does not identify a designated health care provider or health care agency, the insurance contractor, health service contractor, or health maintenance organization shall ensure that post-test counseling is offered to the individual.

(4) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop B17-9, Seattle, Washington 98104.

((+)) (5) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

((+)) (6) Medical laboratories testing for the presence of HIV shall:

(a) Send an HIV test prevalence results report by telephone or in writing to the department office on AIDS (MS B17-9, Seattle, Washington 98104), quarterly or more often; and

(b) Include in the report:  
 (i) Number of samples tested;  
 (ii) Number of samples repeatedly reactive by enzyme immuno assay (EIA);

(iii) Number of samples tested by western blot assay (WBA) or other confirmatory test as approved by department office on AIDS;

(iv) Number of positive test results by WBA or other confirmatory test as approved by department office on AIDS;

(v) Number of specimens tested by viral culture; and

(vi) Number of positive test results from viral cultures.

((+)) (7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

(a) HIV is isolated by viral culture technique; or

(b) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as defined and described in the AIDS office manual, April, 1988, DSHS, Mailstop LP-20, Olympia, Washington 98504.

(c) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

**WSR 89-10-022****EMERGENCY RULES****BOARD OF HEALTH**

[Order 327—Filed April 26, 1989]

Be it resolved by the Washington State Board of Health, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to HIV testing—Ordering—Reporting, WAC 248-100-207.

We, the Washington State Board of Health, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the board finds a public health emergency exists requiring immediate adoption of rules to clarify HIV testing and counseling standards when insurers require HIV tests. A certain degree of ambiguity between the regulations of the Board of Health and the Insurance Commissioner is perceived by some persons to result in conflict and an unclear message to health care providers and others performing HIV tests for insurance purposes. Unclear messages on HIV testing and counseling standards may result in compromising or endangering public health and safety.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 70.24 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1989.

By John A. Beare, M.D., M.P.H.  
 Secretary

AMENDATORY SECTION (Amending Order 318, filed 8/17/88)

WAC 248-100-207 HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING—ORDERING—LABORATORY SCREENING—INTERPRETATION—REPORTING. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or ~~((as))~~ provided ~~((m))~~ under subsections (2) and (3) of this section, shall:

(a) Provide or refer for pretest counseling ~~((as))~~ described ~~((m))~~ under WAC 248-100-209; and

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to ordering or prescribing an HIV test, unless accepted under provisions in chapter 70.24 RCW; and

(c) Provide or refer for post-test counseling ~~((as))~~ described ~~((m))~~ under WAC 248-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain the reason for HIV testing is to prevent contamination of the blood supply or tissue or organ bank donations; and

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session.

(3) Persons subject to regulation under Title 48 RCW and requesting an insured, a subscriber, or a potential insured or subscriber, to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before drawing blood to perform an HIV test, provide written information to the individual tested explaining:

(i) What an HIV test is;

(ii) Behaviors placing a person at risk for HIV infection;

(iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) Requirements under subsection (3)(c) of this section.

(c) Establish procedures to inform and ensure an applicant of the following:

(i) Post-test counseling, specified under WAC 248-100-209(4), is required if an HIV test is positive;

(ii) Post-test counseling is done at the time any positive HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual does not identify a designated health care provider or health care agency, the insurance contractor, health service contractor, or health maintenance organization shall ensure that post-test counseling is offered to the individual.

(4) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop B17-9, Seattle, Washington 98104.

~~((4))~~ (5) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

~~((5))~~ (6) Medical laboratories testing for the presence of HIV shall:

(a) Send an HIV test prevalence results report by telephone or in writing to the department office on AIDS (MS B17-9, Seattle, Washington 98104), quarterly or more often; and

(b) Include in the report:

(i) Number of samples tested;

(ii) Number of samples repeatedly reactive by enzyme immuno assay (EIA);

(iii) Number of samples tested by western blot assay (WBA) or other confirmatory test as approved by department office on AIDS;

(iv) Number of positive test results by WBA or other confirmatory test as approved by department office on AIDS;

(v) Number of specimens tested by viral culture; and

(vi) Number of positive test results from viral cultures.

~~((6))~~ (7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

(a) HIV is isolated by viral culture technique; or

(b) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as defined and described in the AIDS office manual, April, 1988, DSHS, Mailstop LP-20, Olympia, Washington 98504.

(c) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

**WSR 89-10-023**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
 [Order 326—Filed April 26, 1989]

Be it resolved by the Washington State Board of Health, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to vital records forms, repealing WAC 248-124-990, 248-124-99001, 248-124-99002, 248-124-99003 and 248-124-99004.

This action is taken pursuant to Notice No. WSR 89-06-047 filed with the code reviser on February 28, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 12, 1989.

By John A. Beare, M.D., M.P.H.  
 Secretary

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 248-124-990 FORM—CERTIFICATE OF LIVE BIRTH.

WAC 248-124-99001 FORM—CERTIFICATE OF DEATH.

WAC 248-124-99002 FORM—CERTIFICATE OF MARRIAGE.

WAC 248-124-99003 FORM—CERTIFICATE OF ABSOLUTE DIVORCE OR ANNULMENT.

WAC 248-124-99004 FORM—CERTIFICATE OF FETAL DEATH.

**WSR 89-10-024**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 2787—Filed April 26, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to services available to recipients of categorical needy medical assistance, amending WAC 388-86-005.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to

present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary to provide detoxification and medical stabilization to chemically dependent pregnant women in a hospital or on an outpatient basis. Also, the department will limit transplants to include cornea transplants. This emergency rule is filed in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 26, 1989.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2600, filed 3/2/88)

**WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF CATEGORICAL NEEDY MEDICAL ASSISTANCE.** (1) *The department shall provide the following Title XIX mandatory services:*

(a) *Early and periodic screening diagnosis and treatment services to eligible individuals (~~under twenty-one~~) twenty years of age or under,*

(b) *Family planning services,*

(c) *Home health agency services,*

(d) *Inpatient and outpatient hospital care,*

(e) *Other laboratory and x-ray services,*

(f) *Skilled nursing home care,*

(g) *Certified registered nurse practitioner services, and*

(h) *Physicians' services in the office or away from the office as needed for necessary and essential medical care.*

(2) *The department shall provide the following Title XIX optional services:*

(a) *Anesthetization services,*

(b) *Blood,*

(c) *Chiropractic services,*

(d) *Drugs and pharmaceutical supplies,*

(e) *Eyeglasses and examination,*

(f) *Hearing aids and examinations,*

(g) *Nurse midwife services,*

(h) *Oxygen,*

(i) *Physical therapy services,*

(j) *Private duty nursing services,*

(k) *Rural health clinic services,*

(l) *Surgical appliances,*

(m) *Prosthetic devices and certain other aids to mobility, and*

(n) *Dental services.*

(3) *The department shall limit organ transplants (~~shall be limited~~) to the cornea, heart, kidney, liver, and bone marrow.*

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys (~~shall be provided~~) in the home, hospital, and kidney center. See WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically dependent pregnant women in a hospital or on an outpatient basis.

(6) The department shall not provide treatment to detoxify narcotic addiction cases, other than pregnant women, in a hospital or on an outpatient basis (~~shall not be provided~~) as a part of the medical assistance program. The department shall provide treatment for concurrent diseases and complications.

~~((6))~~ (7) The department shall provide detoxification of an acute alcoholic condition (~~shall be provided~~) only in a certified detoxification center or in a general hospital with certified detoxification facilities.

~~((7))~~ (8) The department shall approve requested services:

(a) That are listed in this section; and

(b) Where evidence is obtainable to establish medical necessity, ~~((as))~~ defined ~~((in))~~ under WAC 388-80-005, if the recipient or provider submits sufficient objective clinical information ~~((f))~~ including, but not limited to ~~((;))~~:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports; and

(iv) Patient profiles ~~((;))~~.

~~((8))~~ (9) The department shall deny a request for medical services (~~shall be denied by the department~~) if the requested service is:

(a) ~~((is))~~ Not medically necessary as defined ~~((in))~~ under WAC 388-80-005; or

(b) ~~((is))~~ Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

~~((9))~~ (10) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) If additional justifying information is necessary before a decision can be made, ~~((the request shall be))~~ neither ~~((approved))~~ approve nor ~~((denied))~~ deny the request, but shall ~~((be returned))~~ return the request to the provider within five working days of the original receipt. If additional justifying information is:

(i) ~~((is))~~ Not returned within thirty days of the date ~~((it))~~ the request was returned to the provider, then the department shall approve or deny the original request ~~((shall be approved or denied)).~~

(ii) ~~((is))~~ Returned to the department, the department shall act on the request ~~((shall be acted upon))~~ within five working days of the receipt of the additional justifying information.

~~((10))~~ (11) ~~((Whenever))~~ When the department denies a request for medical services, the department shall,

within five working days of the decision, give the recipient and the provider written notice of the denial ~~((to the recipient and the provider)).~~ The notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service ~~((;))~~;

(b) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing ~~((;))~~;

(c) The recipient may be represented at the hearing by legal counsel or other representative ~~((;))~~;

(d) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office ~~((;))~~; and

(e) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department.

~~((11))~~ (12) For services available under:

(a) The limited casualty program—medically needy ~~((f))~~, see chapter 388-99 WAC ~~((;))~~; and

(b) The limited casualty program—medically indigent ~~((f))~~, see chapter 388-100 WAC ~~((;))~~.

~~((12))~~ (13) The department may require a second opinion and/or consultation prior to the approval of any elective surgical procedure.

~~((13))~~ (14) The department shall designate those surgical procedures which:

(a) Can be performed in other than a hospital in-patient setting; and

(b) Require prior approval by the ~~((area medical))~~ central authorization unit for a hospital admission.

~~((14))~~ (15) The department shall assure the ~~((availability))~~ availability ~~((;))~~ of necessary transportation to and from covered Title XIX medical services.

**WSR 89-10-025**  
**EMERGENCY RULES**  
**DEPARTMENT OF WILDLIFE**  
**(Wildlife Commission)**

[Order 381—Filed April 26, 1989]

Be it resolved by the Washington Wildlife Commission, acting at Pullman, Washington, that it does adopt the annexed rules relating to Amendment to the 1988-90 game fishing regulations—Washougal River, adopting WAC 232-28-61717.

We, the Washington Wildlife Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to miswording in the 1988-90 game fish pamphlet, the game fish regulation for the Washougal River does not portray the original intent. To protect wild steelhead and wild cutthroat spawning stocks in the Washougal River from the mouth to the bridge at Salmon Falls wild

steelhead and wild cutthroat release regulations are needed.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1989.

By Curt Smitch  
for Dr. James M. Walton  
Chairman, Wildlife Commission

#### NEW SECTION

WAC 232-28-61717 AMENDMENT TO THE 1988-90 GAME FISHING REGULATIONS — WASHOUGAL RIVER. Notwithstanding the provisions of WAC 232-28-617, effective January 20, 1989, the following game fish regulation will apply to the Washougal River:

WASHOUGAL RIVER, 197, from mouth to bridge at Salmon Falls: year around season. TROUT — catch limit —2, min. lgth. 12". WILD STEELHEAD RELEASE AND WILD CUTTHROAT RELEASE. NIGHT CLOSURE April 1-Oct. 31, see pg. 3.

All other provisions of WAC 232-28-617 remain in effect and unchanged.

**WSR 89-10-026**  
**ADOPTED RULES**  
**DEPARTMENT OF WILDLIFE**  
**(Wildlife Commission)**

[Order 387—Filed April 26, 1989]

Be it resolved by the Washington Wildlife Commission, acting at Pullman, Washington, that it does adopt the annexed rules relating to:

- |     |                  |  |
|-----|------------------|--|
| New | WAC 232-28-61717 | Amendment to the 1988-90 game fishing regulations—Washougal River.   |
| New | WAC 232-28-61720 | Amendment to the 1988-90 game fishing regulations—Columbia River regulations license reciprocity provisions between Oregon and Washington. |
| New | WAC 232-28-61721 | Amendment to the 1988-90 game fishing regulations—Toutle River.  |
| Amd | WAC 232-12-001   | Definition of terms.   |

This action is taken pursuant to Notice No. WSR 89-06-080 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1989.

By Curt Smitch  
for Dr. James M. Walton  
Chairman, Wildlife Commission

#### NEW SECTION

WAC 232-28-61717 AMENDMENT TO THE 1988-90 GAME FISHING REGULATIONS — WASHOUGAL RIVER. Notwithstanding the provisions of WAC 232-28-617, effective January 20, 1989, the following game fish regulation will apply to the Washougal River:

WASHOUGAL RIVER, 197, from mouth to bridge at Salmon Falls: year around season. TROUT — catch limit —2, min. lgth. 12". WILD STEELHEAD RELEASE AND WILD CUTTHROAT RELEASE. NIGHT CLOSURE April 1-Oct. 31, see pg. 3.

All other provisions of WAC 232-28-617 remain in effect and unchanged.

#### NEW SECTION

WAC 232-28-61720 AMENDMENT TO 1988-90 GAME FISH SEASONS AND CATCH LIMITS — COLUMBIA RIVER REGULATIONS LICENSE RECIPROCITY PROVISIONS BETWEEN OREGON AND WASHINGTON. Notwithstanding the provisions of WAC 232-28-617, the provisions for license reciprocity on the Columbia River where it forms the boundary between Oregon and Washington shall read as follows:

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily catch limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

#### NEW SECTION

WAC 232-28-61721 AMENDMENT TO 1988-90 GAME FISH REGULATIONS — TOUTLE RIVER (LEWIS COUNTY). Notwithstanding the provisions of WAC 232-28-61721, the game fish regulations for the North Fork Toutle River are as follows:

TOUTLE RIVER, North Fork, 187, from mouth to the posted deadline below the fish collection facility, June 15-Nov. 30 season, WILD STEELHEAD RELEASE, open only to the taking of steelhead over 20".

From the mouth of the Green River to the posted deadline below the fish collection facility, it is unlawful to (1) fish during NIGHT CLOSURE, (2) fish with non-

buoyant artificial lures having more than one single-pointed hook. June 15–Nov. 30 season.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributary streams, CLOSED WATERS. (NOTE: Castle and Clearwater Lakes remain open.)

**AMENDATORY SECTION** (Amending Order 280, filed 10/6/86)

**WAC 232-12-001 DEFINITION OF TERMS.** Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless the context clearly requires otherwise:

(1) Snagging, gaffing, or spearing means: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices.

(2) A valid license, permit, tag, stamp or punchcard means: A license, permit, tag, stamp, or punchcard that was issued to the bearer for the current season by the commission and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(3) Hook means: One single, double, or treble hook.

(4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.

(5) Faconry means: Possession, control, or use of a raptor for the purpose of hunting and free flight training.

(6) Anadromous game fish means:

(a) Steelhead trout, (~~Salmo gairdnerii~~) Oncorhynchus mykiss

(b) Searun cutthroat, (~~Salmo clarkii~~) Oncorhynchus clarkii

(c) Searun Dolly Varden, Salvelinus malma

(7) Handgun means: Any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(8) A lure means: A manufactured article with one or more hooks attached, utilized for attraction or enticement of game fish.

(9) Bait means: A natural substance, fresh or processed, utilized for attraction or enticement of wildlife and game fish.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

**WSR 89-10-027**  
**ADOPTED RULES**  
**DEPARTMENT OF WILDLIFE**  
**(Wildlife Commission)**  
[Order 388—Filed April 26, 1989]

Be it resolved by the Washington Wildlife Commission, acting at Pullman, Washington, that it does adopt the annexed rules relating to Amendment to 1988-90 game fishing regulations—Sooes (Suez) River and tributaries, WAC 232-28-61722.

This action is taken pursuant to Notice No. WSR 89-06-081 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1989.

By Curt Smithch  
for Dr. James M. Walton  
Chairman, Wildlife Commission

**NEW SECTION**

**WAC 232-28-61722 AMENDMENT TO 1988-90 GAME FISH REGULATIONS — SOOES (SUEZ) RIVER AND TRIBUTARIES.** Notwithstanding the provisions of WAC 232-28-617, effective June 1, 1989 and until further notice, the Sooes (Suez) River and its tributaries are closed to game fishing.

**WSR 89-10-028**  
**PROCLAMATION NO. 89-03**  
**OFFICE OF THE GOVERNOR**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1989 Regular Session adjourned April 23, 1989, the 105th day of the session without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purposes of adequately addressing matters related to the 1989-91 Operating Budget, 1989-91 Transportation Budget with adequate funding, Supplemental Budget for 1987-89, Capital Budget for 1989-91 and necessary bond bills, First Steps Program, ADATSA Program, Department of Health, Washington Futures, Model Conservation Standards, bills in dispute as of the close of the Regular Session, and any other matters the Legislature may wish to address;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Monday, the 24th day of April, 1989, at 10:00 A.M. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the seal of  
the State of Washington to  
be affixed at Olympia this  
23th day of April, A.D.,  
Nineteen Hundred and  
Eighty-Nine.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

Reviser's note: The spelling error in the above material appeared in the original copy of the Proclamation and appears herein pursuant to the requirements of RCW 34.08.040.

**WSR 89-10-029**  
**PROPOSED RULES**  
**STATE PATROL**  
**(Commission on Equipment)**  
[Filed April 27, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning:

New ch. 204-91A WAC Towing businesses.  
Rep ch. 204-91 WAC Towing businesses;

that the agency will at 9:00 a.m., Wednesday, June 14, 1989, in the Supply Facility Conference Room, 4242 Martin Way, Olympia, 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 19, 1989.

The authority under which these rules are proposed is RCW 46.37.005, 46.55.050 and 46.61.567.

The specific statute these rules are intended to implement is RCW 46.37.005, 46.55.050 and 46.61.567.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 15, 1989.

Dated: April 27, 1989  
By: George B. Tellevik  
Chief

**STATEMENT OF PURPOSE**

Title and Number of Chapter: Adopting chapter 204-91A WAC, Towing businesses; and repealing chapter 204-91 WAC.

Description of Purpose: Revises equipment standards and business procedure requirements.

Statutory Authority: RCW 46.55.050 and 46.61.567.

Specific Statute Rule is Intended to Implement: RCW 46.37.005, 46.55.050 and 46.61.567.

Summary of Rule: Standards for equipment and business practices for registered tow truck operators.

Reasons Supporting the Proposed Action: New tow truck equipment developments require new truck classifications and documented citizens complaints of overcharging for tow services.

Agency Personnel Responsible for Drafting: Lieutenant LaVere E. Klewin, Section Commander, Equipment and Standards Review Section, 6604 Martin Way, Olympia, WA 98504.

Name of the Person or Organization, Whether Private, Public or Governmental, Proposing the Rule: Washington State Patrol, governmental.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: None.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 204-91-010	AUTHORITY.
WAC 204-91-020	PURPOSE.
WAC 204-91-030	DEFINITIONS.
WAC 204-91-040	APPLICATION FOR LETTER OF APPOINTMENT.
WAC 204-91-050	APPLICATION.
WAC 204-91-060	CERTIFICATE OF APPROVAL.
WAC 204-91-070	INSPECTIONS.
WAC 204-91-080	CERTIFICATION.
WAC 204-91-100	ISSUANCE OF A LETTER OF APPOINTMENT.
WAC 204-91-110	SUSPENSION OR REVOCATION OF LETTER OF APPOINTMENT.
WAC 204-91-120	PROCEDURE.
WAC 204-91-130	APPEAL.
WAC 204-91-140	COMPLAINTS.
WAC 204-91-150	BUSINESS OFFICE AND BUSINESS HOURS.
WAC 204-91-160	TOWING PROCEDURE.
WAC 204-91-170	TOW ZONES.
WAC 204-91-180	MINIMUM STANDARDS FOR TOW TRUCKS.
WAC 204-91-190	VEHICLE TOWING OPERATOR QUALIFICATIONS.
WAC 204-91-200	EFFECTIVE DATE.

Chapter 204-91A WAC  
TOWING BUSINESSES

WAC	
204-91A-010	Authority.
204-91A-020	Purpose.
204-91A-030	Definitions.
204-91A-040	Inspections.
204-91A-050	Certification.
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204-91A-180	Vehicle towing/operator qualifications, restrictions, and requirements.

NEW SECTION

WAC 204-91A-010 AUTHORITY. This chapter is adopted pursuant to RCW 46.37.005, 46.55.050, and 46.61.567 which require that rules, regulations, and equipment standards for tow trucks be made and to provide for the removal from the highway of disabled, abandoned, or damaged motor vehicles, or the removal of vehicles when the driver is intoxicated or otherwise incompetent.

NEW SECTION

WAC 204-91A-020 PURPOSE. This chapter is intended to implement the public policy expressed by the legislature and to carry out the statutory duties of the Washington state patrol.

All registered tow truck operators providing service as a result of being appointed by, or contracted to the Washington state patrol shall conduct all operations in accordance with all applicable laws of the state of Washington and applicable rules of the Washington state patrol and the department of licensing.

NEW SECTION

WAC 204-91A-030 DEFINITIONS. The following definitions shall apply throughout this chapter:

- (1) "Patrol" means the Washington state patrol as defined in RCW 43.43.010.
- (2) "Chief" means the chief of the Washington state patrol.
- (3) "Department" means the Washington state department of licensing.
- (4) "Director" means the director of the department of licensing.
- (5) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.
- (6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.
- (7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing or otherwise transporting other vehicles with specific equipment approved by the state patrol.
- (8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.
- (9) "Tow truck service" means the towing, moving, transporting, or impounding of vehicles, together with personal effects and cargo, by a registered tow truck operator utilizing equipment approved by the equipment and standards review section (ESR) of the patrol.
- (10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (11) "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.
- (12) "Vehicle storage area" means the approved yard/buildings (primary and secondary) where stored vehicles are kept. The storage areas and fencing will comply with the requirements as established by the department and all local zoning rules and regulations. Both primary and secondary storage areas must be physically located within tow zone assigned to the operator.
- (13) "Special event" means any event which causes an unusually large number of impounded vehicles and/or tow calls in a short period of time and is so declared by the district commander or designee.
- (14) "Special event storage area" means an area used for temporarily storing vehicles impounded/towed from special events. Approval for such areas shall be obtained from the department, the patrol, and appropriate city and county jurisdictions.
- (15) "District commander" means the commanding officer of an area established by the Washington state patrol.
- (16) "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.
- (17) "Tow zone" means that specific geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and this chapter.
- (18) "ESR" means the equipment and standards review section of the Washington state patrol.
- (19) "Letter of appointment" means a letter issued by the ESR that authorizes a registered tow truck operator to tow and store vehicles on

a rotational or contractual basis, in a specific area, for the Washington state patrol.

(20) "Initial tow" means services provided as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol as a result of contract or rotational call list.

(21) "Secondary tow" means towing services from an operator's storage facility or place of business, to another location designated by the owner/agent of a vehicle that was initially towed as a result of call from the patrol.

NEW SECTION

WAC 204-91A-040 INSPECTIONS. Upon the request of a registered tow operator or applicant, the patrol shall conduct an inspection of the applicant's place of business, facilities, and equipment to determine if the applicant meets the requirements of chapter 46.55 RCW, or Titles 308 and/or 204 WAC. Verification must be shown to the inspector that the applicant complies with all applicable local laws and regulations as prescribed by the geographical area where the towing business will be established. If local zoning regulations are applicable, a copy of the certification of approval from the local zoning commission will be furnished to the inspector. This certification may be included in the department's application form for license. The certification will become a part of the permanent record maintained on each approved towing firm by the ESR.

(1) Reinspections will be conducted at least once a year. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of tow trucks, facilities, and business records.

(2) If reinspection of a previously-approved tow truck reveals equipment defects, one of the following procedures shall apply:

(a) In the event of a safety-related defect which would render the tow truck a safety hazard upon the public highway, a red "out-of-service" sticker shall be affixed immediately by the inspector.

(b) In the event of missing or defective equipment that does not constitute a safety hazard but is required, the inspector shall advise the operator of the defect. If after ten days the operator fails or refuses to repair the defect, the red out-of-service sticker shall be affixed.

(c) Upon confirming the satisfactory repair of the defect or defects that caused the tow truck to be taken out of service, the inspector shall remove the red sticker. In the event that the original inspector is not available to reinspect the equipment, another patrol officer appointed by the appropriate supervisor may do so. The reinspection shall be completed as soon as possible after the operator advises the patrol that the defect has been repaired. Whenever practicable this shall be done within three days and may require the operator to bring the truck to the inspector.

(d) Upon sale or other transfer of a tow truck from the business, the operator shall so advise the inspector who will obtain the issued cab card permit and will remove any decals indicating truck class, district and/or zone. The permit will be forwarded to the department by the inspector who will also advise the ESR of the action taken.

(e) Upon the purchase or acquisition of any additional or replacement tow truck(s) to be used pursuant to this chapter, the operator shall immediately notify the patrol and request an inspection of the new unit. The new unit shall not be used for public or private impound calls until satisfactory inspection is completed and a cab card permit and/or decals for the vehicle has been issued by the department and/or patrol.

(3) On original inspection, and subsequent reinspection, the inspector shall confirm the identities and status of driving privilege of all persons that operate the tow trucks. The inspector shall notify the operator if any person does not meet the minimum license requirements.

(a) In the event that an operator becomes aware that the driving privilege of an employee, or owner no longer meets the minimum requirements, the operator shall prohibit that person from operating any tow truck.

(b) An operator shall, within three days of employing a new driver, advise the inspector in writing of the identity, including name, address and date of birth, of the new employee. The inspector shall notify the operator if the new employee does not meet the minimum license requirements.

NEW SECTION

WAC 204-91A-050 CERTIFICATION. After inspection of the towing business facilities and equipment, the inspector will certify one of the following:

(1) The towing operation of the applicant fully conforms to the requirements and qualification standards established by the Revised Code of Washington, the department, and the patrol; or

(2) The towing operation of the applicant does not conform to the requirements and qualification standards. The inspector shall state the reasons for failure to qualify in a separate report which shall be attached to the application/inspection form.

In the event the applicant fails to meet the established requirements for approval, the applicant may, after correcting all deficiencies, request a reinspection for certification.

#### NEW SECTION

**WAC 204-91A-060 APPLICATION FOR LETTER OF APPOINTMENT.** (1) An application for a letter of appointment will not be considered or approved until the applicant is qualified as a licensed and registered tow truck operator with at least one approved "A" or "B" class tow truck. Additional trucks are optional.

**NOTE:** An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

Upon request, the ESR shall advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(2) An application for a letter of appointment to provide towing service for the patrol shall be filed by the applicant with the local state patrol district office on a form prescribed by the patrol. In the case of a partnership, each partner shall apply on the form prescribed. In the case of a corporation, the patrol may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form.

(3) The district commander or designee shall complete tow zone portion of the form. He/she will enter "approved" or "disapproved" and will sign the form next to the zone designation.

(4) The application form will be assigned a docket number which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the ESR thereafter.

(5) The filing of an application for a letter of appointment does not in itself authorize the operator to provide towing services pursuant to this chapter until a letter of appointment has been issued by the ESR. However, nothing herein shall prohibit the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.

#### NEW SECTION

**WAC 204-91A-070 ISSUANCE OF A LETTER OF APPOINTMENT.** (1) No towing operator shall be called to perform a towing service at the request of the patrol unless such operator has a letter of appointment as described in this chapter. No such letter of appointment will be issued unless all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted by the ESR.

(2) The ESR commander shall have the authority to issue letters of appointment upon request after receiving certification from the inspector and notice from the department that the requestor has been licensed as a registered tow truck operator.

If the patrol shall find the requestor does not or will not meet all requirements and is not qualified for a waiver of the requirements, then such request shall be denied. The patrol shall notify the requestor of its decision in writing, stating the reasons. If the request is approved, the ESR commander will issue the letter of appointment and forward it to the tow operator. The tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

If the district commander recommends denial of a request for a letter of appointment, the ESR commander shall notify the applicant and provide an opportunity for applicant to have a hearing as provided in chapter 34.05 RCW.

(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

(4) A tow operator (or a district commander) may petition the ESR in writing for a waiver of one or more requirements. The ESR may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;

(b) The request is otherwise reasonable; and

(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the ESR and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment shall be issued in the name of the applicant and the holder thereof shall not allow any other person or business to use the letter of appointment.

(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A letter of appointment shall be valid until suspended, superseded, or revoked by the ESR.

(8) The holder of each letter of appointment must maintain at least one tow truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(9) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

#### NEW SECTION

**WAC 204-91A-080 SUSPENSION OR REVOCATION OF LETTER OF APPOINTMENT.** Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter, the ESR may deny, suspend, or revoke the letter of appointment. The appointee shall be given notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW.

The holder of a letter of appointment may voluntarily relinquish the letter. The ESR and the district commander will be advised in writing of this voluntary relinquishment. After receiving written notice, the district commander will cause the inspector to physically obtain the original letter of appointment and forward it to the ESR.

#### NEW SECTION

**WAC 204-91A-090 HEARING PROCEDURE.** The provisions of chapter 1-08 WAC shall govern the conduct of any hearing held pursuant to this chapter. The burden of proof in any hearing before the chief shall be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or revocation of a letter of appointment, or other action by the chief. The chief, after having heard and considered all pertinent evidence, or after having considered a record of a hearing conducted by an administrative law judge duly appointed pursuant to chapter 34.12 RCW, shall make written findings of facts and conclusions based on evidence presented. Oral proceedings shall be recorded on tape and such tape shall become part of the hearing record.

#### NEW SECTION

**WAC 204-91A-100 APPEAL.** Any person aggrieved by a decision of the chief denying, suspending, or revoking a letter of appointment may appeal such decision to the superior court under the provisions of chapter 34.05 RCW.

#### NEW SECTION

**WAC 204-91A-110 COMPLAINTS.** All law enforcement or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with supporting documents, including all results from the complaint investigation, to the department.

(1) Those complaints investigated by the patrol will be reviewed by the ESR commander before forwarding to the department.

(2) The patrol shall investigate all complaints involving deficiencies of equipment.

(3) A complete copy of all complaints investigated by the patrol will be kept on file by the ESR.

**NEW SECTION**

WAC 204-91A-120 BUSINESS OFFICE HOURS AND RECORDS. Business hours for purposes of inspection of records, place of business, and towing equipment shall be 8 a.m. to 5 p.m., excluding weekends and holidays.

(1) When an operator is not open for business and does not have personnel present at the place of business, the operator shall post a clearly visible telephone number at the business location for the purpose of advising the public how to make contact for the release of vehicles or personal property.

(2) The operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a thirty-minute period of time.

(3) All billing invoices shall be consecutively numbered and shall contain the following information:

- (a) Date of service and tow truck operator's name.
- (b) Time of departure in response to the call.
- (c) Time service completed.
- (d) Starting mileage of tow truck.
- (e) Ending mileage of tow truck.
- (f) Class of tow truck.
- (g) If towing call is for a Washington state patrol request, another police agency, a private impound, or the result of a private citizen request.
- (h) All fees for service shall be itemized.
- (i) The date and time the vehicle was released.

NOTE: Yard cards containing the above information may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards shall be supplemental to, and shall not replace the invoice required above.

A copy of the invoice shall be filed by invoice number at the business location and a copy of any voided invoice shall be retained in this same file. Another copy of the invoice shall be included with the transaction file items identified in RCW 46.55.150.

**NEW SECTION**

WAC 204-91A-130 PERSONAL PROPERTY HANDLING PROCEDURES. All personal belongings and contents in the vehicle and not permanently attached, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal property not being held for evidence purposes by the impounding agency, shall be released to the vehicle's owner or agent without charge, upon demand, during normal business hours of 8:00 a.m. to 5:00 p.m. except for weekends and legal holidays. Release procedures will also follow guidelines as set forth in chapter 308-61 WAC and chapter 46.55 RCW.

(1) The items of personal property which the state patrol will not accept in response to RCW 46.55.090 include but are not limited to the following:

- (a) Tire chains;
- (b) Spare tire/wheels;
- (c) Used auto parts and/or accessories;
- (d) Seat covers;
- (e) Fuel containers;
- (f) Jacks, lug wrenches;
- (g) Radios, stereos, and other items attached to the vehicle by bolts, screws, or some other manner which incorporates them to the vehicle shall remain with the vehicle;
- (h) Refuse;
- (i) Trash;
- (j) Garbage;
- (k) Open alcohol containers;
- (l) Soiled or mildewed clothing, shoes, blankets, tarps, etc., having no actual value;
- (m) Miscellaneous unofficial papers and other items having no actual value.

(2) Items which must be turned over to the patrol and inventoried include but are not limited to:

- (a) Money;
- (b) Wallets or purses;
- (c) Bank or check books;
- (d) Bank or credit cards;
- (e) Official identification cards, operator's license, or passports;
- (f) Jewelry items;
- (g) Firearms and any type weapon;

- (h) Contraband and/or controlled substances;
- (i) Stocks, bonds, money orders, bank certificates, travelers checks, postage stamps, food stamps, etc.;
- (j) Other items of obvious value.

**NEW SECTION**

WAC 204-91A-140 FEES. (1) All towing fees shall be based on a flat, hourly rate only and shall apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday. The hourly rate for each class of truck shall be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or holidays, if different from the hourly rate, shall be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

The hourly rate shall:

(a) Be consistent with rates charged to the general public for similar noncontractual or nonrotational services.

(b) Apply whether the call is occasioned by an accident, incident, disabled, or impound request.

(c) Shall include all ancillary activities such as, but not limited to, removal of glass and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time.

(d) Shall be considered to include one person (the driver) per truck. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be charged, when all services are performed within the operator's assigned tow zone, from the actual time the truck departs in response to a call until the towed-transported vehicle is dropped or the service work is completed, minus any down time.\* The hourly rate shall be applied to the resulting net time and, after the first hour, shall be rounded to the nearest fifteen minutes. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

\* Down time includes coffee or meal breaks, personal errands by the operator, and/or any mechanical failure on the truck or equipment.

In situations where the vehicle is towed at the direction of the owner, agent, or other responsible person, to a location outside of the operator's assigned zone, the operator may also charge at the base rate for the time necessary to return to his/her assigned zone via the most direct route.

(2) The basic storage fee shall:

(a) Be calculated on a twenty-four-hour basis and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area; and

(b) Be the same for all four-wheel vehicles less than twenty-five feet in length; and

(c) Charges for storage of vehicles or combinations exceeding twenty-five feet shall be computed by multiplying each twenty-five feet of vehicle length, or any portion thereof, by the basic storage fee;

(d) Storage fees for motorcycles shall be one-half the basic storage fee.

(3) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to one and one-half days basic storage, may be assessed.

**NEW SECTION**

WAC 204-91A-150 TOWING PROCEDURE. Officers of the patrol shall obtain towing services to remove damaged or disabled vehicles from the highway or to remove vehicles from the highway with the following limitations:

(1) If the vehicle does not constitute an obstruction to traffic and the owner/operator of the vehicle is present at the scene and appears competent to determine disposition of the vehicle, the owner/operator may,

upon request, make his own arrangements for removal. This does not affect rotational positions.

(2) If the vehicle is to be removed from the scene, the owner/operator of the vehicle may make a specific request for a particular tow operator. The request will be honored by the officer of the patrol if the requested tow operator is reasonably available and the request is otherwise reasonable in view of the circumstances at the scene. This does not affect rotational positions.

(3) When the owner/operator of the vehicle makes no specific request, or when the owner/operator is incapacitated or is unavailable, the officer of the patrol shall, when practicable, obtain towing services by notifying the radio communications center and requesting tow service at that location.

(4) The chief shall specify that tow services obtained by the patrol will be on a contractual, rotational, or other basis in specific geographical areas in the state.

(5) For the purposes of rotational or contractual tow requests, an approved tow truck shall be used only in the tow zone designated by the district commander. The patrol may, when tow service is not reasonably available within a given zone, obtain service from an adjacent zone.

(6) The patrol may adopt rules that will allow approved towing firms to establish their own central dispatch centers to dispatch tow trucks at the request of the patrol in selected geographical areas of the state.

(a) These dispatch centers will be the responsibility of those member towing firms that utilize this type of service.

(b) The patrol communications center will advise the towing dispatch center of the location, zone number, class of tow truck(s), and number of tow trucks needed at the location. The towing dispatch center will be responsible for dispatching the participating firm's tow trucks.

(c) Permanent records of all tow trucks dispatched at the request of the patrol will be maintained by the towing dispatch center for a period of three years.

#### NEW SECTION

**WAC 204-91A-160 TOW ZONES.** Each district commander shall outline geographical areas within his district to be designated as tow zones. The geographical tow zones for each patrol district shall be filed with the ESR. The boundaries established pursuant to this action may be modified as circumstances warrant. Considerations may include, but are not limited to, such factors as the frequency and severity of accidents and the frequency of DWI arrests in various areas throughout the district, the volume and pattern of traffic, the availability of tow services, and the accessibility of tow services to the areas of need within each district. Nothing herein shall prevent the patrol from amending tow zones from time to time as required by changing traffic and accident patterns and other such factors affecting the adequacy of towing service available to the patrol.

#### NEW SECTION

**WAC 204-91A-170 MINIMUM TOW TRUCK EQUIPMENT STANDARDS.** All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests shall meet the minimum standards as listed in this section. All equipment used in conjunction with each truck shall be commensurate with the basic boom rating or, if the truck is not equipped with booms, the manufacturer's gross vehicle weight rating. A waiver for one or more requirements may be granted as outlined in WAC 204-91A-070(4).

(1) **CLASS "A" TOW TRUCKS:** Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" trucks shall:

(a) Comply with legal lighting, equipment, and license requirements.

(b) Have department of licensing registration and truck numbers painted on both sides of truck.

(c) Have a revolving/intermittent red light with three hundred sixty degree visibility. May also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamp(s).

(d) Have a broom, minimum twelve inches wide, handle four feet long.

(e) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long.

(f) Be maintained in a reasonably clean condition.

(g) Have all equipment commensurate with total ton rating of booms.

(h) Have firm name, city of address, and phone number permanently affixed to both sides of the vehicle.

(i) Have two pinch bars or equivalent devices; one tapered, one flattened; one three feet and one four feet, with a minimum diameter of three-quarters of an inch.

(j) Have a two-way radio or mobile telephone system capable of communicating with a working base station. A citizen band radio does not suffice. A mobile telephone system is acceptable if:

(i) The equipment is of a recognized and established manufacture and is properly installed.

(ii) The equipment is in proper working order and functions correctly throughout the assigned tow areas.

(iii) The equipment does not utilize the truck horn or a siren or other sound device to signal incoming calls.

(iv) The equipment is used in a correct and lawful manner.

(k) Have a twenty BC-rated fire extinguisher or equivalent.

(l) Have portable tail, stop, and turn signal lights for vehicle being towed.

(m) Have a minimum of two snatch blocks.

(n) Have a tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(o) Have a portable dolly or its equivalent for hauling vehicles that are not otherwise towable.

(p) Have ten thousand pounds minimum manufacturer's gross vehicle weight rating or equivalent.

(q) Have dual tires on the rear axle or duplex type tires, referred to as "super single" with load rating that is comparable to dual tire rating.

(r) Have a minimum of one hundred feet of three-eighths inch continuous length cable or its equivalent, measured from the point of attachment to drum and hook, in safe working condition on each drum.

(i) Each cable shall be capable of being fully extended from and fully wound onto its drum.

(ii) All cables and/or wire ropes shall be in good working order and shall have:

(A) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(B) No evidence of heat damage from any cause.

(C) End attachments that are not cracked, deformed, worn, or loosened.

(iii) Cable end connections shall be swaged or, if clamped, shall have a minimum of three clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

(s) Have a minimum six ton boom rating with single or dual booms. Dual winches to control a minimum of two service drums.

(2) **CLASS "B" TOW TRUCKS:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks shall meet the requirements of subsection (1)(a) through (o) of this section, and in addition, shall have:

(a) Seventeen thousand pounds minimum manufacturer's gross vehicle weight rating or equivalent.

(b) Minimum ten ton boom rating, single or dual booms, with two independent winches and drums.

(c) A minimum of one hundred fifty feet of seven-sixteenths inch cable on each drum, measured from points of attachment. All cable shall be in safe operating condition as described for class "A" trucks.

(d) Minimum of four standard release tools (caging stud assemblies).

(3) **CLASS "C" TOW TRUCKS:** Trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" tow trucks shall meet the requirements of subsection (1)(a) through (n) of this section and in addition, shall have:

(a) Tandem rear axle truck chassis (both drive axles).

(b) Twenty-five ton minimum single or dual boom and winch rating.

(c) One hundred fifty feet of minimum nine-sixteenths inch cable on each drum measured from points of attachment. All cable shall be in safe operating condition as described in class "A."

(d) Air brakes and system capable of supplying air to towed vehicle.

(e) Minimum of four standard release tools (caging stud assemblies).

(f) Forty thousand pounds minimum manufacturer's gross vehicle weight rating or equivalent.

(4) CLASS "D" TOW TRUCKS: Trucks that are equipped for and primarily used as "wheel lift" trucks. Class "D" must meet the requirements of subsection (1)(a) through (r) of this section, and in addition, shall have:

(a) A minimum three thousand pound manufacturer's lift rated and minimum seven thousand pound tow rated wheel lift assembly.

(b) One winch and drum with one hundred feet of three-eighths inch cable meeting class "A" requirements.

Note: One snatch block is sufficient.

(5) CLASS "E" TOW TRUCKS: Trucks that are primarily designed and intended to transport other vehicles by loading the vehicle entirely onto the truck. These trucks may be of a flatbed, "slide back" or "tilt bed," design or may be a "rail" type truck. Class "E" trucks must meet the requirements of subsection (1)(a) through (l) of this section, and in addition, shall have:

(a) Two securing devices with a minimum breaking strength of fifteen thousand pounds. The devices may be chain, cable, nylon strap, or steel strap. The tie downs shall be passed over the axle or frame member (one in front and one in rear) of the transported vehicle. Both ends shall be attached to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tie-downs may also be used (front and rear).

(b) One snatch block.

(c) Dual tires on rear axles.

Note: All tires must be of sufficient size to meet the requirements of RCW 46-.44.042 under all loading conditions.

(d) If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly as appropriate for gross vehicle weight of the towed vehicle.

(e) Additional minimum requirements include:

A. Gross vehicle weight rating	14,500 lbs
B. Purchased tonnage	14,500 lbs
C. Winch rating	4 ton
D. Cable	50', 3/8 6x19 Hemp Center, I.P.S. work limit 3,500 lbs 5-1 safe working load
E. Cable hook connections	3 ton
F. Car carrier (bed)	17'
G. Body load rating (bed)	4 ton
H. Tow bar load rating	2,000 lbs

Note: Trucks of class "E" configuration that were inspected and approved for use prior to the adoption of these specifications and that do not meet them may continue to be used for patrol calls until January 1, 1992: PROVIDED, That they do continue to meet the original specifications required and are otherwise in safe operating condition.

(6) CLASS "S" TOW/RECOVERY TRUCKS: Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

To have a truck designated as class "S" the tow operator must submit a request for approval through the district commander to the ESR. The written request shall indicate why the truck is needed, what it will be used for, its size, purchased tonnage (if appropriate), capability, and the equipment carried or used with the truck.

If the district commander approves the request, he/she will forward the approved written request with recommendations for equipment and/or operation instructions or limitations to the ESR for review and final approval. If approval is granted, the equipment shall be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

Note: If the provisions of this section require a change in classification for a previously approved tow truck, such change may be made upon the next annual reinspection. In any case, all tow trucks shall be correctly classified within one year of adoption of these rules.

**NEW SECTION**

WAC 204-91A-180 VEHICLE TOWING/OPERATOR QUALIFICATIONS, RESTRICTIONS, AND REQUIREMENTS. In addition to the requirements contained in WAC 204-91A-170, tow truck operators appointed pursuant to this chapter shall conform to all laws and administrative rules pertaining to the tow industry and shall observe the following practices and procedures:

(1) When called by the patrol, the tow truck operator will dispatch a tow truck, from within the assigned zone, within five minutes during normal business hours.

(2) Tow trucks dispatched at the request of the patrol after normal business hours will be on the move within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance, traffic, and weather conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time or if the dispatched truck will be delayed for any reason, the operator shall so advise the patrol stating the reason and estimated time of arrival. In the event the tow truck fails to arrive at the scene within a reasonable time, the patrol will contact another tow operator to respond to the scene and will cancel the original tow.

(5) A tow operator on rotation who is unable to dispatch or arrive within the times stated in subsections (1), (2), (3), and (4) of this section will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator shall advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions such as, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness, etc. The period of unavailability may last less than an hour or much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

The tow company will be removed from the rotational list and will not be called until the operator advises the patrol that the company is once again able to respond to calls with an "A," "B," or "C" class truck. In all such cases, the tow company will resume its normal position on the rotational list without regard to any missed calls or its position prior to being unavailable.

(8) The tow operator will advise the patrol whenever a private call is received for a tow with circumstances that indicate that the tow is for a vehicle which has been involved in an accident, incident, or equipment breakdown on the public roadway. The tow operator also will advise the patrol of all private calls to motor vehicle accidents on private property resulting in bodily injury or death.

(9) The tow operator will notify the patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

(10) When the patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the patrol, the driver/owner, or his agent.

(11) The tow operator shall be available, or will ensure that specific employees are available, twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the ESR and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the ESR, and the patrol district commander ten days before their effective date.

(12) The tow operator will notify the appropriate patrol office of the release of stored vehicles within five working days after the release of such vehicle. Notification to the patrol will be made in such a manner as prescribed by the ESR commander.

(13) The operator shall post a current copy of tow and storage rates, on a form approved by the department and the patrol, in the following locations:

(a) At the entrance to the place of business, in a conspicuous location, plainly visible and readable by members of the public, whether the business is open or closed. If, in order to meet this requirement, the rate sheets must be placed in a location, exposed to the elements, they shall be protected so as to remain legible.

(b) Inside the business location, where business is commonly transacted. The rate sheets shall be posted in such manner as to be clearly

and plainly visible and readable at all times by customers of the business.

(c) A copy of the current rates will be sent to the department, the ESR, and the patrol district commander of the district in which the tow operator has applied for a letter of appointment. Notice of any change(s) in service rates will be forwarded to the department, the ESR, and the district commander of the area ten days before the effective date of the changes. Charges made for towing services arising from calls initiated by the patrol shall be consistent with current posted towing rates and shall be based only upon services listed on the prescribed form.

(d) In the event that an operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the operator shall file a rate sheet that specifies the rates charged for the different types of tows.

Whenever any operator utilizes a larger truck than the towed vehicle warrants, the operator shall charge fees based on the size of the towed vehicle not the size of the truck used.

EXAMPLE: A class "C" truck is used, at the operator's discretion, to tow a class "B" size vehicle. The fees charged shall be those for a class "B" truck NOT a class "C."

(14) Charges made for towing services arising from calls initiated by the patrol shall be consistent with charges made for similar services performed at the request of the general public.

(15) Unless other arrangements are made with commissioned patrol personnel at the scene, all impounded vehicles shall be taken to the tow operators nearest approved storage location.

(16) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. This record will include, but not be limited to:

(a) An itemized receipt of all charges for the services provided.

(b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the operator.

(c) All other records required by the department.

Such records will be available for inspection by the patrol during normal business hours at the operator's place of business.

(17) The tow operator will sign an inventory sheet made out by the patrol officer at the scene.

(18) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to RCW 46.55.020.

(19) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(20) No tow operator, employee, or agent shall misappropriate, wrongfully convert to his/her own use, or abuse property belonging to another and entrusted to his/her care or storage.

(21) Tow truck operators will use emergency lights to warn other motorists only when at the scene of accidents, disabled vehicles, and/or recoveries. Such lighting shall not be used when traveling to or from the scene.

(22) Tow truck operators shall be responsible for cleaning accident/incident scenes of all vehicle glass and debris.

(23) Specific operating restrictions and/or requirements, by truck class, are as follows:

(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B" and "C" trucks shall be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies shall be used to release the brake tension. Under no circumstances shall the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the preaccident or incident settings.

(b) Class "B" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

(c) Class "D," "E," and "S" trucks shall not be used to respond to initial calls unless specifically authorized by patrol personnel at the scene or by local written policy approved by the district commander.

(d) Class "E" trucks shall:

(i) When used for multiple vehicle towing/recovery (one on bed, one in tow), all invoice charges shall be evenly divided between the vehicles so transported;

(ii) Not be operated in excess of either gross vehicle weight rating or purchased tonnage weight limits;

(iii) Be required to carry its portable lights only when used in a towing mode.

(24) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the operator shall maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor shall be part of the contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

At the conclusion of a "special event or overflow" situation, all vehicles not reclaimed by the owner shall be towed to the operator's regular storage facility and processed in the normal fashion. No additional fee shall be charged for towing the vehicle from the overflow lot to the regular facility.

(25) All work performed by the operator and/or employee shall be in the most professional and expeditious manner. All invoices and other required forms shall be completed accurately and promptly.

(26) Tow operators shall, when required by the patrol or the department, cause to be displayed on each approved truck, decals indicating truck class, patrol district, and/or assigned tow zone.

## WSR 89-10-030

### ADOPTED RULES

### DEPARTMENT OF LICENSING

#### (Board of Optometry)

[Order PM 839—Filed April 27, 1989]

Be it resolved by the Board of Optometry, acting at Seattle, Washington, that it does adopt the annexed rules relating to required continuing education.

This action is taken pursuant to Notice No. WSR 89-06-070 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Board of Optometry as authorized in RCW 18.54.070(2).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 6, 1989.

By Jack Hale  
Chairman

### AMENDATORY SECTION (Amending Order PM 710, filed 3/11/88)

WAC 308-53-120 COURSES PRESUMED TO QUALIFY FOR CREDIT. Courses offered by the organizations listed in this section will be presumed to qualify as continuing education courses without specific prior approval of the board, but the board reserves the authority to refuse to accept credits in any course if the board determines that the course did not provide information or training sufficient in amount or relevancy. Organizations for the purposes of this section shall include:

(1) The American Optometric Association.

(2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).

(3) The Washington Optometric Association.

(4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

(5) The state optometry board.

(6) The optometry licensing authority of any other state.

(7) The American Academy of Optometry.

(8) The Optometric Extension Program.

(9) The College of Optometrists and Visual Development.

(10) The National Eye Research Foundation.

(11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.

(12) The Council on Post-Graduate Education of the American Optometric Association.

#### NEW SECTION

WAC 308-53-123 CREDIT FOR CLASSES. Continuing education credit may be granted for courses sponsored by schools and professional organizations. The board will individually consider granting or denying credit for any course other than those offered by organizations approved in WAC 308-53-120.

(1) Requests for credit must be submitted at least thirty days prior to the date of the course. The request must include, as a minimum, an agenda, an outline of each offering, and a brief professional biography of each presenter. Within sixty days the board will notify the sponsor of its approval or denial of continuing education credits and the number of credits approved. If the board does not act on the continuing education credit request within sixty days after receipt, the request shall be approved as submitted.

(2) Any requests received after the thirty-day submission deadline will be considered by the board as soon as possible.

(3) In determining whether a course will be granted credit, the board may consider, among other factors: The relevancy of the course to the usual and customary practice of optometry, the correlation of the course to subjects taught in accredited colleges or schools of optometry, the speaker(s) being properly credentialed in the subject area, and the relationship to new concepts and techniques: PROVIDED, HOWEVER, Courses related to a single product or device will not normally be granted credit.

#### AMENDATORY SECTION (Amending Order PL 326, filed 12/28/79)

WAC 308-53-125 POST-GRADUATE EDUCATIONAL PROGRAM. The board or its agent will ~~((be responsible)), when financially ((permissible, to exercise control through the board, or its agent, of)) possible, provide an annual post-graduate educational program.~~

#### AMENDATORY SECTION (Amending Order PL 326, filed 12/28/79)

WAC 308-53-135 CREDIT FOR ADMISSION TO OPTOMETRIC ORGANIZATIONS AND PARTICIPATION IN PATIENT CARE REVIEWS. (1) Continuing education credit ~~((may))~~ will be granted for

preparation and admission to optometric scientific groups (for example, the Academy of Optometry). The licensee must petition the board for credit thirty days prior to the end of the reporting period and no more than five credit hours will be approved for any licensee in any reporting period.

(2) Continuing education credit ~~((may))~~ will be granted for participation in formal reviews and evaluations of patient care such as peer review and case conference. Also, participation in a professional standard review organization, ((health systems agency)) regional health planning council, health planning board, state health coordinating council and state health planning department, and ((subarea councils of HSA and HEW)) local/county councils of state health planning council/organizations, as authorized by the state and the United States government, and other official representation (and not mere attendance as an observer) relating to health care agencies may be granted continuing education credit by submitting an outline of the particular activity thirty days prior to the end of the reporting period. No more than five credit hours will be approved for any licensee in any two-year reporting period.

#### AMENDATORY SECTION (Amending Order PM 710, filed 3/11/88)

WAC 308-53-145 CREDIT FOR REPORTS. Continuing education credit ~~((may))~~ will be given for reports on professional optometric literature. Requests for credit must be submitted to the department of licensing, professional licensing division in Olympia, at least thirty days prior to the end of the reporting period. The request should include a copy of the article being reported on and the typewritten report. Such report shall list ten descriptive basic statements from ((each)) an article ((for each hour of credit. Such report shall be submitted typewritten to the department of licensing, professional licensing division in Olympia)) or sequence of articles. Professional literature approved for such reports are: American Journal of Optometry and Physiological Optics, American Optometric Association News, Contact Lens Forum, Contacto, Insight, International Contact Lens Clinic, Journal of American Optometric Association, Journal on Optometric Education, Journal of Optometric Vision Development, OEP Monthly, Optometric Management, Optometric Monthly, Optometric World, Review of Optometry, and 20/20 Magazine. Other professional literature may be submitted in advance for the board's consideration and approval. ((Literature utilized shall not be issuance dated over two years on the date of submission of the report for credit.)) Reports shall list the title of the article(s), literature that the article(s) was taken from, the date of issuance/publication of the literature, page(s) utilized, and author(s). ((A copy of the article utilized shall be submitted whenever possible.))

Each report qualifies for one credit hour and may only be used for credit once. The ((combined)) maximum continuing education credit that ((may)) will be granted under this section ((and WAC 308-53-146)) is ((twenty percent for every)) ten credit hours for each two-year ((requirement)) reporting period.

AMENDATORY SECTION (Amending Order PL 331, filed 3/21/80)

WAC 308-53-146 CREDIT FOR PREPROGRAMMED EDUCATIONAL MATERIALS. Continuing education credit ~~((may))~~ will be granted for observation and participation in the use of formal preprogrammed optometric educational materials, including the use of cassettes, videodiscs, videotapes, teaching machines, etc. ~~((Preprogrammed educational materials utilized shall not be issuance dated over two years on the date of submission of the preprogrammed educational material for credit. The doctor of optometry shall list))~~ Requests for credit must be submitted to the department of licensing, professional licensing division in Olympia, at least thirty days prior to the end of the reporting period. The request should include the title of the preprogrammed educational material, ~~((the))~~ its date of issuance ~~((of the preprogrammed educational material, the))~~, its author/provider, and the length of time spent viewing/listening to the preprogrammed educational material. A synopsis of the preprogrammed educational material ~~((utilized))~~ shall be submitted.

The ~~((combined))~~ maximum continuing education credit that ~~((may))~~ will be granted under this section ~~((and WAC 308-53-145))~~ is ~~((twenty percent for every))~~ ten credit hours for each two-year ~~((requirement))~~ reporting period.

AMENDATORY SECTION (Amending Order PL 239, filed 3/3/76)

WAC 308-53-150 CREDIT FOR LECTURING. Continuing education credit ~~((may))~~ will be given for the preparation and presentation of courses and lectures in optometric education, if attendance at such a course or lecture would also qualify for such credit. For each hour of credit for the initial presentation of such a course or lecture, ~~((additional credit for time spent in preparation may be granted by the board))~~ two additional hours of credit will be granted. Requests for credit must be submitted to the department of licensing, professional licensing division in Olympia, at least thirty days prior to the end of the reporting period. The request should include a brief outline of the lecture and the length of the presentation. Credit for subsequent presentations will be ~~((by individual consideration))~~ individually considered upon a showing that significant additional work has been required. No more than ten hours will be approved for any licensee in any two-year reporting period.

AMENDATORY SECTION (Amending Order PL 399, filed 6/2/82)

WAC 308-53-151 CREDIT FOR CPR TRAINING. ~~((On or after January 1, 1983,))~~ Continuing education credit, up to five credit hours yearly, may be granted for training obtained in a cardio-pulmonary resuscitation (CPR) course where such training is provided by a currently certified CPR instructor. A request for credit must include the name of the instructor, ~~((by whom))~~ the organization certifying the instructor ~~((is~~

~~certified, and information regarding current)), the date the instructor's certification ((at the time of the course)) expires, and the date, length, and location of the course.~~

AMENDATORY SECTION (Amending Order PL 545, filed 7/31/85)

WAC 308-53-165 CERTIFICATION FOR CONTINUING EDUCATION COURSES. (1) In conjunction with the application for renewal of licensure, a licensee shall submit, on a form provided by the board, an affidavit of compliance with the continuing education requirement of WAC 308-53-100.

(2) Upon request of the board, a licensee shall submit evidence in addition to the affidavit to substantiate compliance with the continuing education requirement. Accordingly, it shall be the responsibility of the licensee to maintain evidence and documentation of such compliance ~~((on a form provided by the board))~~.

(3) It is the responsibility of the licensee to seek prior approval of the board for any continuing education credit ~~((to be submitted))~~ where such credit is ~~((granted under the board's discretion on a case by case basis or otherwise))~~ not automatically approved under the provisions of WAC 308-53-120 through 308-53-155, or where the licensee has any doubt as to its acceptability.

AMENDATORY SECTION (Amending Order PM 710, filed 3/11/88)

WAC 308-53-170 SURPLUS CREDIT HOURS. Continuing education credits in excess of the required hours earned in any ~~((renewal))~~ reporting period may not be carried forward to a subsequent reporting period.

NEW SECTION

WAC 308-53-175 CREDITS FOR PRACTICE MANAGEMENT. Continuing education credit will be granted for courses or materials involving practice management; however, no more than ten credit hours total will be granted to any licensee for practice management courses under WAC 308-53-120 through 308-53-150 in any two-year reporting period.

AMENDATORY SECTION (Amending Order PL 239, filed 3/3/76)

WAC 308-53-180 DISCRETIONARY EXCEPTION FOR EMERGENCY SITUATION. In emergency situations, such as personal or family sickness, the board may waive, for good cause shown, all or part of the continuing education requirement for a particular two-year reporting period for an individual licensee. The board will require such verification of the emergency as is necessary to prove its existence.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-53-130 COURSES NOT PRESUMED TO QUALIFY.

**WSR 89-10-031**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 89-28—Filed April 27, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is there are insufficient coho stocks available for harvest at this time. There is inadequate time to follow the permanent rule adoption procedure.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 27, 1989.

By Gene DiDonato  
 for Joseph R. Blum  
 Director

**REPEALER**

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-56-19000J SALTWATER SEASONS AND BAG LIMITS. (89-17)**

**WSR 89-10-032**  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 89-26—Filed April 27, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

This action is taken pursuant to Notice No. WSR 89-07-018 filed with the code reviser on March 7, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 25, 1989.

By J. McKillip  
 for Joseph R. Blum  
 Director

**AMENDATORY SECTION** (Amending Order 88-14, filed 4/26/88)

**WAC 220-56-116 SALMON—BARBLESS HOOKS.** (1) Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or de-lated when manufactured.

(2) It is unlawful to use barbed hooks while angling((: (a))) for salmon in all marine waters of Puget Sound, the Pacific Ocean, Grays Harbor, Willapa Bay, and waters at the mouth of the Columbia River westerly of a line drawn true north-south through Buoy 10.

~~((b) For salmon in Lake Washington north of the Evergreen Point Floating Bridge when using nonbuoyant lures (see WAC 220-56-105).))~~

**AMENDATORY SECTION** (Amending Order 84-22, filed 4/11/84)

**WAC 220-56-250 LINGCOD—AREAS AND SEASONS.** It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Salmon Punch Card Areas 1 through 3 - open the entire year, (b) Salmon Punch Card Area 4 - April ((+5)) 16 through November 30.

(2) Salmon Punch Card Areas 5, 6, and 7 - April ((+5)) 16 through November 30.

(3) Salmon Punch Card Areas 8 through 13 - April ((+5)) 16 through May 31.

**WSR 89-10-033**  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 89-27—Filed April 27, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to aquatic farm rules.

This action is taken pursuant to Notice No. WSR 89-07-019 filed with the code reviser on March 7, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and 75.58.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 25, 1989.

By J. McKillip  
for Joseph R. Blum  
Director

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-76-010 AQUATIC FARM REGISTRATION REQUIRED. (1) It shall be unlawful for any person to cultivate aquatic products (private sector cultured aquatic products as defined under RCW 15.85.020(3)) without the aquatic farmer having first registered the aquatic farm with the department. Any aquatic farm must be registered with the department prior to the commencement of culture activities. The department shall grant registration to qualified persons within seven days of the receipt of a complete aquatic farm registration form.

(2) Aquatic farm registrations are nontransferable. In the event there is a change of ownership of an aquatic fish farm established under chapter 220-76 WAC the aquatic farm registration issued to the previous owner shall be invalid.

(3) Registrations must be renewed annually, prior to December 31 for the succeeding calendar year. Reporting of aquaculture activity (WAC 220-69-243) during the previous calendar year shall constitute renewal for the following year.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-76-020 AQUATIC FARM REGISTRATION FORM—REQUIRED INFORMATION. There is hereby created an aquatic farm registration form to be prepared, printed, and distributed on request by the department of fisheries. The following information shall be provided by the aquatic farmer.

(1) Company name/owner: Name of individual or company owning or leasing the aquatic farm, mailing address and telephone number.

(2) Contact person: Name and telephone number of the individual immediately responsible for operation of the aquatic farm.

(3) DSHS shellfish certification no.: Department of social and health services shellfish certification number where required by the department of social and health services.

(4) Species cultured: Common name of aquatic species cultured.

(5) Culture method: Method(s) of cultured used on aquatic farm.

(6) Legal description, street address, county and aquaculture district for freshwater or onshore aquatic farm, and the number of separate tracts or facilities within that district which comprise the aquatic farm.

(7) Name of bay or inlet, county and aquaculture district for marine aquatic farms.

(8) Signature: Signature of company official or owner.

(9) A site drawing of the aquatic farm and a brief narrative describing the facility and its operation. Freshwater farms should identify the source of culture water, where the water is discharged, and the watershed where the facility is located.

(10) Documentation of ownership or present right of possession of land comprising the aquatic farm is required to be submitted together with the aquatic farm registration form.

#### WSR 89-10-034

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 89-29—Filed April 28, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is there is an adequate resource available to allow a limited commercial harvest of razor clams in an area which is not readily available to the recreation digger. There is inadequate time to promulgate permanent regulations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 28, 1989.

By Joseph R. Blum  
Director

#### NEW SECTION

WAC 220-52-03000E RAZOR CLAM—COMMERCIAL HARVEST. *Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to fish for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:*

(1) *Those waters of Razor Clam Area Number One lying south of the Willapa Bay Ship Channel, west of Ellen Sands, and north of latitude 46 degrees, 39 minutes, 00 seconds north, are open to commercial razor clam digging from 12:01 a.m. May 1 through 11:59 p.m. May 31, 1989.*

(2) It is lawful to possess razor clams for commercial purposes that are lawfully taken from within the boundaries of the Quinault Indian Reservation.

**WSR 89-10-035**  
**PROPOSED RULES**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
 [Filed April 28, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Administrative Hearings intends to adopt, amend, or repeal rules concerning:

- Amd WAC 10-04-020 Change of agency office locations.
- Amd WAC 10-04-060 Change of public records copying fee.
- Amd ch. 10-08 WAC New, amendatory and repealer sections replacing the uniform rules for the conduct of contested cases with the model rules of procedure;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, in the Hearing Room, Suite C, 921 Lakeridge Way, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1989.

The authority under which these rules are proposed is RCW 42.17.250 and 34.05.220 (1)(b) for WAC 10-04-020 and 10-04-060; and RCW 34.05.250 for chapter 10-08 WAC.

The specific statute these rules are intended to implement is RCW 42.17.250 and 34.05.220 (1)(b) for WAC 10-04-020 and 10-04-060; and RCW 34.05.250 for chapter 10-08 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 8, 1989.

Dated: April 28, 1989

By: D. R. LaRose  
 Chief Administrative Law Judge

**STATEMENT OF PURPOSE**

Title, Purpose, Authority, Statutes Implemented: WAC 10-04-020 Function—Organization—Offices, is amended to update agency field office locations as required by RCW 34.05.220 and 42.17.250; WAC 10-04-060 Copying fees, is amended to update copying fees under authority of RCW 42.17.290 to implement RCW 42.17.300; and chapter 10-08 WAC Model rules of procedure, replaces the uniform rules for the conduct of contested cases with the model rules of procedure as required by RCW 34.05.250.

Responsible Agency Person: David R. LaRose, Chief Administrative Law Judge, Office of Administrative Hearings, 4224 6th Avenue S.E., PY-15, Lacey, WA 98504-8915, (206) 459-6353, 585-6353 scan.

These rules are not necessary to comply with federal law or federal or state court action.

These rules will have no economic impact on the small business community.

**AMENDATORY SECTION** (Amending Order 4, filed 10/2/85 [10/31/85])

WAC 10-04-020 FUNCTION—ORGANIZATION—OFFICES. The office of administrative hearings was created by chapter 34.12 RCW for the impartial administration of administrative hearings for state agencies. The office is under the direction of the chief administrative law judge and is organized in two divisions.

Administrative law judges assigned to the two divisions preside over hearings in contested cases and issue proposals for decisions, including findings of fact and conclusions of law. Division one is responsible for hearings held before the department of social and health services, the utilities and transportation commission, the liquor control board, the department of licensing, and any other state agency as defined in RCW 34.12.020(4). Division two is responsible for hearings held before the employment security department.

The administrative office is located at Building No. 1, 4224 - 6th Avenue S.E., Lacey, Washington, 98504-8915. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are housed in the following field offices:

Social & Health Subdivision  
 1212 Jefferson SE, Suite 200  
 Olympia WA 98504-7821

Social & Health Subdivision  
 1414 Dexter Avenue North  
 Seattle WA 98109

Social & Health Subdivision  
 2nd Floor, ES Building  
 South 130 Arthur  
 Spokane WA 99202

Social & Health Subdivision  
 ((2925-Rockefeller))  
 2722 Colby, Suite 103  
 Everett WA 98201

Yakima Subdivision  
 1110 West Lincoln Avenue  
 Yakima WA 98902

Utilities & Transportation Subdivision  
 1212 Jefferson SE, Suite 200  
 Olympia WA 98504-7821

Liquor Control Subdivision  
 1212 Jefferson SE, Suite 200  
 Olympia WA 98504-7821

Employment Security Subdivision  
 Room 606 Securities Building  
 1904 Third Avenue  
 Seattle WA 98101

Employment Security Subdivision  
 ((Capital 5000 Building))  
 921 Lakeridge Way, Suite C  
 Olympia WA 98504

Employment Security Subdivision  
 2nd Floor, ES Building  
 P.O. Box TAF-C-14  
 Spokane WA 99220

Vancouver Subdivision  
 111 West 39th Street, Suite A  
 Vancouver WA 98660

All written communications by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the deputy chief administrative law judge at the administrative office.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-04-060 COPYING FEES. No fee shall be charged for the inspection of public records. The office shall charge a fee of ten cents per page of copy for providing copies of public records and for the use of the office's copy equipment, subject to a minimum charge per order of \$1.00, plus postage at actual cost. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying.

## MODEL RULES OF PROCEDURE

NEW SECTION

WAC 10-08-001 DECLARATION OF PURPOSE. Chapter 10-08 WAC contains the model rules of procedure which RCW 34.05.250 requires the chief administrative law judge to adopt for use by as many agencies as possible. The model rules deal with general functions and duties performed in common by the various agencies. The model rules supplement Administrative Procedure Act provisions which contain grants of rulemaking authority to agencies. It is not the purpose of the model rules to duplicate all procedural provisions of the Administrative Procedure Act. Except to the extent an agency is excluded from chapter 34.05 RCW or parts of chapter 34.05 RCW, each agency must adopt as much of the model rules as is reasonable under its circumstances. Any agency adopting a rule of procedure that differs from these model rules must include in the order of adoption a finding stating the reasons for variance.

NEW SECTION

WAC 10-08-035 ADJUDICATIVE PROCEEDINGS—APPLICATION. An application for an adjudicative proceeding may be on a form provided by the agency for that purpose or in other writing signed by the applicant or the applicant's representative. The application for an adjudicative proceeding should specify the issue to be adjudicated in the proceeding.

AMENDATORY SECTION (Amending Order 4, filed 10/31/85)

WAC 10-08-040 ADJUDICATIVE PROCEEDINGS—NOTICE OF HEARING. (1) In any ~~((contested case))~~ adjudicative proceeding all parties shall be served with a notice of hearing within the time required by law governing the respective agency or proceeding, and, in the absence of a ~~((statutory))~~ requirement under other law, not less than ~~((twenty))~~ seven days before the date set for the hearing. The notice shall include the information specified in RCW ~~((34.04.090(1)))~~ 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(2) The notice shall state that if a limited English-speaking or hearing impaired party or witness needs an interpreter a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate whether ~~((he or she))~~ the party needs an interpreter and to identify the primary language or hearing impaired status of the party. ~~((The notice shall also include such other information as may be necessary to apprise the parties of the scope and purpose of the hearing.))~~

~~((2))~~ (3) Defects in notice may not be waived unless:

- (a) The presiding officer determines that the waiver has been made knowingly, voluntarily and intelligently;
- (b) The party's representative, if any, consents; and
- (c) If a party is an impaired person, the waiver is requested through the use of a qualified interpreter.

~~((3))~~ When a limited-English-speaking person is a party in an administrative proceeding all notices concerning the hearing, including hearing notices, notices of continuance, and notices of dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and responding to, if necessary, the notice.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 10-08-045 ADJUDICATIVE PROCEEDINGS—NOTICE TO LIMITED-ENGLISH-SPEAKING PARTIES. When an

agency is notified or otherwise made aware that a limited-English-speaking person is a party in a adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and responding to, if necessary, the notice.

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-08-050 ADJUDICATIVE PROCEEDINGS—ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE—MOTION OF PREJUDICE. (1) Whenever a state agency as defined in RCW 34.12.020(4) conducts a hearing which is not presided over by officials of the agency who are to render the final decision, the agency shall ~~((either))~~ use one of the following methods for requesting assignment of an administrative law judge:

~~((1))~~ File with the office of administrative hearings a copy of the hearing file and notice of hearing together with a request for assignment of an administrative law judge to preside over the hearing; (a) Not less than twenty days prior to the date of the hearing, notify the chief administrative law judge or his or her designee of the date, time, and place of the hearing and request assignment of an administrative law judge to preside over the hearing, or

~~((2))~~ (b) File with the office of administrative hearings a copy of the hearing file, which filing shall be deemed to be a request for assignment of an administrative law judge to issue the notice of hearing and preside over the hearing, or

(c) Schedule its hearings to be held at times and places reserved and provided to the agency for that purpose by the office of administrative hearings.

~~((3))~~ (2) Motions of prejudice with supporting affidavits under RCW 34.12.050 must be filed at least three days prior to the hearing or any earlier stage of the adjudicative proceeding at which the administrative law judge may be required to issue a discretionary ruling. If the notice of hearing does not state the name of the presiding administrative law judge, the chief administrative law judge shall make such assignment at least five days prior to the hearing and shall disclose the assignment to any party or representative making inquiry. Subsequent motions of prejudice filed by the same party in the same proceeding shall be ruled upon by the chief administrative law judge or his or her designee.

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-08-090 ADJUDICATIVE PROCEEDINGS—CONTINUANCES. (1) Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer on his or her own motion or may be granted on timely request of any party, with notice to all other parties, showing good and sufficient cause therefor.

(2) A request for a continuance made prior to the hearing date may be oral or written and shall state that the party seeking the continuance has notified all other parties of the request and that either all other parties agree to the continuance or that all parties do not agree to the continuance. If all parties do not agree to the continuance, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-08-110 ADJUDICATIVE PROCEEDINGS—FILING AND SERVICE OF PAPERS. (1) All notices, pleadings, and other papers filed with the presiding officer shall be served upon all counsel and representatives of record and upon unrepresented parties ~~((not represented by counsel))~~ or upon their agents designated by them or by law.

(2) Service shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; ~~((or))~~ by telegraph~~((:));~~ by electronic telefacsimile transmission and same-day mailing of copies; or by commercial parcel delivery company.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed~~((, and))~~. Service by telegraph shall be regarded as completed when deposited with a telegraph company properly addressed and with charges prepaid. Service by electronic telefacsimile transmission shall be regarded as completed upon production by the telefacsimile device of confirmation of transmission. Service by commercial parcel delivery shall be regarded

as completed upon delivery to the parcel delivery company with charges prepaid.

(4) Papers required to be filed with the agency (~~or with presiding officer~~) shall be deemed filed upon actual receipt during office hours at any office of the agency. Papers required to be filed with (~~or of~~) the presiding officer shall be deemed filed upon actual receipt during office hours at the office of the presiding officer.

(5) Where proof of service is required by statute or rule, filing the papers with the presiding officer, together with (~~either an acknowledgment of service or the following certificate~~) one of the following, shall constitute proof of service:

- (a) An acknowledgment of service.
- (b) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by delivering a copy thereof in person to (names).
- (c) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by
  - (i) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent; or
  - (ii) Telegraphing a copy thereof, properly addressed with charges prepaid, to each party to the proceeding or his or her attorney or authorized agent; or
  - (iii) Transmitting a copy thereof by electronic telfacsimile device, and on the same day mailing a copy, to each party to the proceeding or his or her attorney or authorized agent; or
  - (iv) Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company.

~~((I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.~~

~~<sup>a</sup>Dated at ..... this ... day of ....., 198....~~

~~\_\_\_\_\_  
(signature)<sup>a</sup>)~~

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-08-120 ADJUDICATIVE PROCEEDINGS—SUBPOENAS. (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW (~~34.04.105~~) 34.05.446.

(2) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing.

(3) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (a) quash or modify the subpoena if it is unreasonable and oppressive or (b) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

~~((5) No subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the agency staff in any proceeding before the public employment relations commission.))~~

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-08-130 ADJUDICATIVE PROCEEDINGS—PREHEARING CONFERENCE. (1) The presiding officer upon his or her own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

- (a) Simplification of issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) Procedural matters;
- (f) Distribution of written testimony and exhibits to the parties prior to the hearing;
- (g) Such other matters as may aid in the disposition or settlement of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(3) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered. If no objection to such notice is filed within ten days after the date such notice is mailed, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(4) In any proceeding the presiding officer may, in his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

(5) Nothing in this rule shall be construed to limit the right of any agency (~~to order a prehearing conference or other settlement procedure prior to issuance of a notice of hearing~~) to attempt informal settlement of an adjudicative proceeding at any time.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 3, filed 11/1/82)

WAC 10-08-140 ADJUDICATIVE PROCEEDINGS—EVIDENCE. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW (~~34.04.100~~) 34.05.452.

(2) Where practicable, the presiding officer may order:  
(a) That all documentary evidence which is to be offered during the hearing or portions of the hearing be submitted to the presiding officer and to the other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence;

(b) That documentary evidence not submitted in advance as required in (a) of this subsection be not received in evidence in the absence of a clear showing that the offering party had good cause for his or her failure to produce the evidence sooner, unless it is submitted for impeachment purposes;

(c) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(3) When portions only of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(4) No former employee of the agency shall appear, except with the permission of the agency, as an expert witness on behalf of other parties in a proceeding in which he or she previously took an active part in the investigation as a representative of the agency.

(5) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be

ground for striking all testimony previously given by such witness on related matter.

(6) Any party bound by stipulation or admission of record may, at any time prior to closure of the hearing, be permitted to withdraw the same in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending order 4, filed 10/31/85)

WAC 10-08-150 ADJUDICATIVE PROCEEDINGS—INTERPRETERS. (1) An "impaired person" is any person involved in (~~a contested case hearing~~) an adjudicative proceeding who is a hearing impaired person or a limited-English-speaking person.

(2) A "hearing impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(3) A "limited-English-speaking person" is a person who because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(4) A "qualified interpreter" is one who is readily able to interpret spoken and translate written English to and for impaired persons and to interpret or translate statements of impaired persons into spoken English and who meets the requirements of WAC 10-08-150(9): Provided, That for hearing impaired persons a qualified interpreter must be certified by the registry of interpreters for the deaf with a specialist certificate—legal, master's comprehensive skills certificate or comprehensive skills certificate.

(5) An "intermediary interpreter" is a hearing impaired interpreter who is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of WAC 10-08-150(9), and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter for the hearing impaired.

(6) When an impaired person is a party to any (~~contested case hearing~~) adjudicative proceeding or witness therein, the presiding officer shall, in the absence of a written waiver signed by the impaired person, appoint a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:

(a) The impaired person requests a waiver through the use of a qualified interpreter;

(b) The representative, if any, of the impaired person consents; and

(c) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.

(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding.

(8) Relatives of any participant in a proceeding and employees of the agency involved in a proceeding shall not be appointed as interpreters in the proceeding. This subsection shall not prohibit the office of administrative hearings from hiring an employee whose sole function is to interpret at administrative hearings.

(9) The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired person. This determination shall be based upon the testimony or stated needs of the impaired person, the interpreter's education, certifications, and experience in interpreting for contested cases, the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. The parties or their representatives may question the interpreter as to his or her qualifications and impartiality.

(10) If at any time during the proceeding, in the opinion of the impaired person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the

impaired person, the presiding officer shall appoint another qualified interpreter.

(11) If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the presiding officer who shall appoint an pay an intermediary interpreter to assist the qualified interpreter.

(12) Mode of interpretation.

(a) Interpreters for limited-English-speaking persons shall use simultaneous mode of interpretation where the presiding officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency; otherwise, the consecutive mode of foreign language interpretation shall be used.

(b) Interpreters for hearing impaired persons shall use the simultaneous mode of interpretation, unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the qualified interpreter considers to provide the most accurate and effective communication with the hearing impaired person.

(c) When an impaired person is a party to a proceeding, the interpreter shall translate all statements made by other hearing participants. The presiding officer shall ensure that sufficient extra time is provided to permit translation and the presiding officer shall ensure that the interpreter translates the entire proceeding to the party to the extent that the party has the same opportunity to understand all statements made during the proceedings as a non-impaired party listening to uninterpreted statements would have.

(13) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

(14) The presiding officer shall explain to the impaired party that a written decision or order will be issued in English, and that the party may contact the interpreter for a translation of the decision at no cost to the party. If the party has a right to review of the order or decision, the presiding officer shall orally inform (~~him or her~~) the party during the hearing of the right and of the time limits to request review.

(15) At the hearing the interpreter for a limited English-speaking party shall provide to the presiding officer the interpreter's telephone number written in the primary language of the impaired party. A copy of such telephone number shall be attached to the decision or order mailed to the impaired party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.

(16) In any proceeding involving a hearing impaired person, the presiding officer may, with the consent of the agency involved in the hearing, order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of the proceeding. Where simultaneous translation is used for interpreting statements of limited-English-speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.

(17) A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The agency involved in the hearing shall pay such interpreter fee and expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 4, filed 10/31/85)

WAC 10-08-160 ADJUDICATIVE PROCEEDINGS—TESTIMONY UNDER OATH OR AFFIRMATION. (1) Every person called as a witness in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements

of the person being examined to the agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

**AMENDATORY SECTION** (Amending Order 3, filed 11/1/82)

**WAC 10-08-170 ADJUDICATIVE PROCEEDINGS—REPORTING—RECORDING.** All hearings shall be recorded by manual, electronic, or other type of recording device.

**AMENDATORY SECTION** (Amending Order 5, filed 6/15/87)

**WAC 10-08-180 ADJUDICATIVE PROCEEDINGS—TELECONFERENCE HEARINGS.** (1) The presiding officer, with the concurrence of the agency, may conduct all or part of the hearing by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place, provided the ~~((following conditions are met:~~

~~(a) A hearing held for the department of social and health services in the aid to families with dependent children program Title IV-A and the adult categories under Titles I, X, XIV or XVI of the Social Security Act or in the food stamp disqualification program under 7 CFR 273.16 may be scheduled as a teleconference hearing only if the notice of hearing informs the applicant/recipient is not required to show good cause for choosing an in-person hearing;~~

~~(b) In proceedings other than those described in subsection (a) the)) presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time.~~

(2) Documentary evidence shall be submitted in advance as provided in WAC 10-08-140(2).

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 3, filed 11/1/82)

**WAC 10-08-190 ADJUDICATIVE PROCEEDINGS ((ATTENDANCE AT HEARINGS))—CAMERAS—RECORDING DEVICES.** ~~((1) All hearings shall be open for observation by the public except as limited by the presiding officer to preserve confidentiality protected by law or for reasons such as space limitation.))~~ Photographic and recording equipment shall be permitted at hearings; however, the presiding officer may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing.

~~((2) On motion of a party or on the presiding officer's own motion, witnesses may be excluded from any hearing except when testifying.))~~

**AMENDATORY SECTION** (Amending Order 3, filed 11/1/82)

**WAC 10-08-200 ADJUDICATIVE PROCEEDINGS—PRESIDING OFFICER.** The presiding officer shall have authority to:

- (1) Determine the order of presentation of evidence;
- (2) Administer oaths and affirmations;
- (3) Issue subpoenas;
- (4) Rule on procedural matters, objections, and motions;
- (5) Rule on offers of proof and receive relevant evidence;
- (6) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;
- (7) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;
- (8) Take any appropriate action necessary to maintain order during the hearing;
- (9) Permit or require oral argument or briefs and determine the time limits for submission thereof;
- (10) Take any other action necessary and authorized by any applicable statute or rule;
- (11) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

**AMENDATORY SECTION** (Amending Order 3, filed 11/1/82)

**WAC 10-08-210 ADJUDICATIVE PROCEEDINGS ((DECISION))—INITIAL OR FINAL ORDER.** Every decision and order

~~((issued by a presiding officer)), whether ((proposed:)) initial((:)) or final, shall:~~

(1) Be correctly captioned as to the name of the agency and name of the proceeding;

(2) Designate all parties and representatives participating in the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Contain appropriate numbered findings of fact ~~((based exclusively on the record))~~ meeting the requirements in RCW 34.05.461;

(5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon;

(6) Contain an initial or final order~~((, decision, or recommendation, as appropriate.))~~ disposing of all contested issues;

(7) ~~((If applicable, c))~~ Contain a statement describing the ~~((parties' rights to agency review of the order or decision))~~ available post-hearing remedies.

**Reviser's note:** The typographical error in the caption of the section above occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 10-08-211 ADJUDICATIVE PROCEEDINGS—PETITION FOR REVIEW AND REPLIES.** (1) Any party to an adjudicative proceeding may file a petition for review of an initial order.

(2) The petition for review shall be filed with the agency head within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition.

(4) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed.

**NEW SECTION**

**WAC 10-08-215 ADJUDICATIVE PROCEEDINGS—RECONSIDERATION.** A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the office of the person or persons who entered the order.

**NEW SECTION**

**WAC 10-08-230 INFORMAL SETTLEMENTS.** RCW 34.05-.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(1)(a) All agencies and persons are strongly encouraged to explore early, informal resolution to disputes whenever possible. Any person whose interest in a matter before an agency may be resolved by settlement shall communicate his or her request or complaint to the agency, setting forth all pertinent facts and particulars and the desired remedy. If the agency requires additional information to resolve the matter informally, it shall promptly provide to the person who is seeking relief an opportunity to supply such information. Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations; Provided, however, that any time limit applicable to filing an application for an adjudicative proceeding shall not be extended because settlement attempts are pending.

(b) In the event an early, informal resolution is reached, the agency is responsible for providing a written description of the resolution to the person(s) involved.

(2)(a) If settlement of an adjudicative proceeding may be accomplished by informal negotiation with the agency or other parties involved, negotiations shall be commenced at the earliest possible stage of the proceeding. Settlement shall be concluded by:

- (i) Stipulation of parties or
- (ii) Withdrawal by the applicant of his or her application for an adjudicative proceeding or

(iii) Withdrawal by the agency of the agency action which is the subject matter of the adjudicative proceeding.

(b) A stipulation shall be in writing and signed by each party to the stipulation or his or her representative or shall be recited on the record at the hearing. When an adjudicative proceeding has been settled by stipulation, the agency head, the agency head's designee, or the presiding officer shall enter an order in conformity with the terms of the stipulation.

(c) When an adjudicative proceeding has been wholly or partially settled by withdrawal, the presiding officer shall enter an order dismissing the adjudicative proceeding, or an order dismissing the affected party's interest in the proceeding if other parties have not withdrawn.

#### NEW SECTION

**WAC 10-08-250 DECLARATORY ORDERS—FORM, CONTENT AND FILING.** A petition for a declaratory order shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the (name of agency)." On the left side of the page below the foregoing the following captions shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the relief sought by the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies of the petition shall be filed with the agency.

#### NEW SECTION

**WAC 10-08-251 DECLARATORY ORDERS—PROCEDURAL RIGHTS OF PERSONS IN RELATION TO PETITION.** If a petition for a declaratory order is set for specified proceedings under RCW 34.05.240 (5)(b), the agency shall give not less than seven days advance written notice of the proceedings to the petitioner and all persons described in RCW 34.05.240(3). The notice shall contain the time, date, place, and nature of the proceedings and shall describe how interested persons may participate in the proceeding.

#### NEW SECTION

**WAC 10-08-252 DECLARATORY ORDERS—DISPOSITION OF PETITION.** A declaratory order entered by an agency or a decision by the agency to decline to enter a declaratory order shall be in writing and shall be served upon the petitioner and all other persons described in RCW 34.05.240(3).

#### NEW SECTION

**WAC 10-08-260 PETITION FOR RULEMAKING—FORM, CONTENT AND FILING.** A petition for adoption, amendment, or repeal of a rule shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the (name of agency)." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for rulemaking." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated

and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by the petitioner's attorney. The original and two legible copies shall be filed with the agency.

#### NEW SECTION

**WAC 10-08-261 PETITION FOR RULEMAKING—CONSIDERATION AND DISPOSITION.** (1) Each petition for the adoption, amendment, or repeal of a rule shall be considered by the agency and the agency may, in its discretion, solicit comments or invite discussion concerning the matter prior to disposition of the petition.

(2) If the agency denies the petition, the denial shall be served upon the petitioner.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 10-08-010 APPLICATION OF CHAPTER 10-08 WAC
- (2) WAC 10-08-020 SCOPE OF CHAPTER 10-08 WAC
- (3) WAC 10-08-030 DEFINITIONS
- (4) WAC 10-08-060 INTERVENTION

### **WSR 89-10-036**

#### **PROPOSED RULES**

#### **DEPARTMENT OF PERSONNEL**

#### **(Personnel Board)**

[Filed April 28, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Sick leave—Reporting—Payment, amending WAC 356-18-070;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-06-024 filed with the code reviewer's office on February 24, 1989.

Dated: April 28, 1989

By: Robert Boysen  
Acting Director

**WSR 89-10-037**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed April 28, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning call-back for work on scheduled days off or holidays, amending WAC 356-15-110;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: April 26, 1989  
 By: Robert Boysen  
 Acting Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 356-15-110 Call-back for work on scheduled days off or holidays.

Purpose: This rule provides guidelines for penalty pay for untimely notice to work on a scheduled day off or holiday.

Statutory Authority: RCW 41.06.150.

Summary: This proposal would add law enforcement (L) designated employees to the list of eligible employees to receive the call-back penalty pay.

Reasons: Adding (L) designated employees would be consistent with WAC 356-15-100 and law enforcement personnel should receive compensation for untimely notice to return to work which disrupts their off-duty plans or family life.

Responsibility for Drafting: Andrew Wiesenfeld, Washington Public Employees Association, 124 West 10th, Olympia, WA 98501, phone (206) 943-1121; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Washington Public Employees Association, employee organization.

Comments or Recommendations: Department of Personnel, under study.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: No.

**AMENDATORY SECTION** (Amending Order 248, filed 5/28/86)

WAC 356-15-110 CALL-BACK FOR WORK ON SCHEDULED DAYS OFF OR HOLIDAYS. (1) Management may assign employees to work on a day off or holiday. Scheduled ~~((and))~~, non-scheduled and law enforcement designated work period employees shall be notified of such assignments at least prior to the employees' normal

quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(3).

**WSR 89-10-038**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed April 28, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning special pay ranges, amending WAC 356-15-130;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: April 26, 1989  
 By: Robert Boysen  
 Acting Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 356-15-130 Special pay ranges.

Purpose: This rule amendment would effect only paragraph (5). This paragraph allows sales contests with salary-increase incentive awards for lottery district sales representatives within specified limits.

Statutory Authority: RCW 41.06.150.

Summary: This proposal would extend authorization for contests and incentive pay boosts to in-office telephone sales personnel.

Reasons: While these people were part of the lottery district sales representative job class, the results of these sales contests substantially increased volume of sales.

Responsibility for Drafting: Carrie Roundy, Lottery Commission, Mailstop GE-11, Olympia, WA 98504, phone (206) 753-1412; Implementation: Lottery Commission; and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Lottery Commission, governmental agency.

Comments or Recommendations: Lottery Commission, adopt, Department of Personnel, under study.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: No.

**AMENDATORY SECTION** (Amending Order 221, filed 4/12/85)

WAC 356-15-130 SPECIAL PAY RANGES. These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) "E" RANGE: This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at step E and two annually thereafter up to the maximum step of the range.

(2) "L" RANGE: This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is steps A, D, G and K, which represents ten percent per periodic increase.

(3) "T" RANGE: Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the ((F=)) "T" range; the lower nine steps of the ((F=)) "T" range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) "V" RANGE: Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) "I" RANGE: This range is always ten ranges higher than the range approved for lottery district sales representative or lottery telemarketing representative and it may be applied only to ~~((that class))~~ those classifications. Use of this range is limited to sales incentive programs which: ~~((a))~~ (1) May not exceed ten weeks for any program; ~~((b))~~ (2) may not exceed four programs in any consecutive twelve months; ~~((c))~~ (3) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the Lottery, and shall be from and to the same step, subject to change by the employee's periodic ~~((increase))~~ increment date.

**WSR 89-10-039**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed April 28, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.

Amd WAC 356-18-090 Vacation leave—Accrual;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: April 28, 1989

By: Robert Boysen  
 Acting Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 356-18-050 Sick leave credit—Purpose—Accrual conversion.

Purpose: This rule provides guidelines for the accrual and conversion of sick leave credit for employees.

Title: Amending WAC 356-18-090 Vacation leave—Accrual.

Purpose: This rule provides guidelines for the accrual of annual leave for employees.

Statutory Authority: RCW 41.06.150(8).

Summary and Reasons: At the February 9, 1989, State Personnel Board meeting the board adopted revisions to the merit system leave rules. Among those revisions was the method of calculating the minimum time an employee had to be on the payroll in order to be eligible to accrue sick and vacation leave for that month. Department of Personnel staff proposed two alternatives for calculation to be included in the rules. Initially, this appeared to be a satisfactory solution to staff and the personnel community. Since then, it has come to our attention that this change requires the payroll personnel in most agencies to make manual calculations for all employees who work nonstandard work schedules. Aside from clarifying the language, this change will restore these rules to their original intent.

Responsibility for Drafting: Paul Peterson, Department of Personnel, 521 South Capitol Way, Olympia, WA 98504, phone 586-1769; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Comments or Recommendations: This proposal was adopted on an emergency basis effective April 14, 1989.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: No.

**AMENDATORY SECTION** (Amending Order 314, filed 2/24/89)

WAC 356-18-050 SICK LEAVE CREDIT—PURPOSE—ACCRUAL—CONVERSION. (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) ~~((Eight hours of sick leave credit shall be granted for each month in which a full-time employee is in pay status for 15 or more calendar days or 80 nonovertime or nonstandby hours during the month:))~~ Full-time employees shall be credited with eight hours of sick leave under the following conditions:

(a) The employee must be in pay status during the month for the equivalent number of scheduled hours required for full-time (Monday-Friday) employees during the first 15 calendar days of the month.

(b) Overtime and standby hours do not count toward the minimum requirement.

(c) Holidays that fall within the qualifying 15 days count toward the minimum requirement.

(d) Employees may be credited with only one sick leave accrual per month.

Sick leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) of this subsection, nor shall such payments be reported to DRS as compensation.

(4) Employees who separate for any reason other than retirement or death shall not be paid for their accrued sick leave.

(5) Former employees who are again employed within five years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-49-040 shall be credited with their sick leave accumulated with the higher education system.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 314, filed 2/24/89)

WAC 356-18-090 VACATION LEAVE-ACCRUAL. (1) ~~((Full-time employees who were in pay status for 15 or more calendar days or 80 nonovertime or nonstandby hours during the month including holidays shall be credited one accrual monthly with the following rates of vacation leave for each year of employment:))~~ Full-time employees shall be credited with the appropriate rate of vacation leave specified in (3)(a) through (k) below under the following conditions:

(a) The employee must be in pay status during the month for the equivalent number of scheduled hours required for full-time (Monday-Friday) employees during the first fifteen calendar days of the month.

(b) Overtime and standby hours do not count toward the minimum requirement.

(c) Holidays that fall within the qualifying fifteen days count toward the minimum requirement.

(d) Employees may be credited with only one vacation leave accrual per month.

(2) Vacation leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) The following rates of vacation leave shall be credited for each year of employment:

(a) During the first year of current continuous employment — Ninety-six hours (twelve days) per annum.

(b) During the second year of current continuous employment — One hundred four hours (thirteen days) per annum.

(c) During the third and fourth years of current continuous employment — One hundred twelve hours (fourteen days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — One hundred twenty hours (fifteen days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — One hundred twenty-eight hours (sixteen days) per annum.

(f) During the eleventh year of total employment — One hundred thirty-six hours (seventeen days) per annum.

(g) During the twelfth year of total employment — One hundred forty-four hours (eighteen days) per annum.

(h) During the thirteenth year of total employment — One hundred fifty-two hours (nineteen days) per annum.

(i) During the fourteenth year of total employment — One hundred sixty hours (twenty days) per annum.

(j) During the fifteenth year of total employment — One hundred sixty-eight hours (twenty-one days) per annum.

(k) During the sixteenth year of total employment and after — One hundred seventy-six hours (twenty-two days) per annum.

~~((2))~~ (4) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the Director of Personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### WSR 89-10-040 ADOPTED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 317—Filed April 28, 1989—Eff. June 1, 1989]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to schedule change and compensation, amending WAC 356-15-090.

This action is taken pursuant to Notice No. WSR 89-06-040 filed with the code reviser on February 27, 1989. These rules shall take effect at a later date, such date being June 1, 1989.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 13, 1989.

By Robert Boysen  
Acting Director

**AMENDATORY SECTION** (Amending Order 285, filed 11/24/87, effective 1/1/88)

**WAC 356-15-090 SCHEDULE CHANGE AND COMPENSATION.** (1) The appointing authority shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and

runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty non-overtime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees (~~(in-scheduled work period positions)~~) having the following responsibilities: ~~((H))~~highway snow, ice, and avalanche control, grain inspection, horticulture inspection~~(-)~~; and in the departments of natural resources or corrections, controlling forest fires ((suppression)), or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore~~(-)~~;

~~((f))~~For ((employees)) non-forest-fire personnel in scheduled work period positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement(-) if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (6) of this section.

(b) For forest-fire control and fire-camp support personnel in scheduled work period positions, the above schedule change notice requirement shall not apply if the appointing authority notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

When an employee's forest fire contingency schedule requires him or her to change working hours from the previous schedule, the appointing authority shall pay the affected employee the overtime rate for all hours worked outside the previous schedule for the employee's first shift of the new contingency schedule.

When such employees have completed the first eight hours of their assigned contingency shift (10 hours in the case of 10-40 work schedule employees), they shall receive overtime rates for all subsequent work performed until released from duty for a period of five consecutive hours.

(6) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive

overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(7) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

#### WSR 89-10-041

##### ADOPTED RULES

#### DEPARTMENT OF COMMUNITY DEVELOPMENT (Public Works Board)

[Order 89-01—Filed April 28, 1989]

Be it resolved by the Public Works Board, acting at the Towne Plaza Motor Inn, North 7th and East Yakima Avenue, Yakima, Washington, that it does adopt the annexed rules relating to emergency public works projects, chapter 399-30 WAC.

This action is taken pursuant to Notice No. WSR 89-06-057 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Public Works Board as authorized in RCW 43.155.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 4, 1989.

By Chuck Clarke  
Director

#### AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-30-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the public works board.

(2) "Department" means the department of community development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal or interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

(6) "Emergency public works project" means a public works project made necessary by a natural disaster, or an immediate and emergent threat to the public health and safety due to unforeseen or unavoidable circumstances.

#### NEW SECTION

WAC 399-30-045 EMERGENCY LOAN PROGRAM. This section implements RCW 43.155.060 as amended in 1988 to provide that: The board may make low-interest or interest free loans to local governments for emergency public works projects. The emergency loan program is to financially assist eligible communities experiencing the loss of critical public works services or facilities due to an emergency, and that can demonstrate a substantial fiscal need as reflected in the lack of local budget resources or other funds reserved for this purpose.

(1) Eligible local governments. Applicants must meet the conditions as identified under WAC 399-30-030(2).

(2) Eligible uses of funds. Financial assistance received shall be used for the purpose of restoring the services and/or repair of the public works facilities involved in the emergency. Assistance provided may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following:

(a) Federal disaster or emergency funds, including funds from the Federal Emergency Management Agency;

(b) State disaster or emergency funds;

(c) Insurance settlements; or

(d) Litigation.

Reimbursement from the sources listed above shall be made to the department and shall remain in obligation of the assisted local government up to four years after the date of formal project closeout with the department. Local governments receiving funds shall undertake efforts to be reimbursed in a timely manner. Further, that assistance will be offered only for those eligible costs identified in WAC 399-30-030(3).

(3) Availability of funds. Funding will be made available on a first-come first-served basis. Only those funds specifically appropriated by the legislature from the public works assistance account shall be used to make

emergency loans. That amount shall not exceed five percent of the total amount appropriated from this account in any biennium.

(4) Application process. The application process shall be in writing on such forms or format as may be prescribed and obtained from the board. The date and time of receipt by the board designated representative shall determine the sequence for application processing.

(5) Board deliberations—Emergency loan applications.

(a) The board will consider and approve or disapprove all eligible applications for emergency financial assistance at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(b) All applications will be accepted, evaluated, and prioritized in accordance with the following procedures:

(i) Applications will be accepted only when emergency funding is available.

(ii) Staff will review applications and verify that the applicant is eligible for assistance as set forth in RCW 43.155.070(1).

(iii) Staff will provide the board an evaluation of whether an emergency loan is needed based upon the information documented by the applicant and staff.

(iv) Site visits to the location of the emergency public works project will be carried out at the discretion of the board or staff.

(6) Loan terms. The board shall determine the term and interest rate(s) of emergency loans annually.

(7) Exceptions to public works trust fund policies and procedures. Except as provided in this chapter or specified in annual program guidelines, the emergency program shall follow all general administrative program policies as set for the public works trust fund.

#### AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-30-050 RECOMMENDATIONS TO THE LEGISLATURE. (1) Prior to November 1, 1986, and in each subsequent year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which the board recommends for funding by the legislature. In the board's first year of operation, the board shall submit this list to the ways and means committees by February 1, 1986.

(2) In addition to the requirements of RCW 43.155.070(~~((6))~~) (4), the list will include such supporting material as the board considers necessary to meet the purposes of this chapter.

(3) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under this program as provided in RCW 43.155.070(4), as amended in 1988, and identified in RCW 43.155.065.

#### NEW SECTION

WAC 399-30-065 EMERGENCY LOAN AND FINANCING GUARANTEE CONTRACTS. (1) After the legislature has appropriated funds from the public works assistance account for emergency loans, the loan funds will be disbursed to the applicant local government pursuant to a contract therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine: **PROVIDED**, That the funds provided by a local government which are considered local financial participation shall consist of locally generated revenues and/or federal and/or state-shared revenues subject to discretionary allocation by the recipient unit of local government: **PROVIDED FURTHER**, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter. Exception to these provisions shall be made only in cases of severe economic distress and/or natural disaster.

(2) Public works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the department of community development prior to the disbursement of any funds thereunder.

(3) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the department of community development by the local government within ninety days of the date a scope of work form request is initiated.

(4) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government within ninety days of the date a loan agreement is initiated.

(5) Work on public works projects financed through loans or financing guarantees offered to local governments must commence within one hundred eighty days of the date of loan execution.

(6) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within twelve months of the date work has begun on such projects, unless a written request for extension is approved by the board.

(7) Funds expended by local governments on projects financed through loans or financing guarantees by the public works assistance account before an agreement has been formally executed by the local government and the department of community development may not be reimbursed with funds from the public works assistance account: **PROVIDED**, That if the local government has made a formal declaration of an emergency, eligible costs for correction of the emergency incurred from the date of such declaration, and approved by the public works board, will be eligible for reimbursement. Such eligible costs not reimbursed but incurred before a loan agreement is approved may be used by the local government as an element of its required local participation, if any, for the emergency public works project.

(8) All public works projects shall comply with the competitive bid requirement of RCW 43.155.060 to the extent feasible and practicable.

**WSR 89-10-042****NOTICE OF PUBLIC MEETINGS  
GREEN RIVER COMMUNITY COLLEGE**  
[Memorandum—April 24, 1989]

Green River Community College, District No. 10, pursuant to RCW 42.30.075, will change the date of its regular board of trustees meeting from Thursday, May 18, 1989, to Tuesday, May 16, 1989.

**WSR 89-10-043****COLUMBIA RIVER GORGE COMMISSION**  
[Filed May 1, 1989]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

**NOTICE OF PROPOSED RULE-MAKING HEARING**

Agency: Columbia River Gorge Commission.

The above named agency gives notice of hearing.

Hearings to be Held: June 13, 1989, 9:30 a.m., White Salmon Middle School Cafeteria, 480 N.W. Loop Road, White Salmon, WA 98672.

Hearings Officer(s): Stafford Hansell, Chairman.

Pursuant to the statutory authority of RCW 493.97.015 [43.97.015] to 493.97.035 [43.97.035] or Laws of 1987, the following action is proposed: Adopting 350-20-004; and amending 350-20-019, 350-20-002 and 350-20-009.

No Prior Notice Given.

**Summary:** Adoption of 350-20-004, allows the owner of a mobile home or modular home on a parcel smaller than 40 acres in a special management area to replace the existing home with a modular or site-built home, with conditions to avoid adverse effects on scenic resources; amendment of 350-20-002, will clarify the definition of "commission" by referring to the ORS and RCW citation numbers; amendment of 350-20-009, will allow notice, instead of legal notice, to be published for all development (not limited to new residential development), in a newspaper of general circulation nearest to the site of the proposed action and amendment of 350-20-019, will clarify the commission intent regarding the time of resubmission of previously disapproved development applications. The amendment would provide for resubmission one year after final commission action on application.

Interested persons may comment on the proposed rules orally or in writing at the hearing. Written comments received by June 9, 1989 will also be considered. Written comments should be sent to and copies of the proposed rule making may be obtained from: Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, Richard P. Benner, Executive Director, (509) 493-3323.

Richard Benner  
April 27, 1989

**Adoption of Rule 350-20-004**

**Statement of Need:** The new rule responds to a need to clarify the circumstances in which a mobile home on a parcel less than 40 acres in a special management area may be replaced by a modular or site-built home.

**Statement of Fiscal Impact:** The new rule would be expected to have a very small impact on the budget of the Gorge Commission in that the commission will have to receive and act upon a small number of applications that it would have rejected under an earlier interpretation of commission rules.

**Amendment of Rule 350-20-002**

**Statement of Need:** The amendment is needed to clarify the definition of "commission" referring to the specific ORS and RCW citation numbers.

**Statement of Fiscal Impact:** The proposed amendment is a minor modification of commission rules on development review. It provides a reference to specific ORS and RCW citations regarding the establishment of the Columbia River Gorge Commission. It is not expected to have any fiscal impact.

**Amendment of Rule 350-20-009**

**Statement of Need:** The amendment allows notice (instead of legal notice) to be published for all development (not limited to new residential development), in a newspaper of general circulation nearest to the site of the proposed action.

**Fiscal Impact:** The proposed amendment is a minor modification of commission rules on development review. It allows for the publishing of display ads instead of legal notice for all development review in a newspaper of general circulation nearest to the site of the proposed action. Because notice is published for all development, display ads instead of legal notices will reduce the fiscal impact.

**Amendment of Rule 350-20-019**

**Statement of Need:** The amendment is needed to clarify when an applicant may resubmit an application which has been deemed by the commission. The amendment will resolve an ambiguity in the existing rule.

**Statement of Fiscal Impact:** The proposed amendment is a minor modification of commission rules on development review. It will eliminate a source of confusion. It is not expected to have a significant fiscal impact.

**WSR 89-10-044****NOTICE OF PUBLIC MEETINGS  
PUGET SOUND  
WATER QUALITY AUTHORITY**  
[Memorandum—April 29, 1989]

A special meeting of the authority has been called for May 9. Notice has been given to media outlets and other interested parties. The location for that meeting and the regularly scheduled meetings are listed below. Specific locations for those meetings having no meeting room

listed will be sent to you at a later date. All meetings will begin at 9:30 a.m. unless otherwise noted.

May 9, 3:30 p.m.  
Robotics Room  
Occupational Skills Center  
18010 Eighth Avenue South  
Seattle

May 17, 1989  
Third Floor Auditorium  
Seattle Public Library  
1000 Fourth Avenue  
Seattle

June 21, 1989  
Commissioner's Hearing Room  
Island County Courthouse Annex  
6th and Main  
Coupeville

July 19, 1989  
Library  
Port Townsend High School  
Van Ness and Pierce Streets  
Port Townsend

August 16, 1989  
Conference Room 12A  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle

September 20, 1989  
Auditorium  
Fairhaven Branch Library  
1117 12th Street  
Bellingham

October 18, 1989  
Olympia

November 15, 1989  
Port Angeles

December 20, 1989  
Seattle

**WSR 89-10-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
[Order TL/RG 48—Filed May 1, 1989]

I, Mary Faulk, director of the the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to odometer disclosure requirements, new sections WAC 308-56A-610, 308-56A-620, 308-56A-630, 308-56A-640, 308-56A-650, 308-56A-660, 308-56A-670, 308-56A-680 and 308-56A-690.

I, Mary Faulk, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public

interest. A statement of the facts constituting the emergency is state regulations were required to be in effect by April 29, 1989, the effective date of the interim federal disclosure requirements, 49 C.F.R. Part 580.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 46.12.030 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the director of the Department of Licensing as authorized in RCW 46.01.110

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 1, 1989.

By Mary Faulk  
Director

NEW SECTION

**WAC 308-56A-610 ODOMETER DISCLOSURE STATEMENT - GENERAL PROCEDURES/REQUIREMENTS, WHEN TRANSFERRING OWNERSHIP OF A VEHICLE.** *An odometer disclosure statement must be completed by the transferor of each vehicle and accompany the application for certificate of title. The transferor cannot authorize or give power of attorney to the purchaser or the dealer to complete the odometer disclosure. The odometer disclosure statement must contain the following information: (1) The miles shown on the odometer at the time of transfer of ownership;*

*(2) Date disclosure statement is completed;*

*(3) One of the following statements:*

*(a) The mileage reflected is actual to the best of the transferor's knowledge; or*

*(b) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or*

*(c) The odometer reading is not the actual mileage. If the odometer reading is under 100,000 miles, the only options that can be certified are "actual to the best of the transferors knowledge" or "not the actual mileage". If the odometer reading exceeds 100,000 miles, the options "actual to the best of the transferors knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.*

*(4) A complete description of the vehicle is required on the odometer disclosure statement to include:*

*(a) Model Year*

*(b) Make*

*(c) Series and Body Type*

*(d) Vehicle Identification Number*

*(e) License Plate Number and State (if available)*

*(5) The name and address of the transferor must be printed on the disclosure. The transferor must also sign his/her name on the disclosure.*

*(a) Only one registered owner is required to complete the odometer disclosure statement.*

(b) When the registered owner is a business, both the business name and a company representative's name must be reflected on the odometer disclosure statement.

(6) The name and address of the transferee must be printed on the disclosure. The transferee must also sign his/her name on the odometer disclosure statement to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent name must be reflected on the odometer disclosure statement.

(7) Such notice is required by the Federal Truth in Mileage Act of 1986; and

(8) Failure to complete such odometer disclosure statement or providing false information may result in fines and/or imprisonment.

#### NEW SECTION

WAC 308-56A-620 DEFINITIONS. (1) Transferee. Transferee means any person to whom a motor vehicle is transferred, or any person who, as an agent, accepts transfer of ownership in a motor vehicle for another by purchase, gift, or any means other than by creation of a security interest.

(2) Transferor. Transferor means any person who transfers his ownership or any person who, as agent, transfers the ownership of another, on a motor vehicle by sale, gift, or any means other than by creation of a security interest.

(3) Involuntary Divestiture. A change in vehicle ownership without owner involvement.

#### NEW SECTION

WAC 308-56A-630 ODOMETER DISCLOSURE STATEMENT - EXEMPTIONS. An odometer disclosure statement is not required on a transfer of: (1) A vehicle having a declared gross vehicle weight of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that is ten years old or older;

(4) A vehicle sold directly by a manufacturer to a federal agency when in conformity with contract specifications, or,

(5) A new vehicle prior to its first retail sale.

#### NEW SECTION

WAC 308-56A-640 ODOMETER DISCLOSURE STATEMENT - DEALER TRANSACTIONS. Dealers are required to obtain odometer disclosure statements from the selling registered owner of the vehicle. A second odometer disclosure statement must be completed by the dealer as transferor at the time of sale whether at wholesale or retail.

Dealers are required to maintain records of, and complete odometer disclosure statements on, dealer to dealer reassignments. However, only the prior registered owner's disclosure and the retail dealer's disclosure must accompany the application for title. Records are to be kept by the dealer for five years.

#### NEW SECTION

WAC 308-56A-650 ODOMETER DISCLOSURE STATEMENT - LEASED VEHICLES. Anytime a lessee is reflected on the certificate of ownership, the lessor of a leased vehicle must notify the lessee in writing that the lessee is required to provide a written odometer disclosure statement regarding the mileage to the lessor at the termination of the lease. The lessee notice may be given by the lessor at any time after execution of the lease contract and prior to the final transfer of ownership. The odometer disclosure statement must contain the following information: (1) The printed name of the person making the disclosure;

(2) The current odometer reading;

(3) The date of the statement;

(4) The lessee's name and current address;

(5) The lessor's name and current address;

(6) A complete description of the vehicle is required on the odometer disclosure to include:

(a) Model Year

(b) Make

(c) Series and Body Type

(d) Vehicle Identification Number

(e) License Plate Number and State (if available)

(7) The date that the lessor notified the lessee of disclosure requirements;

(8) The date that the completed disclosure statement was received by the lessor;

(9) The signature of the lessor;

(10) One of the following statements:

(a) The mileage reflected is actual to the best of the lessee's knowledge; or

(b) The odometer reading exceeds the mechanical limits of the odometer to the best of the lessee's knowledge; or

(c) The odometer reading is not the actual mileage.

(11) The notice must include the following:

(a) Such notice is required by the Federal Truth in Mileage Act of 1986; and

(b) Failure to complete such notice or providing false information may result in fines and/or imprisonment.

Lessor shall retain each odometer disclosure statement for five years following the date they terminate a lease or transfer ownership of the leased vehicle.

#### NEW SECTION

WAC 308-56A-660 ODOMETER DISCLOSURE STATEMENT - INVOLUNTARY DIVESTITURE. Where involuntary divestiture occurs an odometer disclosure statement is required unless the transferee and transferor are the same person.

#### NEW SECTION

WAC 308-56A-670 ODOMETER DISCLOSURE STATEMENT - DEALER AUCTION COMPANIES. When the vehicle is sold by a dealer auction company, the dealer auction company must complete the odometer disclosure statement as the transferor.

Dealer auction companies must retain the following odometer records for each vehicle sold: (1) Name of the most recent owner, other than the auction company

- (2) Name of the buyer  
 (3) Vehicle identification number  
 (4) Odometer reading of the vehicle for the date on which the auction company took possession of the vehicle.

Dated: May 1, 1989  
 By: Leslie F. James, Director  
 Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Purpose of the Rule Changes: To amend WAC 388-15-208 and 388-15-212.

Reason These Rule Changes are Necessary: To make chore services definitions consistent with Medicaid personal care definitions; and make chore services determination descriptions consistent with Medicaid personal care service determinations.

Statutory Authority: RCW 74.08.090.

Summary of Rule Change: The proposed amendments are made to be consistent with the Medicaid personal care assessment which begins May 1, 1989; definitions for "chore services" and "personal care" are amended to be consistent with definitions for the Medicaid personal care program; definition for "grandparented client" added to include clients approved for household tasks only, before December 14, 1987, and attendant and family care, before April 1, 1988; "CRQ" definition and reference changed to "assessment"; description of service tasks amended to be consistent with Medicaid personal care services; change N=0 to 0=0; and editorial changes.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Samuel H. Koshi, Chore Services Program, Aging and Adult Services Administration, phone (206) 753-1851 or 234-1851 scan, mailstop HB-11.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

#### AMENDATORY SECTION (Amending Order 2674, filed 8/17/88)

WAC 388-15-208 DEFINITIONS. (1) "Chore services" means services in performing (~~light work and household and other~~) personal care and related tasks (~~which eligible applicants/clients are unable to do for themselves because of frailty or handicapping conditions~~) as provided in the department's medical assistance state plan provision addressing personal care.

(2) "Contracted program" means that method of hourly chore service delivery where the contractor is responsible for recruiting, supervising, training, and paying the chore service provider.

(3) "Individual provider program" means that method of chore service delivery where the client employs and supervises the chore service provider. Payment is made to the client(;) who, in turn, pays the provider.

(4) "Attendant care" means the service provided to eligible clients (~~who were~~) receiving attendant care services (~~prior to~~) before April 1, 1988:

- (a) Who need full-time care(;); and/or  
 (b) Require assistance that cannot be scheduled with personal care tasks, e.g., toileting, ambulation, (~~wheelchair~~) transfer(;); and/or  
 (c) Need protective supervision when it is dangerous for a client to be left alone. Protective supervision does not include responsibilities a legal guardian should assume. The department authorizes a daily rate payment for attendant care in the individual provider program.

(5) "Hourly care" means the service the department provides to eligible applicants needing assistance that may be scheduled with household and/or personal care tasks.

(6) "Own home" means the client's present or intended place of residence whether in a building rented or owned by the client or in the home of another person. The department provides chore services within the confines of the home property except for essential shopping, errands, and transportation necessary for the completion of authorized tasks.

#### NEW SECTION

WAC 308-56A-680 ODOMETER DISCLOSURE STATEMENT - OUT OF STATE VEHICLES. Any vehicle previously titled in another state must include an odometer disclosure statement when application is made for a Washington certificate of title or registration.

#### NEW SECTION

WAC 308-56A-690 ODOMETER DISCLOSURE STATEMENT - FORMS. All odometer disclosure statement forms must be approved by the Department of Licensing to ensure they are in compliance with the Federal Truth in Mileage Act of 1986.

**WSR 89-10-046**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 1, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd WAC 388-15-208 Definitions.  
 Amd WAC 388-15-212 Service determinations;

that the agency will at 10:00 a.m., Tuesday, June 6, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1989.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Correspondence concerning this notice and proposed rules shown below should be addressed to:

Troyce Warner  
 Office of Issuances  
 Department of Social and Health Services  
 Mailstop OB-33H  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 23, 1989. The meeting site is in a location which is barrier free.

(7) "Client review questionnaire ((~~CRQ~~))" means an assessment form the department uses to determine the amount and type of chore services to be provided. The department staff uses the ((~~CRQ~~)) assessment to identify, document, and score the allowable chore service needs of all eligible applicants/clients.

(8) ((~~The~~)) "((~~CRQ~~)) service authorization ceiling chart" means the chart ((~~that indicates~~)) indicating the maximum number of hours the department may authorize for a client's score.

(9) "Personal care" means such tasks as meal preparation, ((~~feeding~~)) eating, dressing((~~undressing~~)), ((~~care of appearance~~)) personal hygiene, specialized body care, ((~~bed~~)) transfer, positioning, ambulation, ((~~wheelchair transfer~~)) bathing, toileting, ((~~reminding to take medicines which~~)) self-medication a client ((~~would normally~~)) provides for himself or herself and ((~~are~~)) is necessary to maintain a client in ((~~his or her~~)) the client's own ((~~home~~)) residence. The department shall not authorize sterile procedures and administering of medications by injection unless the provider of the individual provider program is a licensed health practitioner or a member of the client's immediate family.

(10) "Shared living arrangement" means a situation where two or more adults share expenses and live together in a home of one of ((~~them~~)) the adults with common facilities, such as living, cooking, and eating areas.

(11) "At risk of institutionalization" or "at risk of residential placement" means ((~~that~~)) the applicant/client meets the criteria as outlined ((~~in~~)) under WAC 388-15-209 (1)(c).

(12) "High risk of residential care placement" means ((~~that~~)) the applicant/client meets the criteria as outlined ((~~in~~)) under WAC 388-15-209 (1)(b).

(13) ((~~Client~~)) means a person who is receiving chore services. ((~~+~~)) "Applicant" means a person ((~~who applies~~)) applying for chore services.

(14) "Client" means a person receiving chore services.

(15) "Grandparented client" means a person approved for hourly household tasks before December 14, 1987, or a person approved for attendant care or family care services before April 1, 1988.

(16) "Resources" means ((~~all~~)) real or personal property owned by or available to an applicant at the time of application which the department may apply toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent.

((~~+~~)) (17) "Property ((~~that is~~)) owned or available" means property over which the applicant/client has legal right of control.

((~~+~~)) (18) "Companionship" means being with a person in the client's own home for the purpose of preventing loneliness or to accompany the client outside the home for other than basic errands, medical appointments, or laundry.

((~~+~~)) (19) "Activities essential to daily living" means the tasks listed in the ((~~CRQ~~)) assessment.

**AMENDATORY SECTION (Amending Order 2674, filed 8/17/88)**

WAC 388-15-212 SERVICE DETERMINATIONS. (1) The department shall determine the need for and amount of chore services for all applicants and clients of chore services according to the score on ((~~a CRQ~~)) the assessment form. The department shall ((~~use~~)) perform a separate ((~~CRQ~~)) assessment for each adult.

(2) Department staff shall administer the ((~~CRQ~~)) assessment.  
 (3) The department shall not duplicate services nor payment in multiple-client households. In households with community options program entry system (COPES) and chore services, the department shall consider the chore services client as the secondary client.

(4) When administering the ((~~CRQ~~)) assessment, department staff shall take into account the client's:

- (a) Risk of being placed in a residential care facility;
- (b) Ability to perform activities of daily living;
- (c) Living conditions;
- (d) Arrangements; and
- (e) Availability and use of alternative resources, including immediate family, other relatives, neighbors, friends, community programs, and volunteers.

(5) The series of questions on the ((~~CRQ documents~~)) assessment shall document the client's need for assistance with the tasks available from the chore services program.

(a) The department shall base the scoring on the following to indicate the extent of assistance the client needs from the chore services program for each task:

(i) ((~~N~~)) O = No service needed: The client is either able to perform this task without help or is already receiving or could receive all the help needed from other sources.

(ii) M = Minimal service needed: The client cannot perform this task without help and needs a minimal amount of assistance from the chore services program in addition to whatever help may or may not be received from other sources.

(iii) S = Substantial service needed: The client cannot perform this task without help and needs a substantial amount of assistance from the chore services program in addition to whatever help may or may not be received from other sources.

(iv) T = Total service needed: Client is completely unable to perform this task ((~~and~~)) is not now receiving any help, and needs total assistance from the chore services program.

(b) The department shall award points for each task based on the degree of assistance needed from the chore services program. The number of points available for each task is set forth in subsection (6) of this section. The point total is converted into maximum allowable hours using the table set forth in subsection (7) of this section.

(6) The department shall score the allowable chore services program tasks, as defined by the department, according to the need and frequency of services as follows:

(a) ((~~Escort/transport~~)) Travel to medical services: ((~~N~~)) O = 0, M = 1, S = 2, T = 3;

(b) Essential shopping ((~~and errands~~)) with client: ((~~N~~)) O = 0, M = 5, S = 10, T = 15. When the chore service provider must perform these tasks for the client because the client is unable to go along: ((~~N~~)) O = 0, M = 1, S = 3, and T = 5;

(c) Laundry: ((~~N~~)) O = 0, M = 1, S = 2, and T = 3. If ((~~there are no~~)) laundry facilities ((~~in~~)) are out of the client's own ((~~home~~)) residence, the department shall award additional points: ((~~N~~)) O = 0, M = 3, S = 5, and T = 7;

(d) ((~~Splitting/stacking/carrying~~)) Wood supply: ((~~N~~)) O = 0, M = 3, S = 5, and T = 7. Service to perform ((~~this task~~)) splitting/stacking/carrying wood is available only to clients who use wood as their sole source of fuel for heat and/or cooking;

(e) Housework. Housework is limited to tasks necessary to protect the client's health and safety and to those areas of the home actually used by the client, i.e., kitchen, bathroom, bedroom, living room, and dining room: ((~~N~~)) O = 0, M = 1, S = 2, and T = 3;

(f) ((~~Cooking~~)) Meal preparation. Scoring is based on the preparation of three meals, as follows:

- (i) Breakfast ((~~N~~)) O = 0, M = 4, S = 7, T = 10;
- (ii) Light meal ((~~N~~)) O = 0, M = 4, S = 7, T = 10;
- (iii) Main meal ((~~N~~)) O = 0, M = 5, S = 10, T = 15.

(g) ((~~Feeding~~)) Eating. Scoring is based on feeding three meals, as follows:

- (i) Breakfast ((~~N~~)) O = 0, M = 4, S = 7, T = 10;
- (ii) Light meal ((~~N~~)) O = 0, M = 4, S = 7, T = 10;
- (iii) Main meal ((~~N~~)) O = 0, M = 5, S = 10, T = 15.

(h) Dressing((~~undressing~~)): ((~~N~~)) O = 0, M = 4, S = 7, and T = 10;

(i) ((~~Care of appearance~~)) Personal hygiene: ((~~N~~)) O = 0, M = 1, S = 3, and T = 5;

(j) Specialized body care: ((~~N~~)) O = 0, M = 5, S = 10, and T = 15;

(k) ((~~Bed~~)) Transfer: ((~~N~~)) O = 0, M = 1, S = 3, and T = 5;

(l) Positioning: O = 0, M = 1, S = 3, and T = 5;

(m) Ambulation: ((~~N~~)) O = 0, M = 4, S = 7, and T = 10;

((~~in~~)) Wheelchair transfer: N = 0, M = 1, S = 3, and T = 5;

(n) Bathing: ((~~N~~)) O = 0, M = 4, S = 7, and T = 10;

(o) Toileting: ((~~N~~)) O = 0, M = 5, S = 10, and T = 15;

(p) ((~~Remind to take medicines~~)) Self-medication: ((~~N~~)) O = 0, M = ((~~+~~)) 2, S = ((~~+~~)) 4, and T = ((~~+~~)) 6.

(7) The department shall determine the number of hours of chore services to be authorized per month by translating the total number of points awarded on the ((~~CRQ~~)) assessment into a monthly authorization, using the following ((~~CRQ~~)) service authorization ceiling chart:

(( <del>CRQ</del> )) ASSESSED SCORE	CEILING HOURS PER MONTH
1 - 4	5
5 - 9	8
10 - 14	11
15 - 19	14
20 - 24	18

<del>(cre)</del> ASSESSED SCORE	CEILING HOURS PER MONTH
25 - 29	21
30 - 34	24
35 - 39	28
40 - 44	31
45 - 49	34
50 - 54	37
55 - 59	41
60 - 64	44
65 - 69	47
70 - 74	51
75 - 79	54
80 - 84	57
85 - 89	60
90 - 94	64
95 - 99	67
100 - 104	70
105 - 109	74
110 - 114	77
115 - 119	80
120 - 124	83
125 - 129	87
130 - 134	90
135 - 139	93
140 - 144	97
145 - 149	100
150 - 154	103
155 - 159	106
160 - 164	110
165 - 169	113
170 and above	116

**WSR 89-10-047**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 1, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Medical care—Eligibility, amending chapter 388-83 WAC;

that the agency will at 10:00 a.m., Tuesday, June 6, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1989.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Correspondence concerning this notice and proposed rules shown below should be addressed to:

Troyce Warner  
 Office of Issuances  
 Department of Social and Health Services  
 Mailstop OB-33H  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 23, 1989. The meeting site is in a location which is barrier free.

Dated: May 1, 1989  
 By: Leslie F. James, Director  
 Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
 Re: Amending WAC 388-83-012 and new WAC 388-83-013 and 388-83-014.

**Purpose:** To incorporate into the regulations that clients applying for or receiving medical assistance shall cooperate with the department in securing medical care support unless there is a finding of good cause not to cooperate. New WACs are proposed for cooperation in securing medical care support and to define when there is good cause for noncooperation.

**Reason:** A change in the federal requirements.  
**Statutory Authority:** RCW 74.08.090.

**Summary:** As a condition of eligibility, clients applying for or receiving medical assistance shall cooperate with the department in securing medical care support unless the department finds good cause for noncooperation. Clients shall identify and provide information to assist the department in pursuing any liable third party.

The department may authorize fewer hours according to the client's individual circumstances and the provisions under WAC 388-15-215(7).

(8) The client or applicant may request approval from the department to exceed the ceiling hours authorized per month, as determined in subsection (7) of this section. The department shall authorize the number of additional hours not to exceed one hundred sixteen hours per month per client in the hourly program when:

(a) There are circumstances of a demonstrated duration, frequency, or severity which require additional hours of allowable chore services to avoid adverse effects to the client's health or safety; and

(b) The need for additional hours is specific and clearly measurable; and

(c) Funds are available under provisions of WAC 388-15-214.

(9) The department shall inform all clients or applicants in writing of the process as defined in subsection (8) of this section. Clients or applicants shall have the right to request from the department approval to exceed the authorized hours as set forth in subsection (7) of this section.

(10) When the department denies a request for additional hours or approves fewer additional hours than requested, the department shall send the client or applicant a notice of the right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(11) The department may provide chore services through the individual provider program or through the contracted program, as deemed most appropriate by department policy established by the state office.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are proposed by DSHS.

These rules are necessary as a result of a federal law, Consolidated Omnibus Reconciliation Act of 1985.

No economic impact statement is required under the Regulatory Fairness Act.

**AMENDATORY SECTION** (Amending Order 2168, filed 11/14/84)

WAC 388-83-012 ASSIGNMENT OF RIGHTS. (1) ~~(To be eligible)~~ As a condition of eligibility for medical assistance, an applicant or recipient/enrollee shall assign to the state of Washington (~~the department of social and health services~~) all right, title, and interest to any medical care support available ~~((pursuant to an))~~ as a result of:

(a) A court order ~~((of a court or))~~;

(b) An administrative agency ~~((and))~~ order; or

(c) Any third-party payments for medical care.

(2) The applicant or recipient/enrollee shall assign rights of payment to any medical care support the applicant or recipient/enrollee may have in his or her own behalf or on the behalf of any other person for whom the applicant or recipient/enrollee can legally assign such rights.

**NEW SECTION**

WAC 388-83-013 COOPERATION IN SECURING MEDICAL CARE SUPPORT. (1) As a condition of medical eligibility for medical assistance, the department shall require the applicant or recipient/enrollee to cooperate with the department in:

(a) Obtaining a medical care support or payment for the applicant or recipient/enrollee or for any other person for whom the applicant or recipient/enrollee can legally assign rights; and

(b) Identifying and providing information to assist the department in pursuing any liable third party.

(2) The department shall also require an AFDC/FIP-related medical client to cooperate as described under WAC 388-14-200, unless there is a finding of good cause under WAC 388-24-111, except for the provision under subsection (15)(b) of WAC 388-24-111 in establishing:

(a) The paternity of a child; and

(b) Medical care support.

(3) The department may waive such cooperation requirements if the department finds the applicant or recipient/enrollee has good cause under WAC 388-83-014 for noncooperation.

(4) Unless the department finds good cause for noncooperation under WAC 388-24-111 or 388-83-014, the department shall find the applicant or recipient/enrollee, who refuses to cooperate under subsection (1) of this section, ineligible to receive medical assistance.

(5) The department shall provide medical assistance to an otherwise eligible applicant or recipient/enrollee when the person who has the legal authority to cooperate on behalf of the applicant or recipient/enrollee refuses such cooperation.

**NEW SECTION**

WAC 388-83-014 GOOD CAUSE NOT TO COOPERATE IN SECURING MEDICAL CARE SUPPORT. (1) The department may waive the cooperation requirement under WAC 388-83-013(1), if the client claims and the department determines cooperation is not in the best interest of the medical care client for whom assignment is made.

(2) The department shall make a final determination of the existence of good cause using the time limits and exceptions described under WAC 388-84-110.

(3) The department shall find good cause if the cooperation is not in the best interest of the applicant or recipient/enrollee or the person responsible for cooperating. Circumstances constituting good cause for noncooperation are:

(a) Cooperation is reasonably anticipated to result in physical harm or an emotional impairment substantially affecting the ability to function of the:

(i) Applicant or recipient/enrollee; or

(ii) Person responsible for cooperating.  
(b) The person for whom support is sought was conceived as a result of rape or incest;

(c) Legal proceedings for adoption are pending;

(d) The question of whether to place the child for adoption is under active consideration; or

(e) For an AFDC/FIP applicant or recipient/enrollee, if the department finds good cause under WAC 388-24-111 for establishing paternity for a child or a medical care support resource.

(4) If the client is otherwise eligible, the department shall not deny, delay, or discontinue medical assistance pending a determination of good cause for refusing to cooperate if the client complies with the requirements to furnish evidence or information.

(5) At each reapplication or eligibility reevaluation, the department shall review all cases in which the department found good cause for refusing to cooperate. If good cause no longer exists, the department shall rescind the decision and require cooperation by the client.

(6) If the department determines good cause does not exist:

(a) The department shall notify the client, in writing, and afford the client the opportunity to:

(i) Cooperate;

(ii) Withdraw the application for medical assistance;

(iii) Have the case closed; or

(iv) Request a fair hearing; and

(b) The department shall deny or terminate medical assistance, if the client refuses to cooperate.

**WSR 89-10-048**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2788—Filed May 1, 1989]

I, Leslie F. James, director of the Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Medical care—Eligibility, amending chapter 388-83 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary to incorporate that clients applying for or receiving medical assistance shall cooperate with the department in securing medical care support unless there is a finding of good cause not to cooperate in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 1, 1989.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2168, filed 11/14/84)

WAC 388-83-012 ASSIGNMENT OF RIGHTS. (1) ~~((To be eligible))~~ As a condition of eligibility for medical assistance, an applicant or recipient/enrollee shall assign to the state of Washington ~~((; department of social and health services;))~~ all right, title, and interest to any medical care support available ~~((pursuant to an))~~ as a result of:

- (a) ~~A court order ((of a court or));~~
- (b) ~~An administrative agency ((and)) order, or~~
- (c) ~~Any third-party payments for medical care.~~

(2) The applicant or recipient/enrollee shall assign rights of payment to any medical care support the applicant or recipient/enrollee may have in his or her own behalf or on the behalf of any other person for whom the applicant or recipient/enrollee can legally assign such rights.

NEW SECTION

WAC 388-83-013 COOPERATION IN SECURING MEDICAL CARE SUPPORT. (1) As a condition of medical eligibility for medical assistance, the department shall require the applicant or recipient/enrollee to cooperate with the department in:

(a) Obtaining a medical care support or payment for the applicant or recipient/enrollee or for any other person for whom the applicant or recipient/enrollee can legally assign rights; and

(b) Identifying and providing information to assist the department in pursuing any liable third party.

(2) The department shall also require an AFDC/FIP-related medical client to cooperate as described under WAC 388-14-200, unless there is a finding of good cause under WAC 388-24-111, except for the provision under subsection (15)(b) of WAC 388-24-111 in establishing:

- (a) The paternity of a child; and
- (b) Medical care support.

(3) The department may waive such cooperation requirements if the department finds the applicant or recipient/enrollee has good cause under WAC 388-83-014 for noncooperation.

(4) Unless the department finds good cause for noncooperation under WAC 388-24-111 or 388-83-014, the department shall find the applicant or recipient/enrollee, who refuses to cooperate under subsection (1) of this section, ineligible to receive medical assistance.

(5) The department shall provide medical assistance to an otherwise eligible applicant or recipient/enrollee when the person who has the legal authority to cooperate on behalf of the applicant or recipient/enrollee refuses such cooperation.

NEW SECTION

WAC 388-83-014 GOOD CAUSE NOT TO COOPERATE IN SECURING MEDICAL CARE SUPPORT. (1) The department may waive the cooperation requirement under WAC 388-83-013(1), if the client claims and the department determines cooperation is not

in the best interest of the medical care client for whom assignment is made.

(2) The department shall make a final determination of the existence of good cause using the time limits and exceptions described under WAC 388-84-110.

(3) The department shall find good cause if the cooperation is not in the best interest of the applicant or recipient/enrollee or the person responsible for cooperating. Circumstances constituting good cause for noncooperation are:

(a) Cooperation is reasonably anticipated to result in physical harm or an emotional impairment substantially affecting the ability to function of the:

- (i) Applicant or recipient/enrollee; or
- (ii) Person responsible for cooperating.

(b) The person for whom support is sought was conceived as a result of rape or incest;

(c) Legal proceedings for adoption are pending;

(d) The question of whether to place the child for adoption is under active consideration; or

(e) For an AFDC/FIP applicant or recipient/enrollee, if the department finds good cause under WAC 388-24-111 for establishing paternity for a child or a medical care support resource.

(4) If the client is otherwise eligible, the department shall not deny, delay, or discontinue medical assistance pending a determination of good cause for refusing to cooperate if the client complies with the requirements to furnish evidence or information.

(5) At each reapplication or eligibility reevaluation, the department shall review all cases in which the department found good cause for refusing to cooperate. If good cause no longer exists, the department shall rescind the decision and require cooperation by the client.

(6) If the department determines good cause does not exist:

(a) The department shall notify the client, in writing, and afford the client the opportunity to:

- (i) Cooperate;
- (ii) Withdraw the application for medical assistance;
- (iii) Have the case closed; or
- (iv) Request a fair hearing; and

(b) The department shall deny or terminate medical assistance, if the client refuses to cooperate.

**WSR 89-10-049****EMERGENCY RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 2789—Filed May 1, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-15-208 Definitions.  
Amd WAC 388-15-212 Service determinations.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the

public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary to amend chore services definitions and service determinations to be consistent with Medicaid personal care definitions and service determinations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 1, 1989.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2674, filed 8/17/88)

WAC 388-15-208 DEFINITIONS. (1) "Chore services" means services in performing ~~((light work and household and other))~~ personal care and related tasks ((which eligible applicants/clients are unable to do for themselves because of frailty or handicapping conditions)) as provided in the department's medical assistance state plan provision addressing personal care.

(2) "Contracted program" means that method of hourly chore service delivery where the contractor is responsible for recruiting, supervising, training, and paying the chore service provider.

(3) "Individual provider program" means that method of chore service delivery where the client employs and supervises the chore service provider. Payment is made to the client(;) who, in turn, pays the provider.

(4) "Attendant care" means the service provided to eligible clients ~~((who were))~~ receiving attendant care services ~~((prior to))~~ before April 1, 1988:

(a) Who need full-time care(;) and/or

(b) Require assistance that cannot be scheduled with personal care tasks, e.g., toileting, ambulation, ~~((wheelchair))~~ transfer(;) and/or

(c) Need protective supervision when it is dangerous for a client to be left alone. Protective supervision does not include responsibilities a legal guardian should assume. The department authorizes a daily rate payment for attendant care in the individual provider program.

(5) "Hourly care" means the service the department provides to eligible applicants needing assistance that may be scheduled with household and/or personal care tasks.

(6) "Own home" means the client's present or intended place of residence whether in a building rented or owned by the client or in the home of another person. The department provides chore services within the confines of the home property except for essential shopping,

errands, and transportation necessary for the completion of authorized tasks.

(7) "Client review questionnaire ~~((CRQ))~~" means an assessment form the department uses to determine the amount and type of chore services to be provided. The department staff uses the ~~((CRQ))~~ assessment to identify, document, and score the allowable chore service needs of all eligible applicants/clients.

(8) ~~((The))~~ "~~((CRQ))~~ service authorization ceiling chart" means the chart ~~((that indicates))~~ indicating the maximum number of hours the department may authorize for a client's score.

(9) "Personal care" means such tasks as meal preparation, ~~((feeding))~~ eating, ~~((dressing))~~ dressing, ~~((care of appearance))~~ personal hygiene, specialized body care, ~~((bed))~~ transfer, positioning, ambulation, ~~((wheelchair transfer))~~ bathing, toileting, ~~((reminding to take medicines which))~~ self-medication a client ~~((would normally))~~ provides for himself or herself and ~~((are))~~ is necessary to maintain a client in ~~((his or her))~~ the client's own ~~((home))~~ residence. The department shall not authorize sterile procedures and administering of medications by injection unless the provider of the individual provider program is a licensed health practitioner or a member of the client's immediate family.

(10) "Shared living arrangement" means a situation where two or more adults share expenses and live together in a home of one of ~~((them))~~ the adults with common facilities, such as living, cooking, and eating areas.

(11) "At risk of institutionalization" or "at risk of residential placement" means ~~((that))~~ the applicant/client meets the criteria as outlined ~~((in))~~ under WAC 388-15-209 (1)(c).

(12) "High risk of residential care placement" means ~~((that))~~ the applicant/client meets the criteria as outlined ~~((in))~~ under WAC 388-15-209 (1)(b).

(13) "~~((Client))~~" means a person who is receiving chore services:

~~((+4))~~ "Applicant" means a person ~~((who applies))~~ applying for chore services.

(14) "Client" means a person receiving chore services.

(15) "Grandparented client" means a person approved for hourly household tasks before December 14, 1987, or a person approved for attendant care or family care services before April 1, 1988.

(16) "Resources" means ~~((all))~~ real or personal property owned by or available to an applicant at the time of application which the department may apply toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent.

~~((+6))~~ (17) "Property ~~((that is))~~ owned or available" means property over which the applicant/client has legal right of control.

~~((+7))~~ (18) "Companionship" means being with a person in the client's own home for the purpose of preventing loneliness or to accompany the client outside the home for other than basic errands, medical appointments, or laundry.

~~((+8))~~ (19) "Activities essential to daily living" means the tasks listed in the ~~((CRQ))~~ assessment.

AMENDATORY SECTION (Amending Order 2674, filed 8/17/88)

WAC 388-15-212 SERVICE DETERMINATIONS. (1) The department shall determine the need for and amount of chore services for all applicants and clients of chore services according to the score on ~~((a CRQ))~~ the assessment form. The department shall ~~((use))~~ perform a separate ~~((CRQ))~~ assessment for each adult.

(2) Department staff shall administer the ~~((CRQ))~~ assessment.

(3) The department shall not duplicate services nor payment in multiple-client households. In households with community options program entry system (COPES) and chore services, the department shall consider the chore services client as the secondary client.

(4) When administering the ~~((CRQ))~~ assessment, department staff shall take into account the client's:

- (a) Risk of being placed in a residential care facility;
- (b) Ability to perform activities of daily living;
- (c) Living conditions;
- (d) Arrangements; and
- (e) Availability and use of alternative resources, including immediate family, other relatives, neighbors, friends, community programs, and volunteers.

(5) The series of questions on the ~~((CRQ documents))~~ assessment shall document the client's need for assistance with the tasks available from the chore services program.

(a) The department shall base the scoring on the following to indicate the extent of assistance the client needs from the chore services program for each task:

(i) ~~((N))~~ O = No service needed: The client is either able to perform this task without help or is already receiving or could receive all the help needed from other sources.

(ii) M = Minimal service needed: The client cannot perform this task without help and needs a minimal amount of assistance from the chore services program in addition to whatever help may or may not be received from other sources.

(iii) S = Substantial service needed: The client cannot perform this task without help and needs a substantial amount of assistance from the chore services program in addition to whatever help may or may not be received from other sources.

(iv) T = Total service needed: Client is completely unable to perform this task ~~((and))~~, is not now receiving any help, and needs total assistance from the chore services program.

(b) The department shall award points for each task based on the degree of assistance needed from the chore services program. The number of points available for each task is set forth in subsection (6) of this section. The point total is converted into maximum allowable hours using the table set forth in subsection (7) of this section.

(6) The department shall score the allowable chore services program tasks, as defined by the department,

according to the need and frequency of services as follows:

(a) ~~((Escort/transport))~~ Travel to medical services: ~~((N))~~ O = 0, M = 1, S = 2, T = 3;

(b) ~~Essential shopping ((and errands)) with client:~~ ~~((N))~~ O = 0, M = 5, S = 10, T = 15. When the chore service provider must perform these tasks for the client because the client is unable to go along: ~~((N))~~ O = 0, M = 1, S = 3, and T = 5;

(c) Laundry: ~~((N))~~ O = 0, M = 1, S = 2, and T = 3. If ~~((there are no))~~ laundry facilities ~~((in))~~ are out of the client's own ~~((home))~~ residence, the department shall award additional points: ~~((N))~~ O = 0, M = 3, S = 5, and T = 7;

(d) ~~((Splitting/stacking/carrying))~~ Wood supply: ~~((N))~~ O = 0, M = 3, S = 5, and T = 7. Service to perform ~~((this task))~~ splitting/stacking/carrying wood is available only to clients who use wood as their sole source of fuel for heat and/or cooking;

(e) Housework. Housework is limited to tasks necessary to protect the client's health and safety and to those areas of the home actually used by the client, i.e., kitchen, bathroom, bedroom, living room, and dining room: ~~((N))~~ O = 0, M = 1, S = 2, and T = 3;

(f) ~~((Cooking))~~ Meal preparation. Scoring is based on the preparation of three meals, as follows:

(i) Breakfast ~~((N))~~ O = 0, M = 4, S = 7, T = 10;

(ii) Light meal ~~((N))~~ O = 0, M = 4, S = 7, T = 10;

(iii) Main meal ~~((N))~~ O = 0, M = 5, S = 10, T = 15.

(g) ~~((Feeding))~~ Eating. Scoring is based on feeding three meals, as follows:

(i) Breakfast ~~((N))~~ O = 0, M = 4, S = 7, T = 10;

(ii) Light meal ~~((N))~~ O = 0, M = 4, S = 7, T = 10;

(iii) Main meal ~~((N))~~ O = 0, M = 5, S = 10, T = 15.

(h) Dressing ~~((undressing))~~: ~~((N))~~ O = 0, M = 4, S = 7, and T = 10;

(i) ~~((Care of appearance))~~ Personal hygiene: ~~((N))~~ O = 0, M = 1, S = 3, and T = 5;

(j) Specialized body care: ~~((N))~~ O = 0, M = 5, S = 10, and T = 15;

(k) ~~((Bed))~~ Transfer: ~~((N))~~ O = 0, M = 1, S = 3, and T = 5;

(l) Positioning: O = 0, M = 1, S = 3, and T = 5;

(m) Ambulation: ~~((N))~~ O = 0, M = 4, S = 7, and T = 10;

~~((m))~~ Wheelchair transfer: N = 0, M = 1, S = 3, and T = 5;

(n) Bathing: ~~((N))~~ O = 0, M = 4, S = 7, and T = 10;

(o) Toileting: ~~((N))~~ O = 0, M = 5, S = 10, and T = 15;

(p) ~~((Remind to take medicines))~~ Self-medication: ~~((N))~~ O = 0, M = ~~((+))~~ 2, S = ~~((2))~~ 4, and T = ~~((3))~~ 6.

(7) The department shall determine the number of hours of chore services to be authorized per month by translating the total number of points awarded on the ~~((CRQ))~~ assessment into a monthly authorization, using the following ~~((CRQ))~~ service authorization ceiling chart:

<del>(CRQ)</del> ASSESSED SCORE	CEILING HOURS PER MONTH	
1	-	4
5	-	8
10	-	11
15	-	14
20	-	18
25	-	21
30	-	24
35	-	28
40	-	31
45	-	34
50	-	37
55	-	41
60	-	44
65	-	47
70	-	51
75	-	54
80	-	57
85	-	60
90	-	64
95	-	67
100	-	70
105	-	74
110	-	77
115	-	80
120	-	83
125	-	87
130	-	90
135	-	93
140	-	97
145	-	100
150	-	103
155	-	106
160	-	110
165	-	113
170	and above	116

The department may authorize fewer hours according to the client's individual circumstances and the provisions under WAC 388-15-215(7).

(8) The client or applicant may request approval from the department to exceed the ceiling hours authorized per month, as determined in subsection (7) of this section. The department shall authorize the number of additional hours not to exceed one hundred sixteen hours per month per client in the hourly program when:

(a) There are circumstances of a demonstrated duration, frequency, or severity which require additional hours of allowable chore services to avoid adverse effects to the client's health or safety; and

(b) The need for additional hours is specific and clearly measurable; and

(c) Funds are available under provisions of WAC 388-15-214.

(9) The department shall inform all clients or applicants in writing of the process as defined in subsection (8) of this section. Clients or applicants shall have the right to request from the department approval to exceed

the authorized hours as set forth in subsection (7) of this section.

(10) When the department denies a request for additional hours or approves fewer additional hours than requested, the department shall send the client or applicant a notice of the right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(11) The department may provide chore services through the individual provider program or through the contracted program, as deemed most appropriate by department policy established by the state office.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 89-10-050**

**NOTICE OF PUBLIC MEETINGS  
TRANSPORTATION IMPROVEMENT BOARD**

[Memorandum—April 28, 1989]

MAY AND JUNE 1989  
TRANSPORTATION IMPROVEMENT BOARD  
TRANSPORTATION BUILDING  
OLYMPIA, WASHINGTON 98504

Work Session, 6:00-9:00 p.m., Thursday, May 18, 1989, at the Mark 205 Motor Inn, Room 1 Quad, 221 N.E. Chkalov Drive, Vancouver, WA.

TIB Meeting, 9:00 a.m., Friday, May 19, 1989, at the Mark 205 Motor Inn, Room 1 Quad.

TIB Meeting, 9:00 a.m., Friday, June 16, 1989, at the Seattle City Council Chambers, 600 4th Avenue.

**WSR 89-10-051**

**ADOPTED RULES  
DEPARTMENT OF REVENUE**

[Order 89-1—Filed May 2, 1989]

I, Garry G. Fujita, assistant director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hazardous substance tax, amending WAC 458-20-252.

This action is taken pursuant to Notice No. WSR 89-07-085 filed with the code reviser on March 22, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 2, 1989.

By Garry G. Fujita  
Assistant Director

AMENDATORY SECTION (Amending Order 88-2, filed 2/26/88)

WAC 458-20-252 HAZARDOUS SUBSTANCE TAX. (1) Introduction. Under the provisions of chapter 82.22 RCW a hazardous substance tax ~~((is))~~ was imposed, effective January 1, 1988, upon the wholesale value of certain substances and products, with specific credits and exemptions provided. This law is significantly changed, effective on March 1, 1989, because of Initiative 97 (I-97) which was passed by the voters in the November 8, 1988 general election. ((This)) The tax, which is reimposed by I-97, is an excise tax upon the privilege of possessing hazardous substances or products in this state. It is imposed in addition to all other taxes of an excise or property tax nature and is not in lieu of any other such taxes.

(a) ~~((RCW 82.22.020))~~ I-97, which will be referred to as chapter 2, Laws of 1989, defines certain specific substances as being hazardous and includes other substances by reference to Federal legislation governing such things. It also provides authority to the director of the State Department of Ecology to designate any substances or products as hazardous which could present a threat to human health or the environment. The Department of Ecology, by duly published rule, defines and enumerates hazardous substances and products and otherwise administers the provisions of the law relating to hazardous and toxic or dangerous materials, waste, disposal, cleanup, remedial actions, and monitoring. (See Chapter 173-~~((340))~~ of the Washington Administrative Code.)

(b) ~~((Chapter 82.22 RCW))~~ Sections 8 through 12 of I-97 consist~~((s))~~ of the tax provisions relating to hazardous substances and products which are administered exclusively under this section. The tax provisions relate exclusively to the possession of hazardous substances and products. The tax provisions do not relate to waste, releases or spills of any materials, cleanup, compensation, or liability for such things, nor does tax liability under the law depend upon such factors. The incidence or privilege which incurs tax liability is simply the possession of the hazardous substance or product, whether or not such possession actually causes any hazardous or dangerous circumstance.

(c) The hazardous substance tax is imposed upon any possession of a hazardous substance or product in this state by any person who is not expressly exempt of the tax. However, it is the intent of the law that the economic burden of the tax should fall upon the first such possession in this state. Therefore, the law provides that if the tax has not been paid upon any hazardous substance or product the department may collect the tax from any person who has had possession. The amount of tax paid then constitutes a debt owed by the first person having had taxable possession to the person who pays the tax. ~~((The provisions of parts (10) and (11) of this section reduce the tax payment obligations of successive possessors of hazardous substances and products to the greatest extent allowable under the law.))~~

(2) Definitions. For purposes of this section the following terms will apply.

(a) "Tax" means the hazardous substance tax imposed ~~((by RCW 82.22.030))~~ under Section 10 of I-97.

(b) "Hazardous substance" means anything designated as such by the provisions of ~~((WAC))~~ chapter 173-~~((340))~~ WAC, administered by the State Department of Ecology, as adopted and thereafter amended. In addition, the law defines this term to include:

(i) Any substance that, on ~~((January 1, 1988))~~ March 1, 1989, is a hazardous substance under section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by Public Law 99-499. These substances consist of chemicals and elements in their purest form. ~~((Products containing CERCLA chemicals and/or elements as ingredients))~~ A CERCLA substance which contains water is still considered pure. Combinations of CERCLA substances as ingredients together with non-hazardous substances will not be taxable unless the end product is specifically designated as a hazardous substance~~((s))~~ by the Department of Ecology.

(ii) petroleum products (further defined below);

(iii) pesticide products required to be registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); and

(iv) anything else enumerated as a hazardous substance in Chapter 173-~~((340))~~ WAC by the Department of Ecology.

~~((v))~~ Until April 1, 1988, "hazardous substance" does not include substances or products packaged as a household product and distributed for domestic use.)

(c) "Product(s)" means any item(s) containing a combination of ingredients, some of which are hazardous substances and some of which are not hazardous substances.

(d) "Petroleum product" means any plant condensate, lubricating oil, crankcase motor oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual fuel, asphalt base, liquefied or liquefiable gases, such as butane, ethane and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil.

(i) The term "derived from the refining of crude oil" as used herein, means produced because of and during petroleum processing. "Petroleum processing" includes all activities of a commercial or industrial nature where-in labor or skill is applied, by hand or machinery, to crude oil or any byproduct of crude oil so that as a result thereof a fuel or lubricant is produced for sale or commercial or industrial use. "Fuel" includes all combustible gases and liquids suitable for the generation of energy. The term "derived from the refining of crude oil" does not mean petroleum products which are manufactured from refined oil derivatives, such as petroleum jellies, cleaning solvents, asphalt paving, etc. Such further manufactured products become hazardous substances only when expressly so designated by the Director of Ecology.

(e) "Possession" means control of a hazardous substance located within this state and includes both actual and constructive possession.

(i) "Control" means the power to sell or use a hazardous substance or to authorize the sale or use by another.

(ii) "Actual possession" occurs when the person with control has physical possession.

(iii) "Constructive possession" occurs when the person with control does not have physical possession.

(f) "Previously taxed hazardous substance" means a hazardous substance upon which the tax has been paid and which has not been remanufactured or reprocessed in any manner.

(i) Remanufacturing or reprocessing does not include the mere repackaging or recycling for beneficial reuse. Rather, these terms embrace activities of a commercial or industrial nature involving the application of skill or labor by hand or machinery so that as a result, a new or different substance or product is produced.

(ii) "Recycling for beneficial reuse" means the recapturing of any used substance or product, for the sole purpose of extending the useful life of the original substance or product in its previously taxed form, without adding any new, different, or additional ingredient or component.

(iii) Example: Used motor oil drained from a crankcase, filtered, and containerized for reuse is not remanufactured or reprocessed. If the tax was paid on possession of the oil before use, the used oil is a previously taxed substance.

(iv) Possessions of used hazardous substances by persons who merely operate recycling centers or collection stations and who do not reprocess or remanufacture the used substances are not taxable possessions.

(g) "Wholesale value" is the tax measure or base. It means ~~((:))~~ the fair market value determined by the wholesale selling price.

~~((i) the price paid by a wholesaler or retailer to a manufacturer, or~~

~~(ii) the price paid by a retailer to a wholesaler when the price represents the value at the time of first possession in this state.~~

~~((iii))~~ In cases where no sale has occurred, wholesale value means the fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar substances of like quality and character. In such cases the wholesale value shall be the "value of the products" as determined under the alternate methods set forth in WAC 458-20-112.

~~((iv) It is the intent of the law that the "wholesale value," which is the tax measure, should be as uniform and constant as possible throughout the chain of distribution from manufacture to retail sale. For special tax reporting formulas for retailers, see Part (11) of this section:))~~

(h) "Selling price" means consideration of any kind expressed in terms of money paid or delivered by a buyer to a seller, without any deductions for any costs whatsoever. Bona fide discounts actually granted to a buyer result in reductions in the selling price rather than deductions.

(i) "State," for purposes of the credit provisions of the hazardous substance tax, means:

(i) the state of Washington,

(ii) states of the United States or any political subdivisions of such other states,

(iii) the District of Columbia,

(iv) territories and possessions of the United States,

(v) any foreign country or political subdivision thereof.

(j) "Person" means any natural or artificial person, including a business organization of any kind, and has the further meaning defined in RCW 82.04.030.

(i) The term "natural person," for purposes of the tax exemption provided by ~~((RCW 82.22.040(2)))~~ Section 11(2) of I-97 regarding substances used for personal or domestic purposes, means human beings in a private, as opposed to a business sense.

(k) Except as otherwise expressly defined in this section, the definitions of terms provided in chapters 82.04, 82.08, and 82.12 RCW apply equally for this section. Other terms not expressly defined in these chapters or this section are to be given their common and ordinary meanings.

(3) Tax rate and measure. The tax is imposed upon the privilege of possessing hazardous substances in this state. The tax rate is ~~((eight))~~ seven tenths of one percent ~~((-.008))~~ (.007). The tax measure or base is the wholesale value of the substance, as defined herein.

(4) Exemptions. The following are expressly exempt from the tax:

(a) Any successive possessions of any previously taxed hazardous substances are tax exempt.

(i) Any person who possesses a hazardous substance which has been acquired from any other person who is registered with the department of revenue and doing business in this state may take a written statement certifying that the tax has been previously paid. Such certifications must be taken in good faith and must be in the form provided in the last part of this section. Blanket certifications may be taken, as appropriate, which must be renewed at intervals not to exceed four years. These certifications may be used for any single hazardous substance or any broad classification of hazardous substances, e.g., "all chemicals."

(ii) In the absence of taking such certifications, the person who possesses any hazardous substance must ~~((prove))~~ retain proofs that it purchased or otherwise acquired the substance from a previous possessor in this state ~~((and that the tax has been paid))~~. It is not necessary for subsequent possessors to obtain certificates of previously taxed hazardous substances in order to perfect their tax exemption. Documentation which establishes any evidence of previous tax payment by another person will suffice. This includes invoices or billings from in state suppliers which reflect their payment of the tax or simple bills of lading or delivery documents revealing an in state source of the hazardous substances.

(iii) This exemption for taxes previously paid is available for any person in successive possession of a taxed hazardous substance even though the previous payment may have been satisfied by the use of credits or offsets available to the previous person in possession.

(iv) Example. Company A brings a substance into this state upon which it has paid a similar hazardous substance tax in another state. Company A takes a credit

against its Washington tax liability in the amount of the other state's tax paid. It then sells the substance to Company B, and provides Company B with a Certificate of Previously Taxed Substance. Company B's possession is tax exempt even though Company A has not directly paid Washington's tax but has used a credit against its Washington liability.

(b) Any possession of a hazardous substance by a natural person for use of a personal or domestic nature rather than a business nature is tax exempt.

(i) This exemption extends to relatives, as well as other natural persons who reside with the person possessing the substance, and also to regular employees of that person who use the substance for the benefit of that person.

(ii) This exemption does not extend to possessions by any independent contractors hired by natural persons, which contractors themselves provide the hazardous substance.

(iii) Examples: Possessions of spray materials by an employee-gardener or soaps and cleaning solvents by an employee-domestic servant, when such substances are provided by the natural person for whose domestic benefit such things are used, are tax exempt. Also, possessions of fuel by private persons for use in privately owned vehicles are tax exempt.

(c) ~~((Any possessions of the following substances are tax exempt:~~

~~(i) alumina, natural gas, or petroleum coke;~~

~~(ii) liquid fuel or fuel gas used in processing petroleum;~~

~~(iii) petroleum products that are exported for use or sale outside this state as fuel.~~

~~(iv) The exemption for possessions of petroleum products for export sale or use as fuel may be taken by any person within the chain of distribution of such products in this state. To perfect its entitlement to this exemption the person possessing such substance(s) must take from its buyer or transferee of the substance(s) a written certification in substantially the following form:~~

**Certificate of Tax Exempt Export Petroleum Products**

~~I hereby certify that the petroleum products specified herein, purchased by or transferred to the undersigned, from (seller or transferor), are for export for use or sale outside Washington state as fuel. I will become liable for and pay any hazardous substance tax due upon all or any part of such products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.~~

~~Registration No. \_\_\_\_\_ Type of Business \_\_\_\_\_  
(If applicable)~~

~~Firm Name \_\_\_\_\_ Registered Name \_\_\_\_\_  
(If different)~~

~~Authorized Signature \_\_\_\_\_~~

~~Title \_\_\_\_\_~~

~~Identity of Petroleum Product \_\_\_\_\_  
(Kind and amount by volume)~~

~~Date \_\_\_\_\_~~

~~(v) Each successive possessor of such petroleum products must, in turn, take a certification in this form from any other person to whom such petroleum products are sold or transferred in this state. Failure to take and keep such certifications as part of its permanent records will incur hazardous substance tax liability by such sellers or transferors of petroleum products.~~

~~(vi) Persons in possession of such petroleum products who themselves export or cause the exportation of such products to persons outside this state for further sale or use as fuel must keep the proofs of actual exportation required by WAC 458-20-193, Parts A or C. Example: Carriers who will purchase fuel in this state to be taken out of state in the fuel tanks of any ship, airplane, truck, or other carrier vehicle will provide their fuel suppliers with this certification. Then such carriers will directly report and pay the tax only upon the portion of such fuel actually consumed by them in this state. (With respect to fuel brought into this state in fuel tanks and partially consumed here, see the credit provisions of Part (5)(b) of this section.)~~

Any possession of any hazardous substance, other than pesticides or petroleum products, possessed by a retailer for making sales to consumers, in an amount which is determined to be "minimal" by the department of ecology. That department has determined that the term "minimal" means less than \$1,000.00 worth of such hazardous substances measured by their wholesale value, possessed during any calendar month.

(d) Possessions of alumina or natural gas are tax exempt.

(e) Persons or activities which the state is prohibited from taxing under the United States Constitution are tax exempt.

(i) This exemption extends to the U.S. Government, its agencies and instrumentalities, and to any possession the taxation of which has been expressly reserved or preempted under the laws of the United States.

(ii) The tax will not apply with respect to any possession of any hazardous substance purchased, extracted, produced or manufactured outside this state which is shipped or delivered into this state until the interstate transportation of such substance has finally ended in this state. Thus, out of state sellers or producers need not pay the tax on substances shipped directly to customers in this state. The customers must pay the tax upon their first possession unless otherwise expressly exempt.

(iii) Out of state sellers or producers will be subject to tax upon substances shipped or delivered to warehouses or other in state facilities owned, leased, or otherwise controlled by them.

(iv) However, the tax will not apply with respect to possessions of substances which are only temporarily stored or possessed in this state in connection with through, interstate movement of the substances from points of origin to points of destination both of which are outside of this state.

~~((c) Any possession of any hazardous substances which were already possessed before January 1, 1988 are tax exempt. This exemption extends to current inventories and stocks of hazardous substances on hand on January 1, 1988 when the tax first takes effect. The intent is~~

~~that the hazardous substance tax has no retroactive application:~~

~~(i) It is the intent, under the law, that this exemption will apply to the substances throughout their succeeding chain of distribution, in the possession of any person, for the life of those substances. That is, hazardous substances already possessed as of December 31, 1987 will not incur tax liability in the possession of any person at any time.~~

~~(ii) Persons who already possess any hazardous substances on December 31, 1987 must use a first-in-first-out (FIFO) accounting method for depleting such supplies, supported by their purchase, sales, or transfer records.~~

~~(iii) Because this exemption will follow the hazardous substances into the possession of any subsequent or succeeding possessors, sellers of such exempt current inventory substances should provide their registered buyers in this state with the Certificate of Previously Taxed Hazardous Substance set forth in Part (15) of this section:))~~

~~(f) The former exemption for petroleum products for export sale or use outside this state as fuel was effectively repealed by I-97. There are no exemptions under the law for any possessions of hazardous substances in this state simply because such substances may later be sold or used outside this state.~~

~~(g) Though I-97 contains an exemption for persons possessing any hazardous substance where such possession first occurred before March 1, 1989, this exemption applies only to the tax imposed under I-97. It does not apply retroactively to excuse the hazardous substance tax which was imposed under chapter 82.22 RCW in effect from January 1, 1988 until March 1, 1989. However:~~

~~(i) TRANSITIONAL RULE: Persons who possess stocks or inventories of petroleum products as of March 1, 1989, which are destined for sale or use outside this state as fuel are not subject to tax upon such possessions of pre-existing inventories. For periods before March 1, 1989 the former exemption of RCW 82.22.040(3) for export petroleum products applies. For periods on and after March 1, 1989 the exemption for prepossessed hazardous substances explained in subsection (g) above will apply. Records appropriate to establish that such petroleum products were destined for out of state sale or use as fuel must be retained by any possessor claiming exemption under this transitional rule.~~

~~(5) Credits. There are three distinct kinds of tax credits against liability which are available under the law.~~

~~(a) A credit may be taken by any manufacturer or processor of a hazardous substance produced from ingredients or components which are themselves hazardous substances, and upon which the hazardous substance tax has been paid by the same person or is due for payment by the same person.~~

~~(i) Example. A manufacturer possesses hazardous chemicals which it combines to produce an acid which is also designated as a hazardous substance or product. When it reports the tax upon the wholesale value of the acid it may use a credit to offset the tax by the amount~~

of tax it has already paid or reported upon the hazardous chemical ingredients or components. In this manner the intent of the law to tax hazardous substances only once is fulfilled.

~~(ii) Under circumstances where the hazardous ingredient and the hazardous end product are both possessed by the same person during the same tax reporting period, the tax on the respective substances must be computed and the former must be offset against the latter so that the tax return reflects the tax liability after the credit adjustment.~~

~~(iii) This credit may be taken only by manufacturers who have the first possession in this state of both the hazardous ingredients and the hazardous end product.~~

~~(b) A credit may be taken in the amount of the hazardous substance tax ((paid)) upon the value of fuel which is carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle.~~

~~(i) ((The purpose of this credit is to extend the same tax exclusion which exists for exported fuel (part (4)(c) above) to fuel which is possessed and partly used in this state before crossing the boundaries of this state in any fuel tank attached to any transportation vehicle powered by such fuel.~~

~~((iii)) The credit may be claimed only for the amount of tax reported or actually due to be paid on the fuel, not the amount representing the value of the fuel.~~

~~((iii)) (ii) The purpose of this credit is to exclude from taxation any possessions of fuel which remains in the fuel tanks of any carrier vehicles powered by such fuel when they leave this state, regardless of where or from whom such fuel-in-tanks was acquired.~~

~~(iii) The nature of this credit is such that it generally has application only for interstate and foreign private or common carriers ((whose fuel tanks contain fuel which was not first possessed by some other person in this state who paid the tax. The credit is limited to the person who carries the fuel from this state and cannot be claimed by any person who previously possessed the fuel in this state and paid the tax:)) who carry fuel into this state and/or purchase fuel in this state. The intent is that the tax will apply only to so much of such fuel as is actually consumed by such carriers within this state.~~

~~((iv) Interstate/foreign carriers who purchase fuel in this state do not require, and may not use this credit in respect to such locally purchased fuel. Instead, the export fuel exemption set forth at part (4)(c)(iii) will be used. Thus, this fuel-in-tanks credit is applicable only for fuel brought into this state in fuel tanks, part of which is then taken out of this state in the fuel tanks. The intent is that the tax will apply only to so much of such fuel as is consumed by such carriers in this state.~~

~~(v) Example. An airline company enters this state with its fuel tanks partially full of fuel which has not been possessed and taxed earlier in this state. The fuel in the tanks is, therefor, first possessed in this state by the airline company, has not been previously taxed, and the possession is not expressly tax exempt. Only the amount of fuel actually used in this state is subject to the tax because this credit may be taken for the tax paid on the portion of fuel allocated to use after the airplane exits this state:))~~

(iv) In order to equitably and efficiently administer this tax credit, any fuel which is brought into this state in carrier vehicle fuel tanks must be accounted for separately from fuel which is purchased in this state for use in such fuel tanks. Formulas approved by the department for reporting the amount of fuel consumed in this state for purposes of this tax or other excise tax purposes will satisfy the separate accounting required under this subsection.

(v) Fuel-in-tanks brought into this state must be fully reported for tax and then the credit must be taken in the amount of such fuel which is taken back out of this state. This is to be done on the same periodic excise tax return so that the net effect is that the tax is actually paid only upon the portion of fuel consumed here.

(vi) The credit for fuel-in-tanks purchased in this state must be accounted for by using a fuel-in-tanks credit certificate in substantially the following form:

CERTIFICATE OF CREDIT FOR FUEL CARRIED  
FROM THIS STATE IN FUEL TANKS

I hereby certify that the petroleum products specified herein, purchased by or transferred to the undersigned, from (name of seller or transferor), are entitled to the credit for fuel which is carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle operated by a private or common carrier in interstate or foreign commerce. I will become liable for and pay the hazardous substance tax due upon all or any part of such fuel which is not so carried from this state. This certification is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.

<u>Registration No.</u>	
	<u>(if applicable)</u>
<u>Type of Business</u>	
<u>Firm Name</u>	
<u>Business Address</u>	
<u>Registered Name</u>	
	<u>(if different)</u>
<u>Tax Reporting Agent</u>	
	<u>(if applicable)</u>
<u>Authorized Signature</u>	
<u>Title</u>	
<u>Identity of Fuel</u>	
	<u>(kind and amount by volume)</u>
	<u>Date:</u> _____

(vii) This certificate may be executed and provided to any possessor of fuel in this state, throughout the chain of distribution, with respect to fuel which ultimately will be sold and delivered into any carrier's fuel tanks in this state. Thus, refiners or manufacturers will take such certificates directly from carriers or from their wholesale purchasers who will sell to such carriers. Similarly, fuel dealers and distributors will take such certificates from carriers to whom they sell such fuel. These certificates must be retained as a permanent part of such seller's business records.

(viii) Persons who execute and provide these credit certificates to their fuel suppliers must retain suitable purchase and sales records as may be necessary to determine the amount of tax for which such persons may be liable.

(ix) Blanket certificates may be used to cover recurrent purchases of fuel by the same purchaser. Such blanket certificates must be renewed every two years.

(c) A credit may be taken against the tax owed in this state in the amount of any other state's hazardous substance tax which has been paid by the same person measured by the wholesale value of the same hazardous substance.

(i) In order for this credit to apply, the other state's tax must be significantly similar to Washington's tax in all its various respects. The taxable incident must be possessing the substance; the tax purpose must be that the substance is hazardous; and the tax measure must be stated in terms of the wholesale value of the substance, without deductions for costs of doing business, such that the other state's tax does not constitute an income tax or added value tax.

(ii) This credit may be taken for the amount of any other state's qualifying tax which has actually been paid ((either)) before ((=or-after)) Washington State's tax is ((paid)) incurred because the substance was previously possessed by the same person in another taxing jurisdiction.

(iii) The amount of credit is limited to the amount of tax paid in this state upon possession of the same hazardous substance in this state. Also, the credit may not be applied against any tax paid or owed in this state other than the hazardous substance tax imposed by ((RCW 82.22.030)) Section 10 of I-97.

(iv) Exchange agreements under which hazardous substances or products possessed in this state are exchanged through any accounts crediting system with like substances possessed in other states do not qualify for this credit. The substance taxed in another state, and for which this credit is sought, must be actually, physically possessed in this state.

(v) Persons claiming this credit must maintain records necessary to verify that the credit taking qualifications have been met. See WAC 458-20-19301, part (9) for record keeping requirements. The department of revenue will publish an Excise Tax Bulletin listing other states' taxes which qualify for this credit.

(6) Newly defined hazardous substances. The Director of Ecology may identify and designate things as being hazardous substances after ((January 1, 1988)) March 1, 1989. Also, things designated as hazardous substances may be deleted from this definition. Such actions are done by the adoption and subsequent periodic amendments to rules of the Department of Ecology under the Washington Administrative Code.

(a) The law allows the addition or deletion of substances as hazardous by rule amendments, no more often than twice in any calendar year.

(b) When such definitions are changed, they do not take effect for tax purposes until the first day of the following month which is at least thirty days after the effective date of rule action by the Department of Ecology.

(i) Example. The Department of Ecology adopts or amends the rule by adding a new substance and the effective date of the amendment is ((January)) June 15.

Possession of the substance does not become taxable until ~~((March))~~ August 1.

(ii) ~~((The exemption for current inventories and stocks on hand explained at part (5)(c) of this section does not apply to possessions of hazardous substances newly added by rule.))~~ The tax is owed by any person who has possession of the newly designated hazardous substance upon the tax effective date as explained herein. It is immaterial that the person in possession on that date was not the first person in possession of the substance in this state before it was designated as hazardous.

(7) Recurrent tax liability. It is the intent of the law that all hazardous substances possessed in this state should incur this tax liability only once unless they are expressly exempt. This is true of hazardous ingredients of products as well as the manufactured end product itself, if designated as a hazardous substance. The exemption for previously taxed hazardous substances does not apply to "products" which have been manufactured or remanufactured simply because an ingredient or ingredients of that product may have already been taxed when possessed by the manufacturer. Instead of an exemption, manufacturers in possession of both the hazardous ingredient(s) and end product(s) should use the credit provision explained at Part (5)(a) of this section.

(a) However, the term "product" is defined to mean only an item or items which contain a combination of both hazardous substance(s) and non-hazardous substance(s). The term does not include combinations of only hazardous substances. Thus, possessions of substances produced by combining other hazardous substances upon all of which the tax has previously been paid will not again be taxable.

(b) When any hazardous substance(s) is first produced during and because of any physical combination or chemical reaction which occurs in a manufacturing or processing activity, the intermediate possession of such substance(s) within the manufacturing or processing plant is not considered a taxable possession if the substance(s) becomes a component or ingredient of the product being manufactured or processed or is otherwise consumed during the manufacturing or processing activity.

(i) However, when any intermediate hazardous substance is first produced during a manufacturing or processing activity and is withdrawn for sale or transfer outside of the manufacturing or processing plant, a taxable first possession occurs.

(c) Concentrations or dilutions for shipment or storage. The mere addition or withdrawal of water or other nonhazardous substances to or from hazardous substances designated under CERCLA or FIFRA for the sole purpose of transportation, storage, or the later manufacturing use of such substances does not result in any new hazardous product.

(8) How and when to pay tax. The tax must be reported on a special line of the combined excise tax return designated "hazardous substances." It is due for payment together with the timely filing of the return upon which it is reported, covering the tax reporting period during which the hazardous substance(s) is first

possessed within this state. Any person who is not expressly exempt of the tax and who possesses any hazardous substance in this state, without having proof that the tax has previously been paid on that substance, must report and pay the tax.

(a) It may be that the person who purchases a hazardous substance will not have billing information from which to determine the wholesale value of the substance when the tax return for the period of possession is due. In such cases the tax is due for payment no later than the next regular reporting due date following the reporting period in which the substance(s) is first possessed.

(b) The taxable incident or event is the possession of the substance. Tax is due for payment by the purchaser of any hazardous substance whether or not the purchase price has been paid in part or in full.

(c) Special provision for manufacturers, refiners, and processors. ~~((Because it is not possible to know, at the time of first possession in this state, whether a hazardous substance may be used or sold in a manner which would entitle the first possession to tax exemption, m))~~ Manufacturers, refiners, and processors who possess hazardous substances are required to report the tax and take any available exemptions and credits only at the time that such hazardous substances are withdrawn from storage for purposes of their sale, transfer, remanufacture, or consumption.

(9) How and when to claim credits. Credits should be claimed and offset against tax liability reported on the same excise tax return when possible. The tax return form provides a line for reporting tax on hazardous substances and a line for taking credits as an offset against the tax reported. It is not required that any documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(10) ~~((Successive possessions of the same hazardous substance. The law provides that the department of revenue may collect the tax from any person who has had possession of a hazardous substance in this state, if the tax has not already been paid by any person. The law also provides that the tax measure, wholesale value, should be as uniform as possible throughout the chain of possession. Wholesale value is determined by the wholesale selling price.~~

~~((a) When tax is collected by the department from any person having successive possession of a substance, because no tax was previously paid on that same substance, the wholesale selling price means the price paid to any manufacturer or wholesaler who first had possession in this state.~~

~~((b) In determining this wholesale selling price, the charges for shipping, delivery, warehousing, or any other such charges representing cost increments accrued after the first wholesale sale in this state are not included. Thus, the tax collected from any person having successive possession should be no greater than what the tax would have been if collected from the person who had first possession of the substance in this state.~~

~~(11) Formulary or percentage tax reporting. The law provides that when the burden of the tax falls upon retailers, when they are the first persons in possession in this state, the tax burden should be equal to the same burden when it falls upon manufacturers or first level wholesalers earlier in the distribution chain. Because the tax measure is the wholesale value of the substance when first possessed in this state, that measure should remain constant regardless of who is the first person in possession. This is true even when the first person in possession is a retailer or any other purchaser or transferee of a hazardous substance from any out-of-state seller or transferor other than the out of state manufacturer of the substance.~~

~~(a) It may be that the retailer or other importer first in possession will not have access to records reflecting the manufacturer's wholesale value of a hazardous substance. RCW 82.22.030 provides that in such cases the tax may be imposed upon a "percentage of sales" for any class of retailer so as to equalize the tax burden for all persons in possession of hazardous substances. Therefor, in order to derive a tax measure which will reasonably approximate the manufacturer's wholesale selling price, retailers or other importers who are the first persons in possession of hazardous substances in this state may report and pay the tax under one of the following methods:~~

~~(i) measured by manufacturer's wholesale value as shown upon any actual accounting records available; or,  
(ii) measured by sixty percent (60%) of gross receipts from retail sales of hazardous substances which have not been previously taxed; or,~~

~~(iii) measured by the possessor's cost, less twenty percent (20%), of all such substances not previously taxed; or,~~

~~(iv) under circumstances where none of the above methods fairly reflects what the wholesale value would have been at the time and place of first possession by a manufacturer in this state, then the retailer may submit a percentage of sales formula for prior approval by the department of revenue.~~

~~(v) It is not the intent of these formulary tax measurement provisions to derive any tax measure below or less than the manufacturer's wholesale value.~~

~~(b)) Special provision for consumer/first possessors. Under circumstances where the consumer is the first person in possession of any non-exempt hazardous substance (e.g., substances imported by the consumer), or where the consumer is the person who must pay the tax upon substances previously possessed in this state (fuel purchased for export in fuel tanks) the consumer's tax measure will be sixty percent (60%) eighty percent (80%) of its retail purchase price. This provision (; again;) is intended to (equalize the) achieve a tax measure (for all taxable persons possessing hazardous substances) equivalent to the wholesale value.~~

~~((12)) (11) Hazardous substances or products on consignment. Consignees who possess hazardous substances or products in this state with the power to sell such things, in their own name or on behalf of a disclosed or undisclosed consignor are liable for payment of the tax. The exemption for previously taxed substances~~

is available for such consignees only if the consignors have paid the tax and the consignee has retained the certification or other proof of previous tax payment referred to in part (4)(i) and (ii) of this section. Possession of consigned hazardous substances by a consignee does not constitute constructive possession by the consignor.

~~((13))~~ (12) Hazardous substances untraceable to source. Various circumstances may arise whereby a person will possess hazardous substances in this state, some of which have been previously taxed in this or other states and some of which may not. In such cases ~~((the))~~ formulary tax reporting ~~((of part (11) of this section))~~ may be used, ~~((including the))~~ only upon a ~~((request for a))~~ special ruling by the department of revenue.

(a) Example. Fungible petroleum products from sources both within and outside this state are commingled in common storage facilities. Formulary reporting is appropriate based upon volume percentages reflecting the ratio of in-state production to out-of-state production or other form of acquisition.

~~((14))~~ (13) Administrative provisions. The provisions of chapter 82.32 RCW regarding due dates, reporting periods, tax return requirements, interest and penalties, tax audits and limitations, disputes and appeals, and all such general administrative provisions apply equally to the hazardous substance tax. Special requested rulings covering unique circumstances generally will be issued within sixty days from the date upon which complete information is provided to the department of revenue.

~~((15))~~ (14) Certification of previously taxed hazardous substance. Certification that the hazardous substance tax has already been paid by a person previously in possession of the substance(s) may be taken in substantially the following form:

I hereby certify that this purchase - all purchases of \_\_\_\_\_  
(omit one)  
by \_\_\_\_\_,  
(identify substance(s) purchased) (name of purchaser)  
who possesses registration no. \_\_\_\_\_,  
(buyer's number, if registered)

consists of the purchase of hazardous substance(s) or product(s) upon which the ~~((tax imposed by RCW 82-22.030))~~ hazardous substance tax has been paid in full by a person previously in possession of the substance(s) or product(s) in this state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion, and with the full knowledge and agreement that the undersigned hereby assumes any liability for hazardous substance tax which has not been previously paid because of possession of the hazardous substance(s) or product(s) identified herein.

— The registered seller named below personally paid the tax upon possession of the hazardous substances.

— A person in possession of the hazardous substances prior to the possession of the registered seller named below paid the tax.

~~(( ))~~ This certificate is being used to cover tax exempt existing inventories which were possessed in this state on December 31, 1987.)

(Check the appropriate line.)

Name of registered seller \_\_\_\_\_ Registration No. \_\_\_\_\_  
 Firm name \_\_\_\_\_ Address \_\_\_\_\_  
 Type of business \_\_\_\_\_  
 Authorized signature \_\_\_\_\_ Title \_\_\_\_\_  
 Date \_\_\_\_\_

**WSR 89-10-052**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**  
 [Order 89-5—Filed May 2, 1989]

I, Garry G. Fujita, assistant director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hazardous substance tax, amending WAC 458-20-252.

I, Garry G. Fujita, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to additional changes made to the rule a second hearing was held on April 25, 1989. The original emergency adoption filed February 17, 1989, will expire about 2 weeks prior to the effective date of the permanent rule adoption. To provide continuance of the rule adoption effectiveness, a second emergency adoption is necessary.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 2, 1989.

By Garry G. Fujita  
 Assistant Director

AMENDATORY SECTION (Amending Order 88-2, filed 2/26/88)

WAC 458-20-252 HAZARDOUS SUBSTANCE TAX. (1) Introduction. Under the provisions of chapter 82.22 RCW a hazardous substance tax ~~(is)~~ was imposed, effective January 1, 1988, upon the wholesale value of certain substances and products, with specific credits and exemptions provided. This law is significantly changed, effective on March 1, 1989, because of Initiative 97 (I-97) which was passed by the voters in the November 8, 1988 general election. ((This)) The tax, which is reimposed by I-97, is an excise tax upon the privilege of possessing hazardous substances or products in this state. It is imposed in addition to all other taxes of an excise or property tax nature and is not in lieu of any other such taxes.

(a) ~~((RCW 82.22.020))~~ I-97, which will be referred to as chapter 2, Laws of 1989, defines certain specific substances as being hazardous and includes other substances by reference to Federal legislation governing such things. It also provides authority to the director of the State Department of Ecology to designate any substances or products as hazardous which could present a threat to human health or the environment. The Department of Ecology, by duly published rule, defines and enumerates hazardous substances and products and otherwise administers the provisions of the law relating to hazardous and toxic or dangerous materials, waste, disposal, cleanup, remedial actions, and monitoring. (See Chapter 173-((340)) of the Washington Administrative Code.)

(b) ~~((Chapter 82.22 RCW))~~ Sections 8 through 12 of I-97 consist((s)) of the tax provisions relating to hazardous substances and products which are administered exclusively under this section. The tax provisions relate exclusively to the possession of hazardous substances and products. The tax provisions do not relate to waste, releases or spills of any materials, cleanup, compensation, or liability for such things, nor does tax liability under the law depend upon such factors. The incidence or privilege which incurs tax liability is simply the possession of the hazardous substance or product, whether or not such possession actually causes any hazardous or dangerous circumstance.

(c) The hazardous substance tax is imposed upon any possession of a hazardous substance or product in this state by any person who is not expressly exempt of the tax. However, it is the intent of the law that the economic burden of the tax should fall upon the first such possession in this state. Therefor, the law provides that if the tax has not been paid upon any hazardous substance or product the department may collect the tax from any person who has had possession. The amount of tax paid then constitutes a debt owed by the first person having had taxable possession to the person who pays the tax. ((The provisions of parts (10) and (11) of this section reduce the tax payment obligations of successive possessors of hazardous substances and products to the greatest extent allowable under the law.))

(2) Definitions. For purposes of this section the following terms will apply.

(a) "Tax" means the hazardous substance tax imposed ~~((by RCW 82.22.030))~~ under Section 10 of I-97.

(b) "Hazardous substance" means anything designated as such by the provisions of ~~((WAC))~~ chapter 173-((340)) WAC, administered by the State Department of Ecology, as adopted and thereafter amended. In addition, the law defines this term to include:

(i) Any substance that, on ~~((January 1, 1988))~~ March 1, 1989, is a hazardous substance under section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by Public Law 99-499. These substances consist of chemicals and elements in their purest form. ((Products containing CERCLA chemicals and/or elements as ingredients)) A CERCLA substance which contains water is still considered pure. Combinations of

CERCLA substances as ingredients together with non-hazardous substances will not be taxable unless the end product is specifically designated as a hazardous substance(s) by the Department of Ecology.

(ii) petroleum products (further defined below);

(iii) pesticide products required to be registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); and

(iv) anything else enumerated as a hazardous substance in Chapter 173-((340)) \_\_\_ WAC by the Department of Ecology.

~~((v) Until April 1, 1988, "hazardous substance" does not include substances or products packaged as a household product and distributed for domestic use.))~~

(c) "Product(s)" means any item(s) containing a combination of ingredients, some of which are hazardous substances and some of which are not hazardous substances.

(d) "Petroleum product" means any plant condensate, lubricating oil, crankcase motor oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual fuel, asphalt base, liquefied or liquefiable gases, such as butane, ethane and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil.

(i) The term "derived from the refining of crude oil" as used herein, means produced because of and during petroleum processing. "Petroleum processing" includes all activities of a commercial or industrial nature where-in labor or skill is applied, by hand or machinery, to crude oil or any byproduct of crude oil so that as a result thereof a fuel or lubricant is produced for sale or commercial or industrial use. "Fuel" includes all combustible gases and liquids suitable for the generation of energy. The term "derived from the refining of crude oil" does not mean petroleum products which are manufactured from refined oil derivatives, such as petroleum jellies, cleaning solvents, asphalt paving, etc. Such further manufactured products become hazardous substances only when expressly so designated by the Director of Ecology.

(e) "Possession" means control of a hazardous substance located within this state and includes both actual and constructive possession.

(i) "Control" means the power to sell or use a hazardous substance or to authorize the sale or use by another.

(ii) "Actual possession" occurs when the person with control has physical possession.

(iii) "Constructive possession" occurs when the person with control does not have physical possession.

(f) "Previously taxed hazardous substance" means a hazardous substance upon which the tax has been paid and which has not been remanufactured or reprocessed in any manner.

(i) Remanufacturing or reprocessing does not include the mere repackaging or recycling for beneficial reuse. Rather, these terms embrace activities of a commercial or industrial nature involving the application of skill or labor by hand or machinery so that as a result, a new or different substance or product is produced.

(ii) "Recycling for beneficial reuse" means the recapturing of any used substance or product, for the sole purpose of extending the useful life of the original substance or product in its previously taxed form, without adding any new, different, or additional ingredient or component.

(iii) Example: Used motor oil drained from a crankcase, filtered, and containerized for reuse is not remanufactured or reprocessed. If the tax was paid on possession of the oil before use, the used oil is a previously taxed substance.

(iv) Possessions of used hazardous substances by persons who merely operate recycling centers or collection stations and who do not reprocess or remanufacture the used substances are not taxable possessions.

(g) "Wholesale value" is the tax measure or base. It means((-)) the fair market value determined by the wholesale selling price.

~~((i) the price paid by a wholesaler or retailer to a manufacturer, or~~

~~(ii) the price paid by a retailer to a wholesaler when the price represents the value at the time of first possession in this state.~~

~~(iii)) In cases where no sale has occurred, wholesale value means the fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar substances of like quality and character. In such cases the wholesale value shall be the "value of the products" as determined under the alternate methods set forth in WAC 458-20-112.~~

~~((iv) It is the intent of the law that the "wholesale value," which is the tax measure, should be as uniform and constant as possible throughout the chain of distribution from manufacture to retail sale. For special tax reporting formulas for retailers, see Part (11) of this section.))~~

(h) "Selling price" means consideration of any kind expressed in terms of money paid or delivered by a buyer to a seller, without any deductions for any costs whatsoever. Bona fide discounts actually granted to a buyer result in reductions in the selling price rather than deductions.

(i) "State," for purposes of the credit provisions of the hazardous substance tax, means:

- (i) the state of Washington,
- (ii) states of the United States or any political subdivisions of such other states,
- (iii) the District of Columbia,
- (iv) territories and possessions of the United States,
- (v) any foreign country or political subdivision thereof.

(j) "Person" means any natural or artificial person, including a business organization of any kind, and has the further meaning defined in RCW 82.04.030.

(i) The term "natural person," for purposes of the tax exemption provided by ~~((RCW 82.22.040(2)))~~ Section 11(2) of I-97 regarding substances used for personal or domestic purposes, means human beings in a private, as opposed to a business sense.

(k) Except as otherwise expressly defined in this section, the definitions of terms provided in chapters 82.04, 82.08, and 82.12 RCW apply equally for this section.

Other terms not expressly defined in these chapters or this section are to be given their common and ordinary meanings.

(3) Tax rate and measure. The tax is imposed upon the privilege of possessing hazardous substances in this state. The tax rate is ~~((eight))~~ seven tenths of one percent ~~((.008))~~ (.007). The tax measure or base is the wholesale value of the substance, as defined herein.

(4) Exemptions. The following are expressly exempt from the tax:

(a) Any successive possessions of any previously taxed hazardous substances are tax exempt.

(i) Any person who possesses a hazardous substance which has been acquired from any other person who is registered with the department of revenue and doing business in this state may take a written statement certifying that the tax has been previously paid. Such certifications must be taken in good faith and must be in the form provided in the last part of this section. Blanket certifications may be taken, as appropriate, which must be renewed at intervals not to exceed four years. These certifications may be used for any single hazardous substance or any broad classification of hazardous substances, e.g., "all chemicals."

(ii) In the absence of taking such certifications, the person who possesses any hazardous substance must ~~((prove))~~ retain proofs that it purchased or otherwise acquired the substance from a previous possessor in this state ~~((and that the tax has been paid))~~. It is not necessary for subsequent possessors to obtain certificates of previously taxed hazardous substances in order to perfect their tax exemption. Documentation which establishes any evidence of previous tax payment by another person will suffice. This includes invoices or billings from in state suppliers which reflect their payment of the tax or simple bills of lading or delivery documents revealing an in state source of the hazardous substances.

(iii) This exemption for taxes previously paid is available for any person in successive possession of a taxed hazardous substance even though the previous payment may have been satisfied by the use of credits or offsets available to the previous person in possession.

(iv) Example. Company A brings a substance into this state upon which it has paid a similar hazardous substance tax in another state. Company A takes a credit against its Washington tax liability in the amount of the other state's tax paid. It then sells the substance to Company B, and provides Company B with a Certificate of Previously Taxed Substance. Company B's possession is tax exempt even though Company A has not directly paid Washington's tax but has used a credit against its Washington liability.

(b) Any possession of a hazardous substance by a natural person for use of a personal or domestic nature rather than a business nature is tax exempt.

(i) This exemption extends to relatives, as well as other natural persons who reside with the person possessing the substance, and also to regular employees of that person who use the substance for the benefit of that person.

(ii) This exemption does not extend to possessions by any independent contractors hired by natural persons,

which contractors themselves provide the hazardous substance.

(iii) Examples: Possessions of spray materials by an employee-gardener or soaps and cleaning solvents by an employee-domestic servant, when such substances are provided by the natural person for whose domestic benefit such things are used, are tax exempt. Also, possessions of fuel by private persons for use in privately owned vehicles are tax exempt.

(c) ~~((Any possessions of the following substances are tax exempt:~~

~~(i) alumina, natural gas, or petroleum coke;~~

~~(ii) liquid fuel or fuel gas used in processing petroleum;~~

~~(iii) petroleum products that are exported for use or sale outside this state as fuel;~~

~~(iv) The exemption for possessions of petroleum products for export sale or use as fuel may be taken by any person within the chain of distribution of such products in this state. To perfect its entitlement to this exemption the person possessing such substance(s) must take from its buyer or transferee of the substance(s) a written certification in substantially the following form:~~

**Certificate of Tax Exempt Export Petroleum Products**

I hereby certify that the petroleum products specified herein, purchased by or transferred to the undersigned, from (seller or transferor), are for export for use or sale outside Washington state as fuel. I will become liable for and pay any hazardous substance tax due upon all or any part of such products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.

Registration No. \_\_\_\_\_ Type of Business \_\_\_\_\_  
(If applicable)  
Firm Name \_\_\_\_\_ Registered Name \_\_\_\_\_  
(If different)  
Authorized Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Identity of Petroleum Product \_\_\_\_\_  
(Kind and amount by volume)  
Date \_\_\_\_\_

~~((v) Each successive possessor of such petroleum products must, in turn, take a certification in this form from any other person to whom such petroleum products are sold or transferred in this state. Failure to take and keep such certifications as part of its permanent records will incur hazardous substance tax liability by such sellers or transferors of petroleum products.~~

~~((vi) Persons in possession of such petroleum products who themselves export or cause the exportation of such products to persons outside this state for further sale or use as fuel must keep the proofs of actual exportation required by WAC 458-20-193, Parts A or C. Example: Carriers who will purchase fuel in this state to be taken out of state in the fuel tanks of any ship, airplane, truck, or other carrier vehicle will provide their fuel suppliers with this certification. Then such carriers will directly report and pay the tax only upon the portion of such fuel actually consumed by them in this state. (With respect~~

to fuel brought into this state in fuel tanks and partially consumed here, see the credit provisions of Part (5)(b) of this section.)

Any possession of any hazardous substance, other than pesticides or petroleum products, possessed by a retailer for making sales to consumers, in an amount which is determined to be "minimal" by the department of ecology. That department has determined that the term "minimal" means less than \$1,000.00 worth of such hazardous substances measured by their wholesale value, possessed during any calendar month.

(d) Possessions of alumina or natural gas are tax exempt.

(e) Persons or activities which the state is prohibited from taxing under the United States Constitution are tax exempt.

(i) This exemption extends to the U.S. Government, its agencies and instrumentalities, and to any possession the taxation of which has been expressly reserved or preempted under the laws of the United States.

(ii) The tax will not apply with respect to any possession of any hazardous substance purchased, extracted, produced or manufactured outside this state which is shipped or delivered into this state until the interstate transportation of such substance has finally ended in this state. Thus, out of state sellers or producers need not pay the tax on substances shipped directly to customers in this state. The customers must pay the tax upon their first possession unless otherwise expressly exempt.

(iii) Out of state sellers or producers will be subject to tax upon substances shipped or delivered to warehouses or other in state facilities owned, leased, or otherwise controlled by them.

(iv) However, the tax will not apply with respect to possessions of substances which are only temporarily stored or possessed in this state in connection with through, interstate movement of the substances from points of origin to points of destination both of which are outside of this state.

~~((e) Any possession of any hazardous substances which were already possessed before January 1, 1988 are tax exempt. This exemption extends to current inventories and stocks of hazardous substances on hand on January 1, 1988 when the tax first takes effect. The intent is that the hazardous substance tax has no retroactive application.~~

~~(i) It is the intent, under the law, that this exemption will apply to the substances throughout their succeeding chain of distribution, in the possession of any person, for the life of those substances. That is, hazardous substances already possessed as of December 31, 1987 will not incur tax liability in the possession of any person at any time.~~

~~(ii) Persons who already possess any hazardous substances on December 31, 1987 must use a first-in-first-out (FIFO) accounting method for depleting such supplies, supported by their purchase, sales, or transfer records.~~

~~(iii) Because this exemption will follow the hazardous substances into the possession of any subsequent or succeeding possessors, sellers of such exempt current inventory substances should provide their registered buyers in~~

~~this state with the Certificate of Previously Taxed Hazardous Substance set forth in Part (15) of this section.)~~

~~(f) The former exemption for petroleum products for export sale or use outside this state as fuel was effectively repealed by I-97. There are no exemptions under the law for any possessions of hazardous substances in this state simply because such substances may later be sold or used outside this state.~~

~~(g) Though I-97 contains an exemption for persons possessing any hazardous substance where such possession first occurred before March 1, 1989, this exemption applies only to the tax imposed under I-97. It does not apply retroactively to excuse the hazardous substance tax which was imposed under chapter 82.22 RCW in effect from January 1, 1988 until March 1, 1989. However:~~

~~(i) TRANSITIONAL RULE: Persons who possess stocks or inventories of petroleum products as of March 1, 1989, which are destined for sale or use outside this state as fuel are not subject to tax upon such possessions of pre-existing inventories. For periods before March 1, 1989 the former exemption of RCW 82.22.040(3) for export petroleum products applies. For periods on and after March 1, 1989 the exemption for prepossessed hazardous substances explained in subsection (g) above will apply. Records appropriate to establish that such petroleum products were destined for out of state sale or use as fuel must be retained by any possessor claiming exemption under this transitional rule.~~

~~(5) Credits. There are three distinct kinds of tax credits against liability which are available under the law.~~

~~(a) A credit may be taken by any manufacturer or processor of a hazardous substance produced from ingredients or components which are themselves hazardous substances, and upon which the hazardous substance tax has been paid by the same person or is due for payment by the same person.~~

~~(i) Example. A manufacturer possesses hazardous chemicals which it combines to produce an acid which is also designated as a hazardous substance or product. When it reports the tax upon the wholesale value of the acid it may use a credit to offset the tax by the amount of tax it has already paid or reported upon the hazardous chemical ingredients or components. In this manner the intent of the law to tax hazardous substances only once is fulfilled.~~

~~(ii) Under circumstances where the hazardous ingredient and the hazardous end product are both possessed by the same person during the same tax reporting period, the tax on the respective substances must be computed and the former must be offset against the latter so that the tax return reflects the tax liability after the credit adjustment.~~

~~(iii) This credit may be taken only by manufacturers who have the first possession in this state of both the hazardous ingredients and the hazardous end product.~~

~~(b) A credit may be taken in the amount of the hazardous substance tax ((paid)) upon the value of fuel which is carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle.~~

(i) ~~((The purpose of this credit is to extend the same tax exclusion which exists for exported fuel (part (4)(c) above) to fuel which is possessed and partly used in this state before crossing the boundaries of this state in any fuel tank attached to any transportation vehicle powered by such fuel.~~

~~((ii)) The credit may be claimed only for the amount of tax reported or actually due to be paid on the fuel, not the amount representing the value of the fuel.~~

~~((iii)) (ii) The purpose of this credit is to exclude from taxation any possessions of fuel which remains in the fuel tanks of any carrier vehicles powered by such fuel when they leave this state, regardless of where or from whom such fuel-in-tanks was acquired.~~

~~((iii) The nature of this credit is such that it generally has application only for interstate and foreign private or common carriers ((whose fuel tanks contain fuel which was not first possessed by some other person in this state who paid the tax. The credit is limited to the person who carries the fuel from this state and cannot be claimed by any person who previously possessed the fuel in this state and paid the tax.)) who carry fuel into this state and/or purchase fuel in this state. The intent is that the tax will apply only to so much of such fuel as is actually consumed by such carriers within this state.~~

~~((iv) Interstate/foreign carriers who purchase fuel in this state do not require, and may not use this credit in respect to such locally purchased fuel. Instead, the export fuel exemption set forth at part (4)(c)(iii) will be used. Thus, this fuel-in-tanks credit is applicable only for fuel brought into this state in fuel tanks, part of which is then taken out of this state in the fuel tanks. The intent is that the tax will apply only to so much of such fuel as is consumed by such carriers in this state.~~

~~((v) Example. An airline company enters this state with its fuel tanks partially full of fuel which has not been possessed and taxed earlier in this state. The fuel in the tanks is, therefor, first possessed in this state by the airline company, has not been previously taxed, and the possession is not expressly tax exempt. Only the amount of fuel actually used in this state is subject to the tax because this credit may be taken for the tax paid on the portion of fuel allocated to use after the airplane exits this state.))~~

~~((iv) In order to equitably and efficiently administer this tax credit, any fuel which is brought into this state in carrier vehicle fuel tanks must be accounted for separately from fuel which is purchased in this state for use in such fuel tanks. Formulas approved by the department for reporting the amount of fuel consumed in this state for purposes of this tax or other excise tax purposes will satisfy the separate accounting required under this subsection.~~

~~((v) Fuel-in-tanks brought into this state must be fully reported for tax and then the credit must be taken in the amount of such fuel which is taken back out of this state. This is to be done on the same periodic excise tax return so that the net effect is that the tax is actually paid only upon the portion of fuel consumed here.~~

~~((vi) The credit for fuel-in-tanks purchased in this state must be accounted for by using a fuel-in-tanks credit certificate in substantially the following form:~~

CERTIFICATE OF CREDIT FOR FUEL CARRIED FROM THIS STATE IN FUEL TANKS

I hereby certify that the petroleum products specified herein, purchased by or transferred to the undersigned, from (name of seller or transferor), are entitled to the credit for fuel which is carried from this state in the fuel tank of any airplane, ship, truck, or other vehicle operated by a private or common carrier in interstate or foreign commerce. I will become liable for and pay the hazardous substance tax due upon all or any part of such fuel which is not so carried from this state. This certification is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.

Registration No. \_\_\_\_\_ (if applicable)  
Type of Business \_\_\_\_\_  
Firm Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Registered Name \_\_\_\_\_ (if different)  
Tax Reporting Agent \_\_\_\_\_ (if applicable)  
Authorized Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Identity of Fuel \_\_\_\_\_ (kind and amount by volume)

Date: \_\_\_\_\_

(vii) This certificate may be executed and provided to any possessor of fuel in this state, throughout the chain of distribution, with respect to fuel which ultimately will be sold and delivered into any carrier's fuel tanks in this state. Thus, refiners or manufacturers will take such certificates directly from carriers or from their wholesale purchasers who will sell to such carriers. Similarly, fuel dealers and distributors will take such certificates from carriers to whom they sell such fuel. These certificates must be retained as a permanent part of such seller's business records.

(viii) Persons who execute and provide these credit certificates to their fuel suppliers must retain suitable purchase and sales records as may be necessary to determine the amount of tax for which such persons may be liable.

(ix) Blanket certificates may be used to cover recurrent purchases of fuel by the same purchaser. Such blanket certificates must be renewed every two years.

(c) A credit may be taken against the tax owed in this state in the amount of any other state's hazardous substance tax which has been paid by the same person measured by the wholesale value of the same hazardous substance.

(i) In order for this credit to apply, the other state's tax must be significantly similar to Washington's tax in all its various respects. The taxable incident must be possessing the substance; the tax purpose must be that the substance is hazardous; and the tax measure must be stated in terms of the wholesale value of the substance, without deductions for costs of doing business, such that the other state's tax does not constitute an income tax or added value tax.

(ii) This credit may be taken for the amount of any other state's qualifying tax which has actually been paid ((either)) before ((-or-after)) Washington State's tax is

~~((paid)) incurred because the substance was previously possessed by the same person in another taxing jurisdiction.~~

(iii) The amount of credit is limited to the amount of tax paid in this state upon possession of the same hazardous substance in this state. Also, the credit may not be applied against any tax paid or owed in this state other than the hazardous substance tax imposed by ~~((RCW 82.22.030))~~ Section 10 of I-97.

(iv) Exchange agreements under which hazardous substances or products possessed in this state are exchanged through any accounts crediting system with like substances possessed in other states do not qualify for this credit. The substance taxed in another state, and for which this credit is sought, must be actually, physically possessed in this state.

(v) Persons claiming this credit must maintain records necessary to verify that the credit taking qualifications have been met. See WAC 458-20-19301, part (9) for record keeping requirements. The department of revenue will publish an Excise Tax Bulletin listing other states' taxes which qualify for this credit.

(6) Newly defined hazardous substances. The Director of Ecology may identify and designate things as being hazardous substances after ~~((January 1, 1988))~~ March 1, 1989. Also, things designated as hazardous substances may be deleted from this definition. Such actions are done by the adoption and subsequent periodic amendments to rules of the Department of Ecology under the Washington Administrative Code.

(a) The law allows the addition or deletion of substances as hazardous by rule amendments, no more often than twice in any calendar year.

(b) When such definitions are changed, they do not take effect for tax purposes until the first day of the following month which is at least thirty days after the effective date of rule action by the Department of Ecology.

(i) Example. The Department of Ecology adopts or amends the rule by adding a new substance and the effective date of the amendment is ~~((January))~~ June 15. Possession of the substance does not become taxable until ~~((March))~~ August 1.

~~((The exemption for current inventories and stocks on hand explained at part (5)(c) of this section does not apply to possessions of hazardous substances newly added by rule.))~~ The tax is owed by any person who has possession of the newly designated hazardous substance upon the tax effective date as explained herein. It is immaterial that the person in possession on that date was not the first person in possession of the substance in this state before it was designated as hazardous.

(7) Recurrent tax liability. It is the intent of the law that all hazardous substances possessed in this state should incur this tax liability only once unless they are expressly exempt. This is true of hazardous ingredients of products as well as the manufactured end product itself, if designated as a hazardous substance. The exemption for previously taxed hazardous substances does not apply to "products" which have been manufactured or

remanufactured simply because an ingredient or ingredients of that product may have already been taxed when possessed by the manufacturer. Instead of an exemption, manufacturers in possession of both the hazardous ingredient(s) and end product(s) should use the credit provision explained at Part (5)(a) of this section.

(a) However, the term "product" is defined to mean only an item or items which contain a combination of both hazardous substance(s) and non-hazardous substance(s). The term does not include combinations of only hazardous substances. Thus, possessions of substances produced by combining other hazardous substances upon all of which the tax has previously been paid will not again be taxable.

(b) When any hazardous substance(s) is first produced during and because of any physical combination or chemical reaction which occurs in a manufacturing or processing activity, the intermediate possession of such substance(s) within the manufacturing or processing plant is not considered a taxable possession if the substance(s) becomes a component or ingredient of the product being manufactured or processed or is otherwise consumed during the manufacturing or processing activity.

(i) However, when any intermediate hazardous substance is first produced during a manufacturing or processing activity and is withdrawn for sale or transfer outside of the manufacturing or processing plant, a taxable first possession occurs.

(c) Concentrations or dilutions for shipment or storage. The mere addition or withdrawal of water or other nonhazardous substances to or from hazardous substances designated under CERCLA or FIFRA for the sole purpose of transportation, storage, or the later manufacturing use of such substances does not result in any new hazardous product.

(8) How and when to pay tax. The tax must be reported on a special line of the combined excise tax return designated "hazardous substances." It is due for payment together with the timely filing of the return upon which it is reported, covering the tax reporting period during which the hazardous substance(s) is first possessed within this state. Any person who is not expressly exempt of the tax and who possesses any hazardous substance in this state, without having proof that the tax has previously been paid on that substance, must report and pay the tax.

(a) It may be that the person who purchases a hazardous substance will not have billing information from which to determine the wholesale value of the substance when the tax return for the period of possession is due. In such cases the tax is due for payment no later than the next regular reporting due date following the reporting period in which the substance(s) is first possessed.

(b) The taxable incident or event is the possession of the substance. Tax is due for payment by the purchaser of any hazardous substance whether or not the purchase price has been paid in part or in full.

(c) Special provision for manufacturers, refiners, and processors. ~~((Because it is not possible to know, at the time of first possession in this state, whether a hazardous substance may be used or sold in a manner which would~~

~~entitle the first possession to tax exemption, m))~~ Manufacturers, refiners, and processors who possess hazardous substances are required to report the tax and take any available exemptions and credits only at the time that such hazardous substances are withdrawn from storage for purposes of their sale, transfer, remanufacture, or consumption.

(9) How and when to claim credits. Credits should be claimed and offset against tax liability reported on the same excise tax return when possible. The tax return form provides a line for reporting tax on hazardous substances and a line for taking credits as an offset against the tax reported. It is not required that any documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(10) ((Successive possessions of the same hazardous substance. The law provides that the department of revenue may collect the tax from any person who has had possession of a hazardous substance in this state, if the tax has not already been paid by any person. The law also provides that the tax measure, wholesale value, should be as uniform as possible throughout the chain of possession. Wholesale value is determined by the wholesale selling price.

(a) ~~When tax is collected by the department from any person having successive possession of a substance, because no tax was previously paid on that same substance, the wholesale selling price means the price paid to any manufacturer or wholesaler who first had possession in this state.~~

(b) ~~In determining this wholesale selling price, the charges for shipping, delivery, warehousing, or any other such charges representing cost increments accrued after the first wholesale sale in this state are not included. Thus, the tax collected from any person having successive possession should be no greater than what the tax would have been if collected from the person who had first possession of the substance in this state.~~

(11) ~~Formulary or percentage tax reporting. The law provides that when the burden of the tax falls upon retailers, when they are the first persons in possession in this state, the tax burden should be equal to the same burden when it falls upon manufacturers or first level wholesalers earlier in the distribution chain. Because the tax measure is the wholesale value of the substance when first possessed in this state, that measure should remain constant regardless of who is the first person in possession. This is true even when the first person in possession is a retailer or any other purchaser or transferee of a hazardous substance from any out-of-state seller or transferor other than the out of state manufacturer of the substance.~~

(a) ~~It may be that the retailer or other importer first in possession will not have access to records reflecting the manufacturer's wholesale value of a hazardous substance. RCW 82.22.030 provides that in such cases the tax may be imposed upon a "percentage of sales" for any class of retailer so as to equalize the tax burden for all persons in possession of hazardous substances.~~

~~Therefore, in order to derive a tax measure which will reasonably approximate the manufacturer's wholesale selling price, retailers or other importers who are the first persons in possession of hazardous substances in this state may report and pay the tax under one of the following methods:~~

~~(i) measured by manufacturer's wholesale value as shown upon any actual accounting records available; or,~~

~~(ii) measured by sixty percent (60%) of gross receipts from retail sales of hazardous substances which have not been previously taxed; or,~~

~~(iii) measured by the possessor's cost, less twenty percent (20%), of all such substances not previously taxed; or,~~

~~(iv) under circumstances where none of the above methods fairly reflects what the wholesale value would have been at the time and place of first possession by a manufacturer in this state, then the retailer may submit a percentage of sales formula for prior approval by the department of revenue.~~

~~(v) It is not the intent of these formulary tax measurement provisions to derive any tax measure below or less than the manufacturer's wholesale value.~~

~~(b)) Special provision for consumer/first possessors. Under circumstances where the consumer is the first person in possession of any non-exempt hazardous substance (e.g., substances imported by the consumer), or where the consumer is the person who must pay the tax upon substances previously possessed in this state (fuel purchased for export in fuel tanks) the consumer's tax measure will be ((sixty percent (60%))) eighty percent (80%) of its retail purchase price. This provision((; again,)) is intended to ((equalize the)) achieve a tax measure ((for all taxable persons possessing hazardous substances)) equivalent to the wholesale value.~~

~~((12)) (11) Hazardous substances or products on consignment. Consignees who possess hazardous substances or products in this state with the power to sell such things, in their own name or on behalf of a disclosed or undisclosed consignor are liable for payment of the tax. The exemption for previously taxed substances is available for such consignees only if the consignors have paid the tax and the consignee has retained the certification or other proof of previous tax payment referred to in part (4)(i) and (ii) of this section. Possession of consigned hazardous substances by a consignee does not constitute constructive possession by the consignor.~~

~~((13)) (12) Hazardous substances untraceable to source. Various circumstances may arise whereby a person will possess hazardous substances in this state, some of which have been previously taxed in this or other states and some of which may not. In such cases ((the)) formulary tax reporting ((of part (11) of this section)) may be used, ((including the)) only upon a ((request for a)) special ruling by the department of revenue.~~

(a) Example. Fungible petroleum products from sources both within and outside this state are commingled in common storage facilities. Formulary reporting is appropriate based upon volume percentages reflecting the ratio of in-state production to out-of-state production or other form of acquisition.

((14)) (13) Administrative provisions. The provisions of chapter 82.32 RCW regarding due dates, reporting periods, tax return requirements, interest and penalties, tax audits and limitations, disputes and appeals, and all such general administrative provisions apply equally to the hazardous substance tax. Special requested rulings covering unique circumstances generally will be issued within sixty days from the date upon which complete information is provided to the department of revenue.

((15)) (14) Certification of previously taxed hazardous substance. Certification that the hazardous substance tax has already been paid by a person previously in possession of the substance(s) may be taken in substantially the following form:

I hereby certify that this purchase - all purchases of \_\_\_\_\_ (omit one) by \_\_\_\_\_ (identify substance(s) purchased) (name of purchaser) who possesses registration no. \_\_\_\_\_ (buyer's number, if registered)

consists of the purchase of hazardous substance(s) or product(s) upon which the ((tax imposed by RCW 82-22-030)) hazardous substance tax has been paid in full by a person previously in possession of the substance(s) or product(s) in this state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion, and with the full knowledge and agreement that the undersigned hereby assumes any liability for hazardous substance tax which has not been previously paid because of possession of the hazardous substance(s) or product(s) identified herein.

\_\_\_\_\_ The registered seller named below personally paid the tax upon possession of the hazardous substances.

\_\_\_\_\_ A person in possession of the hazardous substances prior to the possession of the registered seller named below paid the tax.

((\_\_\_\_\_ This certificate is being used to cover tax exempt existing inventories which were possessed in this state on December 31, 1987.)) (Check the appropriate line.)

Name of registered seller \_\_\_\_\_ Registration No. \_\_\_\_\_ Firm name \_\_\_\_\_ Address \_\_\_\_\_ Type of business \_\_\_\_\_ Authorized signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

WSR 89-10-053 PROPOSED RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed May 2, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Transportation Improvement Board intends to adopt, amend, or repeal rules concerning:

New ch. 479-112 WAC Submission of proposed TIA projects to Transportation Improvement Board.

- New ch. 479-113 WAC Submission of six-year plans for transportation improvement account projects.
New ch. 479-116 WAC Requirements for transportation improvement account project development.
New ch. 479-120 WAC Financial and payment requirements for transportation improvement account funded projects;

that the agency will at 9:00 a.m., Friday, June 16, 1989, in the Seattle City Council Chambers, 600 Fourth Avenue, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 47.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: May 1, 1989
By: Jerry M. Fay
Executive Director

STATEMENT OF PURPOSE

Title: Chapter 479-112 WAC, Submission of proposed TIA projects to Transportation Improvement Board; chapter 479-113 WAC, Submission of six-year plans for transportation improvement account projects; chapter 479-116 WAC, Requirements for transportation improvement account project development; and chapter 479-120 WAC, Financial and payment requirements for transportation improvement account funded projects.

Description of Purpose: To implement the procedures required by the 1988 statute establishing the Transportation Improvement Board.

Statutory Authority: Chapter 47.26 RCW.

Specific Statute Rule is Intended to Implement: Chapter 47.26 RCW.

Summary of Rule: These rules establish the process necessary to obtain funding from the Transportation Improvement Board.

Reasons Supporting the Proposed Action: In 1988 the legislature established the Transportation Improvement Board.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Jerry Fay, Executive Director, Transportation Improvement Board.

Name of the Person or Organization Proposing the Rule: The Transportation Improvement Board.

Agency Comments: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: None required.

Chapter 479-112 WAC SUBMISSION OF PROPOSED TIA PROJECTS TO TRANSPORTATION IMPROVEMENT BOARD

- WAC 479-112-005 Agencies eligible for transportation improvement account funds.
479-112-007 Designation of lead agency for transportation improvement account projects.
479-112-008 Verification of coordination with planning authority.
479-112-009 Planning requirements for multi-agency transportation improvement account projects.

- 479-112-010 Application for transportation improvement account projects.
- 479-112-017 Local/private matching funds on transportation improvement account projects.
- 479-112-018 Certification of local/private matching funds for transportation improvement account projects.
- 479-112-020 Time and place for submission of proposed TIA projects.

**NEW SECTION**

WAC 479-112-005 AGENCIES ELIGIBLE FOR TRANSPORTATION IMPROVEMENT ACCOUNT FUNDS. In accordance with RCW 47.26.084, TIA funds will be distributed to two funding programs. The funding programs will be entitled the "urban program" and the "small cities program." The term "urban area" as used in this chapter refers to that portion of a county within the federal urban area boundary as designated by FHWA.

- (1) The urban program shall include:
  - (a) Urban areas of counties;
  - (b) Cities with population over five thousand; and
  - (c) Urban area transportation benefit districts.
- (2) The small cities program shall include transportation improvements in cities with a population of five thousand or less.
- (3) Transportation improvements involving state highways and transit will be eligible for funding from the account when they are part of a joint project in either the urban or small cities program.

**NEW SECTION**

WAC 479-112-007 DESIGNATION OF LEAD AGENCY FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. The agencies involved in a multi-agency TIA funded project shall designate one agency as the lead agency. The lead agency must be a city, county, or transportation benefit district.

**NEW SECTION**

WAC 479-112-008 VERIFICATION OF COORDINATION WITH PLANNING AUTHORITY. All applications for TIA funding shall be consistent with the regional transportation plan. In areas of the state where there is no regional transportation planning authority, a letter of verification shall be signed by the chair of the lead agency legislative authority.

**NEW SECTION**

WAC 479-112-009 PLANNING REQUIREMENTS FOR MULTI-AGENCY TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. The board requires joint planning for all TIA funded multi-agency projects. The lead agency shall submit documentation to the board stating that the approving authority of each agency involved in the project has indicated support for the project. In the case of projects that stop at or near a corporate boundary or could affect other transportation agencies facilities or programs, a copy of a letter requesting review by other affected agencies shall accompany the project preapplication.

**NEW SECTION**

WAC 479-112-010 APPLICATION FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. When requested by the board, applications for proposed projects shall be submitted to the board by cities, counties, and transportation benefit districts seeking allocation of funds from the TIA. The application form will be provided by the board.

**NEW SECTION**

WAC 479-112-017 LOCAL/PRIVATE MATCHING FUNDS ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. (1) TIA moneys for urban program projects authorized by the board shall be matched by an amount not less than twenty percent of the total cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

(2) TIA moneys for the small cities program projects authorized by the board shall be matched by not less than ten percent of the total

cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

**NEW SECTION**

WAC 479-112-018 CERTIFICATION OF LOCAL/PRIVATE MATCHING FUNDS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Within one year after board approval of an application for funding and before any TIA funds are committed to the project, each agency with an interest in the TIA project shall provide written certification to the board of the pledged percentage of local and/or private funding. Funds allocated to an applicant that does not certify funding within one year after approval may be reallocated by the board.

**NEW SECTION**

WAC 479-112-020 TIME AND PLACE FOR SUBMISSION OF PROPOSED TIA PROJECTS. All project prospectuses submitted by cities, counties, or transportation benefit districts for funding from the TIA will be submitted in accordance with the requirements of WAC 479-12-020.

Chapter 479-113 WAC  
SUBMISSION OF SIX-YEAR PLANS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS

WAC

- 479-113-010 Six-year programs for transportation improvement account projects.
- 479-113-011 Priority criteria for transportation improvement account projects.
- 479-113-029 Establishing regions for transportation improvement account program.
- 479-113-031 Allocation of transportation improvement account funds to regions.
- 479-113-032 Contingency fund for the transportation improvement account urban program.
- 479-113-035 Value engineering study requirements for transportation improvement account projects.

**NEW SECTION**

WAC 479-113-010 SIX-YEAR PROGRAMS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. (1) The six-year transportation programs of urban area cities and counties required, respectively, by RCW 35.77.010 and 36.81.121, shall be divided into sections:

- (a) The basic six-year transportation program for the following six years based upon estimated revenues other than proposals for board funds for new projects.
- (b) A separate supplemental section of the six-year transportation program setting forth proposals, if any, for board funds for new projects to begin in the following biennial period.

(2) The separate supplemental section of the six-year transportation program setting forth proposed new projects utilizing board funds shall be considered as supplemental to the basic six-year transportation program and shall not contain duplicate projects: PROVIDED, That the same project may appear in both the basic and supplemental six-year transportation programs if:

- (a) The local agency intends to construct the project with other funds if TIA funds are not approved.
- (b) The total dollar amount of the basic six-year transportation program approximates estimated revenues available for construction for the following six-year period.

Upon board approval of any new project for financial assistance from the board, such project shall be amended into the basic six-year transportation program.

The responses to the TIA funding criteria questions and inventory data for each proposed project shall be prepared under the supervision of a registered engineer in the state of Washington.

A copy of the basic six-year transportation program and the separate supplemental section of the six-year transportation program shall be submitted to the board along with a copy of the resolution of the city or county adopting such program. The TIA project preapplication form setting forth new project proposals for the TIA funding, shall be submitted to the board on preapplication forms provided by the board.

NEW SECTION

WAC 479-113-011 PRIORITY CRITERIA FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. The lead agency shall evaluate its proposed TIA projects by utilizing the following criteria which shall also be utilized by the TIB to prioritize projects:

- (1) Multi-agency involvement in projects.
- (2) Multimodal solutions for projects including but not limited to transit, high occupancy vehicle (HOV) lanes, ferry or high capacity transit/rail.
- (3) Improvements necessitated by existing or foreseeable congestion or safety problems due to economic development or growth.
- (4) The percentage of agency(ies) and private matching funds.
- (5) For the small cities program projects, structural or geometric deficiencies.
- (6) Other factors deemed appropriate by the board on a case-by-case basis.

NEW SECTION

WAC 479-113-029 ESTABLISHING REGIONS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROGRAM. For the purpose of apportioning TIA funds to the urban and small cities programs, the counties of the state are grouped within three regions of the state as follows:

- (1) East region shall include eligible agencies within the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.
- (2) Puget Sound region shall include eligible agencies within the counties of King, Pierce, and Snohomish.
- (3) West region shall include eligible agencies within the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, Kitsap, Lewis, Mason, Pacific, San Juan, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

NEW SECTION

WAC 479-113-031 ALLOCATION OF TRANSPORTATION IMPROVEMENT ACCOUNT FUNDS TO REGIONS. (1) Of the funds in the urban program, at least fifteen percent will be allocated to projects in the East region, at least fifteen percent to projects in the West region, and at least thirty percent to projects in the Puget Sound region. An amount not to exceed ten percent of the urban funds will be placed in a contingency fund as provided for in WAC 479-113-032.

(2) Of the funds in the small cities program, the amount allocated to projects in a region will be within plus or minus five percent of the ratio which the population of cities under five thousand in a region bears to the state-wide population for cities under five thousand as last determined by the office of financial management.

NEW SECTION

WAC 479-113-032 CONTINGENCY FUND FOR THE TRANSPORTATION IMPROVEMENT ACCOUNT URBAN PROGRAM. At the beginning of each fiscal year, the board will place not more than ten percent of the urban program funds in a contingency fund. The contingency funds will be for use on projects that were unanticipated and can meet all program requirements. If no such projects appear forthcoming, the board will periodically reduce the size of the contingency fund during the fiscal year by allocating those funds to projects. The contingency funded projects may be submitted to the board for review anytime outside the normal funding process.

NEW SECTION

WAC 479-113-035 VALUE ENGINEERING STUDY REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Value engineering studies will be required on TIA projects in accordance with the requirements of WAC 479-13-035.

Chapter 479-116 WAC  
REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT  
ACCOUNT PROJECT DEVELOPMENT

WAC

- 479-116-015 Registered engineer in charge for transportation improvement account projects.
- 479-116-016 Certification of completion of work for transportation improvement account projects.
- 479-116-020 Standard specifications for transportation improvement account projects.
- 479-116-030 Utility and railroad adjustments and relocations for transportation improvement account projects.
- 479-116-035 Undergrounding utilities on transportation improvement account projects.
- 479-116-040 Traffic control devices on transportation improvement account projects.
- 479-116-045 Project plantings on transportation improvement account projects.
- 479-116-050 Acquisition of right of way for transportation improvement account projects.
- 479-116-060 Design standards for transportation improvement account projects.

NEW SECTION

WAC 479-116-015 REGISTERED ENGINEER IN CHARGE FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. All projects using TIA funds shall be planned, designed, and constructed under the supervision of a professional engineer registered in the state of Washington.

NEW SECTION

WAC 479-116-016 CERTIFICATION OF COMPLETION OF WORK FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Each voucher for payment shall be submitted in accordance with WAC 479-16-016.

NEW SECTION

WAC 479-116-020 STANDARD SPECIFICATIONS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. All TIA funded projects shall be constructed in accordance with WAC 479-16-020.

NEW SECTION

WAC 479-116-030 UTILITY AND RAILROAD ADJUSTMENTS AND RELOCATIONS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Utility and railroad adjustments and relocations on TIA funded projects shall be constructed in accordance with WAC 479-16-030.

NEW SECTION

WAC 479-116-035 UNDERGROUNDING UTILITIES ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. TIA funds shall participate in undergrounding utilities under conditions as provided for in WAC 479-16-035.

NEW SECTION

WAC 479-116-040 TRAFFIC CONTROL DEVICES ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Traffic control devices included in TIA funded projects shall be installed in conformance with WAC 479-16-040.

NEW SECTION

WAC 479-116-045 PROJECT PLANTINGS ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. TIA funds may participate in the cost of project plantings in accordance with WAC 479-16-045.

NEW SECTION

WAC 479-116-050 ACQUISITION OF RIGHT OF WAY FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Right of way for TIA funded projects shall be acquired in accordance with chapter 468-100 WAC.

NEW SECTION

WAC 479-116-060 DESIGN STANDARDS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. All TIA funded projects shall be prepared using currently applicable design standards.

Chapter 479-120 WAC  
FINANCIAL AND PAYMENT REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT FUNDED PROJECTS

## WAC

- 479-120-020 Partial or progress payments for transportation improvement account project costs.  
479-120-033 Procedure for requesting an increase in authorized amount of transportation improvement account funds.

NEW SECTION

WAC 479-120-020 PARTIAL OR PROGRESS PAYMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECT COSTS. Participation and payment of TIA funds shall be governed by the requirements of WAC 479-20-020.

NEW SECTION

WAC 479-120-033 PROCEDURE FOR REQUESTING AN INCREASE IN AUTHORIZED AMOUNT OF TRANSPORTATION IMPROVEMENT ACCOUNT FUNDS. An increase in the amount of TIA funds in a project may be requested in accordance with the provisions of WAC 479-20-033 and 479-20-037.

**WSR 89-10-054**  
**EMERGENCY RULES**  
**TRANSPORTATION IMPROVEMENT BOARD**  
[Order 89-1—Filed May 2, 1989]

Be it resolved by the Transportation Improvement Board acting at the Transportation Building, Olympia, Washington, that it does adopt the annexed rules relating to:

- |     |                 |  |
|-----|-----------------|--|
| New | ch. 479-112 WAC | Submission of proposed TIA projects to Transportation Improvement Board.                   |
| New | ch. 479-113 WAC | Submission of six-year plans for transportation improvement account projects.              |
| New | ch. 479-116 WAC | Requirements for transportation improvement account project development.                   |
| New | ch. 479-120 WAC | Financial and payment requirements for transportation improvement account funded projects. |

We, the Transportation Improvement Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these new rules are required in order to have new procedures in place before Transportation Improvement Board projects can be requested at the next Transportation Improvement Board meeting on May 19, 1989.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 47.26 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 21, 1989.

By Jerry M. Fay  
Executive Director

Chapter 479-112 WAC  
**SUBMISSION OF PROPOSED TIA PROJECTS TO TRANSPORTATION IMPROVEMENT BOARD**

## WAC

- 479-112-005 Agencies eligible for transportation improvement account funds.  
479-112-007 Designation of lead agency for transportation improvement account projects.  
479-112-008 Verification of coordination with planning authority.  
479-112-009 Planning requirements for multi-agency transportation improvement account projects.  
479-112-010 Application for transportation improvement account projects.  
479-112-017 Local/private matching funds on transportation improvement account projects.  
479-112-018 Certification of local/private matching funds for transportation improvement account projects.  
479-112-020 Time and place for submission of proposed TIA projects.

NEW SECTION

WAC 479-112-005 AGENCIES ELIGIBLE FOR TRANSPORTATION IMPROVEMENT ACCOUNT FUNDS. In accordance with RCW 47.26.084, TIA funds will be distributed to two funding programs. The funding programs will be entitled the "urban program" and the "small cities program." The term "urban area" as used in this chapter refers to that portion of a county within the federal urban area boundary as designated by FHWA.

- (1) The urban program shall include:  
(a) Urban areas of counties;  
(b) Cities with population over five thousand; and  
(c) Urban area transportation benefit districts.  
(2) The small cities program shall include transportation improvements in cities with a population of five thousand or less.  
(3) Transportation improvements involving state highways and transit will be eligible for funding from the account when they are part of a joint project in either the urban or small cities program.

NEW SECTION

WAC 479-112-007 DESIGNATION OF LEAD AGENCY FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. The agencies involved

in a multi-agency TIA funded project shall designate one agency as the lead agency. The lead agency must be a city, county, or transportation benefit district.

#### NEW SECTION

**WAC 479-112-008 VERIFICATION OF COORDINATION WITH PLANNING AUTHORITY.** All applications for TIA funding shall be consistent with the regional transportation plan. In areas of the state where there is no regional transportation planning authority, a letter of verification shall be signed by the chair of the lead agency legislative authority.

#### NEW SECTION

**WAC 479-112-009 PLANNING REQUIREMENTS FOR MULTI-AGENCY TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS.** The board requires joint planning for all TIA funded multi-agency projects. The lead agency shall submit documentation to the board stating that the approving authority of each agency involved in the project has indicated support for the project. In the case of projects that stop at or near a corporate boundary or could affect other transportation agencies facilities or programs, a copy of a letter requesting review by other affected agencies shall accompany the project preapplication.

#### NEW SECTION

**WAC 479-112-010 APPLICATION FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS.** When requested by the board, applications for proposed projects shall be submitted to the board by cities, counties, and transportation benefit districts seeking allocation of funds from the TIA. The application form will be provided by the board.

#### NEW SECTION

**WAC 479-112-017 LOCAL/PRIVATE MATCHING FUNDS ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS.** (1) TIA moneys for urban program projects authorized by the board shall be matched by an amount not less than twenty percent of the total cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

(2) TIA moneys for the small cities program projects authorized by the board shall be matched by not less than ten percent of the total cost of the transportation project. Matching funds will be considered to be all contributions other than those provided by the board.

#### NEW SECTION

**WAC 479-112-018 CERTIFICATION OF LOCAL/PRIVATE MATCHING FUNDS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS.** Within one year after board approval of an application for funding and before any TIA funds are committed to the project, each agency with an interest in the TIA project shall provide written certification to the

board of the pledged percentage of local and/or private funding. Funds allocated to an applicant that does not certify funding within one year after approval may be reallocated by the board.

#### NEW SECTION

**WAC 479-112-020 TIME AND PLACE FOR SUBMISSION OF PROPOSED TIA PROJECTS.** All project prospectuses submitted by cities, counties, or transportation benefit districts for funding from the TIA will be submitted in accordance with the requirements of WAC 479-12-020.

#### Chapter 479-113 WAC

#### SUBMISSION OF SIX-YEAR PLANS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS

##### WAC

- 479-113-010 Six-year programs for transportation improvement account projects.
- 479-113-011 Priority criteria for transportation improvement account projects.
- 479-113-029 Establishing regions for transportation improvement account program.
- 479-113-031 Allocation of transportation improvement account funds to regions.
- 479-113-032 Contingency fund for the transportation improvement account urban program.
- 479-113-035 Value engineering study requirements for transportation improvement account projects.

#### NEW SECTION

**WAC 479-113-010 SIX-YEAR PROGRAMS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS.** (1) The six-year transportation programs of urban area cities and counties required, respectively, by RCW 35.77.010 and 36.81.121, shall be divided into sections:

(a) The basic six-year transportation program for the following six years based upon estimated revenues other than proposals for board funds for new projects.

(b) A separate supplemental section of the six-year transportation program setting forth proposals, if any, for board funds for new projects to begin in the following biennial period.

(2) The separate supplemental section of the six-year transportation program setting forth proposed new projects utilizing board funds shall be considered as supplemental to the basic six-year transportation program and shall not contain duplicate projects: **PROVIDED**, That the same project may appear in both the basic and supplemental six-year transportation programs if:

(a) The local agency intends to construct the project with other funds if TIA funds are not approved.

(b) The total dollar amount of the basic six-year transportation program approximates estimated revenues available for construction for the following six-year period.

Upon board approval of any new project for financial assistance from the board, such project shall be amended into the basic six-year transportation program.

The responses to the TIA funding criteria questions and inventory data for each proposed project shall be prepared under the supervision of a registered engineer in the state of Washington.

A copy of the basic six-year transportation program and the separate supplemental section of the six-year transportation program shall be submitted to the board along with a copy of the resolution of the city or county adopting such program. The TIA project preapplication form setting forth new project proposals for the TIA funding, shall be submitted to the board on preapplication forms provided by the board.

**NEW SECTION**

WAC 479-113-011 PRIORITY CRITERIA FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. The lead agency shall evaluate its proposed TIA projects by utilizing the following criteria which shall also be utilized by the TIB to prioritize projects:

- (1) Multi-agency involvement in projects.
- (2) Multimodal solutions for projects including but not limited to transit, high occupancy vehicle (HOV) lanes, ferry or high capacity transit/rail.
- (3) Improvements necessitated by existing or foreseeable congestion or safety problems due to economic development or growth.
- (4) The percentage of agency(ies) and private matching funds.
- (5) For the small cities program projects, structural or geometric deficiencies.
- (6) Other factors deemed appropriate by the board on a case-by-case basis.

**NEW SECTION**

WAC 479-113-029 ESTABLISHING REGIONS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROGRAM. For the purpose of apportioning TIA funds to the urban and small cities programs, the counties of the state are grouped within three regions of the state as follows:

- (1) East region shall include eligible agencies within the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.
- (2) Puget Sound region shall include eligible agencies within the counties of King, Pierce, and Snohomish.
- (3) West region shall include eligible agencies within the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, Kitsap, Lewis, Mason, Pacific, San Juan, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

**NEW SECTION**

WAC 479-113-031 ALLOCATION OF TRANSPORTATION IMPROVEMENT ACCOUNT FUNDS TO REGIONS. (1) Of the funds in the urban program, at least fifteen percent will be allocated to projects in the

East region, at least fifteen percent to projects in the West region, and at least thirty percent to projects in the Puget Sound region. An amount not to exceed ten percent of the urban funds will be placed in a contingency fund as provided for in WAC 479-113-032.

(2) Of the funds in the small cities program, the amount allocated to projects in a region will be within plus or minus five percent of the ratio which the population of cities under five thousand in a region bears to the state-wide population for cities under five thousand as last determined by the office of financial management.

**NEW SECTION**

WAC 479-113-032 CONTINGENCY FUND FOR THE TRANSPORTATION IMPROVEMENT ACCOUNT URBAN PROGRAM. At the beginning of each fiscal year, the board will place not more than ten percent of the urban program funds in a contingency fund. The contingency funds will be for use on projects that were unanticipated and can meet all program requirements. If no such projects appear forthcoming, the board will periodically reduce the size of the contingency fund during the fiscal year by allocating those funds to projects. The contingency funded projects may be submitted to the board for review anytime outside the normal funding process.

**NEW SECTION**

WAC 479-113-035 VALUE ENGINEERING STUDY REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Value engineering studies will be required on TIA projects in accordance with the requirements of WAC 479-13-035.

**Chapter 479-116 WAC  
REQUIREMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECT DEVELOPMENT**

- |             |   |
|-------------|---|
| WAC         |   |
| 479-116-015 | Registered engineer in charge for transportation improvement account projects.                    |
| 479-116-016 | Certification of completion of work for transportation improvement account projects.              |
| 479-116-020 | Standard specifications for transportation improvement account projects.                          |
| 479-116-030 | Utility and railroad adjustments and relocations for transportation improvement account projects. |
| 479-116-035 | Undergrounding utilities on transportation improvement account projects.                          |
| 479-116-040 | Traffic control devices on transportation improvement account projects.                           |
| 479-116-045 | Project plantings on transportation improvement account projects.                                 |
| 479-116-050 | Acquisition of right of way for transportation improvement account projects.                      |

479-116-060 Design standards for transportation improvement account projects.

NEW SECTION

WAC 479-116-015 REGISTERED ENGINEER IN CHARGE FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. All projects using TIA funds shall be planned, designed, and constructed under the supervision of a professional engineer registered in the state of Washington.

NEW SECTION

WAC 479-116-016 CERTIFICATION OF COMPLETION OF WORK FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Each voucher for payment shall be submitted in accordance with WAC 479-16-016.

NEW SECTION

WAC 479-116-020 STANDARD SPECIFICATIONS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. All TIA funded projects shall be constructed in accordance with WAC 479-16-020.

NEW SECTION

WAC 479-116-030 UTILITY AND RAILROAD ADJUSTMENTS AND RELOCATIONS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Utility and railroad adjustments and relocations on TIA funded projects shall be constructed in accordance with WAC 479-16-030.

NEW SECTION

WAC 479-116-035 UNDERGROUNDING UTILITIES ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. TIA funds shall participate in undergrounding utilities under conditions as provided for in WAC 479-16-035.

NEW SECTION

WAC 479-116-040 TRAFFIC CONTROL DEVICES ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Traffic control devices included in TIA funded projects shall be installed in conformance with WAC 479-16-040.

NEW SECTION

WAC 479-116-045 PROJECT PLANTINGS ON TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. TIA funds may participate in the cost of project plantings in accordance with WAC 479-16-045.

NEW SECTION

WAC 479-116-050 ACQUISITION OF RIGHT OF WAY FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. Right of way for TIA funded projects shall be acquired in accordance with chapter 468-100 WAC.

NEW SECTION

WAC 479-116-060 DESIGN STANDARDS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECTS. All TIA funded projects shall be prepared using currently applicable design standards.

Chapter 479-120 WAC  
FINANCIAL AND PAYMENT REQUIREMENTS  
FOR TRANSPORTATION IMPROVEMENT AC-  
COUNT FUNDED PROJECTS

WAC

- 479-120-020 Partial or progress payments for transportation improvement account project costs.
- 479-120-033 Procedure for requesting an increase in authorized amount of transportation improvement account funds.

NEW SECTION

WAC 479-120-020 PARTIAL OR PROGRESS PAYMENTS FOR TRANSPORTATION IMPROVEMENT ACCOUNT PROJECT COSTS. Participation and payment of TIA funds shall be governed by the requirements of WAC 479-20-020.

NEW SECTION

WAC 479-120-033 PROCEDURE FOR REQUESTING AN INCREASE IN AUTHORIZED AMOUNT OF TRANSPORTATION IMPROVEMENT ACCOUNT FUNDS. An increase in the amount of TIA funds in a project may be requested in accordance with the provisions of WAC 479-20-033 and 479-20-037.

**WSR 89-10-055**  
**ADOPTED RULES**  
**BOARD OF TAX APPEALS**  
[Order 89-05—Filed May 2, 1989]

Be it resolved by the Board of Tax Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to practice and procedures before the board, repealing chapter 456-08 WAC.

This action is taken pursuant to Notice No. WSR 89-06-062 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.03.170 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1989.

By Lucille Carlson  
Chair

### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 456-08-001 PROCEDURE GOVERNED.  
WAC 456-08-002 ORGANIZATION AND OFFICE.  
WAC 456-08-003 TIME FROM WHICH APPEAL PERIOD IS COMPUTED.  
WAC 456-08-004 NOTICE OF APPEAL.  
WAC 456-08-005 FILING—DOCKET NUMBERS.  
WAC 456-08-006 TIME FOR APPEAL.  
WAC 456-08-007 PARTIES IN EXEMPTION APPEALS.  
WAC 456-08-010 APPEARANCE AND PRACTICE BEFORE THE BOARD—WHO MAY APPEAR.  
WAC 456-08-040 STANDARDS OF ETHICAL CONDUCT.  
WAC 456-08-045 EX PARTE COMMUNICATIONS.  
WAC 456-08-070 COMPUTATION OF TIME.  
WAC 456-08-080 RULES RELATING TO HEARINGS—SETTING.  
WAC 456-08-090 SERVICE OF PAPERS.  
WAC 456-08-092 SERVICE BY MAIL.  
WAC 456-08-150 SUBPOENAS—FORM.  
WAC 456-08-160 SUBPOENAS—ISSUANCE TO PARTIES.  
WAC 456-08-170 SUBPOENAS—SERVICE.  
WAC 456-08-180 SUBPOENAS—FEES.  
WAC 456-08-190 SUBPOENAS—PROOF OF SERVICE.  
WAC 456-08-200 SUBPOENAS—QUASHING.  
WAC 456-08-220 SUBPOENAS—GEOGRAPHICAL SCOPE.  
WAC 456-08-230 DEPOSITIONS AND INTERROGATORIES—RIGHT TO TAKE—FORMAL PROCEEDING CASES.  
WAC 456-08-240 DEPOSITIONS AND INTERROGATORIES—SCOPE.  
WAC 456-08-250 DEPOSITIONS AND INTERROGATORIES—OFFICER BEFORE WHOM TAKEN.  
WAC 456-08-260 DEPOSITIONS AND INTERROGATORIES—AUTHORIZATION.  
WAC 456-08-270 DEPOSITIONS AND INTERROGATORIES—PROTECTION OF PARTIES AND DEPONENTS.  
WAC 456-08-280 DEPOSITIONS AND INTERROGATORIES—ORAL EXAMINATION AND CROSS-EXAMINATION.  
WAC 456-08-290 DEPOSITIONS AND INTERROGATORIES—RECORDATION.  
WAC 456-08-300 DEPOSITIONS AND INTERROGATORIES—SIGNING, ATTESTATION AND RETURN.  
WAC 456-08-310 DEPOSITIONS AND INTERROGATORIES—USE AND EFFECT.  
WAC 456-08-320 DEPOSITIONS AND INTERROGATORIES—FEES OF OFFICERS AND DEPONENTS.  
WAC 456-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.  
WAC 456-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.  
WAC 456-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.  
WAC 456-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.  
WAC 456-08-365 DEPOSITIONS UPON INTERROGATORIES—REQUEST FOR ADMISSIONS.  
WAC 456-08-370 OFFICIAL NOTICE—MATTERS OF LAW.  
WAC 456-08-380 OFFICIAL NOTICE—MATERIAL FACTS.  
WAC 456-08-400 AGREED STATEMENT OF FACTS.  
WAC 456-08-401 BRIEFS.  
WAC 456-08-405 SUBMISSION WITHOUT ORAL ARGUMENT.  
WAC 456-08-408 TESTIMONY UNDER OATH.  
WAC 456-08-420 JOINDER OF ISSUE.  
WAC 456-08-430 PREHEARING CONFERENCE RULES—AUTHORIZED.  
WAC 456-08-510 EXTENSIONS OF TIME—CONTINUANCE.  
WAC 456-08-520 RULES OF EVIDENCE.  
WAC 456-08-532 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER.  
WAC 456-08-535 DISMISSAL OF ACTIONS.  
WAC 456-08-540 PETITION FOR REHEARING.  
WAC 456-08-600 INFORMAL HEARINGS—PROCEDURE FOR INFORMAL HEARINGS.  
WAC 456-08-610 APPEALS FROM DEPARTMENT OF REVENUE.  
WAC 456-08-620 APPEALS FROM COUNTY BOARD OF EQUALIZATION.  
WAC 456-08-630 SETTING FOR HEARING.  
WAC 456-08-635 HEARING EXAMINER FOR INFORMAL HEARING.  
WAC 456-08-640 VOLUNTARY DISMISSAL.  
WAC 456-08-650 INVOLUNTARY DISMISSAL.  
WAC 456-08-660 PROPOSED DECISIONS.  
WAC 456-08-670 PETITION FOR HEARING—SUBPOENAS.  
WAC 456-08-700 RULES RELATING TO PLEADINGS—FORM AND SIZE OF PLEADINGS.  
WAC 456-08-705 RULES RELATING TO PLEADINGS—TYPE OF HEARING.  
WAC 456-08-710 NOTICE OF APPEAL.

- WAC 456-08-715 NOTICE OF APPEAL—AMENDMENTS TO PLEADINGS.
- WAC 456-08-720 NOTICE OF APPEAL—ANSWER.
- WAC 456-08-725 INTERVENTION.
- WAC 456-08-730 PARTICIPATION BY AN INTERVENOR.
- WAC 456-08-735 PARTICIPATION BY AN INTERVENOR—AMICUS CURIAE.
- WAC 456-08-740 RECORD ON APPEAL.

**WSR 89-10-056**  
**ADOPTED RULES**  
**BOARD OF TAX APPEALS**  
 [Order 89-02—Filed May 2, 1989]

Be it resolved by the Board of Tax Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to the administration, function, and organization of the board, and practice and procedure before the board in formal hearings, chapter 456-09 WAC.

This action is taken pursuant to Notice No. WSR 89-06-063 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.03.170 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1989.

By Lucille Carlson  
 Chair

Chapter 456-09 WAC  
**FORMAL HEARINGS—PRACTICE AND PROCEDURE**

WAC

**HEARING OPTIONS**

- 456-09-010 Formal, informal hearing—Distinction.

**ADMINISTRATION**

- 456-09-110 Definitions.
- 456-09-120 Formal rules—Procedure governed.
- 456-09-130 Organization and office.
- 456-09-140 Quorum.
- 456-09-150 Meetings of the board.
- 456-09-160 Form and size of documents.
- 456-09-170 Docket number.

**PRACTICE BEFORE THE BOARD**

- 456-09-210 Appearance and practice before the board—Who may appear.
- 456-09-220 Rules of professional conduct.

- 456-09-230
- 456-09-310
- 456-09-315
- 456-09-320
- 456-09-325
- 456-09-330
- 456-09-335
- 456-09-340
- 456-09-345
- 456-09-350
- 456-09-355
- 456-09-360
- 456-09-365

Ex parte communication.

**APPEAL PROCEDURE**

- Notice of appeal—Forms—Contents.
- Notice of appeal—Timeliness of filing.
- Notice of appeal—Service and filing.
- Date of filing—Facsimile.
- Acknowledgement of notice of appeal.
- Computation of time.
- Jurisdiction—Issue raised by board—Procedure.
- Amendments to notice of appeal.
- Notice of appeal—Answer.
- Parties in exemption appeals.
- Intervention.
- Conversion of hearing.

**SERVICE OF PAPERS**

- Service of papers.
- Method of service.
- Service of papers—When complete.
- Proof of service—Certificate.

**DISCOVERY AND SUBPOENA**

- 456-09-510 Prehearing procedures—Discovery—Limitation.
- 456-09-520 Subpoena—Issuance.
- 456-09-530 Subpoena—Form.
- 456-09-540 Subpoena—Service.
- 456-09-550 Subpoena—Proof of service.
- 456-09-560 Subpoena—Quash or modification.
- 456-09-570 Subpoena—Geographical scope.

**CONFERENCES**

- 456-09-610 Conferences—Two types.
- 456-09-615 Settlement conference—Purpose.
- 456-09-620 Settlement conference—When held.
- 456-09-625 Settlement conference—Agreements.
- 456-09-630 Prehearing conference—Purpose.
- 456-09-635 Prehearing conference—When held.
- 456-09-640 Prehearing conference—Documentary evidence.
- 456-09-645 Prehearing conference—Excerpts from documentary evidence.
- 456-09-650 Prehearing conference—Failure to supply prehearing information.
- 456-09-655 Prehearing conference—Agreements.

**HEARING PROCEDURE**

- 456-09-705 Advance submission of evidence—Delivery to adverse party.
- 456-09-710 Hearing—Setting of time and place.
- 456-09-715 Continuance—Extensions of time.
- 456-09-720 Teleconference proceeding.
- 456-09-725 Briefs.
- 456-09-730 Hearing—Notice of hearing—Time—Contents.
- 456-09-735 Hearing—Standard and scope of review.
- 456-09-740 Testimony under oath.
- 456-09-745 Failure to attend—Default or dismissal—Setting aside.
- 456-09-750 Dismissal of actions.
- 456-09-755 Waiver of parties' appearance.

- 456-09-760 Rules of evidence—Admissibility criteria.
- 456-09-765 Official notice—Matters of law.
- 456-09-770 Official notice—Material facts.
- 456-09-775 Motions—Application—Requirements.

**DISPOSITION OF CASES**

- 456-09-910 Assistance to board.
  - 456-09-915 Presentation of posthearing evidence.
  - 456-09-920 Proposed findings and conclusions—Submission.
  - 456-09-925 Proposed decision.
  - 456-09-930 Exceptions to proposed decision.
  - 456-09-935 Reply to exceptions.
  - 456-09-940 Finality of proposed decision.
  - 456-09-945 Final decision following proposed decision.
  - 456-09-950 Final decision.
  - 456-09-955 Petition for reconsideration.
- SEPA**
- 456-09-970 Applicability of SEPA guidelines.

**HEARING OPTIONS**

NEW SECTION

WAC 456-09-010 **FORMAL, INFORMAL HEARING—DISTINCTION.** All persons appealing to the board of tax appeals may request that their appeal be heard either as a formal or informal hearing. Formal hearings are requested by parties wishing to carry the record of their appeals to court and are conducted pursuant to the Administrative Procedure Act. Judicial review of a board decision made in a formal hearing is limited to the record made of the proceedings before the board of tax appeals. All parties in formal hearings are normally represented by attorneys although taxpayers may represent themselves in such proceedings. A verbatim record is made of all formal hearings.

Informal hearings are requested by a majority of parties appearing before the board of tax appeals. Decisions entered in an informal appeal may not be appealed to court. Courts may have jurisdiction, however, to hear a timely filed action pursuant to RCW 82.32.180 or 84.68.020 (see RCW 82.03.180).

In all appeals over which the board has jurisdiction, a party taking an appeal may elect, with its notice of appeal, either a formal or informal hearing pursuant to RCW 82.03.140. Failure to elect a formal or informal hearing within the time provided by statute shall result in the proceeding being conducted as informal.

**ADMINISTRATION**

NEW SECTION

WAC 456-09-110 **DEFINITIONS.** As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board"

also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a hearing conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a hearing governed by those rules specified in chapter 456-10 WAC.

NEW SECTION

WAC 456-09-120 **FORMAL RULES—PROCEDURE GOVERNED.** These rules shall govern all practice and procedure for formal hearings before the board.

NEW SECTION

WAC 456-09-130 **ORGANIZATION AND OFFICE.** The board consists of three members, one of whom is elected chair. Members of the board are appointed by the governor with the consent of the senate and serve on a full-time basis.

The board offices are open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., excluding Saturdays, Sundays, and legal holidays. All submissions, requests, and communications shall be sent to the board at its principal office at 910 5th Avenue S.E., Mailstop EW-12, Olympia, Washington 98504.

NEW SECTION

WAC 456-09-140 **QUORUM.** Two members of the board shall constitute a quorum for making orders or decisions or for promulgating rules and regulations relating to its procedures and may act although one position on the board may be vacant. One member or designated hearing officer may hold hearings and take testimony. The findings of such member or hearing officer shall not become final until approved by a majority of the board in accordance with WAC 456-09-940 or 456-09-950.

NEW SECTION

WAC 456-09-150 **MEETINGS OF THE BOARD.** Regular meetings of the board will be held at its principal office or such other place as the board designates at 10:00 a.m. on the second Friday of each month.

NEW SECTION

WAC 456-09-160 **FORM AND SIZE OF DOCUMENTS.** Documents other than exhibits shall be typewritten or printed, properly captioned, shall be signed by the appropriate authorized individual or officer submitting the same, and shall include their address and

telephone number. Pleadings shall be on 8-1/2 x 11 inch paper.

NEW SECTION

WAC 456-09-170 DOCKET NUMBER. The board shall assign each appeal a docket number which shall be the official reference number for purposes of identification. Docket numbers for formal hearings shall be indicated by the last two digits of the calendar year in which the appeal was filed, and a number (e.g., 89-21).

PRACTICE BEFORE THE BOARD

NEW SECTION

WAC 456-09-210 APPEARANCE AND PRACTICE BEFORE THE BOARD—WHO MAY APPEAR. Practice before the board in formal proceedings shall be limited to the following:

- (1) Taxpayers who are natural persons representing themselves;
- (2) Attorneys at law duly qualified and entitled to practice in the courts of the state of Washington;
- (3) Attorneys at law entitled to practice before the highest court of record of any other state, if attorneys licensed in the state of Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by state law;
- (4) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such firm, association, partnership, or corporation; and
- (5) Other persons permitted by law.

NEW SECTION

WAC 456-09-220 RULES OF PROFESSIONAL CONDUCT. All persons appearing in proceedings before the board in a representative capacity shall conform to the rules of professional conduct required of attorneys before the courts of Washington. If any such person does not conform to such rules, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board. For example, representatives must observe rules concerning conflict of interests.

NEW SECTION

WAC 456-09-230 EX PARTE COMMUNICATION. No one shall make or attempt to make any ex parte communications prohibited by the Administrative Procedure Act. The board, in conducting a formal proceeding governed by the Administrative Procedure Act may not make or attempt to make ex parte communications prohibited by such act. Attempts by anyone to make such prohibited ex parte communications shall subject such person to the sanctions of WAC 456-09-220 and 456-09-750.

APPEAL PROCEDURE

NEW SECTION

WAC 456-09-310 NOTICE OF APPEAL—FORMS—CONTENTS. (1) A notice of appeal shall substantially contain:

(a) A caption in the following form:

BEFORE THE BOARD OF TAX APPEALS  
STATE OF WASHINGTON

Appellant,	}	Name of county in which property is located (if applicable) Docket No. _____
v.	}	NOTICE OF APPEAL Re: (Type of tax, e.g., excise, property)
Respondent.	}	

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

(b) Numbered paragraphs stating:

(i) Appellant's name, mailing address, telephone number, and that of the representative, if any.

(ii) The date of the order or determination from which the appeal is taken together with a copy of the order, decision, or application appealed from.

(iii) The nature of the tax, and:

(A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;

(B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant;

(C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property; and

(D) In pollution control tax exemption and credit certificate cases (chapter 82.34 RCW), the amount to which the credit or exemption should apply, and the grounds for such contention.

(iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention.

(v) A notice of intention that the hearing be held pursuant to the Administrative Procedure Act.

(vi) The relief sought.

(c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed for delay. If determined by the board that a pleading is not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action

may proceed as though the pleading had not been served.

(2) For informal appeals from decisions of a board of equalization or the department of revenue, the appellant may use forms provided by the board.

#### NEW SECTION

**WAC 456-09-315 NOTICE OF APPEAL—TIMELINESS OF FILING.** Any appeal to the board pursuant to RCW 82.03.190, 82.03.130, 84.08.130, 84.48.075, 84.36.850, 84.33.091, 84.34.065, 82.34.110, 82.03.130, 79.94.210, 39.88.060, 82.49.060, 84.08.110, or any other applicable statute shall be filed within the time required by the statute governing the respective agency or proceeding involved.

#### NEW SECTION

**WAC 456-09-320 NOTICE OF APPEAL—SERVICE AND FILING.** (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter and a certificate of service shall be filed with the board pursuant to WAC 456-09-440.

(2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.

(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall retain the other for its files.

(d) Appeals not properly or timely filed as provided in this section shall be continued or dismissed.

#### NEW SECTION

**WAC 456-09-325 DATE OF FILING—FACSIMILE.** (1) Except as provided in subsection (3) of this section, the date of filing of all papers shall be the date of actual receipt by the board at its Olympia office. The date stamp placed thereon shall be prima facie evidence of the date of receipt.

(2) Except as provided in subsection (3) of this section, all documents may be filed with the board via facsimile machine. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated on the facsimile shall be prima facie evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) A receipt from the sending station must be filed with the original document showing:

- (i) The date of transmission;
  - (ii) The time of transmission; and
  - (iii) The facsimile telephone number of the board.
- (d) All transmissions are sent at the risk of the sender.

(3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt.

#### NEW SECTION

**WAC 456-09-330 ACKNOWLEDGEMENT OF NOTICE OF APPEAL.** Upon written request of an appellant, the board will acknowledge receipt of a notice of appeal indicating the date of filing if the appellant submits a self-addressed stamped envelope with the request.

#### NEW SECTION

**WAC 456-09-335 COMPUTATION OF TIME.** In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday.

#### NEW SECTION

**WAC 456-09-340 JURISDICTION—ISSUE RAISED BY BOARD—PROCEDURE.** (1) Any party may, by motion, challenge the jurisdiction of the board in any appeal. The board may, upon its own motion, raise such jurisdictional issues.

(2) When the board determines that an appeal has been untimely filed, an order of dismissal will be mailed to all parties. An exception to the order of dismissal may be filed within twenty days after mailing of such order. The original and three copies of the exception shall be filed with the board and a copy served upon all other parties.

#### NEW SECTION

**WAC 456-09-345 AMENDMENTS TO NOTICE OF APPEAL.** Except as provided in WAC 456-09-705 a notice of appeal may be amended as a matter of right until thirty days after filing have elapsed.

Thereafter any amendments can only be made after approval of the board. Amendments shall be freely granted and may be denied only upon a showing by the adverse party of unreasonable and unavoidable hardship. The board may, upon motion of a party or upon its own motion, require a more complete statement of the nature of the claim or defense or any matter stated in any pleading.

NEW SECTION

WAC 456-09-350 NOTICE OF APPEAL—ANSWER. The respondent may file an answer with the board. If filed, the respondent shall file the original with the board and serve a copy thereof on the appellant within thirty days after the service of notice of appeal or any amendment thereto. Answers shall be verified in the same manner as the notice of appeal.

NEW SECTION

WAC 456-09-355 PARTIES IN EXEMPTION APPEALS. When an appeal is filed with the board under RCW 84.36.850, appealing from an exemption ruling by the department of revenue, the department of revenue will be designated as the respondent. The department of revenue, the property owner, and the assessor may all be parties to the appeal and shall be entitled to all the rights of a party. The person filing the appeal will be designated as the appellant, and the nonappealing party will also be designated as a respondent.

NEW SECTION

WAC 456-09-360 INTERVENTION. (1) Any person or agency whose interest may be substantially affected by an appeal may petition the board to be granted status as an intervenor in the appeal.

(2) In determining whether a petitioner qualifies as an intervenor, the presiding officer shall apply the rules of the superior courts of this state.

(3) If the petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the petition;

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(4) The presiding officer may timely grant or deny each petition and specify conditions, if any.

NEW SECTION

WAC 456-09-365 CONVERSION OF HEARING. (1) The assessor or taxpayer, as a party to an appeal pursuant to RCW 84.08.130(2) (appeals from the board of equalization) may, within twenty days from the date of receipt of the notice of appeal, file with the clerk of the board notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act.

(2) In appeals under RCW 82.03.190 and 82.03.130(5), except as otherwise provided in this subsection and subsection (2) of this section, the department of revenue may, within ten days of receipt of the notice

of appeal, file with the board a notice of its intention that the hearing be held pursuant to the Administrative Procedure Act.

(3) The parties may agree at any time before hearing, in writing, to convert the proceedings to either formal or informal.

## SERVICE OF PAPERS

NEW SECTION

WAC 456-09-410 SERVICE OF PAPERS. (1) Copies of all documents, exhibits, and papers filed with the board shall be served upon all counsel or representatives of record and upon parties not represented.

(2) Such service upon the representative shall be considered valid service for all purposes upon the party represented.

(3) Decisions or orders of the board shall be served upon both the party and their counsel or representative of record, if any.

NEW SECTION

WAC 456-09-420 METHOD OF SERVICE. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail, by telegraph, or by facsimile.

NEW SECTION

WAC 456-09-430 SERVICE OF PAPERS—WHEN COMPLETE. (1) Except as provided in subsection (2) of this section, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed, or by telegraph when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:

(a) The original document must be filed with the board within ten days from the date of transmission.

(b) A receipt from the sending station must be filed with the original document showing:

(i) The date of transmission;

(ii) The time of transmission; and

(iii) The facsimile telephone number of the receiving station.

(c) All transmissions are sent at the risk of the sender.

(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.

NEW SECTION

WAC 456-09-440 PROOF OF SERVICE—CERTIFICATE. Where proof of service is required by this chapter, by statute, or upon the board's request, filing a copy of the papers with the board together with either an acknowledgment of service or a certificate substantially as follows, shall constitute proof of service:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a

copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or their attorney or authorized agent.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(signature)

## DISCOVERY AND SUBPOENA

### NEW SECTION

WAC 456-09-510 PREHEARING PROCEDURES—DISCOVERY—LIMITATION. Insofar as applicable and not in conflict with this chapter, the statutes and court rules regarding pretrial procedures in civil cases in superior courts of the state of Washington shall be used. Such statutes and rules shall include but shall not be limited to those rules pertaining to discovery of evidence by parties to civil actions.

The board may limit discovery upon motion by any party.

### NEW SECTION

WAC 456-09-520 SUBPOENA—ISSUANCE. Subpoenas shall be issued and enforced, and witness fees paid, as provided in the Administrative Procedure Act. Subpoenas may be issued by the board or by an attorney of record. The person issuing shall sign the subpoena. Parties desiring subpoenas to be signed by the board shall make a showing of relevance and reasonable scope of the testimony or evidence sought and shall prepare the subpoenas for issuance, send them to the board's Olympia office for signature and, upon return, shall make arrangements for service.

### NEW SECTION

WAC 456-09-530 SUBPOENA—FORM. Every subpoena shall name the board of tax appeals and the title of the proceedings and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place. The time specified shall be a date not less than five days from the date of service.

### NEW SECTION

WAC 456-09-540 SUBPOENA—SERVICE. Service of subpoenas shall be made by delivering a copy of the subpoena to such person and tendering on demand, where entitled to make a demand, the fees for one day's attendance and the mileage allowed by law. All costs, which include the cost of producing records shall be paid by the party requesting issuance of the subpoena. A subpoena may be served by any suitable person at least eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at his or her abode. Proof of service

shall be made when service is made by a person other than an officer authorized to serve process.

### NEW SECTION

WAC 456-09-550 SUBPOENA—PROOF OF SERVICE. Proof of service and the required return affidavit shall be filed with the board.

### NEW SECTION

WAC 456-09-560 SUBPOENA—QUASH OR MODIFICATION. If the subpoena issued is unreasonable or requires evidence not relevant to any matter in issue, the board may quash or modify the subpoena. The person to whom the subpoena was issued must bring a motion to quash or modify at or before the time specified in the subpoena for compliance and upon notice to the party for whom the subpoena was issued.

### NEW SECTION

WAC 456-09-570 SUBPOENA—GEOGRAPHICAL SCOPE. Attendance of witnesses and production of evidence may be required from any place in the state of Washington at any designated place of hearing.

## CONFERENCES

### NEW SECTION

WAC 456-09-610 CONFERENCES—TWO TYPES. Conferences shall be of two types: Settlement and prehearing.

### NEW SECTION

WAC 456-09-615 SETTLEMENT CONFERENCE—PURPOSE. The purpose of a settlement conference shall be to determine the feasibility of a settlement of the matter being appealed. The presiding officer will be present at the opening and closing of a scheduled settlement conference. The presiding officer may leave the conference room from time to time if it may facilitate an agreement or settlement.

### NEW SECTION

WAC 456-09-620 SETTLEMENT CONFERENCE—WHEN HELD. At any time prior to hearing, the board may, upon its own motion or upon written application, order a settlement conference. The conference shall be scheduled with not less than fourteen days notice to each party at a time and place fixed by the board.

### NEW SECTION

WAC 456-09-625 SETTLEMENT CONFERENCE—AGREEMENTS. (1) All agreements reached at settlement conferences will be set forth in the record by the presiding officer.

(2) If an agreement is reached by all the parties present or represented, an order may be issued conforming to the agreement, providing the board finds said agreement is in accordance with the law.

(3) If no agreement is reached by the parties as to final disposition of the matter before hearing, a prehearing conference may thereafter be held.

#### NEW SECTION

**WAC 456-09-630 PREHEARING CONFERENCE—PURPOSE.** The purpose of a prehearing conference is to:

- (1) Obtain a stipulation of facts to show the board's jurisdiction in the matter;
- (2) Obtain agreement as to the issues of law and fact presented and the simplification or limitation thereof;
- (3) Determine the necessity of amendments to the appeal or other pleadings;
- (4) Determine the possibility of obtaining admissions of facts and authenticity of documents which will avoid unnecessary proof;
- (5) Determine the admissibility of exhibits;
- (6) Obtain stipulation as to all or part of the facts in the case;
- (7) Obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible;
- (8) Determine the approximate time necessary for the presentation of evidence of the respective parties; and
- (9) Obtain all other information which may aid in the prompt disposition of the matter.

#### NEW SECTION

**WAC 456-09-635 PREHEARING CONFERENCE—WHEN HELD.** The board may at its discretion or upon application of any party hold a prehearing conference. The conference shall be held at such time as ordered by the board on not less than fourteen days notice to each party. The conference may also be held immediately at the conclusion of a settlement conference if time permits.

#### NEW SECTION

**WAC 456-09-640 PREHEARING CONFERENCE—DOCUMENTARY EVIDENCE.** (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of the Administrative Procedure Act.

(2) Where practicable, the board may order:

(a) That all documentary evidence which is to be offered during the hearing be submitted to the board and to other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence.

(b) That documentary evidence not submitted as required in (a) of this subsection not be received in evidence in the absence of a clear showing that the offering party had good cause for the failure to produce the evidence sooner, unless it is submitted for impeachment purposes.

(c) That the authenticity of all documents so presented and examined be deemed admitted unless written objection thereto is filed within fourteen days after receipt. A party will be permitted to challenge such authenticity

at a later time only upon a clear showing of good cause for failure to have filed such written objection.

(3) The board may limit the documentary evidence to that presented at any prehearing conference. A party may submit additional documentary evidence at the time of hearing only upon a showing of good cause.

#### NEW SECTION

**WAC 456-09-645 PREHEARING CONFERENCE—EXCERPTS FROM DOCUMENTARY EVIDENCE.** When only portions of a document are to be relied upon, the offering party shall adequately identify and prepare the pertinent excerpts and shall supply copies of such excerpts to the presiding officer and to the other parties. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

#### NEW SECTION

**WAC 456-09-650 PREHEARING CONFERENCE—FAILURE TO SUPPLY PREHEARING INFORMATION.** The board may suspend the setting of a hearing if any party fails to supply the information reasonably necessary to aid the board in properly scheduling hearings. The board may suspend setting of a hearing pending receipt of the required information or may refuse to grant such party a continuance of the original hearing or may otherwise restrict the time or location of hearing for receipt of such party's evidence.

#### NEW SECTION

**WAC 456-09-655 PREHEARING CONFERENCE—AGREEMENTS.** At the conclusion of a prehearing conference, the board may require the parties to submit proposed prehearing orders. Thereafter the board will issue an order reciting the action taken at the conference. The order may include provisions pertaining to:

- (1) Amendments allowed to the pleadings;
- (2) Admissions;
- (3) Witnesses;
- (4) Exhibits;
- (5) Issues remaining;
- (6) Agreements by the parties;
- (7) Rulings; and
- (8) Any other matter that may expedite the hearing.

Any objection to such order shall be filed within ten days after the date the order is mailed. The order shall control subsequent proceedings unless modified for good cause.

### HEARING PROCEDURE

#### NEW SECTION

**WAC 456-09-705. ADVANCE SUBMISSION OF EVIDENCE—DELIVERY TO ADVERSE PARTY.** (1) Copies of all documentary evidence which is to be introduced at hearing shall be submitted to the board in advance. The department of revenue, department of natural resources, or the assessor shall submit such evidence at least ten business days prior to hearing. The taxpayer

or other party shall submit such evidence at least five business days prior to hearing. Failure to comply may be grounds for exclusion of such evidence or dismissal in accordance with WAC 456-09-750.

(2) Evidence of comparable sales, listed in the notice of appeal/answer, which are subsequently changed shall conform to this section and will be excepted from the requirements of WAC 456-09-345 (Amendments to notice of appeal) and 456-09-350 (Notice of appeal—Answer).

(3) All correspondence and all documents filed with the board shall indicate that copies have been mailed or delivered to the attorney or representative of record or the adverse party if not represented.

(4) An acknowledgement of service or certificate of mailing as provided in WAC 456-09-440 shall be filed with the board together with the advance submission of documentary evidence as required in subsection (1) of this section.

#### NEW SECTION

WAC 456-09-710 HEARING—SETTING OF TIME AND PLACE. (1) The board will generally not schedule a hearing until the filing of the answer or, in the absence thereof, thirty days after filing of the notice of appeal.

(2) The board will set a time and place for hearing. The parties shall, upon request of the board, submit written estimates of the time that will be required to hear the matter.

(3) Where the board deems appropriate or at a party's request, the board may set prehearing or settlement conference dates.

#### NEW SECTION

WAC 456-09-715 CONTINUANCE—EXTENSIONS OF TIME. (1) Continuances and extensions of time may be ordered on timely request of any party. The request shall show good cause and shall be served upon all other parties.

(2) This section shall not extend any applicable time for appeal to this board nor extend the time for providing notice of appeal to any named party.

#### NEW SECTION

WAC 456-09-720 TELECONFERENCE PROCEEDING. (1) At the discretion of the board, and where the rights of the parties will not be prejudiced thereby, all or part of the hearing, prehearing, or settlement conference may be conducted by telephone, television, or other electronic means. Each party in the proceeding must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place.

(2) The board may require documentary evidence to be submitted sufficiently in advance of the proceeding.

#### NEW SECTION

WAC 456-09-725 BRIEFS. The original and four copies of briefs shall be filed with the board at least five business days prior to hearing unless otherwise provided by the board. When briefs are filed, a copy shall also be served on the other parties. The board may permit or require the filing of additional briefs.

#### NEW SECTION

WAC 456-09-730 HEARING—NOTICE OF HEARING—TIME—CONTENTS. (1) Time. Notice of a hearing will be mailed to all parties and to all persons having filed written petitions to intervene not less than twenty days before the hearing date. The twenty-day notice provision may be waived by agreement of all parties.

(2) Contents. The notice shall contain:

(a) The names and mailing addresses of the parties and their representatives, if any;

(b) The docket number and name of the proceeding;

(c) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(d) A statement of the time, place, date, and general nature of the proceeding (e.g., excise, property, etc.);

(e) A statement that the hearing is held pursuant to chapter 82.03 RCW and Title 456 WAC;

(f) A statement of the issues or matters asserted and the particular sections of the statutes or rules involved as stated in the notice of appeal and responsive pleading, if any;

(g) A statement that if a qualified interpreter is needed, one will be appointed at no cost to the party or witness upon five days written notice; and

(h) A statement that a party who fails to attend or participate at hearing may be held in default in accordance with WAC 456-09-745.

#### NEW SECTION

WAC 456-09-735 HEARING—STANDARD AND SCOPE OF REVIEW. (1) The board will apply the specific criteria provided by law in making its decision on each case.

(2) Hearings shall be quasi-judicial in nature and shall be conducted de novo unless otherwise provided by law.

(3) All pleadings shall be liberally construed with the view of substantial justice between the parties.

#### NEW SECTION

WAC 456-09-740 TESTIMONY UNDER OATH. All testimony to be considered by the board shall be sworn, and each person shall swear or affirm that the testimony to be given shall be the truth, the whole truth, and nothing but the truth.

#### NEW SECTION

WAC 456-09-745 FAILURE TO ATTEND—DEFAULT OR DISMISSAL—SETTING ASIDE. (1) When a party to these proceedings has, after notice,

failed to attend a hearing, a motion for default or dismissal may be sought by any party to the proceedings or raised by the board upon its own motion. Any such order shall include a statement of the grounds for the order and shall be served upon all parties to the proceeding.

(2) Within ten days after service of the default order or dismissal under subsection (1) of this section, the party against whom the order was entered may file a written objection requesting that the order be vacated and stating the specific grounds relied upon. The board may, for good cause, set aside an entry of dismissal, default, or final order.

#### NEW SECTION

##### WAC 456-09-750 DISMISSAL OF ACTIONS.

Any action may be dismissed by the board:

- (1) When all parties so stipulate;
- (2) Upon motion of the appellant prior to the presentation of the respondent's case;
- (3) Upon motion by the respondent alleging that the appellant has failed to prosecute the case, failed to comply with this chapter, or failed to follow any order of the board; or
- (4) Upon the board's own motion for failure by the parties to comply with applicable rules or any order of the board.

#### NEW SECTION

WAC 456-09-755 WAIVER OF PARTIES' APPEARANCE. Upon stipulation by both parties that no facts are at issue, an appeal may be submitted to the board with or without oral argument. However, the board in its discretion may require appearance for argument.

#### NEW SECTION

WAC 456-09-760 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. (1) All relevant evidence, including hearsay evidence, is admissible if, in the opinion of the board, the offered evidence is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The board shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The board may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) The board's experience, technical knowledge, competency, and specialized knowledge may be used in evaluation of evidence.

(3) If not inconsistent with subsection (1) of this section, the board may refer to, but shall not be bound by, the Washington rules of evidence.

(4) Documentary evidence may be submitted in the form of copies or excerpts.

#### NEW SECTION

WAC 456-09-765 OFFICIAL NOTICE—MATTERS OF LAW. The board may officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals, and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders, and notices published in the Federal Register.

(2) State law. The Constitution of the state of Washington; decisions of the state courts; acts of the legislature, resolutions, records, journals, and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders, and notices filed with the code reviser.

(3) Counties and cities. Ordinances and resolutions enacted by cities, counties, or other municipal subdivisions of the state of Washington.

(4) Governmental organization. Organization, territorial limitations, officers, departments and general administration of the government of the state of Washington, the United States, the several states, and foreign nations.

(5) Agency organization. The department, commission, or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

#### NEW SECTION

WAC 456-09-770 OFFICIAL NOTICE—MATERIAL FACTS. In the absence of controverting evidence, the board, upon request made before or during a hearing, may officially notice:

(1) Board proceedings. The pendency of the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board.

(2) Business customs. General customs and practices followed in the transaction of business.

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency.

(4) Request or suggestion. Any party may request, or the board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(5) Statement. Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.

(6) Controversion. Any party may controvert a request or a suggestion that official notice of a material

fact be taken at the time the same is made if it be made orally, or by a pleading, reply, or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority, and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

#### NEW SECTION

WAC 456-09-775 MOTIONS—APPLICATION—REQUIREMENTS. (1) Any application for an order or ruling is a motion. Every motion, unless made during hearing, shall be in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.

(2) All motions shall be properly captioned and signed by the party or their attorney.

(3) The board will deny or dismiss any motion unless the moving party, before motion, has made a good faith effort to confer with the other parties concerning the issues in dispute. The moving party shall include in the motion a statement of compliance with this subsection.

(4) A response to the motion shall be filed within ten days after the date of service.

(5) In the motion and response, the parties shall specify the amount of time required for argument, whether appearance by telecommunication is requested, the names and telephone numbers of all parties served with the motion or response, and whether court reporting services are requested.

### DISPOSITION OF CASES

#### NEW SECTION

WAC 456-09-910 ASSISTANCE TO BOARD. (1) The board may obtain assistance concerning the appeal of any case within the scope of RCW 82.03.130(2) from the staff of the department of revenue as provided by RCW 82.03.160. The board will notify the parties of its intent to seek such assistance and the matters sought to be investigated before contacting the department of revenue. Parties may recommend an alternative to the board to achieve the same objectives without contacting the department of revenue.

(2) Any evidence from the department of revenue concerning assistance requested under this section shall only be presented in open hearing after notice to all parties.

#### NEW SECTION

WAC 456-09-915 PRESENTATION OF POST-HEARING EVIDENCE. Unless requested by the board, no posthearing evidence will be accepted unless

such evidence could not reasonably have been anticipated or discovered prior to hearing.

#### NEW SECTION

WAC 456-09-920 PROPOSED FINDINGS AND CONCLUSIONS—SUBMISSION. At the discretion of the board, parties may file proposed findings of fact and conclusions of law. Proposed findings of fact and conclusions of law shall be filed within the time period set by the board.

#### NEW SECTION

WAC 456-09-925 PROPOSED DECISION. A proposed decision shall be prepared when:

(1) An appeal has been heard by only one member of the board;

(2) An appeal has been heard by only two members of the board and the two members cannot agree on a conclusion;

(3) An appeal has been heard by a hearing officer; or

(4) The board shall otherwise elect to do so.

#### NEW SECTION

WAC 456-09-930 EXCEPTIONS TO PROPOSED DECISION. (1) Time for filing. Any party may file a written exception with the board within twenty days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. An original and four copies shall be filed with the board, and a copy shall be served on all other parties.

(2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties filing the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions should also contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.

(3) Failure of a party to comply with the requirements for exceptions may result in the board issuing an order adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been filed.

#### NEW SECTION

WAC 456-09-935 REPLY TO EXCEPTIONS. Any party may, within ten days or such further time as the board may allow, submit a reply to exceptions or a written brief or statement of position regarding the matters on which exceptions were taken. The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed.

#### NEW SECTION

WAC 456-09-940 FINALITY OF PROPOSED DECISION. If exceptions are not filed, the proposed

decision may be adopted by the board and become the board's final decision. Such adoption of the proposed decision shall be the final decision of the board.

**NEW SECTION**

WAC 456-09-945 FINAL DECISION FOLLOWING PROPOSED DECISION. After the filing of exceptions and any responses, the record before the board shall be considered by at least two members of the board.

**NEW SECTION**

WAC 456-09-950 FINAL DECISION. When an appeal has been heard or the record considered by a majority of the board, a final decision may be adopted which shall contain findings and conclusions as to each contested issue of fact and law.

**NEW SECTION**

WAC 456-09-955 PETITION FOR RECONSIDERATION. After a final decision has been issued, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days from the mailing of the final decision. The original and four copies of the petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that an answer be filed and served in the same manner. The filing of a petition for reconsideration shall suspend the final decision until action by the board. The board may deny the petition, modify its decision, or reopen the hearing. A petition for reconsideration is not available where a proposed decision was first issued.

**SEPA**

**NEW SECTION**

WAC 456-09-970 APPLICABILITY OF SEPA GUIDELINES. The board has reviewed its authorized activities pursuant to WAC 197-11-800(12) and has found them all to be exempt from the provisions of chapter 197-11 WAC.

**WSR 89-10-057**

**ADOPTED RULES**

**BOARD OF TAX APPEALS**

[Order 89-03—Filed May 2, 1989]

Be it resolved by the Board of Tax Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to the administration, function, and organization of the board, and practice and procedure before the board in informal hearings, chapter 456-10 WAC.

Please take notice that proposed WAC 456-10-350 was not adopted by the Board of Tax Appeals.

This action is taken pursuant to Notice No. WSR 89-06-064 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.03.170 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1989.

By Lucille Carlson  
Chair

**Chapter 456-10 WAC  
INFORMAL HEARINGS—PRACTICE AND PROCEDURE**

**WAC**

**HEARING OPTIONS**

456-10-010 Formal, informal hearing—Distinction.

**ADMINISTRATION**

456-10-110 Definitions.  
456-10-120 Informal rules—Procedure governed.  
456-10-130 Use of formal rules in informal proceedings.  
456-10-140 Organization and office.  
456-10-150 Quorum.  
456-10-160 Meetings of the board.  
456-10-170 Form and size of documents.  
456-10-180 Docket number.

**PRACTICE BEFORE THE BOARD**

456-10-210 Appearance and practice before the board—Who may appear.  
456-10-220 Rules of professional conduct.  
456-10-230 Ex parte communication.

**APPEAL PROCEDURE**

456-10-310 Notice of appeal—Forms—Contents.  
456-10-315 Notice of appeal—Timeliness of filing.  
456-10-320 Notice of appeal—Service and filing.  
456-10-325 Date of filing—Facsimile.  
456-10-330 Acknowledgement of notice of appeal.  
456-10-335 Computation of time.  
456-10-340 Jurisdiction—Issue raised by board—Procedure.  
456-10-345 Amendments to notice of appeal.  
456-10-355 Parties in exemption appeals.  
456-10-360 Conversion of hearing.

**SERVICE OF PAPERS**

456-10-410 Service of papers.  
456-10-420 Method of service.  
456-10-430 Service of papers—When complete.  
456-10-440 Proof of service—Certificate.

**HEARING PROCEDURE**

456-10-505 Advance submission of evidence—Delivery to adverse party.  
456-10-510 Hearing—Setting of time and place.

- 456-10-515 Continuance—Extensions of time.  
 456-10-520 Teleconference proceeding.  
 456-10-525 Briefs.  
 456-10-530 Hearing—Notice of hearing—Time—  
 Contents.  
 456-10-535 Hearing—Standard and scope of  
 review.  
 456-10-540 Hearing—Procedure.  
 456-10-545 Testimony under oath.  
 456-10-550 Failure to attend—Default or dismiss-  
 al—Setting aside.  
 456-10-555 Dismissal of actions.  
 456-10-560 Waiver of parties' appearance.  
 456-10-565 Rules of evidence—Admissibility  
 criteria.  
 456-10-570 Motions—Application—  
 Requirements.

#### DISPOSITION OF CASES

- 456-10-710 Assistance to board.  
 456-10-715 Presentation of posthearing evidence.  
 456-10-720 Proposed findings and conclusions—  
 Submission.  
 456-10-725 Proposed decision.  
 456-10-730 Exceptions to proposed decision.  
 456-10-735 Reply to exceptions.  
 456-10-740 Finality of proposed decision.  
 456-10-745 Final decision following proposed  
 decision.  
 456-10-750 Final decision.  
 456-10-755 Petition for reconsideration.

#### SEPA

- 456-10-970 Applicability of SEPA guidelines.

#### HEARING OPTIONS

#### NEW SECTION

WAC 456-10-010 FORMAL, INFORMAL HEARING—DISTINCTION. All persons appealing to the board of tax appeals may request that their appeal be heard either as a formal or informal hearing. Formal hearings are requested by parties wishing to carry the record of their appeals to court and are conducted pursuant to the Administrative Procedure Act. Judicial review of a board of tax appeals decision made in a formal hearing is limited to the record made of the proceedings before the board of tax appeals. All parties in formal hearings are normally represented by attorneys although taxpayers may represent themselves in such proceedings. A verbatim record is made of all formal hearings.

Informal hearings are requested by a majority of parties appearing before the board of tax appeals. Decisions entered in an informal appeal may not be appealed to court. Courts may have jurisdiction, however, to hear a timely filed action pursuant to RCW 82.32.180 or 84.68.020 (see RCW 82.03.180).

In all appeals over which the board has jurisdiction, a party taking an appeal may elect, with its notice of appeal, either a formal or informal hearing pursuant to RCW 82.03.140. Failure to elect a formal or informal

hearing within the time provided by statute shall result in the proceeding being conducted as informal.

#### ADMINISTRATION

#### NEW SECTION

WAC 456-10-110 DEFINITIONS. As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a hearing conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a hearing governed by those rules specified in chapter 456-10 WAC.

#### NEW SECTION

WAC 456-10-120 INFORMAL RULES—PROCEDURE GOVERNED. This chapter shall govern all practice and procedure for informal hearings before the board. Formal proceedings shall be governed by those rules specified in chapter 456-09 WAC.

#### NEW SECTION

WAC 456-10-130 USE OF FORMAL RULES IN INFORMAL PROCEEDINGS. Where procedures are not covered by this chapter or where ambiguities exist, the board may upon its own motion or upon written application by any party, refer to and use any rule provided in chapter 456-09 WAC (formal rules).

#### NEW SECTION

WAC 456-10-140 ORGANIZATION AND OFFICE. The board consists of three members, one of whom is elected chair. Members of the board are appointed by the governor with the consent of the senate and serve on a full-time basis.

The board offices are open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., excluding Saturdays, Sundays, and legal holidays. All submissions, requests, and communications shall be sent to the board at its principal office at 910 5th Avenue S.E., Mailstop EW-12, Olympia, Washington 98504.

#### NEW SECTION

WAC 456-10-150 QUORUM. Two members of the board shall constitute a quorum for making orders or

decisions or for promulgating rules and regulations relating to its procedures and may act although one position on the board may be vacant. One member or designated hearing officer may hold hearings and take testimony. The findings of such member or hearing officer shall become final in accordance with WAC 456-10-740.

NEW SECTION

WAC 456-10-160 MEETINGS OF THE BOARD. Regular meetings of the board will be held at its principal office or such other place as the board designates at 10:00 a.m. on the second Friday of each month.

NEW SECTION

WAC 456-10-170 FORM AND SIZE OF DOCUMENTS. Documents other than exhibits shall be typewritten or printed, properly captioned, shall be signed by the appropriate authorized individual or officer submitting the same, and shall include their address and telephone number. Pleadings shall be on 8-1/2 x 11 inch paper.

NEW SECTION

WAC 456-10-180 DOCKET NUMBER. The board shall assign each appeal a docket number which shall be the official reference number for purposes of identification. Docket numbers for informal hearings shall be indicated by consecutive number with no year indication (e.g., 38025).

PRACTICE BEFORE THE BOARD

NEW SECTION

WAC 456-10-210 APPEARANCE AND PRACTICE BEFORE THE BOARD—WHO MAY APPEAR. The right to practice before the board in informal proceedings shall be limited to the following:

- (1) Taxpayers who are natural persons representing themselves;
- (2) Attorneys at law duly qualified and entitled to practice in the courts of the state of Washington;
- (3) Attorneys at law entitled to practice before the highest court of record of any other state, if attorneys licensed in the state of Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by state law;
- (4) Public officials in their official capacity;
- (5) Certified public accountants and licensed public accountants entitled to practice accountancy in the state of Washington;
- (6) A duly authorized director, officer, or full-time employee of an individual firm, association, partnership, or corporation who appears for such firm, association, partnership, or corporation;
- (7) Partners, joint venturers, or trustees representing their respective partnerships, joint venturers, or trusts; and

- (8) Other persons designated by a taxpayer with approval of the board.

NEW SECTION

WAC 456-10-220 RULES OF PROFESSIONAL CONDUCT. All persons appearing in proceedings before the board in a representative capacity shall conform to the rules of professional conduct required of attorneys before the courts of Washington. If any such person does not conform to such rules, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board. For example, representatives must observe rules concerning conflict of interests.

NEW SECTION

WAC 456-10-230 EX PARTE COMMUNICATION. No one may make or attempt to make any ex parte contact with a member of the board or presiding officer except upon notice and opportunity for all parties to be present or to the extent required for the disposition of ex parte matters as authorized by law. Attempts by anyone to make such prohibited ex parte communications shall subject such person to the sanctions of WAC 456-10-220 and 456-10-555.

APPEAL PROCEDURE

NEW SECTION

WAC 456-10-310 NOTICE OF APPEAL—FORMS—CONTENTS. (1) For informal appeals from decisions of a board of equalization or the department of revenue, the appellant may use forms provided by the board.

(2) In all other cases, a notice of appeal shall substantially contain:

- (a) A caption in the following form:

BEFORE THE BOARD OF TAX APPEALS STATE OF WASHINGTON	
Appellant,	Name of county in which property is located (if applicable) Docket No. _____
v.	}
Respondent.	NOTICE OF APPEAL Re: (Type of tax, e.g., excise, property)

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

- (b) Numbered paragraphs stating:

- (i) Appellant's name, mailing address, telephone number, and that of the representative, if any.
- (ii) The date of the order or determination from which the appeal is taken, together with a copy of the order, decision, or application appealed from.
- (iii) The nature of the tax, and:

(A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;

(B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant;

(C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property; and

(D) In pollution control tax exemption and credit certificate cases (chapter 82.34 RCW), the amount to which the credit or exemption should apply, and the grounds for such contention.

(iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention.

(v) The relief sought.

(c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed for delay. If determined by the board that a pleading is not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action may proceed as though the pleading had not been served.

#### NEW SECTION

WAC 456-10-315 NOTICE OF APPEAL—TIMELINESS OF FILING. Any appeal to the board pursuant to RCW 82.03.190, 82.03.130, 84.08.130, 84.48.075, 84.36.850, 84.33.091, 84.34.065, 82.34.110, 82.03.130, 79.94.210, 39.88.060, 82.49.060, 84.08.110, or any other applicable statute shall be filed within the time required by the statute governing the respective agency or proceeding involved.

#### NEW SECTION

WAC 456-10-320 NOTICE OF APPEAL—SERVICE AND FILING. (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter and a certificate of service shall be filed with the board pursuant to WAC 456-10-440.

(2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.

(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall retain the other for its files.

(d) Appeals not properly or timely filed as provided in this section shall be continued or dismissed.

#### NEW SECTION

WAC 456-10-325 DATE OF FILING—FACSIMILE. (1) Except as provided in subsection (3) of this section, the date of filing of all papers shall be the date of actual receipt by the board at its Olympia office. The date stamp placed thereon shall be prima facie evidence of the date of receipt.

(2) Except as provided in subsection (3) of this section, all documents may be filed with the board via facsimile machine. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated on the facsimile shall be prima facie evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) A receipt from the sending station must be filed with the original document showing:

(i) The date of transmission;

(ii) The time of transmission; and

(iii) The facsimile telephone number of the board.

(d) All transmissions are sent at the risk of the sender.

(3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt.

#### NEW SECTION

WAC 456-10-330 ACKNOWLEDGEMENT OF NOTICE OF APPEAL. Upon written request of an appellant, the board will acknowledge receipt of a notice of appeal indicating the date of filing if the appellant submits a self-addressed stamped envelope with the request.

#### NEW SECTION

WAC 456-10-335 COMPUTATION OF TIME. In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday.

NEW SECTION

**WAC 456-10-340 JURISDICTION—ISSUE RAISED BY BOARD—PROCEDURE.** (1) Any party may, by motion, challenge the jurisdiction of the board in any appeal. The board may, upon its own motion, raise such jurisdictional issues.

(2) When the board determines that an appeal has been untimely filed, an order of dismissal will be mailed to all parties. An exception to the order of dismissal may be filed within twenty days after mailing of such order. The original and three copies of the exception shall be filed with the board and a copy served upon all other parties.

NEW SECTION

**WAC 456-10-345 AMENDMENTS TO NOTICE OF APPEAL.** Except as provided in WAC 456-10-505 a notice of appeal may be amended as a matter of right until thirty days after filing have elapsed.

Thereafter any amendments can only be made after approval of the board. Amendments shall be freely granted and may be denied only upon a showing by the adverse party of unreasonable and unavoidable hardship. The board may, upon motion of a party or upon its own motion, require a more complete statement of the nature of the claim or defense or any matter stated in any pleading.

NEW SECTION

**WAC 456-10-355 PARTIES IN EXEMPTION APPEALS.** When an appeal is filed with the board under RCW 84.36.850, appealing from an exemption ruling by the department of revenue, the department of revenue will be designated as the respondent. The department of revenue, the property owner, and the assessor may all be parties to the appeal and shall be entitled to all the rights of a party. The person filing the appeal will be designated as the appellant, and the nonappealing party will also be designated as a respondent.

NEW SECTION

**WAC 456-10-360 CONVERSION OF HEARING.** (1) The assessor or taxpayer, as a party to an appeal pursuant to RCW 84.08.130(2) (appeal from the board of equalization) may, within twenty days from the date of receipt of the notice of appeal, file with the clerk of the board a notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act.

(2) In appeals under RCW 82.03.190 and 82.03.130(5), except as otherwise provided in this subsection and subsection (2) of this section, the department of revenue may, within ten days of receipt of the notice of appeal, file with the board a notice of its intention that the hearing be held pursuant to the Administrative Procedure Act.

(3) The parties may agree at any time before hearing, in writing, to convert the proceedings to either a formal or informal hearing.

SERVICE OF PAPERSNEW SECTION

**WAC 456-10-410 SERVICE OF PAPERS.** (1) Copies of all documents, exhibits, and papers filed with the board shall be served upon all counsel or representatives of record and upon parties not represented.

(2) Such service upon the representative shall be considered valid service for all purposes upon the party represented.

(3) Decisions or orders of the board shall be served upon both the party and their counsel or representative of record, if any.

NEW SECTION

**WAC 456-10-420 METHOD OF SERVICE.** Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail, by telegraph, or by facsimile.

NEW SECTION

**WAC 456-10-430 SERVICE OF PAPERS—WHEN COMPLETE.** (1) Except as provided in subsection (2) of this section, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed, or by telegraph when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:

(a) The original document must be filed with the board within ten days from the date of transmission.

(b) A receipt from the sending station must be filed with the original document showing:

(i) The date of transmission;

(ii) The time of transmission; and

(iii) The facsimile telephone number of the receiving station.

(c) All transmissions are sent at the risk of the sender.

(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.

NEW SECTION

**WAC 456-10-440 PROOF OF SERVICE—CERTIFICATE.** Where proof of service is required by this chapter, by statute, or upon the board's request, filing a copy of the papers with the board together with either an acknowledgment of service or a certificate substantially as follows, shall constitute proof of service:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or their attorney or authorized agent.

DATED at \_\_\_\_\_ this \_\_\_\_ day  
of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(signature)

Certification of proof of service may also be made on forms provided by the board.

### HEARING PROCEDURE

#### NEW SECTION

**WAC 456-10-505 ADVANCE SUBMISSION OF EVIDENCE—DELIVERY TO ADVERSE PARTY.**

(1) Copies of all documentary evidence which are to be introduced at hearing shall be submitted to the board in advance. The department of revenue, department of natural resources, or the assessor shall submit such evidence at least ten business days prior to hearing. The taxpayer or other party shall submit such evidence at least five business days prior to hearing. Failure to comply may be grounds for exclusion of such evidence or dismissal in accordance with WAC 456-10-555.

(2) Evidence of comparable sales, listed in the notice of appeal, which are subsequently changed shall conform to this section and will be excepted from the requirements of WAC 456-10-345 (Amendments of notice of appeal).

(3) All correspondence and all subsequent pleadings or papers filed with the board shall indicate that copies have been mailed or delivered to the attorney or representative of record or the adverse party if not represented.

(4) An acknowledgement of service or certificate of mailing as provided in WAC 456-10-440 shall be filed with the board together with the advance submission of documentary evidence as required in subsection (1) of this section.

#### NEW SECTION

**WAC 456-10-510 HEARING—SETTING OF TIME AND PLACE.** (1) The board will not schedule a hearing within thirty days after filing the notice of appeal unless all parties agree otherwise.

(2) The board will set a time and place for hearing. The parties shall, upon request of the board, submit written estimates of the time that will be required to hear the matter.

#### NEW SECTION

**WAC 456-10-515 CONTINUANCE—EXTENSIONS OF TIME.** (1) Continuances and extensions of time may be ordered on timely request of any party. The request shall show good cause and shall be served upon all other parties.

(2) This section shall not extend any applicable time for appeal to this board nor extend the time for providing notice of appeal to any named party.

#### NEW SECTION

**WAC 456-10-520 TELECONFERENCE PROCEEDING.** (1) At the discretion of the board, and where the rights of the parties will not be prejudiced thereby, all or part of the hearing may be conducted by telephone, television, or other electronic means. Each party in the proceeding must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place.

(2) The board may require documentary evidence to be submitted sufficiently in advance of the proceeding.

#### NEW SECTION

**WAC 456-10-525 BRIEFS.** The original and four copies of briefs shall be filed with the board at least five business days prior to hearing unless otherwise provided by the board. When briefs are filed, a copy shall also be served on the other parties. The board may permit or require the filing of additional briefs.

#### NEW SECTION

**WAC 456-10-530 HEARING—NOTICE OF HEARING—TIME—CONTENTS.** (1) Time. Notice of a hearing shall be mailed to all parties not less than twenty days before the hearing date. The twenty-day notice provision may be waived by agreement of all parties.

(2) Contents. The notice shall contain:

(a) The names and mailing addresses of the parties and their representatives, if any;

(b) The docket number and name of the proceeding;

(c) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(d) A statement of the time, place, date, and general nature of the proceeding (e.g., excise, property, etc.);

(e) A statement that the hearing is held pursuant to this chapter and chapter 82.03 RCW;

(f) A statement of the issues or matters asserted and the particular sections of the statutes or rules involved as stated in the notice of appeal and responsive pleading, if any;

(g) A statement that if a qualified interpreter is needed, one will be appointed at no cost to the party or witness upon five days written notice; and

(h) A statement that a party who fails to attend or participate at a hearing may be held in default in accordance with WAC 456-10-550.

#### NEW SECTION

**WAC 456-10-535 HEARING—STANDARD AND SCOPE OF REVIEW.** (1) The board will apply the specific criteria provided by law in making its decision on each case.

(2) Hearings shall be quasi-judicial in nature and shall be conducted de novo unless otherwise provided by law.

(3) All pleadings shall be liberally construed with the view of substantial justice between the parties.

NEW SECTION

WAC 456-10-540 HEARING—PROCEDURE. Unless otherwise ordered by the board, hearings will be conducted in accordance with the following format:

- (1) Administering of oath;
- (2) Appellant's opening statement;
- (3) Respondent's opening statement;
- (4) Appellant's case in chief:
  - (a) Direct examination of witness;
  - (b) Cross-examination by respondent;
  - (c) Questions by board or presiding officer;
  - (d) Redirect examination by appellant;
  - (e) Recross examination;
  - (f) The above procedure is followed for each witness.
- (5) Respondent's case in chief:
  - (a) Direct examination of witness;
  - (b) Cross-examination by appellant;
  - (c) Questions by board or presiding officer;
  - (d) Redirect examination by respondent;
  - (e) Recross examination;
  - (f) The above procedure is followed for each witness.
- (6) Appellant's closing argument;
- (7) Respondent's closing argument;
- (8) Appellant's closing rebuttal.

NEW SECTION

WAC 456-10-545 TESTIMONY UNDER OATH. All testimony to be considered by the board shall be sworn, and each person shall swear or affirm that the testimony to be given shall be the truth, the whole truth, and nothing but the truth.

NEW SECTION

WAC 456-10-550 FAILURE TO ATTEND—DEFAULT OR DISMISSAL—SETTING ASIDE. (1) When a party to these proceedings has, after notice, failed to attend a hearing, a motion for default or dismissal may be sought by any party to the proceedings, or raised by the board upon its own motion. Any such order shall include a statement of the grounds for the order and shall be served upon all parties to the proceeding.

(2) Within ten days after service of the default order or dismissal under subsection (1) of this section, the party against whom the order was entered may file a written objection requesting that the order be vacated and stating the specific grounds relied upon. The board may, for good cause, set aside an entry of dismissal, default, or final order.

NEW SECTION

WAC 456-10-555 DISMISSAL OF ACTIONS. Any action may be dismissed by the board:

- (1) When all parties so stipulate;
- (2) Upon motion of the appellant prior to the presentation of the respondent's case;
- (3) Upon motion by the respondent alleging that the appellant has failed to prosecute the case, failed to comply with this chapter, or failed to follow any order of the board; or

(4) Upon the board's own motion for failure by the parties to comply with applicable rules or any order of the board.

NEW SECTION

WAC 456-10-560 WAIVER OF PARTIES' APPEARANCE. Upon stipulation by both parties that no facts are at issue, an appeal may be submitted to the board with or without oral argument. However, the board in its discretion may require appearance for argument.

NEW SECTION

WAC 456-10-565 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. (1) All relevant evidence, including hearsay evidence, is admissible if, in the opinion of the board, the offered evidence is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The board shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The board may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) The board's experience, technical knowledge, competency, and specialized knowledge may be used in evaluation of evidence.

(3) Documentary evidence may be submitted in the form of copies or excerpts.

NEW SECTION

WAC 456-10-570 MOTIONS—APPLICATION—REQUIREMENTS. (1) Any application for an order or ruling is a motion. Every motion, unless made during hearing, shall be in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.

(2) All motions shall be properly captioned and signed by the party or their attorney.

(3) The board will deny or dismiss any motion unless the moving party, before motion, has made a good faith effort to confer with the other parties concerning the issues in dispute. The moving party shall include in the motion a statement of compliance with this subsection.

(4) A response to the motion shall be filed within ten days after the date of service.

(5) In the motion and response, the parties shall specify the amount of time required for argument, whether appearance by telecommunication is requested, the names and telephone numbers of all parties served with the motion or response, and whether court reporting services are requested.

## DISPOSITION OF CASES

NEW SECTION

WAC 456-10-710 ASSISTANCE TO BOARD. The board may obtain assistance concerning the appeal of any case within the scope of RCW 82.03.130(2) from the staff of the department of revenue as provided by

RCW 82.03.150. The board will notify the parties of its intent to seek such assistance and the matters sought to be investigated before contacting the department of revenue. Parties may recommend an alternative to the board to achieve the same objectives without contacting the department of revenue. If the department of revenue supplies the requested assistance, the parties will be apprised of any information provided by the department of revenue and will be given an opportunity to respond.

#### NEW SECTION

WAC 456-10-715 PRESENTATION OF POST-HEARING EVIDENCE. No posthearing evidence will be accepted unless requested by the board. All parties shall have an opportunity to respond to such evidence.

#### NEW SECTION

WAC 456-10-720 PROPOSED FINDINGS AND CONCLUSIONS—SUBMISSION. At the discretion of the board, parties may file proposed findings of fact and conclusions of law. Proposed findings of fact and conclusions of law shall be filed within the time period set by the board.

#### NEW SECTION

WAC 456-10-725 PROPOSED DECISION. A proposed decision shall be prepared when:

- (1) An appeal has been heard by only one member of the board;
- (2) An appeal has been heard by only two members of the board and the two members cannot agree on a conclusion;
- (3) An appeal has been heard by a hearing officer; or
- (4) The board shall otherwise elect to do so.

#### NEW SECTION

WAC 456-10-730 EXCEPTIONS TO PROPOSED DECISION. (1) Time for filing. Any party may file a written exception with the board within twenty days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. An original and four copies shall be filed with the board, and a copy shall be served on all other parties.

(2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties filing the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions may contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.

(3) Failure of a party to comply with the requirements for exceptions may result in the board issuing an order adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been filed.

#### NEW SECTION

WAC 456-10-735 REPLY TO EXCEPTIONS. Any party may, within ten days or such further time as the board may allow, submit a reply to exceptions or a written brief or statement of position regarding the matters on which exceptions were taken. The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed.

#### NEW SECTION

WAC 456-10-740 FINALITY OF PROPOSED DECISION. If exceptions are not filed, the proposed decision shall become the board's final decision.

#### NEW SECTION

WAC 456-10-745 FINAL DECISION FOLLOWING PROPOSED DECISION. After the filing of exceptions and any responses, the record before the board shall be considered by at least two members of the board.

#### NEW SECTION

WAC 456-10-750 FINAL DECISION. When an appeal has been heard or the record considered by a majority of the board, a final decision may be adopted which shall contain findings and conclusions as to each contested issue of fact and law.

#### NEW SECTION

WAC 456-10-755 PETITION FOR RECONSIDERATION. After a final decision has been issued, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days from the mailing of the final decision. The original and four copies of the petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that an answer be filed and served in the same manner. The filing of a petition for reconsideration shall suspend the final decision until action by the board. The board may deny the petition, modify its decision, or reopen the hearing. A petition for reconsideration is not available where a proposed decision was first issued.

#### SEPA

#### NEW SECTION

WAC 456-10-970 APPLICABILITY OF SEPA GUIDELINES. The board has reviewed its authorized activities pursuant to WAC 197-11-800(12) and has found them all to be exempt from the provisions of chapter 197-11 WAC.

**WSR 89-10-058**  
**ADOPTED RULES**  
**BOARD OF TAX APPEALS**  
[Order 89-04—Filed May 2, 1989]

Be it resolved by the Board of Tax Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to the organization, operation and rules for conducting hearings, and procedures for public disclosure requests, chapter 456-12 WAC.

This action is taken pursuant to Notice No. WSR 89-06-065 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.03.170 and 47.17.250 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 7, 1989.  
By Lucille Carlson  
Chair

**Chapter 456-12 WAC**  
**PUBLIC RECORDS**

- WAC
- 456-12-010 Purpose.
- 456-12-020 Definitions.
- 456-12-030 Description of organization and public meeting.
- 456-12-040 Public records available.
- 456-12-050 Communications with the board.
- 456-12-060 Public records officer.
- 456-12-070 Office hours.
- 456-12-080 Requests for public records.
- 456-12-090 Copying.
- 456-12-100 Exemptions.
- 456-12-110 Review of denials of public records requests.
- 456-12-120 Protection of public records.
- 456-12-130 Records index.
- 456-12-140 Adoption of form.

NEW SECTION

WAC 456-12-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the board of tax appeals with the provisions of chapter 42.17 RCW, and in particular with RCW 42.17.250 through 42.17.340, dealing with public records.

NEW SECTION

WAC 456-12-020 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the performance of any governmental or proprietary function which is prepared, owned,

used or retained by the board of tax appeals regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Board of tax appeals. The board of tax appeals (hereinafter "board") is a quasi-judicial body created pursuant to chapter 82.03 RCW and is hereinafter referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the board.

NEW SECTION

WAC 456-12-030 DESCRIPTION OF ORGANIZATION AND PUBLIC MEETING. (1) The board of tax appeals is an independent agency of the state of Washington, composed of three members appointed by the governor, with the advice and consent of the senate for a term of six years. The members are to be qualified by experience or training in the field of state and local taxation. The board elects a chairman from among its members at least biennially.

(2) The executive director is the board's chief executive officer and is responsible for implementing board directions and for directing the board's staff.

(3) The board holds regular meetings at its office on the second Friday of each month commencing at 10:00 a.m.

NEW SECTION

WAC 456-12-040 PUBLIC RECORDS AVAILABLE. All public records of the board, as defined in WAC 456-12-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

NEW SECTION

WAC 456-12-050 COMMUNICATIONS WITH THE BOARD. All communications with the board, including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of the board's decisions and other matters, shall be addressed to the board's office as follows: Board of Tax Appeals, 910 5th Avenue S.E., MS: EW-12, Olympia, Washington 98504.

NEW SECTION

WAC 456-12-060 PUBLIC RECORDS OFFICER. The chief executive officer shall be in charge of the public records. Such person shall be responsible for implementation of these rules and regulations regarding release of public records, and generally assuring compliance with the public records disclosure requirements of

chapter 42.17 RCW, and RCW 42.17.250 through 42.17.340.

#### NEW SECTION

**WAC 456-12-070 OFFICE HOURS.** Public records shall be available for inspection and copying during the customary office hours of the board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

#### NEW SECTION

**WAC 456-12-080 REQUESTS FOR PUBLIC RECORDS.** In accordance with the provisions of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at its office. The form shall be presented to the board or to any member of the board's staff at the office of the board during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record and the organization represented;
- (b) The time of day and calendar date on which the request was made;
- (c) A description of the material requested;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the board's current index, an appropriate identification of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

#### NEW SECTION

**WAC 456-12-090 COPYING.** No fee shall be charged for the inspection of public records. For printed, typed and written materials, maximum size 8 1/2" x 14", and other writings as defined by WAC 456-12-020(2), the board will charge a reasonable fee for providing copies of public records and for use of the board's copy equipment. The charge is the amount necessary to reimburse the board for its actual costs incident to such copying.

#### NEW SECTION

**WAC 456-12-100 EXEMPTIONS.** (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in

WAC 456-12-110 is exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public records, in all cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The board will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under the provision of these rules.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denials, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

#### NEW SECTION

**WAC 456-12-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to denials of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the staff member denying the request shall refer it to the public records officer. The public records officer shall immediately consider the matter and, if appropriate, call a special meeting of the board as soon as possible to review the denial. In any case, the request shall be returned with a final written decision of the board within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the board or its acting member shall have returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) With regard to review of denial or requests hereunder, the provisions of WAC 456-09-140 and 456-10-150 shall not apply.

#### NEW SECTION

**WAC 456-12-120 PROTECTION OF PUBLIC RECORDS.** In order to protect the public records in the custody of the board, the following guidelines shall be followed by any person inspecting such public records:

(1) No public records shall be removed from the office;

(2) Inspection of any public record shall be conducted in the presence of a designated employee;

(3) No public record may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in the file jacket, or in chronological order, may not be dismantled except for purpose of copying, and then only by a designated employee;

(5) Access to file cabinets, shelves, vaults, etc., is restricted to board employees.

**NEW SECTION**

WAC 456-12-130 RECORDS INDEX. (1) Index. The board has available to all persons a current index which shall provide identifying information as to those records applicable to the board, which have been issued, adopted, or promulgated since June 30, 1967, described in RCW 42.17.260(2) as follows:

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."

(2) Availability. The current index promulgated by the board shall be available for inspection by all persons under the same rules and on the same conditions as are applied to public records available for inspection.

**NEW SECTION**

WAC 456-12-140 ADOPTION OF FORM. The board hereby adopts the use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for Public Records":

We have received your request for copies of our public records. Please complete the form and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

Board of Tax Appeals  
910 5th Avenue S.E.  
MS: EW-12  
Olympia, Washington 98504

BOARD OF TAX APPEALS

Request For Public Records

Date \_\_\_\_\_ Time \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Description of Records (see index):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW

\_\_\_\_\_  
Signature

Number of Copies \_\_\_\_\_

Number of Pages \_\_\_\_\_

Per Page Charge \$ \_\_\_\_\_

Total Charge \$ \_\_\_\_\_

**WSR 89-10-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 89-30—Filed May 2, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available for subsistence fishery. This conforms state regulations with Yakima Tribe regulations. There is inadequate time to follow the permanent rule adoption procedure.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 2, 1989.

By Judith Merchant  
for Joseph R. Blum  
Director

**NEW SECTION**

WAC 220-32-05900Q COLUMBIA RIVER TRIBUTARIES—SUBSISTENCE. Notwithstanding the provisions of WAC 220-32-059, effective immediately until further notice it is unlawful for any fisher to take, fish for or possess salmon;

(1) for any purpose from the Yakima River except treaty Indian fishers possessing treaty rights under the Yakima Treaty may fish for salmon for subsistence purposes as provided for in this section:

a. Yakima River - where it borders the reservation, open noon Monday to 6 p.m. Saturday, April 17, to July 1, 1989.

b. Horn Rapids Dam and Prosser Dam, open noon Monday to 6 p.m. Saturday, April 19, to July 1, 1989.

(2) for commercial or subsistence purposes from the Klickitat River except treaty Indian fishers possessing treaty rights under the Yakima Treaty may fish for salmon for subsistence purposes as provided for in this section:

a. Klickitat River - open noon Tuesday to 6 p.m. Saturday, April 4 to June 3, 1989, in those waters from the Swinging Bridge to Fishway Number 5.

In all open areas it shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 30 feet of any fish ladder, fishway fish bypass pipes associated with irrigation canal fish screening structures, and no fishing is allowed from boats or any other floating devices. Lawful gear is restricted to dipnet, setbag net, or rod and reel with bait or lure.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05900P COLUMBIA RIVER TRIBUTARIES—SUBSISTENCE (89-23)

**WSR 89-10-060  
PROPOSED RULES  
DEPARTMENT OF FISHERIES**

[Filed May 2, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 6, 1989.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: April 28, 1989

By: Joseph R. Blum  
Director

**STATEMENT OF PURPOSE**

Title: WAC 220-56-156 Landing Canadian origin food fish and shellfish.

Description of Purpose: Modify personal use landing requirements.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Halibut are included in the requirement of proof of Canadian fishing because the Canadian halibut season has been longer than the Washington state halibut season. As a result fishermen could be lawfully fishing in Canada and proof of such fishing is necessary to account for the origin of catch. The proof of Canadian fishing is expanded to include materials other than Canadian customs clearance, because the Canadian customs documents are not readily available at all Strait of Juan de Fuca locations.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, WA, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

**AMENDATORY SECTION** (Amending Order 85-20, filed 4/9/85)

WAC 220-56-156 LANDING CANADIAN ORIGIN FOOD FISH AND SHELLFISH. It is unlawful to land in any Washington state port shellfish or food fish (~~other than halibut~~) taken for personal use from Canadian waters unless the person landing the shellfish or food fish possesses a Canadian sport fishing license and catch record, if one is required, valid for the period when the shellfish or food fish were taken, and provides (~~official~~) documentation of (~~previous~~) landing in Canada (~~(m)~~). Such documentation may take the form of an E 99 written report or the PAC 99 number issued by Canadian customs, a dated gas or room receipt showing the name of the Canadian business patronized, or similar documentation showing that the angler was in Canada on the day the food fish or shellfish were taken. Without (~~official~~) documentation of (~~previous~~) landing in Canada, all personal use shellfish or food fish (~~other than halibut~~) taken from Canadian waters must conform to applicable harvest regulations for the area where first landed in Washington.

**WSR 89-10-061  
PROPOSED RULES  
DEPARTMENT OF REVENUE**  
[Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning taxation of forest land and timber, amending chapter 458-40 WAC;

that the agency will at 10:00 a.m., Friday, June 9, 1989, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 30, 1989.

The authority under which these rules are proposed is RCW 84.33.091.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 9, 1989.

Dated: May 3, 1989  
 By: John B. Conklin  
 Assistant Director  
 Forest Tax Division

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Tables for determination of stumpage values, WAC 458-40-660 and 458-40-670.

Purpose: To establish the values for reporting and payment of the timber excise tax levied by chapter 84.33 RCW.

Statutory Authority: Chapter 84.33 RCW, which directs the Department of Revenue to prepare tables of stumpage values before June 30 and December 31 of each year to be used for the six month periods thereafter.

Summary and Reasons for the Rule: The tables establish the value of stumpage for each species or sub-classification of timber within designated areas having similar growing, harvesting and marketing conditions. These values are to be used for computing the timber excise tax due quarterly by timber harvesters upon timber harvested for sale or for commercial or industrial use during the period July 1, 1989, through December 31, 1989.

Drafters of the Rule: Gordon S. Gienty, (206) 586-2903 and Robert L. Smith, (206) 753-1385, located at 6004 South Capitol Boulevard, Tumwater, WA 98501; Rule Implementation and Enforcement: John B. Conklin, (206) 753-2871, 6004 South Capitol Boulevard, Tumwater, WA 98501.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

AMENDATORY SECTION (Amending Order FT-88-5, filed 12/30/88)

WAC 458-40-660 TIMBER EXCISE TAX—STUMPAGE VALUE TABLES. The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1989:

((TABLE 1—Stumpage Value Table  
 Stumpage Value Area †  
 January 1 through June 30, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Name	Species Code	Timber Quality		Hauling Distance Zone Number						
		Code	Number	1	2	3	4	5		
									Code	Number
Douglas-Fir	DF	1	334	334	327	320	313			
		2	294	287	280	273	266			
		3	269	262	255	248	241			
		4	246	239	232	225	218			

TABLE 1—cont.  
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number							
			1	2	3	4	5			
								Code	Number	1
		5	193	186	179	172	165			
		6	145	138	131	124	117			
Western Redcedar <sup>2</sup>	RC	1	446	439	432	425	418			
		2	431	424	417	410	403			
		3	283	276	269	262	255			
		4	204	197	190	183	176			
Sitka Spruce	SS	1	496	489	482	475	468			
		2	448	441	434	427	420			
		3	245	238	231	224	217			
		4	213	206	199	192	185			
		5	168	161	154	147	140			
		6	119	112	105	98	91			
Western Hemlock <sup>3</sup>	WH	1	335	328	321	314	307			
		2	240	233	226	219	212			
		3	213	206	199	192	185			
		4	194	187	180	173	166			
		5	153	146	139	132	125			
		6	67	60	53	46	39			
Other Conifer	OC	1	335	328	321	314	307			
		2	240	233	226	219	212			
		3	213	206	199	192	185			
		4	194	187	180	173	166			
		5	153	146	139	132	125			
		6	67	60	53	46	39			
Red Alder	RA	1	74	67	60	53	46			
Black Cottonwood	BC	1	31	24	17	10	3			
Other Hardwood	OH	1	31	24	17	10	3			
Hardwood Utility	HU	5	16	16	16	16	16			
Conifer Utility	CU	5	6	6	6	6	6			

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Alaska Cedar.

<sup>3</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table  
 Stumpage Value Area †

January 1 through June 30, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number						
		Code	Number	1	2	3	4	5		
									Code	Number
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$342	\$335	\$328	\$321	\$314			
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	153	146	139	132	125			
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76			
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25			
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50			

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table**  
**Stumpage Value Area 2**  
 January 1 through June 30, 1989

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**  
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$397	\$390	\$383	\$376	\$369
		2	380	373	366	359	352
		3	317	310	303	296	289
		4	255	248	241	234	227
		5	193	186	179	172	165
		6	145	138	131	124	117
Western Redcedar <sup>2</sup>	RC	1	395	388	381	374	367
		2	393	386	379	372	365
		3	309	302	295	288	281
		4	167	160	153	146	139
Sitka Spruce	SS	1	482	475	468	461	454
		2	169	162	155	148	141
		3	163	156	149	142	135
		4	129	122	115	108	101
		5	116	109	102	95	88
		6	104	97	90	83	76
Western Hemlock <sup>3</sup>	WH	1	297	290	283	276	269
		2	240	233	226	219	212
		3	220	213	206	199	192
		4	175	168	161	154	147
		5	131	124	117	110	103
		6	57	50	43	36	29
Other Conifer	OC	1	297	290	283	276	269
		2	240	233	226	219	212
		3	220	213	206	199	192
		4	175	168	161	154	147
		5	131	124	117	110	103
		6	57	50	43	36	29
Red Alder	RA	1	68	61	54	47	40
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	31	24	17	10	3
Hardwood Utility	HU	5	16	16	16	16	16
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Includes Alaska Cedar.  
<sup>3</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 4—Stumpage Value Table**  
**Stumpage Value Area 2**  
 January 1 through June 30, 1989

**WESTERN WASHINGTON SPECIAL FOREST PRODUCTS**  
 Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$342	\$335	\$328	\$321	\$314

**TABLE 4—cont:**  
 Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	153	146	139	132	125
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table**  
**Stumpage Value Area 3**  
 January 1 through June 30, 1989

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**  
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$420	\$413	\$406	\$399	\$392
		2	343	336	329	322	315
		3	324	317	310	303	296
		4	293	286	279	272	265
		5	167	160	153	146	139
		6	161	154	147	140	133
Western Redcedar <sup>3</sup>	RC	1	396	389	382	375	368
		2	336	329	322	315	308
		3	230	223	216	209	202
		4	210	203	196	189	182
Western Hemlock <sup>4</sup>	WH	1	380	373	366	359	352
		2	276	269	262	255	248
		3	190	183	176	169	162
		4	154	147	140	133	126
		5	103	96	89	82	75
		6	88	81	74	67	60
Other Conifer	OC	1	380	373	366	359	352
		2	276	269	262	255	248
		3	190	183	176	169	162
		4	154	147	140	133	126
		5	103	96	89	82	75
		6	88	81	74	67	60
Red Alder	RA	1	58	51	44	37	30
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	31	24	17	10	3
Hardwood Utility	HU	5	16	16	16	16	16
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Alaska Cedar.  
<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table  
Stumpage Value Area 3  
January 1 through June 30, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	\$342	\$335	\$328	\$321	\$314
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	153	146	139	132	125
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table  
Stumpage Value Area 4  
January 1 through June 30, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$396	\$389	\$382	\$375	\$368
		2	292	285	278	271	264
		3	287	280	273	266	259
		4	209	202	195	188	181
		5	167	160	153	146	139
		6	161	154	147	140	133
Western Redcedar <sup>3</sup>	RC	1	470	463	456	449	442
		2	292	285	278	271	264
		3	262	255	248	241	234
		4	203	196	189	182	175
Western Hemlock <sup>4</sup>	WH	1	396	389	382	375	368
		2	278	271	264	257	250
		3	217	210	203	196	189
		4	183	176	169	162	155
		5	167	160	153	146	139
		6	123	116	109	102	95
Other Conifer	OC	1	396	389	382	375	368
		2	278	271	264	257	250
		3	217	210	203	196	189
		4	183	176	169	162	155
		5	167	160	153	146	139
		6	123	116	109	102	95
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	31	24	17	10	3
Hardwood Utility	HU	5	16	16	16	16	16
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-Cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table  
Stumpage Value Area 4  
January 1 through June 30, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$342	\$335	\$328	\$321	\$314
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	153	146	139	132	125
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table  
Stumpage Value Area 5  
January 1 through June 30, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$469	\$462	\$455	\$448	\$441
		2	317	310	303	296	289
		3	278	271	264	257	250
		4	177	170	163	156	149
		5	166	159	152	145	138
		6	161	154	147	140	133
Western Redcedar <sup>3</sup>	RC	1	402	395	388	381	374
		2	273	266	259	252	245
		3	245	238	231	224	217
		4	187	180	173	166	159
Western Hemlock <sup>4</sup>	WH	1	434	427	420	413	406
		2	238	231	224	217	210
		3	222	215	208	201	194
		4	181	174	167	160	153
		5	107	100	93	86	79
		6	73	66	59	52	45
Other Conifer	OC	1	434	427	420	413	406
		2	238	231	224	217	210
		3	222	215	208	201	194
		4	181	174	167	160	153
		5	107	100	93	86	79
		6	73	66	59	52	45
Red Alder	RA	1	70	63	56	49	42

**TABLE 9—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	31	24	17	10	3
Hardwood Utility	HU	5	16	16	16	16	16
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-Cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 10—Stumpage Value Table**  
Stumpage Value Area 5  
January 1 through June 30, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$342	\$335	\$328	\$321	\$314
Western Redcedar Flatsawn & Shingle Blocks <sup>2</sup>	RCF	1	153	146	139	132	125
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot.

**TABLE 11—Stumpage Value Table**  
Stumpage Value Area 6  
January 1 through June 30, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$158	\$152	\$146	\$140	\$134
Engelmann Spruce	ES	1	104	98	92	86	80
Lodgepole Pine	LP	1	76	70	64	58	52
Ponderosa Pine	PP	1	240	234	228	222	216
		2	164	158	152	146	140
Western Redcedar <sup>3</sup>	RC	1	139	133	127	121	115

**TABLE 11—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Firs <sup>4</sup>	WH	1	118	112	106	100	94
Western White Pine	WP	1	197	191	185	179	173
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	18	18	18	18	18

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-Cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 12—Stumpage Value Table**  
Stumpage Value Area 6  
January 1 through June 30, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**TABLE 13—Stumpage Value Table**  
Stumpage Value Area 7  
January 1 through June 30, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$107	\$101	\$95	\$89	\$83
Engelmann Spruce	ES	1	86	80	74	68	62
Lodgepole Pine	LP	1	81	75	69	63	57
Ponderosa Pine	PP	1	166	160	154	148	142
		2	118	112	106	100	94
Western Redcedar <sup>3</sup>	RC	1	153	147	141	135	129
True Firs <sup>4</sup>	WH	1	92	86	80	74	68
Western White Pine	WP	1	181	175	169	163	157

**TABLE 13—cont:**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1	
Utility	CU	5	10	10	10	10	10	10

<sup>1</sup>Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-Cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 14—Stumpage Value Table**  
Stumpage Value Area 7  
January 1 through June 30, 1989

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5

Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
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Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.25	0.25	0.25	0.25	0.25
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Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
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Douglas-Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
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<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**TABLE 15—Stumpage Value Table**  
Stumpage Value Area 10  
January 1 through June 30, 1989

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$230	\$224	\$218	\$212	\$206	
		2	186	180	174	168	162	
		3	138	132	126	120	114	
Engelmann Spruce	ES	1	118	112	106	100	94	
		2	110	104	98	92	86	
		3	108	102	96	90	84	
Lodgepole Pine	LP	1	125	119	113	107	101	
		2	115	109	103	97	91	
		3	105	99	93	87	81	
Ponderosa Pine	PP	1	256	250	244	238	232	
		2	246	240	234	228	222	
		3	150	144	138	132	126	

**TABLE 15—cont:**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar <sup>3</sup>	RC	1	149	143	137	131	125	
		2	136	130	124	118	112	
		3	126	120	114	108	102	
True Firs <sup>4</sup>	WH	1	277	271	265	259	253	
		2	221	215	209	203	197	
		3	157	151	145	139	133	
Western White Pine	WP	1	359	353	347	341	335	
		2	240	234	228	222	216	
		3	121	115	109	103	97	
Hardwoods	OH	1	23	17	11	5	1	
Utility	CU	5	7	7	7	7	7	

<sup>1</sup>Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Includes Western Larch.

<sup>3</sup>Includes Alaska-Cedar.

<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 16—Stumpage Value Table**  
Stumpage Value Area 10  
January 1 through June 30, 1989

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5

Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
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Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.25	0.25	0.25	0.25	0.25
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Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
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Douglas-Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
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<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.)

**TABLE 1—Stumpage Value Table**  
Stumpage Value Area 1  
July 1 through December 31, 1989

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Douglas-Fir	DF	1	\$375	\$368	\$361	\$354	\$347	
		2	309	302	295	288	281	
		3	305	298	291	284	277	
		4	253	246	239	232	225	
		5	218	211	204	197	190	
		6	181	174	167	160	153	

**TABLE 1—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar <sup>2</sup>	RC	1	492	485	478	471	464
		2	464	457	450	443	436
		3	269	262	255	248	241
		4	249	242	235	228	221
Sitka Spruce	SS	1	480	473	466	459	452
		2	440	433	426	419	412
		3	276	269	262	255	248
		4	209	202	195	188	181
		5	185	178	171	164	157
		6	146	139	132	125	118
Western Hemlock <sup>3</sup>	WH	1	392	385	378	371	364
		2	264	257	250	243	236
		3	213	206	199	192	185
		4	212	205	198	191	184
		5	187	180	173	166	159
		6	115	108	101	94	87
Other Conifer	OC	1	392	385	378	371	364
		2	264	257	250	243	236
		3	213	206	199	192	185
		4	212	205	198	191	184
		5	187	180	173	166	159
		6	115	108	101	94	87
Red Alder	RA	1	101	94	87	80	73
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	10	10	10	10	10

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska-Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 2—Stumpage Value Table**  
Stumpage Value Area 1  
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table**  
Stumpage Value Area 2  
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$446	\$439	\$432	\$425	\$418
		2	347	340	333	326	319
		3	284	277	270	263	256
		4	235	228	221	214	207
		5	175	168	161	154	147
		6	158	151	144	137	130
Western Redcedar <sup>2</sup>	RC	1	516	509	502	495	488
		2	445	438	431	424	417
		3	371	364	357	350	343
		4	176	169	162	155	148
Sitka Spruce	SS	1	428	421	414	407	400
		2	254	247	240	233	226
		3	231	224	217	210	203
		4	223	216	209	202	195
		5	182	175	168	161	154
		6	140	133	126	119	112
Western Hemlock <sup>3</sup>	WH	1	276	269	262	255	248
		2	263	256	249	242	235
		3	225	218	211	204	197
		4	207	200	193	186	179
		5	143	136	129	122	115
		6	65	58	51	44	37
Other Conifer	OC	1	276	269	262	255	248
		2	263	256	249	242	235
		3	225	218	211	204	197
		4	207	200	193	186	179
		5	143	136	129	122	115
		6	65	58	51	44	37
Red Alder	RA	1	79	72	65	58	51
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska-Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 4—Stumpage Value Table**  
Stumpage Value Area 2  
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	158	151	144	137	130

TABLE 4—cont.  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.54	0.54
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table  
Stumpage Value Area 3  
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir <sup>2</sup>	DF	1	\$480	\$473
		2	334	327	320	313	306
		3	320	313	306	299	292
		4	316	309	302	295	288
		5	236	229	222	215	208
		6	185	178	171	164	157
Western Redcedar <sup>3</sup>	RC	1	399	392	385	378	371
		2	356	349	342	335	328
		3	279	272	265	258	251
		4	252	245	238	231	224
Western Hemlock <sup>4</sup>	WH	1	349	342	335	328	321
		2	307	300	293	286	279
		3	243	236	229	222	215
		4	235	228	221	214	207
		5	159	152	145	138	131
		6	123	116	109	102	95
Other Conifer	OC	1	349	342	335	328	321
		2	307	300	293	286	279
		3	243	236	229	222	215
		4	235	228	221	214	207
		5	159	152	145	138	131
		6	123	116	109	102	95
Red Alder	RA	1	94	87	80	73	66
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	15	15	15	15	15

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Alaska-Cedar.  
<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table  
Stumpage Value Area 3  
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Western Redcedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	\$409	\$402
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table  
Stumpage Value Area 4  
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir <sup>2</sup>	DF	1	\$389	\$382
		2	322	315	308	301	294
		3	298	291	284	277	270
		4	222	215	208	201	194
		5	180	173	166	159	152
		6	132	125	118	111	104
Western Redcedar <sup>3</sup>	RC	1	441	434	427	420	413
		2	318	311	304	297	290
		3	270	263	256	249	242
		4	242	235	228	221	214
Western Hemlock <sup>4</sup>	WH	1	376	369	362	355	348
		2	279	272	265	258	251
		3	238	231	224	217	210
		4	231	224	217	210	203
		5	158	151	144	137	130
		6	141	134	127	120	113
Other Conifer	OC	1	376	369	362	355	348
		2	279	272	265	258	251
		3	238	231	224	217	210
		4	231	224	217	210	203
		5	158	151	144	137	130
		6	141	134	127	120	113
Red Alder	RA	1	73	66	59	52	45
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 8—Stumpage Value Table**  
Stumpage Value Area 4  
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot.

**TABLE 9—Stumpage Value Table**  
Stumpage Value Area 5  
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$490	\$483	\$476	\$469	\$462
		2	296	289	282	275	268
		3	290	283	276	269	262
		4	214	207	200	193	186
		5	174	167	160	153	146
		6	133	126	119	112	105
Western Redcedar <sup>3</sup>	RC	1	514	507	500	493	486
		2	488	481	474	467	460
		3	384	377	370	363	356
		4	216	209	202	195	188
Western Hemlock <sup>4</sup>	WH	1	410	403	396	389	382
		2	334	327	320	313	306
		3	211	204	197	190	183
		4	195	188	181	174	167
		5	143	136	129	122	115
		6	130	123	116	109	102
Other Conifer	OC	1	410	403	396	389	382
		2	334	327	320	313	306
		3	211	204	197	190	183
		4	195	188	181	174	167
		5	143	136	129	122	115
		6	130	123	116	109	102
Red Alder	RA	1	88	81	74	67	60

**TABLE 9—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	7	7	7	7	7

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 10—Stumpage Value Table**  
Stumpage Value Area 5  
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards <sup>1</sup>	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot.

**TABLE 11—Stumpage Value Table**  
Stumpage Value Area 6  
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$180	\$174	\$168	\$162	\$156
Engelmann Spruce	ES	1	79	73	67	61	55
Lodgepole Pine	LP	1	79	73	67	61	55
Ponderosa Pine	PP	1	311	305	299	293	287
		2	143	137	131	125	119
Western Redcedar <sup>3</sup>	RC	1	169	163	157	151	145

**TABLE 11—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Firs <sup>4</sup>	WH	1	135	129	123	117	111
Western White Pine	WP	1	169	163	157	151	145
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	12	12	12	12	12

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Alaska-Cedar.  
<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 12—Stumpage Value Table**  
Stumpage Value Area 6  
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage value per lineal foot.

**TABLE 13—Stumpage Value Table**  
Stumpage Value Area 7  
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$114	\$108	\$102	\$96	\$90
Engelmann Spruce	ES	1	87	81	75	69	63
Lodgepole Pine	LP	1	93	87	81	75	69
Ponderosa Pine	PP	1	178	172	166	160	154
		2	118	112	106	100	94
Western Redcedar <sup>3</sup>	RC	1	164	158	152	146	140
True Firs <sup>4</sup>	WH	1	90	84	78	72	66
Western White Pine	WP	1	202	196	190	184	178

**TABLE 13—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	11	11	11	11	11

<sup>1</sup>Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Alaska-Cedar.  
<sup>4</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 14—Stumpage Value Table**  
Stumpage Value Area 7  
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup>Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage value per lineal foot.

**TABLE 15—Stumpage Value Table**  
Stumpage Value Area 10  
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$289	\$283	\$277	\$271	\$265
		2	198	192	186	180	174
		3	129	123	117	111	105
Engelmann Spruce	ES	1	122	116	110	104	98
		2	117	111	105	99	93
		3	112	106	100	94	88
Lodgepole Pine	LP	1	117	111	105	99	93
		2	112	106	100	94	88
		3	106	100	94	88	82
Ponderosa Pine	PP	1	230	224	218	212	206
		2	212	206	200	194	188
		3	120	114	108	102	96

**TABLE 15—cont.**  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Western Redcedar <sup>3</sup>	RC	1	269	263
		2	198	192	186	180	174
		3	127	121	115	109	103
True Firs <sup>4</sup>	WH	1	326	320	314	308	302
		2	190	184	178	172	166
		3	151	145	139	133	127
Western White Pine	WP	1	224	218	212	206	200
		2	206	200	194	188	182
		3	128	122	116	110	104
Hardwoods	OH	1	61	55	49	43	37
Utility	CU	5	7	7	7	7	7

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 16—Stumpage Value Table**  
Stumpage Value Area 10  
July 1 through December 31, 1989

**EASTERN WASHINGTON SPECIAL FOREST PRODUCTS**

**Stumpage Values per Product Unit**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup> Stumpage value per lineal foot.

**AMENDATORY SECTION** (Amending Order FT-88-5, filed 12/30/88)

WAC 458-40-670 **TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences.

Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1989:

**TABLE 1—Harvest Adjustment Table**  
Stumpage Value Areas 1, 2, 3, 4, and 5  
((January)) July 1 through  
((June 30)) December 31, 1989

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00
<b>II. Logging conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	((-\$15.00)) -\$18.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	((-\$31.00)) -\$35.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	((-\$78.00)) -\$92.00

**III. Remote island adjustment:**

For timber harvested from a remote island - \$50.00

**IV. Thinning (see WAC 458-40-610(20))**

Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

**TABLE 2—Harvest Adjustment Table**  
Stumpage Value Areas 6, 7, and 10  
((January)) July 1 through  
((June 30)) December 31, 1989

**EASTERN WASHINGTON MERCHANTABLE SAWTIMBER**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>II. Logging conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	<del>(-\$13.00)</del> -\$18.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	<del>(-\$26.00)</del> -\$35.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	<del>(-\$78.00)</del> -\$92.00
<b>III. Remote island adjustment:</b>		
	For timber harvested from a remote island	-\$50.00

Table 3—Domestic Market Adjustment

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	<del>(-\$34.00)</del> -\$28.00 per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	<del>(-\$19.00)</del> -\$17.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

**WSR 89-10-062  
PROPOSED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Filed May 3, 1989]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning temporary appointments from within classified service, amending WAC 356-30-067;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: May 3, 1989  
By: Robert Boysen  
Acting Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 356-30-067 Temporary appointments from within classified service.

Purpose: This rule describes the conditions under which classified employees may be appointed temporarily into other classified positions.

Statutory Authority: RCW 41.06.150.

Summary: This proposal adds the provision that temporary appointments of classified employees must be approved by the director of personnel or designee.

Reasons: The proposal specifies who is responsible for making temporary appointments. It also makes this rule consistent with other nonpermanent appointment rules.

Responsibility for Drafting: Paul Peterson, Department of Personnel, 521 South Capitol Way, FE-11, Olympia, WA 98504, phone (206) 586-1769; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Comments or Recommendations: None.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 313, filed 1/25/89)

WAC 356-30-067 TEMPORARY APPOINTMENTS FROM WITHIN CLASSIFIED SERVICE. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) Temporary appointments made from within classified service will normally last no more than nine months or 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent

employee returns or the position is filled permanently. Time spent in emergency appointments will be counted in the 1560 hours.

(7) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(8) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

**WSR 89-10-063**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—May 2, 1989]

The Washington State Human Rights Commission will hold a special commission meeting to discuss a proposed plan of action in response to a management review by the Office of Financial Management on May 12, 1989. The proposed plan of action will be presented from 6:00 p.m. to 7:00 p.m. and public comment on the proposed plan of action will be received from 7:00 p.m. to 8:30 p.m. The meeting will be held at the Port of Seattle, Third Floor Commission Chambers, Pier 66, Seattle.

**WSR 89-10-064**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—May 2, 1989]

The Washington State Human Rights Commission will hold its next regular commission meeting in Richland. The meeting on May 24 will be held at the Hanford House Thunderbird Motel, Conference Room, 802 George Washington Way, Richland, beginning at 7:00 p.m. and will be a training and work session. The regular business meeting will be held at the City Hall, City Council Chambers, 505 Swift Boulevard, Richland, beginning at 9:30 a.m. on May 25. The topic of discussion for the month of May will be affirmative action. The commission will also focus on housing as a topic for the year.

**WSR 89-10-065**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning custom farm slaughtering, chapter 16-22 WAC; that the agency will at 1:00 p.m., Tuesday, June 6, 1989, in the Washington Cattlemen's Association Conference Room, 1720 Canyon Room, Ellensburg, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 9, 1989.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: May 3, 1989  
 By: Mike Willis  
 Assistant Director

**STATEMENT OF PURPOSE**

Title: Custom farm slaughtering.

Description of Purpose: To amend WAC 16-22-040 to allow 4-H or FFA sale animals to be custom slaughtered on premises other than that of the present or first preceding owner.

Statutory Authority: Chapter 16.49 RCW.

Summary of Rules: This amendment to the rule adds an exemption to the rule that a custom farm slaughterer may slaughter an animal only on the premises of the present or first preceding owner of an animal. The amendment allows custom slaughter of 4-H or FFA stock sale animals on any premise preapproved by the local health department and the Washington Department of Agriculture.

Reasons Supporting the Proposed Rule: The amendment to the rule helps 4-H and FFA stock sales promote their sales to buyers who may not have premises appropriate for slaughtering animals where federally inspected slaughter facilities or custom slaughter establishments are not within a practical distance of the sale.

Agency Personnel to Contact: Dr. Robert W. Mead, State Veterinarian, Department of Agriculture, Livestock Services Division, 406 General Administration Building, AX-41, Olympia, WA 98504, (206) 753-5040.

Agency Comment: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: None.

**AMENDATORY SECTION** (Amending Order 1396, filed 3/24/75, effective 9/3/75)

WAC 16-22-040 CUSTOM FARM SLAUGHTERING ESTABLISHMENT—SPECIAL SLAUGHTER CONDITIONS. (1) ((Except in the case of an animal injured to such extent that immediate slaughter at the place of injury is necessary for humane reasons, a licensee may slaughter an animal only on the premises of the present or first preceding owner of such animal.)) A custom farm slaughterer may slaughter an animal only on the premises of the present or first preceding owner of such animal except as follows:

(a) An animal injured to such extent that immediate slaughter at the place of injury is necessary for humane reasons.

(b) If a federally inspected slaughter facility or custom slaughtering establishment is not available locally, animals purchased for custom slaughter at any 4-H and FFA market stock sales may be slaughtered on any premise, except the point of sale, when such premise or premises are approved in advance by the local health department and the Washington department of agriculture.

(2) A mobile custom slaughtering establishment licensee may slaughter his own animal for his own consumption on any premises, farm, or ranch owned, rented or in any way controlled by him. No other animal may be slaughtered by the licensee on the premises, farm or ranch owned, rented or in any way controlled by him or by members of his immediate family. Licensees under these regulations that are "bona fide farmers" may slaughter more than one animal provided the animals are in his possession more than ((60)) sixty days.

(3) Whenever a licensee believes that a meat food animal or meat food product is unwholesome, as defined in these regulations, he shall require an examination and declaration of wholesomeness by a licensed

veterinarian before proceeding with slaughter or with processing of the carcass.

**WSR 89-10-066**

**PROPOSED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning general occupational health standards, chapter 296-62 WAC, is amended with federal-initiated changes to be at-least-as-effective-as the comparable federal regulations, 29 CFR 1910.1000, as published in Federal Register Volume 54, Number 12, dated January 19, 1989, amending rules affecting Air contaminants—Permissible exposure limits (PELs). Major changes in the federal standard make 212 PEL's (in three tables: Z-1, Z-2 and Z-3) more protective, set new PEL's for 164 substances not currently regulated by OSHA, and maintain other PEL's unchanged. The federal change includes short term exposure limits (STEL's) to complement 8-hour time-weighted-average (TWA) limits, establishes skin designations and adds ceiling limits. The OSHA Table Z-1 includes "transitional limits" columns. WISHA previously enforced more stringent regulations, so the impact to WISHA rule changes is substantially reduced. The Table 1 format has been restructured, like OSHA's, to include additional information which makes the table more user friendly. The state table includes 10 new substances, 112 substances with revised STEL's, and changes to the ceiling exposure limits for 6 substances. Most state changes are a result of updating our limits to be in conformance with the 1988-1989 American Conference of Governmental Industrial Hygienists. Threshold Limit Values and Biological Exposure Indices Table. Amended sections are WAC 296-62-075, 296-62-07501, 296-62-07503, 296-62-07505, 296-62-07507, 296-62-07510, 296-62-07511 and 296-62-07515 (includes Tables 1 and 2);

that the agency will at 9:30 a.m., Tuesday, June 6, 1989, in the General Administration Building Auditorium, West Capitol Campus, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 6, 1989.

The authority under which these rules are proposed is chapters 34.04 and 49.17 RCW and chapter 1-12 WAC.

The specific statute these rules are intended to implement is RCW 49.17.040, 49.17.050 and 49.17.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5:00 p.m., Tuesday, June 6, 1989.

Dated: May 3, 1989

By: Joseph A. Dear  
Director

**STATEMENT OF PURPOSE**

Title and Number of Rule Section(s) or Chapter(s): Amending chapter 296-62 WAC General occupational health standards, WAC 296-62-075 Air contaminants, CFA 2991:1; 296-62-07501 Airborne contaminants, CFA 2991:1; 296-62-07503 Ceiling vs. time-weighted average limits, CFA 2991:1; 296-62-07505 "Skin" notation, CFA 2991:1; 296-62-07507 Mixtures, CFA 2991:1; 296-62-07510 Total particulate, CFA 2991:1; 296-62-07511 Simple asphyxiants, CFA 2991:1; and 296-62-07515 Control of chemical agents, CFA 2991:1.

Authority Under Which These Rules are Proposed: Chapters 49.17 and 34.04 RCW and chapter 1-12 WAC.

Specific Statutes the Rules are Intended to Implement: RCW 49.17.040, 49.17.050 and 49.17.060.

Summary of Rule(s): See above.

Description of the Purpose of the Rule(s): To ensure a healthful and safe workplace for all employees in the state of Washington.

Reasons for Supporting the Proposed Rule(s): To ensure a safe and healthful working environment for Washington state workers.

Agency Personnel Responsible for Drafting: Ray Wax, Safety Regulations Program Supervisor, Department of Labor and Industries, Division of Industry Safety and Health, 805 Plum Street Southeast, Olympia, WA 98504, phone (206) 753-6381; Implementation and Enforcement: G. David Hutchins, Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, 805 Plum Street Southeast, Olympia, WA 98504, phone (206) 753-6500.

Name of Person or Organization, Whether Private, Public or Governmental that is Proposing the Rule(s): Washington State Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): One small business economic impact statement is shown below.

Small Business Economic Impact Statement: General occupational health standards, chapter 296-62 WAC.

Proposed amendments to WAC 296-62-075 Air contaminants; 296-62-07501 Airborne contaminants; 296-62-07503 Ceiling vs. time-weighted average limits; 296-62-07505 "Skin" notation; 296-62-07507 Mixture; 296-62-07510 Total particulates; 296-62-07511 Simple asphyxiants; and 296-62-07515 Control of chemical agents.

The adoption of agency rules often result in some economic impact. The Washington Regulatory Fairness Act, chapter 19.85 RCW, was enacted by the legislature in 1982 to reduce the imposition of proportionately higher economic impact on small businesses in comparison with large businesses. The act defines a small business as an employer with 50 or less employees. The act requires that when proposed agency rules will have economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in one industry, the proposed rules shall be reviewed to determine if disproportionate cost influence exists between large and

small business. Following a positive determination that disproportionate cost impact exists, the agency is required to reduce the economic impact on small business where possible within the guidelines provided in chapter 19.85 RCW. With respect to the proposed amendment for chapter 296-62 WAC, the findings of the agency are as follows:

The proposed amendments to the rule will influence a small number of employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not change most of the requirements of the current state permissible exposure limits for air contaminants. The permissible limit table is reformatted to be similar to the federal table format. Exposure limits are listed under time-weighted average (TWA), short-term exposure limits (STEL) and ceiling limits. Columns for "skin" designation and for chemical abstract numbers (CAS) are also included for user convenience. There are 10 new substances added to the list to be as effective as the federal list, and 112 substances have revised STELs. Six substances have revised ceiling limits. The regulatory impact for these changes may be found in the preliminary impact analysis statement prepared by OSHA for each substance, and published in Federal Register Volume 54, Number 12, dated January 19, 1989. (Reference pages 2841 through 2890.) The federal impact analysis should only be considered in the context of these specific changes which represent a substantially smaller impact to the state of Washington.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-075 AIR CONTAMINANTS. (1) An employee's exposure to any substance listed in Tables 1 or 2 of WAC 296-62-07515 shall be limited in accordance with the requirements of WAC 296-62-07501 through 296-62-07513.

(2) The following definitions are applicable to the limits in Tables 1 and 2.

(a) Time weighted average (TWA) is the employee's average airborne exposure to any 8-hour work shift of a 40-hour work week which shall not be exceeded.

(b) Short term exposure limit (STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.

(c) Ceiling is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

(d) The terms "substance," "air contaminant," and "material" are equivalent in meaning for WAC 296-62-075 through 296-62-07515.

(3) The transitional limits listed in Table 2 of WAC 296-62-07515 may be utilized to determine the need for engineering controls until December 31, 1992.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-07501 AIRBORNE CONTAMINANTS. (1) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, a small percentage of workers may experience discomfort from some substances at concentrations at or below the permissible limit, a smaller percentage may be affected more seriously by aggravation of a pre-existing condition or by development of an occupational illness.

(2) Permissible exposure limits refer to time-weighted concentrations for an 8-hour workday within a 40-hour workweek which shall not be exceeded.

(a) The cumulative time-weighted average exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{C_a T_a + C_b T_b + \dots + C_n T_n}{8}$$

where:

E is the equivalent exposure for the working shift.  
C is the concentration during any period of time T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.  
The value of E shall not exceed the eight-hour time-weighted average (TWA) limit in Tables 1((:)) or 2 ((or-3)) (see WAC 296-62-07515), for the material involved.

(b) To illustrate the formula, assume that substance A has an 8-hour time weighted average limit of 100 ppm as noted in Table 1 of WAC 296-62-07515. Assume that an employee is subject to the following exposure:

- Two hours exposure at 150 p/m
- Two hours exposure at 75 p/m
- Four hours exposure at 50 p/m

Substituting this information in the formula, we have

$$(2 \times 150 + 2 \times 75 + 4 \times 50) \div 8 = 81.25 \text{ p/m}$$

Since 81.25 ppm is less than 100 p.p.m., the 8-hour time weighted average limit, the exposure is acceptable.

(3) Methods of compliance:

(a) To achieve compliance with these standards, the employer shall determine and implement feasible administrative or engineering controls.

(b) When administrative or engineering controls are not feasible to achieve full compliance, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls.

(c) Any control equipment or technical measure utilized for the purpose of complying with WAC 296-62-07501(3) must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used their use shall comply with WAC 296-62-071 through 296-62-07121.

(d) Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to cited violations of WAC 296-62-07501(3), and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to be sent to the department.

(4) An employee's exposure to any substance in Table((s)) 1 ((and 3)) or 2 (see WAC 296-62-07515)((the name of which is not preceded by a "C,") which does not have a ceiling or a specified short-term exposure limit (STEL) shall not exceed the ((excursion level limit)) STEL which is computed by multiplying the appropriate factor listed below times the eight-hour time-weighted average for the substance in the applicable table.

PEL > 0-1	(ppm or mg/M <sup>3</sup> ), ((Excursion-Factor))	STEL = 3
PEL > 1-10	(ppm or mg/M <sup>3</sup> ), ((Excursion-Factor))	STEL = 2
PEL > 10-100	(ppm or mg/M <sup>3</sup> ), ((Excursion-Factor))	STEL = 1.5
PEL > 100-1000	(ppm or mg/M <sup>3</sup> ), ((Excursion-Factor))	STEL = 1.25
PEL > 1000	(ppm or mg/M <sup>3</sup> ), ((Excursion-Factor))	STEL = 1

(STEL)—A short-term permissible exposure limit is defined as a 15-minute time-weighted average exposure which shall not be exceeded at any time during a work day even if the 8-hour time-weighted average is within the permissible exposure limit. Exposures at the short-term limit shall not be longer than 15 minutes and shall not be repeated more than four times per day. There shall be at least 60 minutes between successive exposures at the short-term limit.

(5) Permissible limits are based on the best available information from industrial experience, from experimental human and animal studies, and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance; protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of stress may form the basis for others.

(6) The limits based on physical irritation shall be considered no less binding than those based on physical impairment. There is increasing evidence that physical irritation may initiate, promote or accelerate

physical impairment through interaction with other chemical or biologic agents.

(7) In spite of the fact that serious injury is not believed likely as a result of exposure to the permissible limit concentrations, the best practice is to maintain concentrations of all atmospheric contaminants as low as is practical.

(8) These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a technically qualified person.

**AMENDATORY SECTION** (Amending Order 80-14, filed 8/8/80)

**WAC 296-62-07503 CEILING VS. TIME-WEIGHTED AVERAGE LIMITS.** (1) Although the time-weighted average concentration provides the most satisfactory, practical way of monitoring airborne agents for compliance with the limits, there are certain substances for which it is inappropriate. In the latter group are substances which are predominantly fast acting and whose permissible limit is based on this particular response. Substances with this type of response are controlled by a ceiling ( $C^a$ ) limit that shall not be exceeded during any part of the work day. It is implicit in these definitions that the manner of sampling to determine compliance with the limits for each group must differ; a single brief sample, that is applicable to a ( $C^a$ ) ceiling limit, is not appropriate to the time-weighted limit; here, a sufficient number of samples are needed to determine a time-weighted average concentration throughout a complete cycle of operations or throughout the work shift.

(2) Whereas the ceiling limit places a definite boundary which concentrations shall not be permitted to exceed, the time-weighted average limit requires an explicit limit to the excursions that are permissible above the listed values. The magnitude of these excursions are limited by an appropriate factor shown in WAC 296-62-07501(4).

**AMENDATORY SECTION** (Amending Order 80-14, filed 8/8/80)

**WAC 296-62-07505 "SKIN" NOTATION.** Listed substances (~~followed by the designation "skin"~~) marked with an "X" in the "skin" column of Table 1 refer to the potential contribution to the overall exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. Vehicles can alter skin absorption. Measures for the prevention of cutaneous absorption so that the permissible limit is not invalidated shall be taken. Such measures may include the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or other work practices.

**AMENDATORY SECTION** (Amending Order 80-14, filed 8/8/80)

**WAC 296-62-07507 MIXTURES.** Special consideration shall be given to assessing the health hazards associated with exposure to mixtures of two or more substances which have similar health effects.

(1) In case of a mixture of air-contaminants compute the equivalent exposure as follows:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots + \frac{C_n}{L_n}$$

Where:

$E_m$  is the equivalent exposure for the mixture.

$C$  is the concentration of a particular contaminant.

$L$  is the exposure limit for that contaminant, from Table 1(1) or 2(1-3)).

The value of  $E_m$  shall not exceed unity (1).

(2) To illustrate the formula consider the following exposures:

Substance	Actual concentration of 8 hour exposure (ppm)	8 hr. TWA PEL (ppm) 8
B. ....	500	1000
C. ....	45	200
D. ....	40	200

Substituting in the formula, we have:

$$E_m = 500 \div 1,000 + 45 \div 200 + 40 \div 200$$

$$E_m = 0.500 + 0.225 + 0.200$$

$$E_m = 0.925$$

Since  $E_m$  is less than unity (1), the exposure combination is within acceptable limits.

**AMENDATORY SECTION** (Amending Order 80-14, filed 8/8/80)

**WAC 296-62-07510 TOTAL PARTICULATE.** Total particulate exposure shall not exceed a permissible limit of 10 milligrams per cubic meter ( $mg/M^3$ ) of air for total dust or 5 milligrams per cubic meter ( $mg/M^3$ ) for respirable dust. The use of this eight-hour time-weighted-average exposure limit does not preclude the application of other applicable limits in WAC 296-62-075 through 296-62-07515. Nor does it preclude the use of WAC 296-62-060 when substances not specifically listed in Table 1(1) or 2 (and 3)) are found to require a lower limit. This section does, however, limit the combined total concentration of all particulate contaminants whether or not specifically listed in Table(1) 1(1) or 2 (and 3)).

**AMENDATORY SECTION** (Amending Order 80-14, filed 8/8/80)

**WAC 296-62-07511 SIMPLE ASPHYXIANTS.** "Inert" gases or vapors. A number of gases and vapors when present in high concentrations in air act primarily as simple asphyxiants without other significant physiologic effects. A PEL may not be established for each simple asphyxiant because the limiting factor is the available oxygen. The minimal oxygen content shall be (+8) 19.5 percent by volume under normal atmospheric pressure (equivalent to a partial pressure,  $pO_2$  of (+35) 148 mm Hg). Atmospheres deficient in  $O_2$  do not provide adequate warning and most simple asphyxiants are odorless. Several simple asphyxiants present an explosion hazard. Account shall be taken of this factor in limiting the concentration of the asphyxiant.

**AMENDATORY SECTION** (Amending Order 88-11, filed 7/6/88)

**WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS.** Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

(TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	$mg/M^3$ (see note b)
Abate, see Temephos		
Acetaldehyde	100	180
Acetic acid	10	25
C Acetic anhydride	5	20
Acetone	750	1,700
Acetonitrile	40	70
2-Acetylaminofluorene, see WAC 296-62-073		
Acetylene	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	15
Acetylsalicylic acid		5
Acrotoxin	0.1	0.25
Acrylamide-skin		0.03
Acrylic acid	10	30
Acrylonitrile-skin, see WAC 296-62-07344		
Aldrin-skin		0.25
Amyl alcohol-skin	2	5
Amyl chloride	1	3
Amyl propyl disulfide	2	12
$\alpha$ -Alumina, see Aluminum oxide		
Aluminum metal and oxide		10
pyro powders		5
welding fumes		5
soluble salts		2
alkyls (NOC)		2
Aluminum, see aluminum oxide		
4-Aminodiphenyl, see WAC 296-62-073		
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
Ammonia	25	18
Ammonium chloride, fume		10
Ammonium sulfamate (Ammate)		10
n-Amyl acetate	100	530

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
sec-Amyl acetate	125	665
Aniline & homologues-skin	2	10
Anisidine (o, p-isomers)-skin	0.1	0.5
Antimony & Compounds (as Sb)		0.5
ANTU (alpha Naphthyl thiourea)		0.3
Argon	Simple	Asphyxiant
Arsenic & Compounds (as As) which are exempt from WAC 296-62-07347		0.2
Arsine	0.05	0.2
Asbestos, see WAC 296-62- 07517		
Asphalt (petroleum) fumes		5
Atrazine		5
Azinphos methyl-skin		0.2
Barium (soluble compounds)		0.5
Benomyl	0.8	10
Benidine, see WAC 296-62-073		
p-Benzoquinone; see Quinone		
Benzoyl peroxide		5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Bismuth telluride		10
-Se-doped		5
Borates, tetra, sodium salts		
-anhydrous		1
-decahydrate		5
-pentahydrate		1
Boron oxide		10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromacil	1	10
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromochloromethane	200	1,050
Bromoform-skin	0.5	5.0
Butadiene (1,3-butadiene)	10	22
Butane	800	1,900
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cello- solve)-skin	25	120
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl acrylate	10	55
C n-Butyl alcohol-skin	50	150
sec-Butyl alcohol	100	305
tert-Butyl alcohol	100	300
C Butylamine-skin	5	15
C tert-Butyl chromate (as CrO <sub>3</sub> )- skin		0.1
n-Butyl glycidyl ether (BGE)	25	135
n-Butyl lactate	5	25
Butyl mercaptan	0.5	1.5
o-sec-Butylphenol-skin	5	30
p-tert-Butyl toluene	10	60
C Cadmium oxide fume, as Cd		0.05
Cadmium dust and salts, as Cd		0.05
Calcium arsenate, see WAC 296- 62-07347		
Calcium carbonate		10
Calcium cyanamide		0.5
Calcium hydroxide		5
Calcium oxide		2
Calcium silicate		10
Camphor (synthetic)	2	12
Caprolactam		
-dust		1
-vapor	5	20
Captafol-skin		0.1
Captan		5
Carbaryl (Sevin [R])		5
Carbofuran		0.1
Carbon black		3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Carbon tetrabromide	0.1	1.4
Carbonyl chloride, see phosgene		
Carbonyl fluoride	2	5
Catechol	5	20

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
Cellulose (paper fiber)		10
Cesium hydroxide		2
Chlordane-skin		0.5
Chlorinated camphene-skin		0.5
Chlorinated diphenyl oxide		0.5
C Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (Phenacyl/chloride)	0.05	0.3
Chloroacetyl chloride	0.05	0.2
Chlorobenzene		
(Monochlorobenzene)	75	350
C o-Chlorobenzylidene malonitrile (OCBM)-skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene		
Chlorodifluoromethane	1,000	3,500
Chlorodiphenyl (42% Chlorine)- skin		1
Chlorodiphenyl (54% Chlorine)- skin		0.5
1-Chloro-2,3-epoxy propane, see Epichlorhydrin		
2-Chloroethanol, see Ethylene chlorhydrin		
Chloroethylene, see vinylchloride		
Chloroform (Trichloromethane)	10	50
1-Chloro-1-nitropropane	2	10
bis-Chloromethyl ether, see WAC 296-62-073		
Chloropentafluorocthane	1,000	6,320
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-bu- tadiene)-skin	10	35
o-Chlorostyrene	50	285
o-Chlorotoluene	50	250
2-Chloro-6-(trichloromethyl) pyridine, see Nitrapyrin		
Chlorpyrifos-skin		0.2
Chromium Metal		0.5
Chromium (II) compounds, as Cr		0.5
Chromium (III) compounds, as Cr		0.5
Chromium (VI) compounds, as Cr		0.05
Chromyl chloride	0.025	0.15
Clopidol		10
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)		0.2
Cobalt, metal fume & dust, as Co		0.1
Cobalt carbonyl, as Co		0.1
Cobalt hydrocarbonyl, as Co		0.1
Copper, as Cu		
-Fume		0.1
-Dusts and Mists		1.0
Corundum, see Aluminum oxide		
Cotton Dust (raw)		1.0
		(see note c)
Crab [R] herbicide		10
Cresol (all isomers)-skin	5	22
Crotonaldehyde	2	6
Crufomate		5
Cumene-skin	50	245
Cyanamide		2
Cyanide (as CN)-skin		5
Cyanogen	10	20
C Cyanogen chloride	0.3	0.6
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone-skin	25	100
Cyclohexene	300	1,015
Cyclohexylamine-skin	10	40
Cyclonite-skin, see RDX		
Cyclopentadiene	75	200
Cyclopentane	600	1,720
Eyhexatin		5
2,4-D		10
DDT		1

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
DBVP, see Dichlorvos		
Decaborane-skin	0.05	0.3
Demeton [R]-skin	0.01	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-Diaminoethane, see Ethylenediamine		
Diazinon-skin		0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom [R], see Naled		
1,2-Dibromo-3-chloropropane, see WAC 296-62-07345		
2-N-Dibutylamino ethanol-skin	2	14
Dibutyl phosphate	1	5
Dibutyl phthalate		5
C Dichloroacetylene	0.1	0.4
o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin		0.2
1,1-Dichloroethane	100	400
1,2-Dichloroethane, see Ethylene dichloride		
1,2-Dichloroethylene	200	790
1,1-Dichloroethylene, see Vinylidene chloride		
Dichloromethane, see Methylene chloride		
Dichlorofluoromethane	10	40
1,2-Dichloropropane, see Propylene dichloride		
Dichloropropene-skin	1	5
2,2-Dichloropropionic acid	1	6
Dichlorotetrafluoroethane	1,000	7,000
Dichlorvos (DBVP)-skin	0.1	1
Dicrotophos-skin		0.25
Dicyclopentadiene	5	30
Dicyclopentadienyl iron		10
Dieldrin-skin		0.25
Diethanolamine	3	15
Diethylamine	10	30
Diethylaminoethanol-skin	10	50
C Diethylene triamine-skin	1	4
Diethylether, see Ethyl ether		
Diethyl ketone	200	705
Diethyl phthalate		5
Difluorodibromomethane	100	860
Diglycidyl ether (DGE)	0.1	0.5
Dihydroxybenzene, see Hydroquinone		
Diisobutyl ketone	25	250
Diisopropylamine-skin	5	20
Dimethoxymethane, see Methylal		
Dimethyl acetamide-skin	10	35
Dimethylamine	10	18
4-Dimethylaminoazobenzene, see WAC 296-62-073		
Dimethylaminobenzene, see Xylidene		
Dimethylaniline (N, N-Dimethylaniline)-skin	5	25
Dimethylbenzene, see Xylene		
Dimethyl-1,2-dibromo-2,2-dichloroethyl-phosphate, see Naled		
Dimethylformamide-skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone		
1,1-Dimethylhydrazine-skin	0.5	1
Dimethyl phthalate		5
Dimethyl sulfate-skin	0.1	0.5
Dinitolmide		5
Dinitrobenzene (all isomers)-skin	0.15	1
Dinitro-o-cresol-skin		0.2
Dinitrotoluene-skin		1.5
Dioxane (Diethylene dioxide)-skin	25	90
Dioxathion-skin		0.2
Diphenyl	0.2	1.5
Diphenylamine		10

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))		
Dipropylene glycol methyl ether-skin	100	600
Dipropyl ketone	50	235
Diquat		0.5
Di-sec-octyl phthalate (Di-2-ethylhexylphthalate)		5
Disulfam		2
Disulfoton		0.1
2,6-Ditert-butyl-p-cresol		10
Diuron		10
Divinyl benzene	10	50
Emery		10
Endosulfan (Thiodan [R])-skin		0.1
Endrin-skin		0.1
Epichlorohydrin-skin	2	10
EPN-skin		0.5
1,2-Epoxypropane, see Propylene-oxide		
2,3-Epoxy-1-propanol, see Glycidol		
Ethane	Simple	Asphyxiant
Ethanthiol, see Ethyl/mercaptan		
Ethanolamine	3	8
Ethion-skin		0.4
2-Ethoxyethanol-skin	5	19
2-Ethoxyethyl/acetate (Cellosolve acetate)-skin	5	27
Ethyl acetate	400	1,400
Ethyl acrylate-skin	5	20
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl amyl ketone	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethylene	Simple	Asphyxiant
C Ethylene chlorohydrin-skin	1	3
Ethylenediamine	10	25
C Ethylene glycol	50	125
Ethylene glycol dinitrate and/or Nitroglycerin-skin	0.05	0.3
(see note d)		
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)-skin	5	24
Ethyleneimine-skin, see WAC 296-62-073		
Ethylene oxide (see WAC 296-62-07353)	1	2
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethylidene chloride, see 1,1-Dichloroethane		
C Ethylidene norbornene	5	25
Ethyl mercaptan	0.5	1
n-Ethylmorpholine-skin	5	23
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl silicate	10	85
Fenamiphos-skin		0.1
Fensulfotion		0.1
Fenthion-skin		0.2
Ferbam		10
Ferrovandium dust		1
Fluorides, as F		2.5
Fluorine	0.1	0.2
Fluorotrichloromethane, see Trichlorofluoro methane		
Fonofos-skin		0.1
Formamide	20	30
Formic acid	5	9
Furfural-skin	2	8
Furfuryl alcohol-skin	10	40
Gasoline	300	900
Germanium tetrahydride	0.2	0.6
Glass, fibrous or dust (see note e)		10
C Gluteraldehyde	0.2	0.7

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
Glycerin mist		10
Glycidol (2,3-Epoxy-1-propanol)	25	75
Glycol monoethyl ether, sec 2- Ethoxyethanol		10
Graphite, (Synthetic)		10
Guthion <sup>(R)</sup> , sec Azinphosmethyl		10
Gypsum		10
Hafnium		0.5
Helium	Simple	Asphyxiant
Heptachlor-skin		0.5
Heptane (n-heptane)	400	1,600
2-Heptanone, sec Methyl n-amyI ketone		
3-Heptanone, sec Ethyl butyl ketone		
Hexachlorobutadiene-skin	0.02	0.24
Hexachlorocyclopentadiene	0.01	0.1
Hexachloroethane	10	100
Hexachloronaphthalene-skin		0.2
Hexafluoroacetone-skin	0.1	0.7
Hexane		
n-hexane	50	180
other isomers	500	1,800
2-Hexanone	5	20
Hexone (Methyl isobutyl ketone)	50	205
sec-Hexyl acetate	50	300
C-Hexylene Glycol	25	125
Hydrazine-skin	0.1	0.1
Hydrogen	Simple	Asphyxiant
Hydrogenated terphenyls	0.5	5
C Hydrogen bromide	3	10
C Hydrogen chloride	5	7
C Hydrogen cyanide-skin	10	10
C Hydrogen fluoride	3	2.5
Hydrogen peroxide	1	1.5
Hydrogen selenide	0.05	0.2
Hydroquinone		2
4-Hydroxy-4-methyl-2-penta- none, sec Diacetone alcohol		
2-Hydroxypropyl acrylate-skin	0.5	3
Indene	10	45
Indium and compounds, as In		0.1
C Iodine	0.1	1
Iodoform	0.6	10
Iron oxide fume		5
Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe		1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	50	150
Isooctyl alcohol	50	270
C Isophorone	5	25
Isophorone diisocyanate-skin	0.01	0.09
Isopropoxyethanol	25	105
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
N-Isopropylaniline-skin	2	10
Isopropyl ether	250	1,050
Isopropyl glycidyl ether (IGE)	50	240
Kaolin		10
Ketene	0.5	0.9
Lead and its inorganic compounds which are exempt from WAC 296-62-07521		0.15
Lead arsenate-see WAC 296- 62-07347		0.15
Lead chromate		0.05
Limestone		10
Lindane		0.5
Lithium hydride		0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesite		10
Magnesium oxide fume		10
Malathion-skin		10
Malic anhydride	0.25	1
C Manganese and compounds, as Mn		5
Manganese tetroxide and fume		1
Manganese cyclopentadienyl tricarbonyl, as Mn-skin		0.1
Marble		10

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
Mesityl oxide	15	60
Methacrylic acid	20	70
Methane	Simple	Asphyxiant
Methanethiol, sec Methyl mercaptan		
Methomyl-skin		2.5
Methoxychlor		10
2-Methoxyethanol-skin (Methyl cellosolve)	5	16
4-Methoxyphenol		5
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate-skin	10	35
Methylacrylonitrile-skin	1	3
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, sec Methyl isobutyl carbinol		
Methyl n-amyI ketone (2- Heptanone)	50	235
N-Methyl aniline, sec Monomethyl aniline		
Methyl bromide-skin	5	20
Methyl butyl ketone, sec 2- Hexanone		
Methyl cellosolve-skin, sec 2- Methoxyethanol		
Methyl cellosolve acetate-skin, sec Ethylene glycol monomethyl ether acetate		
Methyl chloride	50	105
Methyl chloroform	350	1,900
Methyl chloromethyl ether, sec WAC 296-62-073		
Methyl-2-cyano acrylate	2	8
Methylcyclohexane	400	1,600
Methylcyclohexanol	50	235
Methylcyclohexanone-skin	50	230
Methylcyclopentadienyl manga- nese tricarbonyl (as Mn)-skin		0.2
Methyl demeton-skin		0.5
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
4,4'-Methylene bis (2- chloroaniline), sec WAC 296- 62-073		
C Methylene bis (4- cyclohexylisocyanate)	0.01	0.11
4,4'-Methylene dianiline-skin	0.1	0.8
Methyl ethyl ketone (MEK), sec 2-Butanone		
C Methyl ethyl ketone peroxide	0.2	1.5
Methyl formate	100	250
5-Methyl-3-heptanone, sec Ethyl amyl ketone		
Methyl hydrazine, sec Monomethyl hydrazine		
Methyl iodide-skin	2	10
Methyl isoamyl ketone	50	240
Methyl isobutyl carbinol-skin	25	100
Methyl isobutyl ketone, sec Hexone		
Methyl isocyanate-skin	0.02	0.05
Methyl isopropyl ketone	200	705
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion-skin		0.2
Methyl propyl ketone, sec 2- Pentanone		
Methyl silicate	1	6
Mevinphos <sup>(R)</sup> , sec Phosdrin		
Metribuzin		5
Molybdenum, as Mo		
Soluble compounds		5
Insoluble compounds		10
Monomethyl aniline-skin	0.5	2
Monocrotophos		0.25
C Monomethyl hydrazine-skin	0.2	0.35
Morpholine-skin	20	70
Naled-skin		3

(TABLE 1)  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
Naphtha (coal tar)	100	400
Naphthalene	10	50
α-Naphthylamine, see WAC 296-62-073		
β-Naphthylamine, see WAC 296-62-073		
Neon	Simple	Asphyxiant
Nickel carbonyl	0.001	0.007
Nickel, as Ni		
—Metal		1
—Soluble compounds		0.1
Nicotine-skin		0.5
Nitrapyrin		10
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline-skin		3
Nitrobenzene-skin	1	5
4-Nitrobiphenyl, see WAC 296-62-073		
p-Nitrochlorobenzene-skin		0.5
Nitroethane	100	310
Nitrogen	Simple	Asphyxiant
Nitrogen trifluoride	10	30
Nitroglycerin-skin	0.05	0.5
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	10	35
N-Nitrosodimethylamine, see WAC 296-62-073		
Nitrotoluene-skin	2	11
Nitrotrichloromethane, see Chloropicrin		
Nitrous Oxide	30	54
Nonane	200	1,050
Octachloronaphthalene-skin		0.1
Octane	300	1,450
Oil mist, particulate		5
Osmium tetroxide	0.0002	0.002
Oxalic acid		1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraffin wax fume		2
Paraquat-skin		0.1
Parathion-skin		0.1
Particulate polycyclic aromatic hydrocarbons (PPAH), see coal tar pitch volatiles		
Pentaborane	0.005	0.01
Pentachloronaphthalene-skin		0.5
Pentachlorophenol-skin		0.5
Pentaerythritol		10
Pentane	600	1,800
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Phenol-skin	5	19
Phenothiazine-skin		5
p-Phenylene diamine-skin		0.1
Phenyl ether (vapor)	1	7
Phenyl ether-Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	1	6
Phenylhydrazine-skin	5	20
Phenyl mercaptan	0.5	2
Phenylphosphine	0.05	0.25
Phorate-skin		0.05
Phosdrin (Mevinphos [R]) skin	0.01	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid		1
Phosphorus (yellow)		0.1
Phosphorous oxychloride	0.1	0.6
Phosphorus pentachloride	0.1	1
Phosphorus pentasulfide		1
Phosphorus trichloride	0.2	1.5
Phthalic anhydride	1	6
m-Phthalodinitrile		5
Picloram		10
Pieric acid-skin		0.1
Pindone, see Pival		
Piperazine dihydrochloride		5

(TABLE 1)  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
Pival [R] (2-Pivalyl-1,3-indandione)		0.1
Plaster of Paris		10
Platinum, as Pt		1
—Metal		1
—Soluble salts		0.002
Polychlorobiphenyls, see Chlorodiphenyls		
Potassium hydroxide		2
Propane	Simple	Asphyxiant
Propargyl alcohol-skin	1	2
β-Propiolactone, see WAC 296-62-073		
Propionic acid	10	30
Propoxur		0.5
n-Propyl acetate	200	840
Propyl alcohol-skin	200	500
Propylene	Simple	Asphyxiant
Propylene dichloride (1,2-Dichloropropane)	75	350
Propylene glycol dimethacrylate-skin	0.05	0.3
Propylene glycol monomethyl ether	100	360
Propylene imine-skin	2	5
Propylene oxide	20	50
n-Propyl nitrate	25	105
Propyne, see Methyl/acetylene		
Pyrethrum		5
Pyridine	5	15
Quinone	0.1	0.4
RDx-skin		1.5
Resorcinol	10	45
Rhodium, as Rh		
—Metal fumes and dusts		0.1
—Soluble salts		0.001
Rommel		10
Rosin-Core Solder, pyrolysis products (as formaldehyde)		0.1
Rotenone (commercial)		5
Rouge		10
Rubber solvent (naphtha)	400	1,600
Selenium compounds (as Se)		0.2
Selenium hexafluoride	0.05	0.2
Sesone, see Crag herbicide		
Silane, see Silicon tetrahydride		
Silicon		10
Silicon Carbide		10
Silicon tetrahydride	5	7
Silver, metal and soluble compounds		0.01
Sodium azide	0.1	0.3
Sodium bisulfite		5
Sodium-2,4-dichlorophenoxyethyl sulfate, see Crag herbicide		
Sodium fluoroacetate (1080)-skin		0.05
Sodium hydroxide		2
Sodium metabisulfite		5
Starch		10
Stibine	0.1	0.5
Stoddard solvent	100	525
Strychnine		0.15
Subtilisins (proteolytic enzymes)		0.00006
Sucrose		10
Sulfotep-skin, see TEDP		
Sulfur dioxide	2	5
Sulfur hexafluoride	1,000	6,000
Sulfuric acid		1
ε-Sulfur monochloride	1	6
ε-Sulfur pentafluoride	0.01	0.1
ε-Sulfur tetrafluoride	0.1	0.4
Sulfuryl fluoride	5	20
Sulprofos		1
Systox, see Demeton [R]		
2,4,5-T		10
Tantatum		5
TEDP-skin		0.2
Tellurium		0.1
Tellurium hexafluoride	0.02	0.2
Temephos		10
TEPP-skin	0.004	0.05
Terphenyls	0.5	5

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane-skin	1	7
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene-skin		2
Tetraethyl lead (as Pb)-skin		0.1 (see note f)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)-skin		0.15 (see note f)
Tetramethyl succinonitrile-skin	0.5	3
Tetrametromethane	1	8
Tetrasodium pyrophosphate		5
Tetryl (2,4,6-trinitrophenyl-methylnitramine)-skin		1.5
Thallium (soluble compounds)-skin (as Tl)		0.1
4,4-Thiobis (6-tert.butyl-m-cresol)		10
Thioglycolic acid-skin	1	4
Thionyl chloride	1	5
Thiram[R], see WAC 296-62-07519		5
Tin, as Sn Metal		2
Oxide and inorganic compounds, except SnH <sub>2</sub>		2
Organic compounds-skin		0.1
Titanium dioxide		10
C Toluene-2,4-diisocyanate (TDI)	0.005	0.04
o-Toluidine-skin	2	9
p-Toluidine-skin	2	9
Toxaphene, see Chlorinated camphene		
Triethyl phosphate	0.2	2.5
Trichloroacetic acid	1	7
C 1,2,4-Trichlorobenzene	5	40
1,1,1-Trichloroethane, see Methyl chloroform		
1,1,2-Trichloroethane-skin	10	45
C Trichlorofluoromethane	1,000	5,600
Trichloromethane, see Chloroform		
Trichloronaphthalene-skin		5
1,2,3-Trichloropropane-skin	10	60
1,1,2-Trichloro-1,2,2-trifluoroethane	1,000	7,600
Tricyclohexyltin hydroxide, see Cyhexatin		
Triethylamine	10	40
Trifluorobromomethane	1,000	6,100
Trimellitic anhydride	0.005	0.04
Trimethylamine	10	24
Trimethyl benzene	25	125

((TABLE 1  
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M <sup>3</sup> (see note b)
Trimethyl phosphite	2	10
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl		
Trinitrotoluene-skin		0.5
Triorthocresyl phosphate-skin		0.1
Triphenylamine		5
Triphenyl phosphate		3
Fungsten & Compounds, as W		
— Soluble		1
— Insoluble		5
Furpentine	100	560
Uranium (natural) sol. & insol. compounds as U		0.2
Valeraldehyde	50	175
Vanadium (V <sub>2</sub> O <sub>5</sub> ), as V		0.05
Vegetable oil mist		10
Vinyl acetate	10	30
Vinyl bromide	5	20
Vinyl chloride, see WAC 296-62-07329		
Vinyl cyanide, see Acrylonitrile		
Vinyl cyclohexene dioxide	10	60
Vinyl toluene	50	240
Vinylidene chloride	5	20
VM&P naphtha	300	1,350
Warfarin		0.1
Welding fume		5
Wood dust		
— Nonallergenic		5
— Allergenic (e.g. cedar, mahogany, teak)		2.5
C m-Xylene-α,α-diamine-skin		0.1
Xylene (xylol)	100	435
Xylidine-skin	2	10
Yttrium		1
Zinc chloride fume		1
Zinc chromate		0.05
Zinc oxide dust		10
Zinc oxide fume		5
Zinc stearate		10
Zirconium compounds (as Zr)		5

Note: a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.  
 b) Approximate milligrams of substance per cubic meter of air.  
 c) No footnote "c" is used to avoid confusion with ceiling value notations.  
 d) An atmospheric concentration of more than 0.02 ppm may require personal protection to avoid headache.  
 e) This 8-hour time-weighted average is for respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. This time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and ginning.  
 f) Biologic monitoring is essential for personnel control.)

HT/SPECIAL  
TABLE 1.1

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Abate, see Temephos	---	---	---	---	---	---	---	---
Acetaldehyde	75-07-0	100	180	150	270	---	---	---
Acetic acid	64-19-7	10	25	---	---	---	---	---
Acetic anhydride	108-24-7	---	---	---	---	5.0	20	---
Acetone	67-64-1	750	1800	1000	2400	---	---	---
Acetonitrile	75-05-8	40	70	60	105	---	---	---
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	---	---	---	---	---	---	---
Acetylene	74-86-2	Simple	Asphyxiant	---	---	---	---	---
Acetylene dichloride (see 1,2-Dichloroethylene)	---	---	---	---	---	---	---	---
Acetylene tetrabromide	79-27-6	1.0	14	---	---	---	---	---
Acetylsalicylic acid (Aspirin)	50-78-2	---	5.0	---	---	---	---	---
Acrolein	107-02-8	0.1	0.25	0.3	0.8	---	---	---
Acrylamide	79-06-1	---	0.03	---	---	---	---	X
Acrylic acid	79-10-7	10	30	---	---	---	---	X
Acrylonitrile (see WAC 296-62-07341)	107-13-1	---	---	---	---	---	---	---
Aldrin	309-00-2	---	0.25	---	---	---	---	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	---	---	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	---	---	---
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	---	---	---
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	---	---	---
alpha-Alumina (see Aluminum oxide)	1344-28-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.2

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Aluminum, metal and oxide (as Al)	7429-90-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
pyro powders	---	---	5.0	---	---	---	---	---
welding fumes <sup>d/</sup>	---	---	5.0	---	---	---	---	---
soluble salts	---	---	2.0	---	---	---	---	---
alkyls (NOC)	---	---	2.0	---	---	---	---	---
Alundum (see Aluminum oxide)	---	---	---	---	---	---	---	---
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	---	---	---	---	---	---	---
2-Aminoethanol (see Ethanolamine)	---	---	---	---	---	---	---	---
2-Aminopyridine	504-29-0	0.5	2.0	---	---	---	---	---
Amitrole	61-82-5	---	0.2	---	---	---	---	---
Ammonia	7664-41-7	25	18	35	27	---	---	---
Ammonium chloride, fume	12125-02-9	---	10	---	20	---	---	---
Ammonium sulfamate (Ammate)	7773-06-0	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
n-Amyl acetate	628-63-7	100	525	---	---	---	---	---
sec-Amyl acetate	626-38-0	125	650	---	---	---	---	---
Aniline and homologues	62-53-3	2.0	8.0	---	---	---	---	---
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	---	---	---	---	X
Anitmony and Compounds (as Sb)	7440-36-0	---	0.5	---	---	---	---	X
ANTU (Alpha naphthyl thiourea)	86-88-4	---	0.3	---	---	---	---	---
Argon	7440-37-1	Simple	Asphyxiant	---	---	---	---	---
Arsenic, Organic compounds (as As)	7440-38-2	---	0.2	---	---	---	---	---
Arsenic, Inorganic compounds, (as As) (see WAC 296-62-07347 for applications and exclusions)	Varies with compound	---	0.2	---	---	---	---	---

HT/SPECIAL  
TABLE 1.3

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Arsine	7784-42-1	0.05	0.2	---	---	---	---	---
Asbestos (see WAC 296-62-07517)	---	---	---	---	---	---	---	---
Asphalt (Petroleum fumes)	8052-42-4	---	5.0	---	---	---	---	---
Atrazine	1912-24-9	---	5.0	---	---	---	---	---
Azinphos methyl	86-50-0	---	0.2	---	---	---	---	X
Barium, soluble compounds (as Ba)	7440-39-3	---	0.5	---	---	---	---	---
Barium Sulfate	7727-43-7	---	---	---	---	---	---	---
Total dust	---	---	10.0	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benomyl	17804-35-2	---	---	---	---	---	---	---
Total dust	---	0.8	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benzene, (see WAC 296-62-07523) <sup>d/</sup>	71-43-2	1.0	---	5.0	---	---	---	---
Benzydine, (see WAC 296-62-073)	92-87-5	---	---	---	---	---	---	---
p-Benzoquinone, (see Quinone)	---	---	---	---	---	---	---	---
Benzo(a) pyrene; (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Benzoyl peroxide	94-36-0	---	5.0	---	---	---	---	---
Benzyl chloride	100-44-7	1.0	5.0	---	---	---	---	---
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002	---	0.005 (30 min.)	---	0.025	---	---
Biphenyl (see Diphenyl)	---	---	---	---	---	---	---	---
Bismuth telluride, Undoped	1304-82-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Bismuth telluride, Se-doped	---	---	5.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.4

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Borates, tetra, sodium salts:	---	---	---	---	---	---	---	---
Anhydrous	1330-43-4	---	1.0	---	---	---	---	---
Decahydrate	1303-96-4	---	5.0	---	---	---	---	---
Pentahydrate	12179-04-3	---	1.0	---	---	---	---	---
Boron oxide	1303-86-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Boron tribromide	10294-33-4	---	---	---	---	1.0	10	---
Boron trifluoride	7637-07-2	---	---	---	---	1.0	3.0	---
Bromacil	314-40-9	1.0	10	---	---	---	---	---
Bromine	7726-95-6	0.1	0.7	0.3	2.0	---	---	---
Bromine pentafluoride	7789-30-2	0.1	0.7	---	---	---	---	---
Bromochloromethane, (see Chlorobromomethane)	---	---	---	---	---	---	---	---
Bromoform	15-25-2	0.5	5.0	---	---	---	---	X
Butadiene (1,3-butadiene)	106-99-0	10	22	---	---	---	---	---
Butane	106-97-8	800	1,900	---	---	---	---	---
Butanethiol (see Butyl mercaptan)	---	---	---	---	---	---	---	---
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	---	---	---
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	---	---	---	---	X
n-Butyl acetate	123-86-4	150	710	200	950	---	---	---
sec-Butyl acetate	105-46-4	200	950	---	---	---	---	---
tert-Butyl acetate	540-88-5	200	950	---	---	---	---	---
Butyl acrylate	141-32-2	10	55	---	---	---	---	---
n-Butyl alcohol	71-36-3	---	---	---	---	50	150	X
sec-Butyl alcohol	78-92-2	100	305	---	---	---	---	---
tert-Butyl alcohol	75-65-0	100	300	150	450	---	---	---

HT/SPECIAL  
TABLE 1.5

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Butylamine	109-73-9	---	---	---	---	5.0	15	X
tert-Butyl chromate (see C <sub>7</sub> O <sub>3</sub> )	1189-85-1	---	---	---	---	---	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	---	---	---	---	---
n-Butyl lactate	138-22-7	5.0	25	---	---	---	---	---
Butyl mercaptan	109-79-5	0.5	1.5	---	---	---	---	---
o-sec-Butylphenol	89-72-5	5.0	30	---	---	---	---	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	---	---	---
Cadmium oxide fume, (as Cd)	1306-19-0	---	---	---	---	---	0.05	---
Cadmium dust and salts (as Cd)	7440-43-9	---	0.05	---	---	---	---	---
Calcium arsenate (see WAC 296-62-07347)	-----	---	---	---	---	---	---	---
Calcium carbonate	1317-65-3	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium cyanamide	156-62-7	---	0.5	---	---	---	---	---
Calcium hydroxide	1305-62-0	---	5.0	---	---	---	---	---
Calcium oxide	1305-78-8	---	2.0	---	---	---	---	---
Calcium silicate	1344-95-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium sulfate	7778-18-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Camphor(synthetic)	76-22-2	---	2.0	---	---	---	---	---
Caprolactam;	105-60-2	---	---	---	---	---	---	---
Dust	---	---	1.0	---	3.0	---	---	---
Vapor	---	5.0	20	10	40	---	---	---
Captafol (Difolatan®)	2425-06-1	---	0.1	---	---	---	---	X
Captan	133-06-2	---	5.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.6

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Carbaryl (Sevin®)	63-25-2	---	5.0	---	---	---	---	---
Carbofuran (Furadon®)	1563-66-2	---	0.1	---	---	---	---	---
Carbon black	1333-86-4	---	3.5	---	---	---	---	---
Carbon dioxide	124-38-9	5,000	9,000	30,00	54,000	---	---	---
Carbon disulfide	75-15-0	4.0	12	12	36	---	---	X
Carbon monoxide	630-08-0	35	40	---	---	200	229	---
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	---	---	---
Carbon tetrachloride	56-23-5	2.0	12.6	---	---	---	---	---
Carbonyl chloride (see Phosgene)	---	---	---	---	---	---	---	---
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	---	---	---
Catechol (Pyrocatechol)	120-80-9	5.0	20	---	---	---	---	X
Cellulose (paper fiber)	9004-34-6	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cesium hydroxide	21351-79-1	---	2.0	---	---	---	---	---
Chlordane	57-74-9	---	0.5	---	---	---	---	X
Chlorinated camphene	8001-35-2	---	0.5	---	1.0	---	---	X
Chlorinated diphenyl oxide	55720-99-5	---	0.5	---	---	---	---	---
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	---
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	---	---	---
Chlorine trifluoride	7790-91-2	---	---	---	---	0.1	0.4	---
Chloroacetaldehyde	107-20-0	---	---	---	---	1.0	3.0	---
Chloroacetophenone (Phenacyl del chloride)	532-21-4	0.05	0.3	---	---	---	---	---
Chloroacetyl chloride	79-04-9	0.05	0.2	---	---	---	---	---
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	---	---	---	---	---

HT/SPECIAL  
TABLE 1.7

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	---	---	---	---	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	---	---	---	---	---
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	---	---	---	---	---	---	---	---
Chlorodifluoromethane	75-45-6	1,000	3,500	---	---	---	---	---
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	---	1.0	---	---	---	---	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	---	0.5	---	---	---	---	X
1-Chloro-2, 3-epoxypropane, (see Epichlorhydrin)	---	---	---	---	---	---	---	---
2-Chloroethanol (see Ethylene chlorohydrin)	---	---	---	---	---	---	---	---
Chloroethylene (see vinyl chloride)	---	---	---	---	---	---	---	---
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	---	---	---	---	---
1-Chloro-1-nitropropane	600-25-9	2.0	10	---	---	---	---	---
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	---	---	---	---	---	---	---
Chloromethyl methyl ether (See Methyl carbomethyl ether)	107-30-2	---	---	---	---	---	---	---
Chloropentafluoroethane	76-15-3	1,000	6,320	---	---	---	---	---
Chloropicrin	76-06-2	0.1	0.7	---	---	---	---	X
beta-Chloroprene	126-99-8	10	35	---	---	---	---	---
o-Chlorostyrene	2039-87-4	50	285	75	430	---	---	---
o-Chlorotoluene	95-49-8	50	250	---	---	---	---	---

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TABLE 1.8

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
2-Chloro-6-(trichloromethyl) pyridine (see Nitrapyrin)	1929-82-4	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Chlorpyrifos	2921-88-2	---	0.2	---	---	0.1	---	X
Chromic acid and chromates (as CrO <sub>3</sub> )	Varies w/compounds	---	---	---	---	---	---	---
Chromium (II) compounds (as Cr)	Varies w/compounds	---	0.5	---	---	---	---	---
Chromium (III) compounds (as Cr)	Varies w/compounds	---	0.5	---	---	---	---	---
Chromium (VI) compounds (as Cr)	---	---	0.05	---	---	---	---	---
Chromium Metal	7440-47-3	---	0.5	---	---	---	---	---
Chromyl chloride	14977-61-8	0.025	0.15	---	---	---	---	---
Chrysene: (see Coal tar pitch volatiles)	218-01-9	---	---	---	---	---	---	---
Clopidol	2971-90-6	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Coal Dust (less than 5% SiO <sub>2</sub> )	---	---	2.0	---	---	---	---	---
Respirable quartz fraction	---	---	0.1	---	---	---	---	---
Coal dust (greater than or equal to 5% SiO <sub>2</sub> )	---	---	0.1	---	---	---	---	---
Respirable quartz fraction	---	---	0.1	---	---	---	---	---
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	8007-45-2	---	0.2	---	---	---	---	---
Cobalt, metal fume & dust, (as Co)	7440-48-4	---	0.05	---	---	---	---	---

HT/SPECIAL  
TABLE 1.9TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Design- nation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Cobalt carbonyl (as Co)	10210-68-1	---	0.1	---	---	---	---	---
Cobalt hydrocarbonyl (as Co)	16842-03-8	---	0.1	---	---	---	---	---
Coke oven emissions (see WAC 296-62-200)	---	---	---	---	---	---	---	---
Copper fume (as Cu)	7440-50-8	---	0.1	---	---	---	---	---
Dusts and mists (as Cu)	---	---	1.0	---	---	---	---	---
Cotton dust (raw)	---	---	1.0	---	---	---	---	---
Corundum, (see Aluminum oxide)	---	---	---	---	---	---	---	---
Crag® herbicide (Sesone)	136-78-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cresol (all isomers)	1319-77-3; 95-48-7; 108-39-4; 106-44-5	5.0	22	---	---	---	---	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	---	---	---	---	---
Crufomate	299-86-5	---	5.0	---	---	---	---	---
Cumene	98-82-8	50	245	---	---	---	---	X
Cyanamide	420-04-2	---	2.0	---	---	---	---	---
Cyanide (as CN)	151-50-8	---	5.0	---	---	---	---	X
Cyanogen	460-19-5	10	20	---	---	---	---	---
Cyanogen chloride	506-77-4	---	---	---	---	0.3	0.6	---
Cyclohexane	110-82-7	300	1,050	---	---	---	---	---
Cyclohexanol	108-93-0	50	200	---	---	---	---	X

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TABLE 1.10TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Design- nation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Cyclohexanone	108-94-1	25	100	---	---	---	---	X
Cyclohexene	110-83-8	300	1,015	---	---	---	---	---
Cyclohexylamine	108-91-8	10	40	---	---	---	---	---
Cyclonite (see RDX)	121-82-4	---	1.5	---	---	---	---	X
Cyclopentadiene	542-92-7	75	200	---	---	---	---	---
Cyclopentane	287-92-3	600	1,720	---	---	---	---	---
Cyhexatin	13121-70-5	---	5.0	---	---	---	---	---
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	---	10	---	---	---	---	---
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	---	1.0	---	---	---	---	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	---	---	---	---	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	---	---	X
Demeton®	8065-48-3	0.01	0.1	---	---	---	---	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	---	---	---	---	---
1, 2-Diaminoethane (see Ethylenediamine)	---	---	---	---	---	---	---	---
Diazinon	333-41-5	---	0.1	---	---	---	---	X
Diazomethane	334-88-3	0.2	0.4	---	---	---	---	---
Diborane	19287-45-7	0.1	0.1	---	---	---	---	---
Dibrom®, (see Naled)	---	---	---	---	---	---	---	---
1, 2-Dibromo-3-chloropropane (see WAC 296-62-07345)	96-12-3	---	---	---	---	---	---	---
2-N-Dibutylamino ethanol	102-81-8	2.0	14	---	---	---	---	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	---	---	---

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TABLE 1.11

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Dibutyl phthalate	84-74-2	---	5.0	---	---	---	---	---
Dichloroacetylene	7572-29-4	---	---	---	---	0.1	0.4	---
o-Dichlorobenzene	95-50-1	---	---	---	---	50	300	---
p-Dichlorobenzene	106-46-7	75	450	110	675	---	---	---
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	---	---	---	---	---	---	---
Dichlorodifluoromethane	75-71-8	1,000	4,950	---	---	---	---	---
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	---	0.2	---	0.4	---	---	---
1, 1-Dichloroethane	75-34-3	100	400	---	---	---	---	---
1, 2-Dichloroethane (see Ethylene dichloride)	---	---	---	---	---	---	---	---
1, 2-Dichloroethylene	540-59-0	200	790	---	---	---	---	---
1, 1-Dichloroethylene (see Vinylidene chloride)	---	---	---	---	---	---	---	---
Dichloroethyl ether	111-44-4	5.0	30	10	60	---	---	X
Dichlorofluoromethane	75-43-4	10	40	---	---	---	---	---
Dichloromethane (see Methylene chloride)	---	---	---	---	---	---	---	---
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	---	---	---	---
1, 2-Dichloropropane (see Propylene dichloride)	---	---	---	---	---	---	---	---
Dichloropropene	542-75-6	1.0	5.0	---	---	---	---	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	---	---	---	---	---
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	---	---	---	---	---
Dichlorvos (DDVP)	62-73-7	0.1	1.0	---	---	---	---	X
Dicrotophos	141-66-2	---	0.25	---	---	---	---	X
Dicyclopentadiene	77-73-6	5.0	30	---	---	---	---	---

HT/SPECIAL  
TABLE 1.12

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Dicyclopentadienyl iron	102-54-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Dieldrin	60-57-1	---	0.25	---	---	---	---	X
Diethanolamine	111-42-2	3.0	15	---	---	---	---	---
Diethylamine	109-89-7	10	30	25	75	---	---	---
2-Diethylaminoethanol	100-37-8	10	50	---	---	---	---	X
Diethylene triamine	111-40-0	1.0	4.0	---	---	---	---	X
Diethyl ether (see Ethyl ether)	---	---	---	---	---	---	---	---
Diethyl ketone	96-22-0	200	705	---	---	---	---	---
Diethyl phthalate	84-66-2	---	5.0	---	---	---	---	---
Difluorodibromomethane	75-61-6	100	860	---	---	---	---	---
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	---	---	---	---	---
Dihydroxybenzene (see Hydroquinone)	---	---	---	---	---	---	---	---
Diisobutyl ketone	108-83-8	25	150	---	---	---	---	---
Diisopropylamine	108-18-9	5.0	20	---	---	---	---	X
Dimethoxymethane (see Methylal)	---	---	---	---	---	---	---	X
Dimethyl acetamide	127-19-5	10	35	---	---	---	---	---
Dimethylamine	124-40-3	10	18	---	---	---	---	---

HT/SPECIAL  
TABLE 1.13TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	---	---	---	---	---	---	---
Dimethylaminobenzene (see Xylidene)	---	---	---	---	---	---	---	---
Dimethylaniline (see N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	---	---	X
Dimethylbenzene (see Xylene)	---	---	---	---	---	---	---	---
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	---	3.0	---	---	---	---	X
Dimethylformamide	68-12-2	10	30	---	---	---	---	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	---	---	---	---	---	---	---	---
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	---	---	---	---	X
Dimethyl phthalate	131-11-3	---	5.0	---	---	---	---	---
Dimethyl sulfate	77-78-1	0.1	0.5	---	---	---	---	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	---	5.0	---	---	---	---	---
Dinitrobenzene (all isomers)	528-29-0; 99-65-0; 100-25-4	0.15	1.0	---	---	---	---	X
Dinitro-o-cresol	534-52-1	---	0.2	---	---	---	---	X
Dinitrotoluene	121-14-2	---	1.5	---	---	---	---	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	---	---	---	---	X
Dioxathion	78-34-2	---	0.2	---	---	---	---	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	---	---	---	---	---
Diphenylamine	122-39-4	---	10	---	---	---	---	---
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	---	---	---	---	---	---	---	---
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	---	---	X

HT/SPECIAL  
TABLE 1.14TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Dipropyl ketone	123-19-3	50	235	---	---	---	---	---
Diquat	85-00-7	---	0.5	---	---	---	---	---
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	---	5.0	---	10	---	---	---
Disulfiram	97-77-8	---	2.0	---	---	---	---	---
Disulfoton	298-04-4	---	0.1	---	---	---	---	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	---	10	---	---	---	---	---
Diuron	330-54-1	---	10	---	---	---	---	---
Divinyl benzene	108-57-6	10	50	---	---	---	---	---
Emery	112-62-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Endosulfan (Thiodan®)	115-29-7	---	0.1	---	---	---	---	X
Endrin	72-20-8	---	0.1	---	---	---	---	X
Epichlorhydrin	106-89-8	2.0	8.0	---	---	---	---	X
EPN	2104-64-5	---	0.5	---	---	---	---	X
1, 2-Epoxypropane (see Propylene oxide)	---	---	---	---	---	---	---	---
2, 3-Epoxy-1-propanol (see Glycidol)	---	---	---	---	---	---	---	---
Ethane	---	Simple	Asphyxiant	---	---	---	---	---
Ethanethiol (see Ethyl mercaptan)	---	---	---	---	---	---	---	---
Ethanolamine	141-43-5	3.0	8.0	6.0	15	---	---	---
Ethion	563-12-2	---	0.4	---	---	---	---	X
2-Ethoxyethanol	110-80-5	5.0	19	---	---	---	---	X
2-Ethoxyethyl acetate (Cellulosolve acetate)	111-15-9	5.0	27	---	---	---	---	X

HT/SPECIAL  
TABLE 1.15

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Ethyl acetate	141-78-6	400	1,400	---	---	---	---	---
Ethyl acrylate	140-88-5	5.0	20	25	100	---	---	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	---	---	---	---	---
Ethylamine	75-04-07	10	18	---	---	---	---	---
Ethyl amyl ketone (5-Methyl-3-hepatone)	106-68-3	25	130	---	---	---	---	---
Ethyl benzene	100-41-4	100	435	125	545	---	---	---
Ethyl bromide	74-96-4	200	890	250	1,110	---	---	---
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	---	---	---	---	---
Ethyl chloride	75-00-3	1,000	2,600	---	---	---	---	---
Ethylene	74-85-1	Simple	Asphyxiant	---	---	---	---	---
Ethylene chlorohydrin	107-07-3	---	---	---	---	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	---	---	---	---	X
Ethylene dibromide	106-93-4	0.1	---	0.5	---	---	---	---
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	---	---	---
Ethylene glycol	107-21-1	---	---	---	---	50	125	---
Ethylene glycol dinitrate and/or Nitroglycerin	628-96-6	---	---	---	0.1	---	---	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	---	5.0	24	---	---	---	---	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	---	---	---	---	---	---	X

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TABLE 1.16

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Ethylene oxide (see WAC 296-62-07353)	75-21-8	1.0	2.0	---	---	---	---	---
Ethyl ether	60-29-7	400	1,200	500	1,500	---	---	---
Ethyl formate	109-94-4	100	300	---	---	---	---	---
Ethylidene chloride (see 1, 1-Dichloroethane)	---	---	---	---	---	---	---	---
Ethylidene norbornene	16219-75-3	---	---	---	---	5.0	25	---
Ethyl mercaptan	75-08-1	0.5	1.0	---	---	---	---	X
n-Ethylmorpholine	100-74-3	5.0	23	---	---	---	---	---
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	---	25	130	---	---	---	---	---
Ethyl silicate	78-10-4	10	85	---	---	---	---	---
Fenamiphos	22224-92-6	---	0.1	---	---	---	---	X
Fensulfothion (Dasanit)	115-90-2	---	0.1	---	---	---	---	X
Fenthion	55-38-9	---	0.2	---	---	---	---	---
Ferbam	14484-64-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Ferrovandium dust	12604-58-9	---	1.0	---	3.0	---	---	---
Fluorides (as F)	Varies w/compound	---	2.5	---	---	---	---	---
Fluorine	7782-41-4	0.1	0.2	---	---	---	---	---
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	---	---	---	---	1,000	5,600	---
Fonofos	944-22-9	---	0.1	---	---	---	---	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	1.0	---	2.0	---	---	---	---
Formamide	75-12-7	20	30	30	45	---	---	---
Formic acid	64-18-6	5.0	9.0	---	---	---	---	---
Furfural	98-01-1	2.0	8.0	---	---	---	---	X
Furfuryl alcohol	98-00-0	10	40	15	60	---	---	X
Gasoline	8006-61-9	300	900	500	1,500	---	---	---
Germanium tetrahydride	7782-65-2	0.2	0.6	---	---	---	---	---

HT/SPECIAL  
TABLE 1.17

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Glass, fibrous or dust <sup>f/</sup>	---	---	10	---	---	---	---	---
Gluteraldehyde	111-30-8	---	---	---	---	0.2	0.8	---
Glycerin mist	56-81-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Glycidol (2, 3-Epoxy-1- propanol)	556-52-5	25	75	---	---	---	---	---
Glycol monoethyl ether (see 2-Ethoxyethanol)	---	---	---	---	---	---	---	---
Grain dust (oat, wheat, barley)	---	---	10	---	---	---	---	---
Graphite, natural	7782-42-5	---	---	---	---	---	---	---
Respirable dust	---	---	2.5	---	---	---	---	---
Graphite, Synthetic	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Guthion <sup>®</sup> (see Azinphosmethyl)	---	---	---	---	---	---	---	---
Gypsum	7778-18-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Hafnium	7440-58-6	---	0.5	---	---	---	---	---
Helium	Simple	Asphyxiant	---	---	---	---	---	---
Heptachlor	76-44-8	---	0.5	---	---	---	---	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	---	---	---
2-Heptanone, (see Methyl n-amy ketone)	---	---	---	---	---	---	---	---
3-Heptanone (see Ethyl butyl ketone)	---	---	---	---	---	---	---	---
Hexachlorobutadiene	87-68-3	0.02	0.24	---	---	---	---	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	---	---	---	---	---
Hexachloroethane	67-72-1	1.0	10	---	---	---	---	X
Hexachloronaphthalene	1335-87-1	---	0.2	---	---	---	---	X
Hexafluoroacetone	684-16-2	0.1	0.7	---	---	---	---	X
Hexane	---	---	---	---	---	---	---	---
n-hexane	110-54-3	50	180	---	---	---	---	---
other isomers	Varies w/compound	500	1,800	1,000	3,600	---	---	---

HT/SPECIAL  
TABLE 1.18

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	---	---	---	---	---
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	---	---	---
sec-Hexyl acetate	108-84-9	50	300	---	---	---	---	---
Hexylene Glycol	107-41-5	---	---	---	---	25	125	---
Hydrazine	302-01-2	0.1	0.1	---	---	---	---	X
Hydrogen	Simple	Asphyxiant	---	---	---	---	---	---
Hydrogenated terphenyls	61788-32-7	0.5	5.0	---	---	---	---	---
Hydrogen bromide	10035-10-6	---	---	---	---	3.0	10	---
Hydrogen chloride	7647-01-0	---	---	---	---	5.0	7.0	---
Hydrogen cyanide	74-90-8	---	---	4.7	5.0	---	---	X
Hydrogen fluoride	7664-39-3	---	---	---	---	3.0	2.5	---
Hydrogen peroxide	7722-84-1	1.0	1.4	---	---	---	---	---
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	---	---	---	---	---
Hydrogen Sulfide	7783-06-4	10	14	15	21	---	---	---
Hydroquinone	123-31-9	---	2.0	---	---	---	---	---
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	---	---	---	---	---	---	---	---
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	---	---	---	---	X
Indene	95-13-6	10	45	---	---	---	---	---
Indium and compounds (as In)	7440-74-6	---	0.1	---	---	---	---	---
Iodine	7553-56-2	---	---	---	---	0.1	1.0	---
Iodoform	75-47-8	0.6	10	---	---	---	---	---
Iron oxide dust and fume (as Fe)	1309-37-1	---	---	---	---	---	---	---
Total particulate	---	---	5.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.19

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	---	---	---
Iron salts, soluble (as Fe)	Varies w/compound	---	1.0	---	---	---	---	---
Isoamyl acetate	123-92-2	100	525	---	---	---	---	---
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	---	---	---
Isobutyl acetate	110-19-0	150	700	---	---	---	---	---
Isobutyl alcohol	78-83-1	50	150	---	---	---	---	---
Isooctyl alcohol	26952-21-6	50	270	---	---	---	---	X
Isophorone	78-59-1	4.0	23	---	---	5.0	25	---
Isophorone dithiocyanate	4098-71-9	0.005	0.045	0.02	---	---	---	X
Isopropoxyethanol	109-59-1	25	105	---	---	---	---	---
Isopropyl acetate	108-21-4	250	950	310	1,185	---	---	---
Isopropyl alcohol	67-63-0	400	980	500	1,225	---	---	---
Isopropylamine	75-31-0	5.0	12	10	24	---	---	---
N-Isopropylaniline	768-52-5	2.0	10	---	---	---	---	X
Isopropyl ether	108-20-3	250	1,050	---	---	---	---	---
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	---	---	---
Kaolin								
- Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Ketene	463-51-4	0.5	0.9	1.5	3.0	---	---	---
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	---	0.15	---	---	---	---	---

HT/SPECIAL  
TABLE 1.20

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Lead arsenate (see WAC 296-62-07347)	3687-31-8	---	0.15	---	---	---	---	---
Lead chromate	7758-97-6	---	0.05	---	---	---	---	---
Limestone	1317-67-3	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	0.5	---	---	---	---	X
Lindane	58-89-9	---	0.025	---	---	---	---	---
Lithium hydride	7580-67-8	---	1,800	---	---	---	---	---
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	---	---	---	---	---	---
Magnesite	546-93-0	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	---	---	---	---	---	---
Magnesium oxide fume	1309-48-4	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	---	---	---	---	---	---
Malathion	121-75-5	---	10	---	---	---	---	X
Total dust	---	---	5.0	---	---	---	---	X
Respirable fraction	---	---	---	---	---	---	---	---
Maleic anhydride	108-31-6	0.25	1.0	---	---	---	5.0	---
Manganese and compound (as Mn)	7439-96-5	---	---	---	---	---	---	---
Manganese tetroxide and fume (as Mn)	7439-96-5	---	1.0	---	3.0	---	---	---
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	---	0.1	---	---	---	---	X
Manganese tetroxide (as Mn)	1317-35-7	---	1.0	---	---	---	---	---
Marble	1317-65-3	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	---	---	---	---	0.1	X
Mercury (aryl and inorganic) (as Hg)	7439-97-6	---	---	---	---	---	---	---
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	---	0.01	---	0.03	---	---	X
Mercury (vapor) (as Hg)	7439-97-6	---	0.05	---	---	---	---	X

HT/SPECIAL  
TABLE 1.21

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Mesityl oxide	141-79-7	15	60	25	100	---	---	---
Methacrylic acid	79-41-4	20	70	---	---	---	---	X
Methane	---	Simple	Asphyxiant	---	---	---	---	---
Methanethiol (see Methyl mercaptan)	---	---	---	---	---	---	---	---
Methomyl (lannate)	16752-77-5	---	2.5	---	---	---	---	---
Methoxychlor	72-43-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	---	---	---	---	X
4-Methoxyphenol	150-76-5	---	5.0	---	---	---	---	---
Methyl acetate	79-20-9	200	610	250	760	---	---	---
Methyl acetylene (propyne)	74-99-7	1,000	1,650	---	---	---	---	---
Methyl acetylene-propadiene mixture (MAPP)	---	1,000	1,800	1,250	2,250	---	---	---
Methyl acrylate	96-33-3	10	35	---	---	---	---	X
Methylacrylonitrile	126-98-7	1.0	3.0	---	---	---	---	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	---	---	---	---	---
Methyl alcohol (methanol)	67-56-1	200	260	250	310	---	---	X
Methylamine	74-89-5	10	12	---	---	---	---	---
Methyl amyl alcohol (see Methyl isobutyl carbinol)	---	---	---	---	---	---	---	---
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	---	---	---	---	---
N-Methyl aniline (see Monomethyl aniline)	---	---	---	---	---	---	---	---
Methyl bromide	74-83-9	5.0	20	---	---	---	---	X

HT/SPECIAL  
TABLE 1.22

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Methyl butyl ketone (see 2-Hexanone)	---	---	---	---	---	---	---	---
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	---	---	---	---	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	---	---	---	---	X
Methyl chloride	74-87-3	50	105	100	205	---	---	---
Methyl chloroform (1, 1, 1-trichloroethane)	71-55-6	350	1,900	450	2,450	---	---	---
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	---	---	---	---	---	---	---
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	---	---	---
Methylcyclohexane	108-87-2	400	1,600	---	---	---	---	---
Methylcyclohexanol	25639-42-3	50	235	---	---	---	---	---
Methylcyclohexanone	583-60-8	50	230	75	345	---	---	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	---	0.2	---	---	---	---	X
Methyl demeton	8022-00-2	---	0.5	---	---	---	---	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	---	---	---	---	---
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	---	---	---	---	0.01	0.11	---
Methylene chloride	75-09-2	100	---	500	---	---	---	---
4, 4-Methylene dianiline	101-77-9	0.1	0.8	---	---	---	---	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	---	---	---	---	---	---	---
Methyl ethyl ketone peroxide	1338-23-4	---	---	---	---	0.2	1.5	---
Methyl formate	107-31-3	100	250	150	375	---	---	---

HT/SPECIAL  
TABLE 1.23

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
5-Methyl-3-heptanone (see Ethyl amyl ketone)	---	---	---	---	---	---	---	---
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	---	---	---	---	0.2	0.35	X
Methyl iodide	74-88-4	2.0	10	---	---	---	---	X
Methyl isoamyl ketone	110-12-3	50	240	---	---	---	---	---
Methyl isobutyl carbinol	108-11-2	25	100	40	165	---	---	X
Methyl isobutyl ketone (see Hexone)	---	---	---	---	---	---	---	---
Methyl isocyanate	624-83-9	0.02	0.05	---	---	---	---	X
Methyl isopropyl ketone	563-80-4	200	705	---	---	---	---	---
Methyl mercaptan	74-93-1	0.5	1.0	---	---	---	---	---
Methyl methacrylate	80-62-6	100	410	---	---	---	---	---
Methyl parathion	298-00-0	---	0.2	---	---	---	---	X
Methyl propyl ketone (see 2-Pentanone)	---	---	---	---	---	---	---	---
Methyl silicate	684-84-5	1.0	6.0	---	---	---	---	---
alpha-Methyl styrene	98-83-9	50	240	100	485	---	---	---
Methylene bisphenyl - isocyanate (MOI)	101-68-8	---	---	---	---	0.02	0.2	---
Mevinphos® (see Phosdrin)	---	---	---	---	---	---	---	---
Metribuzin	21087-64-9	---	5.0	---	---	---	---	---
Mica (see Silicates)	---	---	---	---	---	---	---	---
Molybdenum (as Mo)	7439-98-7	---	---	---	---	---	---	---
Soluble compounds	---	---	5.0	---	---	---	---	---
Insoluble compounds	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Monomethyl aniline	100-61-8	0.5	2.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.24

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Monocrotophos (Azodrin®)	6923-22-4	---	0.25	---	---	---	---	---
Monoethyl aniline	100-61-8	0.5	2.0	---	---	---	---	X
Monomethyl hydrazine	---	---	---	---	---	0.2	0.35	---
Morpholine	110-91-8	20	70	30	105	---	---	X
Naled	300-76-5	---	3.0	---	---	---	---	X
Naphtha. (Coal tar)	8030-30-6	100	400	---	---	---	---	X
Naphthalene	91-20-3	10	50	15	75	---	---	---
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	---	---	---	---	---	---	---
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	---	---	---	---	---	---	---
Neon	7440-01-9	Simple	Asphyxiant	---	---	---	---	---
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	---	---	---	---	---
Nickle, (as Ni)	7440-02-0	---	1.0	---	---	---	---	---
Metal and insoluble compounds	---	---	0.1	---	---	---	---	---
Soluble compounds	---	---	0.5	---	---	---	---	X
Nicotine	54-11-5	---	10	---	20	---	---	---
Nitrapyrin	1929-82-4	---	5.0	4.0	10	---	---	---
Nitric acid	7697-37-2	2.0	5.0	---	---	---	---	---
Nitric oxide	10102-43-9	25	30	---	---	---	---	---
p-Nitroaniline	100-01-6	---	3.0	---	---	---	---	X
Nitrobenzene	98-95-3	1.0	5.0	---	---	---	---	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	---	---	---	---	---	---	---
p-Nitrochlorobenzene	100-00-5	---	0.5	---	---	---	---	X
4-Nitrodiphenyl (see WAC 296-62-073)	---	---	---	---	---	---	---	---
Nitroethane	79-24-3	100	310	---	---	---	---	---
Nitrogen	7727-37-9	Simple	Asphyxiant	---	---	---	---	---
Nitrogen dioxide	10102-44-0	---	---	1.0	1.8	---	---	---
Nitrogen trifluoride	7783-54-2	10	29	---	---	---	---	---
Nitroglycerin	55-63-0	0.05	0.5	---	0.1	---	---	X
Nitromethane	75-52-5	100	250	---	---	---	---	---
1-Nitropropane	108-03-2	25	90	---	---	---	---	---

HT/SPECIAL  
TABLE 1.25

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
2-Nitropropane	79-46-9	10	35	---	---	---	---	---
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	---	---	---	---	---	---	---
Nitrotoluene:								
o-isomer	88-72-2	2.0	11	---	---	---	---	X
m-isomer	98-08-2	2.0	11	---	---	---	---	X
p-isomer	99-99-0	2.0	11	---	---	---	---	X
Nitrotirchloromethane (see Chloropicrin)	---	---	---	---	---	---	---	---
Nitrous Oxide (Nitrogen oxide)	10024-97-2	30	54	---	---	---	---	---
Nonane	111-84-2	200	1,050	---	---	---	---	---
Octachloronaphthalene	2234-13-1	---	0.1	---	0.3	---	---	X
Octane	111-65-9	300	1,450	375	1,800	---	---	---
Oil mist, mineral (particulate)	8012-95-1	---	5.0	---	---	---	---	---
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	---	---	---
Oxalic acid	144-62-7	---	1.0	---	2.0	---	---	---
Oxygen difluoride	7783-41-7	---	---	---	---	0.05	0.1	---
Ozone	10028-15-6	0.1	0.2	0.3	0.6	---	---	---
Paraffin wax fume	8002-74-2	---	2.0	---	---	---	---	---
Paraquat (Respirable dust)	4685-14-7	---	0.1	---	---	---	---	---
Parathion	56-38-2	---	0.1	---	---	---	---	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	---	---	---	---	---	---	---	X
Particulates not otherwise regulated (see WAC 296-62-07510)	---	---	---	---	---	---	---	---
Total Dust	---	---	10	---	---	---	---	---
Respirable Fraction	---	---	5.0	---	---	---	---	---
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	---	---	---
Pentachloronaphthalene	1321-64-8	---	0.5	---	---	---	---	X
Pentachlorophenol	87-86-5	---	0.5	---	---	---	---	X
Pentaerythritol	115-77-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.26

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Pentane	109-66-0	600	1,800	750	2,250	---	---	---
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	---	---	---
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	---	---	---	---	---
Perchloromethyl mercaptan	594-42-3	0.1	0.8	---	---	---	---	---
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	---	---	---
Perlite	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Petroleum distillates (Naptha)	8002-05-9	100	400	---	---	---	---	---
Phenol	108-95-2	5.0	19	---	---	---	---	X
Phenothiazine	92-84-2	---	5.0	---	---	---	---	X
p-Phenylene diamine	106-50-3	---	0.1	---	---	---	---	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	---	---	---	---	---
Phenyl ether-diphenyl mixture (vapor)	---	1.0	7.0	---	---	---	---	---
Phenylethylene, (see Styrene)	---	---	---	---	---	---	---	---
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	---	---	---	---	---
Phenylhydrazine	100-63-0	5.0	20	10	45	---	---	X
Phenyl mercaptan	108-98-5	0.5	2.0	---	---	---	---	---
Phenylphosphine	638-21-1	---	---	---	---	0.05	0.25	---
Phorate	298-02-2	---	0.05	---	0.2	---	---	X
Phosdrin (Mevinphos®)	7786-34-7	0.01	0.1	0.03	0.3	---	---	X

HT/SPECIAL  
TABLE 1.27

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	---	---	---	---	---
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	---	---	---
Phosphoric acid	7664-38-2	---	1.0	---	3.0	---	---	---
Phosphorus (yellow)	7723-14-0	---	0.1	---	---	---	---	---
Phosphorous oxychloride	10025-87-3	0.1	0.6	---	---	---	---	---
Phosphorus pentachloride	10026-13-8	0.1	1.0	---	---	---	---	---
Phosphorus pentasulfide	1314-80-3	---	1.0	---	3.0	---	---	---
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	---	---	---
Phthalic anhydride	85-44-9	1.0	6.0	---	---	---	---	---
m-Phthalodinitrile	626-17-5	---	5.0	---	---	---	---	---
Picloram	1918-02-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Picric acid	88-89-1	---	0.1	---	---	---	---	X
Pindone (see Pival)	83-26-1	---	0.1	---	---	---	---	---
(2-Pivalyl-1, 3-indandione)	---	---	---	---	---	---	---	---
Piperazine dihydrochloride	142-64-3	---	5.0	---	---	---	---	---
Pival <sup>®</sup> (see Pindone)	---	---	---	---	---	---	---	---
Plaster of Paris	7778-18-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Platinum (as Pt)	7440-06-4	---	---	---	---	---	---	---
Metal	---	---	1.0	---	---	---	---	---
Soluble salts	---	---	0.002	---	---	---	---	---
Polychlorobiphenyls (see Chlorodiphenyls)	---	---	---	---	---	---	---	---
Portland cement	65997-15-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.28

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Potassium hydroxide	1310-58-3	---	---	---	---	---	2.0	---
Propane	74-98-6	1,000	1,800	---	---	---	---	X
Propargyl alcohol	107-19-7	1.0	2.0	---	---	---	---	---
beta-Propiolactone (see WAC 296-62-073)	57-57-8	---	---	---	---	---	---	---
Propionic acid	79-09-4	10	30	---	---	---	---	---
Propoxur (Baygon)	114-26-1	---	0.5	---	---	---	---	---
n-Propyl acetate	109-60-4	200	840	250	1,050	---	---	---
n-Propyl alcohol	71-23-8	200	500	250	625	---	---	X
n-Propyl nitrate	627-13-4	25	105	40	170	---	---	---
Propylene	---	Simple	Asphyxiant	---	---	---	---	---
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	---	---	---
Propylene glycol dinitrate	6423-43-4	0.05	0.3	---	---	---	---	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	---	---	---
Propylene imine	75-55-8	2.0	5.0	---	---	---	---	X
Propylene oxide	75-56-9	20	50	---	---	---	---	---
Propyne, (see Methyl acetylene)	---	---	---	---	---	---	---	---
Pyrethrum	8003-34-7	---	5.0	---	---	---	---	---
Pyridine	110-86-1	5.0	15	---	---	---	---	---
Quinone	106-51-4	0.1	0.4	---	---	---	---	---
RDX (See Cyclonite)	---	---	1.5	---	---	---	---	X
Resorcinol	108-46-3	10	45	20	90	---	---	---
Rhodium (as Rh)	7440-16-6	---	---	---	---	---	---	---
Insoluble compounds, Metal fumes and dusts	---	---	0.1	---	---	---	---	---
Soluble compounds, salts	---	---	0.001	---	---	---	---	---

HT/SPECIAL  
TABLE 1.29

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Ronnel	299-84-3	---	10	---	---	---	---	---
Rosin core solder, pyrolysis products (as formaldehyde)	---	---	0.1	---	---	---	---	---
Rotenone	83-79-4	---	5.0	---	---	---	---	---
Rouge								
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Rubber solvent (naphtha)	400	1,600	---	---	---	---	---	---
Selenium compounds (as Se)	7782-49-2	---	0.2	---	---	---	---	---
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	---	---	---	---	---
Sesone (see Crag herbicide)	---	---	---	---	---	---	---	---
Silane (see Silicon tetrahydride)	---	---	---	---	---	---	---	---
Silica, amorphous, precipitated and gel	---	---	6.0	---	---	---	---	---
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	68855-54-9	---	6.0	---	---	---	---	---
Total dust	---	---	6.0	---	---	---	---	---
Respirable fraction	---	---	3.0	---	---	---	---	---
Silica, crystalline cristobalite (as quartz) respirable dust	14464-46-1	---	0.05	---	---	---	---	---
Silica, crystalline quartz (as quartz), respirable dust	14808-60-7	---	0.1 <sup>b/</sup> <sup>1/</sup>	---	---	---	---	---
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	---	0.1	---	---	---	---	---
Silica, crystalline tridymite (as quartz), respirable dust	15468-32-3	---	0.05	---	---	---	---	---
Silica, fused, respirable dust	60676-86-0	---	0.1	---	---	---	---	---

HT/SPECIAL  
TABLE 1.30

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Silicates (less than 1% crystalline silica):								
Mica (Respirable dust)	12001-26-2	---	3.0	---	---	---	---	---
Soapstone, Total dust	---	---	6.0	---	---	---	---	---
Soapstone, Respirable dust	---	---	3.0	---	---	---	---	---
Talc (containing asbestos): use asbestos limit (see WAC 296-62-07517)								
Talc (containing no asbestos), Respirable dust	14807-96-6	---	2.0	---	---	---	---	---
Tremolite (see WAC 296-62-07517)								
Silicon	7440-21-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon Carbide	409-21-2							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon tetrahydride	7803-62-5	5.0	7.0	---	---	---	---	---
Silver, metal dust and fume (as Ag)	7440-22-4	---	0.01	---	---	---	---	---
Soapstone (see Silicates)	---	---	---	---	---	---	---	---
Sodium azide (as HN <sub>3</sub> )	26628-22-8	---	---	---	---	0.1	0.3	X
(as NaN <sub>3</sub> )	---	---	---	---	---	0.1	0.3	X
Sodium bisulfite	7631-90-5	---	5.0	---	---	---	---	---
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	---	---	---	---	---	---	---	---
Sodium fluoroacetate	62-74-8	---	0.05	---	0.15	---	---	X
Sodium hydroxide	1310-73-2	---	---	---	---	---	2.0	---
Sodium metabisulfite	7681-57-4	---	5.0	---	---	---	---	---
Starch	9005-25-8							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Stibine	7803-52-3	0.1	0.5	---	---	---	---	---
Stoddard solvent	8052-41-3	100	525	---	---	---	---	---
Strychnine	57-24-9	---	0.15	---	---	---	---	---
Styrene	100-42-5	50	215	100	425	---	---	---

HT/SPECIAL  
TABLE 1.31

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Subtilisins (proteolytic enzymes)	1395-21-7	---	---	---	---	---	0.00006	---
Sucrose	57-50-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Sulfotep (see TEOP)	---	---	---	---	---	---	---	X
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	10	---	---	---
Sulfur hexafluoride	2551-62-4	1,000	6,000	---	---	---	---	---
Sulfuric acid	7664-93-9	---	1.0	---	---	---	---	---
Sulfur monochloride	10025-67-9	---	---	---	---	1.0	6.0	---
Sulfur pentafluoride	5714-22-1	---	---	---	---	0.01	0.1	---
Sulfur tetrafluoride	7783-60-0	---	---	---	---	0.1	0.4	---
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	---	---	---
Sulprofos	35400-43-2	---	1.0	---	---	---	---	---
Systox (see Demeton®)	---	---	---	---	---	---	---	---
2, 4, 5-T	93-76-5	---	10	---	---	---	---	---
Talc (see Silicates)	---	---	---	---	---	---	---	---
Tantalum	7440-25-7	---	5.0	---	---	---	---	---
Metal and oxide dusts	---	---	---	---	---	---	---	---
TEOP (Sulfotep)	3689-24-5	---	0.2	---	---	---	---	X
Tellurium and compounds (as Te)	13494-80-9	---	0.1	---	---	---	---	---
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	---	---	---	---	---
Temephos	3383-96-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
TEPP	107-49-3	0.004	0.05	---	---	---	---	X
Terphenyls	26140-60-3	---	---	---	---	0.5	5.0	---
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	---	---	---	---	---

HT/SPECIAL  
TABLE 1.32

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	---	---	---	---	---
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	---	---	---	---	X
Tetrachloroethylene (see Perchloroethylene)	---	---	---	---	---	---	---	---
Tetrachloromethane (see Carbon tetrachloride)	---	---	---	---	---	---	---	---
Tetrachloronaphthalene	1335-88-2	---	2.0	---	---	---	---	X
Tetraethyl lead (as Pb)	78-00-2	---	0.075	---	---	---	---	X
Tetrahydrofuran	109-99-9	200	590	250	735	---	---	---
Tetramethyl lead (as Pb)	75-74-1	---	0.075	---	---	---	---	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	---	---	---	---	X
Tetranitromethane	509-14-8	1.0	8.0	---	---	---	---	---
Tetrasodium pyrophosphate	7722-88-5	---	5.0	---	---	---	---	---
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	---	0.1	---	---	---	---	X
Thallium (soluble compounds) (as Tl)	7440-28-0	---	0.1	---	---	---	---	X
4, 4-Thiobis - (6-tert-butyl-m-cresol)	96-69-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Thioglycolic acid	68-11-1	1.0	4.0	---	---	---	---	X
Thionyl chloride	7719-09-7	---	---	---	---	1.0	5.0	---
Thiram® (see WAC 296-62-07519)	137-26-8	---	5.0	---	---	---	---	---
Tin (as Sn)	7440-31-5	---	2.0	---	---	---	---	---
Inorganic compounds (except oxides)	---	---	---	---	---	---	---	---
Tin, Organic compounds (as Sn)	7440-31-5	---	0.1	---	---	---	---	X

HT/SPECIAL  
TABLE 1.33TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Design- nation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Tin Oxide (as Sn)	7440-31-5	---	2.0	---	---	---	---	---
Titanium dioxide	13463-67-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Toulene	108-88-3	100	375	150	560	---	---	---
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	---	---	---
m-Toluidine	108-44-1	2.0	9.0	---	---	---	---	X
o-Toluidine	95-53-4	2.0	9.0	---	---	---	---	X
p-Toluidine	106-49-0	2.0	9.0	---	---	---	---	X
Toxaphene (see Chlorinated camphene)	---	---	---	---	---	---	---	---
Tremolite (see Silicates)	---	---	---	---	---	---	---	---
Tributyl phosphate	126-73-8	0.2	2.5	---	---	---	---	---
Trichloroacetic acid	76-03-9	1.0	7.0	---	---	---	---	---
1, 2, 4-Trichlorobenzene	120-82-1	---	---	---	---	5.0	40	---
1, 1, 1-Trichloroethane (see Methyl chloroform)	---	---	---	---	---	---	---	---
1, 1, 2-Trichloroethane	79-00-5	10	45	---	---	---	---	---
Trichloroethylene	79-01-6	50	270	200	1,080	---	---	---
Trichlorofluoromethane	75-69-4	---	---	---	---	1,000	5,600	---
Trichloromethane (see Chloroform)	---	---	---	---	---	---	---	---
Trichloronaphthalene	1321-65-9	---	5.0	---	---	---	---	X
1, 2, 3-Trichloropropane	96-18-4	10	60	---	---	---	---	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	---	---	---
Tricyclohexyltin hydroxide (see Cyhexatin)	---	---	---	---	---	---	---	---
Triethylamine	121-44-8	10	40	15	60	---	---	---
Trifluorobromomethane	75-63-8	1,000	6,100	---	---	---	---	---
Trimellitic anhydride	552-30-7	0.005	0.04	---	---	---	---	---

HT/SPECIAL  
TABLE 1.34TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Design- nation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Trimethylamine	75-50-3	10	24	15	36	---	---	---
Trimethyl benzene	25551-13-7	25	125	---	---	---	---	---
Trimethyl phosphite	121-45-9	2.0	10	---	---	---	---	---
2, 4, 6-Trinitrophenol (see Picric acid)	---	---	---	---	---	---	---	---
2, 4, 6-Trinitrophenyl- methylnitramine (see Tetryl)	---	---	---	---	---	---	---	---
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	---	0.5	---	---	---	---	X
Triorthocresyl phosphate	78-30-8	---	0.1	---	---	---	---	X
Triphenyl amine	603-34-9	---	5.0	---	---	---	---	---
Triphenyl phosphate	115-86-6	---	3.0	---	---	---	---	---
Tungsten (as W)	7440-33-7	---	---	---	---	---	---	---
Soluble compounds	---	---	1.0	---	3.0	---	---	---
Insoluble compounds	---	---	5.0	---	10	---	---	---
Turpentine	8006-64-2	100	560	---	---	---	---	---
Uranium (as U)	7440-61-1	---	---	---	---	---	---	---
Soluble compounds	---	---	0.05	---	---	---	---	---
Insoluble compounds	---	---	0.2	---	0.6	---	---	---
n-Valeraldehyde	110-62-3	50	175	---	---	---	---	---
Vanadium (as V <sub>2</sub> O <sub>5</sub> )	1314-62-1	---	0.05	---	---	---	---	---
Respirable dust and fume	---	---	---	---	---	---	---	---
Vegetable oil mist	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Vinyl acetate	108-05-1	10	30	20	60	---	---	---
Vinyl benzene (see Styrene)	---	---	---	---	---	---	---	---
Vinyl bromide	593-60-2	5.0	20	---	---	---	---	---
Vinyl chloride (see WAC 296-62-07329)	75-01-4	---	---	---	---	---	---	---

HT/SPECIAL  
TABLE 1.35

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Vinyl cyanide (see Acrylonitrile)	---	---	---	---	---	---	---	---
Vinyl cyclohexene dioxide	106-87-6	10	60	---	---	---	---	X
Vinyl toluene	25013-15-4	50	240	---	---	---	---	---
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	---	---	---	---	---
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	---	---	---
Warfarin	81-81-2	---	0.1	---	---	---	---	---
Welding fumes <sup>g/</sup> (total particulate)	---	---	5.0	---	---	---	---	---
Wood dust:	---	---	---	---	---	---	---	---
Nonallergenic; All soft woods and hard woods except allergenics	---	---	5.0	---	10	---	---	---
Allergenics; (e.g. cedar, mahogany and teak)	---	---	2.5	---	---	---	---	---
Xylenes (Xylol) (o-, m-, p-isomers)	1330-20-7	100	435	150	655	---	---	---
m-Xylene alpha, alpha-diamine	1477-55-0	---	---	---	---	---	0.1	X
Xylidine	1300-73-8	2.0	10	---	---	---	---	X
Yttrium	7440-65-5	---	1.0	---	---	---	---	---
Zinc chloride fume	7646-85-7	---	1.0	---	2.0	---	---	---
Zinc chromate (as CrO <sub>3</sub> )	Varies w/compound	---	0.05	---	---	---	0.1	---
Zinc oxide	1314-13-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Zinc oxide fume	1314-13-2	---	5.0	---	10	---	---	---
Zinc stearate	557-05-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

HT/SPECIAL  
TABLE 1.36

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL <sup>c/</sup>		CEILING		Skin Designation
		ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	ppm <sup>a/</sup>	mg/m <sup>3</sup> <sup>b/</sup>	
Zirconium compounds (as Zr)	7440-67-2	---	5.0	---	10	---	---	---

- Notes: <sup>a/</sup> Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure (torr).  
<sup>b/</sup> Approximate milligrams of substance per cubic meter of air.  
<sup>c/</sup> Duration is for 15 minutes, unless otherwise noted.  
<sup>d/</sup> The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).  
<sup>e/</sup> An atmospheric concentration of more than 0.02 ppm may require personal protection to avoid headache.  
<sup>f/</sup> This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.  
<sup>g/</sup> As determined from breathing-zone air samples.  
<sup>h/</sup> Total dust formula for Silica (as quartz) is:  $\frac{30 \text{ mg/m}^3}{\% \text{ SiO}_2 + 3}$   
<sup>i/</sup> Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

Containing less than 1% quartz if 1% quartz, use quartz limit.

The measurements under this note refer to the use of an AEC (now NRC) instrument. The respirable fraction of coal dust is determined with an MRE the figure corresponding to that of 2.4 mg/m<sup>3</sup> in the table for coal dust is 4.5 mg/m<sup>3</sup>.

(TABLE 2)  
PERMISSIBLE EXPOSURE AND SHORT TERM LIMITS  
(see note a)

Substance	8-hour time-weighted average permissible exposure limit	Short term permissible exposure limit
Allyl glycidal ether-skin	5 ppm	10 ppm
Benzene (see note b)	1 ppm	5 ppm
Beryllium and beryllium compounds	2 µg/M <sup>3</sup>	5 µg/M <sup>3</sup>
Carbon disulfide-skin	10 ppm	15 ppm
Carbon tetrachloride-skin	5 ppm	20 ppm
Dichloroethyl ether-skin	5 ppm	10 ppm
1,1-Dichloro-1-nitroethane	2 ppm	10 ppm
Ethylene dibromide-skin	0.1 ppm	0.5 ppm
Ethylene dichloride	10 ppm	15 ppm
Formaldehyde (see note c)	1 ppm	2 ppm
Hydrogen sulfide	10 ppm	15 ppm
Mercury		
- Organo-skin	0.01 mg/M <sup>3</sup>	0.03 mg/M <sup>3</sup>
- All other compounds		
except organo	0.05 mg/M <sup>3</sup>	0.1 mg/M <sup>3</sup>
Methylene chloride	100 ppm	500 ppm
αMethyl styrene	50 ppm	100 ppm
Nitrogen dioxide	3 ppm	5 ppm
Styrene, monomer (vinyl benzene)	100 ppm	200 ppm
Tetrachloroethylene (perchloroethylene)	50 ppm	200 ppm
Toluene	100 ppm	150 ppm
Trichloroethylene	50 ppm	200 ppm

Note: a A short term permissible exposure limit is defined as a 15-minute time-weighted average exposure which shall not be exceeded at any time during a work day even if the 8-hour time-weighted average is within the permissible exposure limit. Exposures at the short term limit shall not be longer than 15 minutes and shall not be repeated more than four times per day. There shall be at least 60 minutes between successive exposures at the short term limit.

b This standard applies to the industry segments exempt from WAC 296-62-07523 and also applies to any industry for which WAC 296-62-07523 is stayed or otherwise not in effect.

c This standard applies to any industry for which WAC 296-62-07540 through 296-62-07550 is stayed or otherwise not in effect.

TABLE 3  
PARTICULATES

Substance	Respirable Fraction mg/M <sup>3</sup> (See note a)	Total Dust mg/M <sup>3</sup>
<b>Silica:</b>		
Crystalline (See note b)		
Quartz	0.1	30mg/M <sup>3</sup>
		%SiO <sub>2</sub> +3
Cristobalite: Use 1/2 the value for quartz.		
Tridymite: Use 1/2 the value for quartz.		
Amorphous, including natural diatomaceous earth	3	6
<b>Silicates (less than 1% crystalline silica):</b>		
Mica	3	6
Soapstone	3	6
Talc	2	
Talc containing no asbestos fibers		
Fibrous form-see WAC 296-62-07517		
Portland cement	5	10
Graphite (natural)	2.5	5
<b>Coal dust (respirable fraction)</b>		
Less than 5% SiO <sub>2</sub>	2.4	
For more than 5% SiO <sub>2</sub>	0.1	
Inert or nuisance dust	5	10
Total particulates (less than 1% SiO <sub>2</sub> )	5	10

Note: (a) Both concentration and percent quartz for the application of these limits are to be determined from the fraction passing a size-selector with the following characteristics:  
(b) The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

HT/SPECIAL  
TABLE 2.1

TABLE 2  
TRANSITIONAL LIMITS

The transitional limits listed are in effect until December 31, 1992. These limits require the use of engineering controls, where feasible, the additional protection to achieve the more protective limits listed in Table 1 may be achieved using protective control measures as set forth in WAC 296-62-07501(3).

Substance	PEL		Acceptable Ceiling Concentration	
	ppm	mg/m <sup>3</sup>	ppm	mg/m <sup>3</sup>
Carbon disulfide	10	---	15	---
Carbon monoxide	50	55	---	---
Carbon tetrachloride	5.0	---	20	---
Chloroform (Trichloromethane)	10	50	50	240
Coal dust-respirable (less than 5% SiO <sub>2</sub> )	---	2.4	---	---
Cobalt metal, dust and fume (as Co)	---	0.1	---	---
Ethylene dichloride	10	---	15	---
Ethylene glycol dinitrate	0.05	0.3	0.2	1.0
Nitrogen dioxide	---	---	5.0	9.0
Perchloroethylene (Tetrachloroethylene)	50	---	200	---
Styrene	100	---	200	---

**WSR 89-10-067**

**ADOPTED RULES**

**DEPARTMENT OF REVENUE**

[Order PT 89-6—Filed May 3, 1989]

I, William R. Wilkerson, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Refunds—Rates of interest, amending WAC 458-18-220.

This action is taken pursuant to Notice No. WSR 89-01-116 filed with the code reviser on December 21, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.69.100 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.08.010(2) and 84.69.100 which directs that the Department of Revenue has authority to implement the provisions of RCW 84.69.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 17, 1989.

By Steven L. Frisch  
Assistant Director

**AMENDATORY SECTION** (Amending Order PT 88-3, filed 3/3/88)

WAC 458-18-220 REFUNDS—RATE OF INTEREST. The following rates of interest shall apply based upon the date the taxes were paid or the claim for refund was filed, whichever is later:

Prior to July 27, ((1987	.0500	(5.00%))
1988	.0596	(5.96%)
July 27, ((1987)) 1988 through		
December 31, ((1987	.0596	(5.96%))
1988	.0600	(6.00%)
January 1, ((1988)) 1989 through		
December 31, ((1988	.0600	(6.00%))
1989	.0675	(6.75%)

**WSR 89-10-068**

**PROPOSED RULES**

**DEPARTMENT OF FISHERIES**

[Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, in the Auditorium, 7600 Sandpoint Way, Seattle,

Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 15, 1989.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 8, 1989.

Dated: May 3, 1989  
 By: Bette M. Johnson  
 for Joseph R. Blum  
 Director

**STATEMENT OF PURPOSE**

Title: WAC 220-12-010 Food fish—Classification; 220-48-015 Beam trawl and bottomtrawl—Seasons; 220-48-029 Set net—Dogfish—Seasons; 220-48-062 Drag seine—Seasons; and 220-49-017 Herring, candlefish, anchovy and pilchard fishing—Otter trawl.

Description of Purpose: Modify commercial fishing rules.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: WAC 220-12-010, classify hagfish. Allows for regulation in the commercial fishery expected to develop; WAC 220-48-015, seasonal closure of Point Roberts area and total closure of south Puget Sound. The Point Roberts fishery impacts molting crab and crab stocks are in need of protection. South Puget Sound is closed in response to SSB 5348; WAC 220-48-029, extend closure in Bremerton—Port Orchard and Port Madison areas. The dogfish set net fishery takes Pacific cod during the periods proposed for closure, and Pacific cod stocks are at reduced levels, chinook will be available; WAC 220-48-062, reduce length of drag seine season by two weeks, from a closure on May 15 to a closure on April 30. The May fishery impacts gravid female surf perch, and surf perch stocks appear to be declining; and WAC 220-49-017, eliminate otter trawl fishery for baitfish. No otter trawl fishery exists or is planned. Eliminates an unnecessary regulation.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Mark Pederson, 115 General Administration Building, Olympia, WA, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

**AMENDATORY SECTION** (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-12-010 FOOD FISH—CLASSIFICATION. The following fishes are classified as food fish under RCW 75.08.080 and are subject to the provisions of this title:

Barracuda	Sphyræna argentea
Pacific barracuda	
Cyprinids	
Carp	Cyprinus carpio
Cods and Hake	
Pacific hake or whiting	Merluccius productus
Walleye pollock	Theragra chalcogrammus
Pacific Tomcod	Microgadus proximus
Pacific Cod or true cod	Gadus macrocephalus
Flounder, sole and halibut	
Butter sole or Bellingham sole	Isopsetta isolepis
C-O sole	Pleuronichtys coenosus
Dover sole	Microstomus pacificus
English sole	Parophrys vetulus
Flathead sole	Hippoglossoides elassodon
Pacific halibut	Hippoglossus stenolepis
Petræle sole	Eopsetta jordani
Rex sole	Glyptocephalus zachirus
Rock sole	Lepidopsetta bilineata
Pacific sand dab	Citharichthys sordidus
Sand sole	Psetichthys melanostictus
Slender sole	Lyopsetta exilis
Speckled sand dab	Citharichthys stigmæus
Starry flounder	Platichthys stellatus
Turbot or Arrowtooth flounder	Atheresthes stomias
All other species of sole and flounder	(Pleuronectiformes)
Giant wrymouth	Delolepis gigantea
Greenling	
Lingcod	Ophiodon elongatus
Rock greenling	Hexagrammos superciliosus
Kelp greenling	Hexagrammos decagrammus
All other species of greenling	(Hexagrammidae)
Herring and herring-like fishes	
Northern anchovy	Engraulis mordax
Pacific sand lance or candlefish	Ammodytes hexapterus
Pacific herring	Clupea harengus pallasi
Pacific sardine or pilchard	Sardinops sagax
American shad	Alosa sapidissima
Mackerels, tunas and jacks (carangids)	
Pacific bonito	Sarda chiliensis
Pacific mackerel	Scomber japonicus
Jack mackerel	Trachurus symmetricus
Monterey Spanish mackerel	Scomberomorus concolor
Spanish mackerel	Scomberomorus maculatus
Yellowtail	Seriola dorsalis
Albacore	Thunnus alalunga
Bluefin tuna	Thunnus thynnus
Skipjack tuna	Euthynnus pelamis
Yellowfin tuna	Thunnus albacares
All other species of tunas and mackerels	(Scombridae)
Pacific pomfret	Brama japonica
Pacific pompano	Peprilus simillimus
Plainfin midshipman	Parichthys notatus
Ratfish	Hydrolagus collicii
Rattails, all species	(Coryphaenoididae)
Skates	
Longnose skate	Raja rhina
Big skate	Raja binoculata
All other species of skates	(Rajidae)
Rockfish	
Bocaccio	Sebastes paucispinis
Black rockfish	Sebastes melanops
Brown rockfish	Sebastes auriculatus
Copper rockfish	Sebastes caurinus
Greenstriped rockfish	Sebastes elongatus
Canary rockfish	Sebastes pinniger
Pacific Ocean perch	Sebastes alutus
Yelloweye or rasphead rockfish	Sebastes ruberrimus
Rosefish or splitnose rockfish	Sebastes diploproa
Silvergray rockfish	Sebastes brevispinis
Quillback rockfish	Sebastes maliger
Yellowtail rockfish	Sebastes flavidus
All other species of rockfish	(Scorpaenidae)
Sablefish	Anoplopoma fimbria

Salmon	Oncorhynchus tshawytscha
Chinook or King salmon	Oncorhynchus keta
Chum or dog salmon	Oncorhynchus gorbuscha
Pink or humpback	Oncorhynchus kisutch
Coho or silver	Oncorhynchus nerka
Sockeye or blue back	Oncorhynchus masu
Masu	
Sculpins	Hemilepidotus spinosus
Brown Irish lord	Enophrys bison
Buffalo sculpin	Scorpaenichthys marmoratus
Cabezon	Myoxocephalus polyacanthocephalus
Great sculpin	Leptocottus armatus
Pacific Staghorn sculpin	Hemilepidotus hemilepidotus
Red Irish lord	
Seabass and Drums	Cynoscion nobilis
White seabass	(Sciaenidae and Serranidae)
All other seabass and drums	
Sharks	Hexanchus griseus
Sixgill shark	Galeorhinus zyopterus
Soufjin shark	Squalus acanthias
Dogfish or spiny dogfish	(Squaliformes and Hexanchiformes)
All other species of sharks	
Smelts	Thaleichthys pacificus
Eulachon or Columbia River smelt	Spirinchus dilatus
Longfin smelt	Hypomesus pretiosus
Surf smelt	(Osmeridae)
All other species of smelt	
Sturgeons	Acipenser medirostris
Green sturgeon	Acipenser transmontanus
White sturgeon	
Surfperches	Embiotoca lateralis
Blue perch or striped seaperch	Brachyistius frenatus
Kelp perch	Amphistichus rhodoterus
Redtail surfperch	Cymatogaster aggregata
Shiner perch	Rhacochilus vacca
Pile perch	Hyperprosopon argenteum
Walleye surfperch	Phanerodon furcatus
White seaperch	(Embiotocidae)
All other species of perch	Anarrhichthys ocellatus
Wolf-eel	
Hagfishes	Eptatretus stouti
Pacific hagfish	Eptatretus deani
Black hagfish	

**AMENDATORY SECTION** (Amending Order 87-03, filed 1/22/87)

WAC 220-48-015 BEAM TRAWL AND BOTTOM TRAWL—SEASONS. (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, 25D, and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Those waters of Area 25A lying southerly and westerly of a line projected from Kipot Point to Gibson Spit (Sequim Bay) are closed the entire year.

~~((e))~~ (e) Area 25D is closed from February 1 through April 14 each year.

(2) ~~(It is lawful to take, fish for and possess bottomfish with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 26A, 26B, and 26D from April 15 through February 14 with the following exceptions:~~

~~(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A west of a line from Strawberry Point on Whidbey Island to Brown Point on Camano Island, are closed except from June 15 through February 14.~~

~~(b) Elliot Bay inside a line projected from Four Mile Rock to Atki Point is closed the entire year.~~

~~(c) Those waters of Area 26D south of lines projected from Dash Point to Point Pincer on Maury Island, and from Point Dalco on~~

~~Vashon Island true west to the Kitsap Peninsula are closed the entire year.~~

~~(d) Those waters provided for in WAC 220-20-020(4).~~

~~(3) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl and beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 24D (Holmes Harbor), 27A, 27B, and 27C (Hood Canal) except on Mondays and Tuesdays from December 1 through February 14.~~

~~(4)) It is unlawful to take, fish for, or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 25E except on Monday through Thursday from December 1 through February 14 with the following exception: Those waters of Area 25E lying southerly of a line projected from Mill Point due east to the opposite shore, are closed the entire year.~~

~~((5) It is lawful to take, fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 28A, 28B, 28C, and 28D from December 1 through April 14, with the exception of the following closed waters:~~

~~(a) Those waters of Hale Passage and the Narrows east and north of lines projected from Fox Point on Fox Island true east to the mainland, and from the northwest point on Fox Island true north to the mainland;~~

~~(b) Budd Inlet south of the northern boundary of the restricted berthage area shown on United States Coast Guard Chart No. 6460;~~

~~(c) Eld Inlet south and west of a line projected true south from Flapjack Point;~~

~~(d) Totten Inlet south and west of lines projected true north and true east from the outermost point on the west side of Gallagher Cove;~~

~~(e) Henderson Inlet south of a line projected true east from Dickerson Point, the waters inside Hartstene Island between lines projected from Unsal Point to Brisco Point and Salmon Point true east to Hartstene Island, and all of Hammersey Inlet;~~

~~(f) Those waters provided for in WAC 220-20-010(6);~~

~~(g) Those waters of Area 28A south of a line due west from the northernmost point of McNeil Island, west of a line running north and south between McNeil and Anderson Islands through Eagle Island, and west of a line projected southerly from Lyle Point on Anderson Island through the quick flashing buoy on Nisqually flats and southerly of a line from Johnson's Point to Devil's Head;~~

~~(h) Those waters of Area 28A south of a line projected due west from Johnson Point to Hartstene Island (Dana Passage);~~

~~((6)) (3) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, ((and)) 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D the entire year.~~

~~((7)) (4) It is unlawful to operate bottom trawl or beam trawl in waters less than 60 feet in depth in Marine Fish-Shellfish Management and Catch Reporting Areas ((24A, 24B, 24C, 24D;)) 25A, 25B, ((25C;)) 25D, or 25E, ((26A, or 26B;)) and it is unlawful to operate bottom trawl or beam trawl in waters less than 30 feet deep in all other waters of Puget Sound east of the mouth of the Sekiu River.~~

**AMENDATORY SECTION** (Amending Order 84-24, filed 3/27/84)

WAC 220-48-029 SET NET—DOGFISH—SEASONS. It is lawful to take, fish for and possess dogfish and other species of bottomfish, except halibut, salmon and shellfish, taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 20A and 20B - November 1 through June 15.

(2) Area 21A - March 1 through June 15.

(3) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.

(4) Areas 23C and 23D - Open all year.

(5) Areas 24A, 24B, and 24D - Open all year.

(6) Area 24C - Open all year, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.

(7) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - Open all year.

(8) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.

(9) Area 25E - Closed all year except by permit issued by the director.

(10) Area 26A - Open all year, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(11) Area 26B - Open all year except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(12) Area 26C - Open (~~all year~~) April 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed (~~all year~~) at all times.

(13) Area 26D - Open all year, except those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

(14) Areas 27A, 27B, and 27C - Open all year.

(15) Area 28A - Open all year, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(16) Areas 28B, 28C, and 28D - Open all year except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

(17) Area 29 - Open all year.

**AMENDATORY SECTION** (Amending Order 82-215, filed 12/1/82, effective 1/1/83)

WAC 220-48-062 DRAG SEINES—SEASONS. It is unlawful to take, fish for, and possess bottomfish with drag seine gear for commercial purposes except in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 28A, 28B, 28C, and 28D - Open January 1 through (~~May 14~~) April 30.

(2) All other areas - Open September 1 through (~~May 14~~) April 30.

**AMENDATORY SECTION** (Amending Order 1105, filed 12/28/73)

WAC 220-49-017 HERRING, CANDLEFISH, ANCHOVY AND PILCHARD FISHING—OTTER TRAWL. (~~Lawful otter trawl gear in the Puget Sound~~) It is unlawful to fish for herring, candlefish, anchovy (~~and~~), or pilchard (~~fishery may contain meshes of any size~~) using otter trawl gear except as authorized by permit issued by the director.

**WSR 89-10-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**  
 [Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning ambulance rules and regulations, amending chapter 248-17 WAC;

that the agency will at 10:00 a.m., Tuesday, June 6, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1989.

The authority under which these rules are proposed is RCW 18.73.080.

The specific statute these rules are intended to implement is RCW 18.73.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Correspondence concerning this notice and proposed rules shown below should be addressed to:

Troyce Warner  
 Office of Issuances  
 Department of Social and Health Services  
 Mailstop OB-33H  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 23, 1989. The meeting site is in a location which is barrier free.

Dated: May 3, 1989

By: Leslie F. James, Director  
 Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-17-020, 248-17-213 and 248-17-260.

Purpose of the Rule Change: To revise recertification procedures for emergency medical technicians (EMT) and first responders.

Reasons These Rules are Necessary: To implement HB 1543. The reason for emergency adoption is that EMTs and first responders need to be able to choose their method of recertification as soon as possible.

Statutory Authority: RCW 18.73.081(b).

In summary, the bill makes it possible for an EMT or first responder to choose between the following: An ongoing program of continuing medical education and practical skills evaluation approved by the medical program director and the department; or obtain the required number of hours of continuing medical education annually and pass a final written and practical skills examination at the end of the three-year certification period.

Responsible Person: Jack Cvitanovic, EMS Training and Licensing Program Manager, Office of Licensing and Certification, phone 753-5916, mailstop ET-34.

Organizations Who Support These Rule Amendments: Washington State Medical Association and the State EMS Advisory Committee.

These rules are not the result of federal law, or federal or state court decisions.

**AMENDATORY SECTION** (Amending Order 2138, filed 8/10/84)

WAC 248-17-020 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Air ambulance" means a fixed or rotary winged aircraft that is currently certified under Federal Aviation Administration as an air taxi; that may be configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive and life saving patient care without interfering with the performance of the flight crew; that has sufficient medical supplies and equipment to provide necessary medical treatment at the patient's origin and during flight; has radio equipment capable of two way communication ground-to-air, air-to-air, and air-to-ground including communication

with physicians responsible for patient management; has been designed to avoid aggravating the patients condition as to cabin comfort, noise levels\* and cabin pressurization\*; has aboard survival equipment in sufficient quantity to accommodate crew and passengers; that has been inspected and licensed by the department as an air ambulance. \*Not applicable to rotary winged aircraft.

(2) "Air ambulance service" means a service that is currently certified under Federal Aviation Administration (FAA) rules, 14 CFR Part 135, (Air Taxi Operators and Commercial Operators of Small Aircraft); has been inspected by the department and licensed as an air ambulance service and meets the minimum requirements for personnel and equipment as described elsewhere in this chapter.

(3) "Ambulance" means a vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(4) "Attending physician" as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient enroute, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician must retain responsibility for the medical care of the patient until final destination is reached.

(5) "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

(6) "Emergency medical technician (EMT)" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent conditions.

(7) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industry, the U.S. Bureau of Mines, or Fire Services training program.

(8) "Standard first aid" means such a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Fire Services training program.

(9) "Ambulance driver" means that person who drives an ambulance.

(10) "Ambulance attendant" means that person who has responsibility for the care of patients both before and during transportation.

(11) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(12) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(13) "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business.

(14) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(15) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment and facilities.

(16) "Department" means the department of social and health services.

(17) "Shall" means compliance is mandatory.

(18) "Should" means a suggestion or recommendation, but not a requirement.

(19) "Committee" means the emergency medical services committee.

(20) "Approved emergency medical services (EMS) medical program director" means a doctor of medicine or osteopathy who has been certified by the department under RCW 18.71.205 and WAC 248-15-020.

(21) "Medical control" means physician responsibility for supervision of EMT training programs, the establishment of field protocols, and the recommendation for certification and decertification of EMTs certified under this chapter.

(22) Medical control (~~as defined above does not include~~) of first responders includes medical program director approval of course curriculum and field protocols.

(23) "First responder" means a person who has successfully completed a prescribed course of instruction and has been examined and certified by the department.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 2138, filed 8/10/84)

WAC 248-17-213 EMERGENCY MEDICAL TECHNICIAN—CERTIFICATION AND RECERTIFICATION. (1) ~~((Upon successful completion of an EMT course;))~~ The department shall initially certify ~~((those eligible graduates who have passed either the state written examination or the NREMT written examination and the state practical examination and who have been recommended for certification by the physician coordinator))~~ an individual who has successfully completed an EMT course when the individual:

(a) Has passed either the state written examination or the NREMT written examination;

(b) Has passed the state practical examination; and

(c) Has been recommended for certification by the EMS medical program director.

(2) ~~The period of certification shall be ((for three years)) up to thirty-six months.~~

(3) ~~Recertification ((of currently certified EMTs eligible for such recertification under WAC 248-17-211, shall be accomplished in the following manner:))~~

(a) ~~((Completion of a minimum of thirty hours of continuing education during the period of certification consisting of the following mandatory and optional subject matter as indicated and under physician supervision))~~ The period of recertification shall be up to thirty-six months.

(b) The department shall consider currently certified EMTs who meet the requirements under WAC 248-17-211 as eligible for recertification upon:

(i) ~~((Cardiopulmonary resuscitation update of at least one hour per year including both adult and infant manikins using one and two person techniques administered under the supervision of a certified CPR instructor (mandatory)))~~ Successful completion and documentation of a minimum of thirty hours of department-approved continuing medical education (CME) during the thirty-six month certification period, including a minimum of six hours every twelve months in the following subjects:

(A) Two hours of CPR and airway management;

(B) One hour of patient medical extrication;

(C) One hour of patient assessment; and

(D) Two additional hours of CME.

(ii) ~~((Vehicle extrication techniques employing skill knowledge of wrecking tools used in gaining access to victims and use of short and long board extrication. A minimum of one hour per year administered under the supervision of a senior EMT instructor (mandatory:))~~ Successful completion of a program of ongoing training and evaluation approved by the EMS medical program director and the department and passing the state written examination; or

(iii) ~~((Formal inservice training sessions covering basic life support knowledge skills such as bandaging and splinting, emergency child birth, recognition and treatment of shock, cold and heat caused injuries, patient handling and other basic life support skills using physicians, senior EMT instructors, audio-visual aids or other technical experts. Four hours per year minimum required and verified by a senior EMT instructor (mandatory). Attendance at workshops or seminars approved by the department may satisfy this requirement when authorized by the regional EMS coordinator.~~

(iv) Emergency ambulance/aid car runs involving the application of emergency care techniques may be used for credit at one hour per twenty-five emergency runs not to exceed five total hours during a period of certification when verified by emergency department staff or official run records and used as formal critique (optional).

Note: ~~EMT dispatchers, employed by central dispatching centers, may substitute dispatches involving emergency, life-threatening responses when instructions on emergency medical care are given by phone/radio to persons attending the victim:~~

(v) Hospital emergency department, ICU, CCU or OB delivery room experience may be credited not to exceed two hours per year when verified by hospital or clinic department head (optional).

(vi) Membership in a national EMS organization where such membership includes subscriptions to professional journals and/or newsletters may be used for a maximum of one hour credit per year when proof of membership is verified by a senior EMT instructor (optional).

~~(vii) Completion of formal courses such as dispatcher training, ex-  
trication training, emergency vehicle defensive driving, EMT/defibril-  
lation, inflatable trousers or other EMS-related topics. Five hours total  
per period of certification. Verified by course instructor (optional).~~

~~Note: It is recommended that a minimum of ten hours of continuing education  
be accomplished annually. Failure to complete thirty hours of continuing  
education during a period of certification shall result in termination of  
certification.~~

~~(b) Pass the state written and practical examination and being rec-  
ommended for recertification by the approved EMS medical program  
director.~~

~~Note: Currently certified senior EMT instructors who have fulfilled the provi-  
sions of the senior EMT instructor agreement may recertify by passing  
the written recertification examination and by being recommended by the  
approved EMS medical program director)~~

Passing the state written and practical recertification examinations.

(c) The department's administrative procedures manual shall identi-  
fy the program for ongoing training and evaluation, the written and  
practical examination process, associated forms, and administrative re-  
quirements. The contents of this manual shall be reviewed by the EMS  
committee at least once a biennium.

(4) Certification by the department as an EMT does not warrant  
future performance of the individuals certified. It will indicate that the  
cognitive and performance capabilities met the requirements for certi-  
fication established for the course at the time the testing or evaluation  
was performed.

AMENDATORY SECTION (Amending Order 2138, filed 8/10/84)

WAC 248-17-260 FIRST RESPONDER((;))—CERTIFICA-  
TION AND RECERTIFICATION. (1) The department shall initial-  
ly certify ((eligible graduates for a period of three years)) an individu-  
al who has successfully completed the department's first responder  
course when the individual:

- (a) Has passed the state written examination; and
- (b) Has passed the state practical examination.

(2) ((Recertification of eligible first responders shall be for three  
years providing that:

(a) The applicants have completed a minimum of fifteen hours of  
approved continuing education identified in the procedures and guide-  
lines; and

(b) The applicant shall successfully complete required written and  
practical examinations)) The period of certification shall be up to thirty-  
six months.

(3) Recertification.

(a) The period of recertification shall be up to thirty-six months.

(b) The department shall consider currently certified first  
responders, required under WAC 248-17-250, as eligible for recertifi-  
cation upon:

(i) Successful completion and documentation of a minimum of fif-  
teen hours of department-approved CME during the thirty-six-month  
certification period, including a minimum of five hours every twelve  
months in the following subjects:

- (A) Two hours of CPR and airway management;
- (B) One hour of patient medical extrication;
- (C) One hour of patient assessment; and
- (D) One additional hour of CME.

(ii) Successful completion of a program of ongoing training and  
evaluation approved by the department and passing the state written  
examination; or

(iii) Passing the state written and practical recertification  
examinations.

(4) The department's administrative procedures manual shall  
identify:

- (a) The program for ongoing training and evaluation;
  - (b) The written and practical examination process;
  - (c) Associated forms; and
  - (d) Administrative requirements.
- (5) The EMS committee shall review the contents of the adminis-  
trative procedures manual once a biennium or more often.

(6) A currently certified EMT whose duties no longer require EMT  
level of skill or who is not required to be in attendance to a patient  
during transport, may request reversion of the EMT certificate to that  
of first responder. In such case, the request shall be in writing and shall  
be accompanied by proof of required continuing education and the  
EMT certification card, which is being relinquished. A first responder

certification will then be issued with the expiration date of the relin-  
quished EMT certification.

**WSR 89-10-070**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2794—Filed May 3, 1989]

I, Leslie F. James, director of Administrative Services,  
do promulgate and adopt at Olympia, Washington, the  
annexed rules relating to:

Amd WAC 388-14-270 Distribution of support payments—  
Public assistance.  
New WAC 388-14-275 Fifty dollars disregard payment.

This action is taken pursuant to Notice No. WSR 89-  
07-093 filed with the code reviser on March 22, 1989.  
These rules shall take effect thirty days after they are  
filed with the code reviser pursuant to RCW  
34.04.040(2).

This rule is promulgated under the general rule-  
making authority of the Department of Social and  
Health Services as authorized in RCW 74.04.057.

The undersigned hereby declares that the agency has  
complied with the provisions of the Open Public Meet-  
ings Act (chapter 42.30 RCW), the Administrative Pro-  
cedure Act (chapter 34.04 RCW) and the State Register  
Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 3, 1989.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2738,  
filed 12/14/88)

WAC 388-14-270 DISTRIBUTION OF SUP-  
PORT PAYMENTS—PUBLIC ASSISTANCE. (1)  
When the office provides support enforcement services,  
the office shall distribute all support money collected by  
the office, or received by the office in its capacity, as the  
Washington state support registry:

(a) In accordance with state and federal law, if public  
assistance, or cash benefits under the family indepen-  
dence program, is being or has been provided for the  
support of the family unit;

(b) To the payee under the order if the payee has  
physical custody of the children;

(c) To the physical custodian of the children if some-  
one other than the payee has physical custody of and is  
caring for the children; and/or

(d) To the child support enforcement agency in an-  
other state or foreign country which submitted a request  
for support enforcement services.

(2) Prior to distributing support moneys to a physical  
custodian who is not the payee under the support order,  
the office shall:

(a) Obtain a sworn statement from the physical cus-  
todian attesting to the fact he or she has physical custo-  
dy of the children and is caring for them;

(b) Mail a notice of its intent to distribute support money to the physical custodian to the last known address of the payee and the responsible parent:

(i) The notice shall contain the following statements and information:

(A) That the office has collected or received support money due under the support order;

(B) The name of the physical custodian;

(C) That the payee may contest distribution of money to the physical custodian by requesting a conference board under WAC 388-14-385, or filing an appropriate motion with the court that entered the support order;

(D) That the office must be given notice of and made a party to any proceeding to contest the notice of distribution.

(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice; and

(c) File a copy of the notice with the clerk of the court in which the support order was entered.

(3) If the location of the family or person to whom the support money is owed is unknown, the office shall exercise reasonable efforts to locate the family or person. If the office is unable to locate and disburse the money to the family or person, the office shall handle the money in accordance with an agreement with the department of revenue and as required by state law.

(4) The office shall apply the following rules to the distribution of support money:

(a) Record all payments in exact amounts without rounding;

(b) Distribute a support payment within eight days of the date the office receives the payment, unless unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) There is not sufficient information to identify the accounts against which and to which the payment should be applied;

(iii) An action is filed in a court or agency with jurisdiction to decide the issue, to determine whether or not a support payment is owed and/or how the payment should be distributed;

(iv) Under subsection (6) of this section, the office receives prepaid support moneys which are being held and will be distributed in future months;

(v) The office mails a notice of intent to distribute the support money to the physical custodian under subsection (2) of this section; or

(vi) Other circumstances exist which make a proper and timely distribution of the payment impossible through no fault or lack of diligence of the office.

(c) The date of collection shall be the date on which the payment is received by the office. For interstate collections, the date of collection shall be the date on which the payment is received by the office or the legal entity of any state or political subdivision actually making the collection, whichever is earliest;

(d) The office shall apply all payments:

(i) To satisfy the support obligation for the month in which the payments are received and, then;

(ii) To any support debt or debts owed to:

(A) The family;

(B) A person for whom services are being provided;

(C) The department; or

(D) A child support agency in another state or foreign country.

(e) If the responsible parent owes a current support obligation to more than one family and does not pay enough money during the month to satisfy these current support obligations in full, the office shall distribute the money collected based on the proportionate share of the obligation owed to each family;

(f) The office shall apply amounts received during a month in excess of the responsible parent's current support obligation or obligations to the support debt or debts based on the proportionate size of the debts, except as provided in subsection (4)(g) of this section, if:

(i) The support payment or payments exceed the amount required to satisfy the current support obligation or obligations for that month; and

(ii) The responsible parent owes more than one support debt.

(g) The office may apply amounts distributed under this subsection to a single support debt rather than make a proportionate distribution in the following circumstances:

(i) To satisfy a support debt owed to the family that accrued after the family terminated from public assistance as provided for in RCW 26.23.030; or

(ii) If proportionate distribution is administratively inefficient; or

(iii) If the collection resulted from the sale or disposition of a specific piece of property in which the applicant/recipient or applicant/custodian has a judgment lien for child support.

(h) The office shall convert amounts collected which are paid more frequently than once a month to an amount that represents payment on the required support obligation for the current month. The office of support enforcement is directed to distribute payments periodically to give effect to efficient administration(-);

(i) The office shall report any amounts distributed to a family, receiving public assistance, to the community service office identifying whether or not the payment is available to meet the need. This requirement shall not relieve the recipient of the duty to report receipt of any support moneys; and

(j) The department shall pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment provided under WAC 388-14-275.

(5) If the office receives or collects support moneys which represent payment on the required support obligation for future months, the office shall:

(a) Apply the support moneys to such future months if the support debt has been paid in full; and

(b) Distribute the support moneys on a monthly basis as of the date payments become due in the future.

(6) When the office receives or collects prepaid support moneys, the office shall mail a notice to the last known address of the person entitled to receive support payments. The notice shall inform the person that:

(a) The office received prepaid support money;

(b) The office will distribute this money as support payments become due in the future; and

(c) He or she may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.

(7) The office may recover support money distributed to a person or to the family in error, after receipt of a check which is later dishonored, or the office is later required to refund or return the support payment, as follows:

(a) In nonassistance cases, the office may deduct and retain, from subsequent support payments, any amounts collected on a support debt and ten percent of amounts collected as current support. The office shall send a notice to the last known address of the person or family prior to taking action to recover such payments. The notice shall:

(i) Contain a finding that a payment was distributed in error, was paid against a check that was later dishonored, or that the office was required to refund the support payment to the responsible parent;

(ii) Identify the payments the office will recover; and

(iii) Inform the person or family of the amounts that will be deducted from future collections; and

(iv) Inform the person or family they may request an administrative hearing under chapter 34.04 RCW to object to the notice. At the hearing, the person may contest the office's findings regarding the existence and amount of the debt for erroneous payments or other payments the office is seeking to recover.

(b) If person or family is no longer receiving support enforcement services, the office of support enforcement may take action under RCW 74.20A.270 to recover the money.

(8) If the family is receiving public assistance and the applicant/recipient fails to remit support payments to the office as required, the office shall use the process set forth in WAC 388-14-200 to recover such support payments.

#### NEW SECTION

WAC 388-14-275 FIFTY DOLLARS DISREGARD PAYMENT. (1) In accordance with federal law, the department shall pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment made by the responsible parent in the month when due. The department shall pay the family no more than fifty dollars for each month in which a support payment is made. For purposes of this section, a payment is made by the responsible parent on the earliest of the following dates:

(a) The date a payment is received by the office of support enforcement;

(b) The date a payment is withheld from the responsible parent's wages;

(c) The date the envelope containing a payment is postmarked by the United States Postal Service; or

(d) The date received by the IV-D agency in another state or other legal entity making the collection.

(2) The department shall make a payment to the family under subsection (1) of this section based on the best information provided to the office of support enforcement with the support payment. The best information includes the earliest of the following dates:

(a) The date wages were withheld;

(b) The date an employer issues a check containing wages withheld from the responsible parent;

(c) The date postmarked by the United States Postal Service;

(d) The date received by the IV-D agency in another state or other legal entity making the collection;

(e) The date the IV-D agency in another state or other legal entity issues a check containing a child support payment from the responsible parent;

(f) The date a check is negotiable if the office of support enforcement receives a postdated check;

(g) The date process is served attaching accounts and earnings of a responsible parent, other than wages, or the date the responsible parent is entitled to receive such earnings, whichever is later; or

(h) The date the proceeds are paid from the sale of attached personal or real property.

(3) If the department subsequently receives information establishing an earlier payment date, the department shall take prompt action to make a payment required under this section or recover an erroneous payment.

(4) The office of support enforcement shall mail a notice, not less than once a quarter, to a family receiving cash assistance for whom child support was received during the reporting period. The notice shall contain the following information:

(a) The amount of the child support order;

(b) The amount of child support received;

(c) A description of how the office allocated the child support between the family and the state;

(d) The amount the department claims as reimbursement for public assistance paid; and

(e) A statement of the right to an adjudicative proceeding under chapter 34.05 RCW to contest the allocation of child support.

(5) The provisions of this section do not apply to:

(a) Child support received by the office of support enforcement by means of an income tax refund intercept authorized under 42 USC 666 (a)(1) or 666 (a)(3)(B); or

(b) Child support payments received by the office of support enforcement after the family terminates from assistance that are paid to the family under chapter 26.23 RCW and WAC 388-14-270 as current support for the month or on the support debt owed to the family.

(6) The section applies to payments made by the responsible parent on or after January 1, 1989.

**WSR 89-10-071**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Order 2795—Filed May 3, 1989]

I, Leslie F. James, director of the Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to ambulance rules and regulations, amending chapter 248-17 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary for an emergency medical technician or first responder either to: Complete an ongoing program of continuing medical education and practical skills evaluation approved by the medical program director and the department; or obtain the required number of hours of continuing medical education annually and pass a final written and practical skills examination at the end of the three-year certification period.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 18.73.080.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 3, 1989.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2138, filed 8/10/84)

**WAC 248-17-020 DEFINITIONS.** For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Air ambulance" means a fixed or rotary winged aircraft that is currently certified under Federal Aviation Administration as an air taxi; that may be configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive and life saving patient care without interfering with the performance of the flight crew; that has sufficient medical supplies and equipment to provide necessary medical treatment at the patient's origin and during flight; has radio equipment capable of two way communication ground-to-air, air-to-air, and air-to-ground including communication with physicians responsible for patient management; has been designed to avoid aggravating the patients condition as to cabin comfort, noise levels\* and cabin pressurization\*; has aboard survival equipment in

sufficient quantity to accommodate crew and passengers; that has been inspected and licensed by the department as an air ambulance. \*Not applicable to rotary winged aircraft.

(2) "Air ambulance service" means a service that is currently certified under Federal Aviation Administration (FAA) rules, 14 CFR Part 135, (Air Taxi Operators and Commercial Operators of Small Aircraft); has been inspected by the department and licensed as an air ambulance service and meets the minimum requirements for personnel and equipment as described elsewhere in this chapter.

(3) "Ambulance" means a vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(4) "Attending physician" as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient enroute, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician must retain responsibility for the medical care of the patient until final destination is reached.

(5) "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

(6) "Emergency medical technician (EMT)" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent conditions.

(7) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industry, the U.S. Bureau of Mines, or Fire Services training program.

(8) "Standard first aid" means such a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Fire Services training program.

(9) "Ambulance driver" means that person who drives an ambulance.

(10) "Ambulance attendant" means that person who has responsibility for the care of patients both before and during transportation.

(11) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(12) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(13) "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business.

(14) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(15) "Communications system" means a radio or landline network connected with a dispatch center which

makes possible the alerting and coordination of personnel, equipment and facilities.

(16) "Department" means the department of social and health services.

(17) "Shall" means compliance is mandatory.

(18) "Should" means a suggestion or recommendation, but not a requirement.

(19) "Committee" means the emergency medical services committee.

(20) "Approved emergency medical services (EMS) medical program director" means a doctor of medicine or osteopathy who has been certified by the department under RCW 18.71.205 and WAC 248-15-020.

(21) "Medical control" means physician responsibility for supervision of EMT training programs, the establishment of field protocols, and the recommendation for certification and decertification of EMTs certified under this chapter.

(22) Medical control (~~as defined above does not include~~) of first responders includes medical program director approval of course curriculum and field protocols.

(23) "First responder" means a person who has successfully completed a prescribed course of instruction and has been examined and certified by the department.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 2138, filed 8/10/84)

WAC 248-17-213 EMERGENCY MEDICAL TECHNICIAN—CERTIFICATION AND RECERTIFICATION. (1) (~~Upon successful completion of an EMT course;~~) The department shall initially certify (those eligible graduates who have passed either the state written examination or the NREMT written examination and the state practical examination and who have been recommended for certification by the physician coordinator) an individual who has successfully completed an EMT course when the individual:

(a) Has passed either the state written examination or the NREMT written examination;

(b) Has passed the state practical examination; and

(c) Has been recommended for certification by the EMS medical program director.

(2) The period of certification shall be (~~for three years~~) up to thirty-six months.

(3) Recertification (~~of currently certified EMTs eligible for such recertification under WAC 248-17-211, shall be accomplished in the following manner:~~).

(a) ((Completion of a minimum of thirty hours of continuing education during the period of certification consisting of the following mandatory and optional subject matter as indicated and under physician supervision)) The period of recertification shall be up to thirty-six months.

(b) The department shall consider currently certified EMTs who meet the requirements under WAC 248-17-211 as eligible for recertification upon:

(i) ((Cardiopulmonary resuscitation update of at least one hour per year including both adult and infant

~~manikins using one and two person techniques administered under the supervision of a certified CPR instructor (mandatory))) Successful completion and documentation of a minimum of thirty hours of department-approved continuing medical education (CME) during the thirty-six month certification period, including a minimum of six hours every twelve months in the following subjects:~~

(A) Two hours of CPR and airway management;

(B) One hour of patient medical extrication;

(C) One hour of patient assessment; and

(D) Two additional hours of CME.

(ii) ((Vehicle extrication techniques employing skill knowledge of wrecking tools used in gaining access to victims and use of short and long board extrication. A minimum of one hour per year administered under the supervision of a senior EMT instructor (mandatory:)) Successful completion of a program of ongoing training and evaluation approved by the EMS medical program director and the department and passing the state written examination; or

(iii) ((Formal inservice training sessions covering basic life support knowledge skills such as bandaging and splinting, emergency child birth, recognition and treatment of shock, cold and heat caused injuries, patient handling and other basic life support skills using physicians, senior EMT instructors, audio-visual aids or other technical experts. Four hours per year minimum required and verified by a senior EMT instructor (mandatory). Attendance at workshops or seminars approved by the department may satisfy this requirement when authorized by the regional EMS coordinator.

(iv) Emergency ambulance/aid car runs involving the application of emergency care techniques may be used for credit at one hour per twenty-five emergency runs not to exceed five total hours during a period of certification when verified by emergency department staff or official run records and used as formal critique (optional):

Note: EMT dispatchers, employed by central dispatching centers, may substitute dispatches involving emergency, life-threatening responses when instructions on emergency medical care are given by phone/radio to persons attending the victim.

(v) Hospital emergency department, ICU, CCU or OB delivery room experience may be credited not to exceed two hours per year when verified by hospital or clinic department head (optional):

(vi) Membership in a national EMS organization where such membership includes subscriptions to professional journals and/or newsletters may be used for a maximum of one hour credit per year when proof of membership is verified by a senior EMT instructor (optional):

(vii) Completion of formal courses such as dispatcher training, extrication training, emergency vehicle defensive driving, EMT/defibrillation, inflatable trousers or other EMS-related topics. Five hours total per period of certification. Verified by course instructor (optional):

Note: It is recommended that a minimum of ten hours of continuing education be accomplished annually. Failure to complete thirty hours of continuing education during a period of certification shall result in termination of certification.

~~(b) Pass the state written and practical examination and being recommended for recertification by the approved EMS medical program director.~~

~~Note: Currently certified senior EMT instructors who have fulfilled the provisions of the senior EMT instructor agreement may recertify by passing the written recertification examination and by being recommended by the approved EMS medical program director.)~~

Passing the state written and practical recertification examinations.

(c) The department's administrative procedures manual shall identify the program for ongoing training and evaluation, the written and practical examination process, associated forms, and administrative requirements. The contents of this manual shall be reviewed by the EMS committee at least once a biennium.

(4) Certification by the department as an EMT does not warrant future performance of the individuals certified. It will indicate that the cognitive and performance capabilities met the requirements for certification established for the course at the time the testing or evaluation was performed.

AMENDATORY SECTION (Amending Order 2138, filed 8/10/84)

WAC 248-17-260 FIRST RESPONDER(;;)—CERTIFICATION AND RECERTIFICATION. (1) The department shall initially certify ((eligible graduates for a period of three years)) an individual who has successfully completed the department's first responder course when the individual:

- (a) Has passed the state written examination; and  
(b) Has passed the state practical examination.

(2) ((Recertification of eligible first responders shall be for three years providing that:

(a) The applicants have completed a minimum of fifteen hours of approved continuing education identified in the procedures and guidelines, and

(b) The applicant shall successfully complete required written and practical examinations)) The period of certification shall be up to thirty-six months.

(3) Recertification.

(a) The period of recertification shall be up to thirty-six months.

(b) The department shall consider currently certified first responders, required under WAC 248-17-250, as eligible for recertification upon:

(i) Successful completion and documentation of a minimum of fifteen hours of department-approved CME during the thirty-six-month certification period, including a minimum of five hours every twelve months in the following subjects:

- (A) Two hours of CPR and airway management;  
(B) One hour of patient medical extrication;  
(C) One hour of patient assessment; and  
(D) One additional hour of CME.

(ii) Successful completion of a program of ongoing training and evaluation approved by the department and passing the state written examination; or

(iii) Passing the state written and practical recertification examinations.

(4) The department's administrative procedures manual shall identify:

- (a) The program for ongoing training and evaluation;  
(b) The written and practical examination process;  
(c) Associated forms; and  
(d) Administrative requirements.

(5) The EMS committee shall review the contents of the administrative procedures manual once a biennium or more often.

(6) A currently certified EMT whose duties no longer require EMT level of skill or who is not required to be in attendance to a patient during transport, may request reversion of the EMT certificate to that of first responder. In such case, the request shall be in writing and shall be accompanied by proof of required continuing education and the EMT certification card, which is being relinquished. A first responder certification will then be issued with the expiration date of the relinquished EMT certification.

**WSR 89-10-072**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Dental Examiners)**  
 [Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or repeal rules concerning:

Amd WAC 308-40-105 Examination review procedures.  
 New WAC 308-40-106 Written examination review procedures;

that the agency will at 1:30 p.m., Wednesday, June 14, 1989, in the University of Washington, Health Sciences Building, School of Dentistry, Room D209, Seattle, WA 98195, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.32.040 and 18.32.120.

The specific statute these rules are intended to implement is RCW 18.32.040 and 18.32.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 5, 1989.

Dated: April 20, 1989  
 By: Amanda L. Tomlinson  
 Assistant Attorney General

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Dental Examiners.

Title: WAC 308-40-105 Examination review procedures; and 308-40-106 Written examination review procedures.

Description of Purpose: To amend the rule relating to the practical examination review procedures, and to adopt a new rule outlining procedures for review of the written examination.

Statutory Authority: RCW 18.32.040 and 18.32.120.

Summary of Rule: WAC 308-40-105, amended in several ways to clarify and describe the review procedures relating to the practical examination; and WAC 308-40-106, new rule outlining procedures for review of the written examination.

Responsible Personnel: The Washington State Board of Dental Examiners and the executive secretary for the board have the responsibility for drafting, implementing and enforcing this rule. The executive secretary is Judy Mayo, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-2461 comm, 234-2461 scan.

Proponents: The Washington State Board of Dental Examiners.

Federal Law or Federal or State Court Requirements: Not necessitated as a result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

#### NEW SECTION

WAC 308-40-106 WRITTEN EXAMINATION REVIEW PROCEDURES. (1) Any candidate who takes the written examination phase of the dental examination and does not pass may request informal review by the examining board of his or her examination results. This request must be in writing and must be received by the department within twenty (20) days of the postmark of notification of the examination results. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(2) The procedure for filing an informal review is as follows:

(a) The Department of Licensing office will schedule in Olympia an appointment to appear personally to review the score sheets on the failed written portion of the examination.

(b) The candidate will be provided a form to complete in the Department of Licensing office in Olympia in defense of examination performance.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining board.

(e) The candidate may not bring in notes, texts, or other individuals except for an attorney, for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining board will schedule a closed session meeting to review the examination, score sheets and form completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the examining board, pursuant to the administrative procedure act. Such written request for hearing must be received by the Department of Licensing within twenty (20) days of the postmark of the notification of the results of the board's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before an administrative law judge or a board member, as decided by the board.

(5) In the event there is a prehearing conference, the administrative law judge or board member shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the basis for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

#### AMENDATORY SECTION (Amending Order PM 740, filed 6/22/88)

WAC 308-40-105 PRACTICAL EXAMINATION REVIEW PROCEDURES. ~~((1) Each individual who takes the examination for licensure as a dentist and does not pass the examination will be provided, upon written request, information indicating the areas of the examination in which his or her performance was deficient.~~

~~(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:~~

~~(a) A showing of a significant procedural error in the examination process;~~

~~(b) Evidence of bias, prejudice or discrimination in the examination process;~~

~~(c) Other significant errors which result in substantial disadvantage to the applicant.~~

~~(3) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of receipt of the result of the board's review of the examination results.))~~

(1) Any candidate who takes the practical examination for licensure as a dentist and does not pass may request informal review by the examining board of his or her examination results. This request must be in writing and must be received by the department within twenty days of the postmark of notification of the examination results. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination procedure, or bias, prejudice, or discrimination in the examination process.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia to request that copies of the score sheets on the failed practical portion of the examination be provided.

(b) The candidate will be provided a form to complete in defense of examination performance. Such form must be returned to the department within fifteen days.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or

reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference, requests for special consideration, or reexamination of the patient will not be considered by the examining board.

(e) The examining board will schedule a closed session meeting to review the examination, score sheets, and form completed by the candidate for the purpose of informal review.

(f) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the examining board, pursuant to the Administrative Procedure Act. Such written request for hearing must be received by the department of licensing within twenty days of the postmark of the notification of the results of the board's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination procedure, or bias, prejudice, or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts, and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and

(f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before an administrative law judge or a board member, as decided by the board.

(5) In the event there is a prehearing conference, the administrative law judge or board member shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading, and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the basis for his or her challenge of the examination results unless amended by a prehearing order. The board will not consider reexamination of the patient. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

**WSR 89-10-073**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Physical Therapy)**  
[Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Physical Therapy intends to adopt, amend, or repeal rules concerning definitions, amending WAC 308-42-010;

that the agency will at 9:00 a.m., Tuesday, July 25, 1989, in the Conference Center Room, LaConner Country Inn, 107 South Second Street, LaConner, WA 98257, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.74.023(3).

The specific statute these rules are intended to implement is SSB 6218 codified as amending RCW 18.74.010(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-06-069 filed with the code reviser's office on March 1, 1989.

Dated: May 3, 1989  
By: Linda M. Moran  
Assistant Attorney General

**WSR 89-10-074**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Dental Examiners)**  
[Order PM 834—Filed May 3, 1989]

Be it resolved by the Board of Dental Examiners, acting at the West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to:

- Amd WAC 308-40-105 Examination review procedures.
- New WAC 308-40-106 Written examination review procedures.

We, the Washington State Board of Dental Examiners, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules concern appeals from the licensure examination which is scheduled for June 11-16, 1989. In order to have the rules in place for appeals from this examination, it is necessary to file them on an emergency basis.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Washington State Board of Dental Examiners as authorized in RCW 18.32.040 and 18.32.120.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 3, 1989.  
By Steven Marinkovich, DDS  
Chairman

NEW SECTION

**WAC 308-40-106 WRITTEN EXAMINATION REVIEW PROCEDURES.** (1) Any candidate who takes the written examination phase of the dental examination and does not pass may request informal review by the examining board of his or her examination results. This request must be in writing and must be received by the department within twenty (20) days of the postmark of notification of the examination results. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(2) The procedure for filing an informal review is as follows:

(a) The Department of Licensing office will schedule in Olympia an appointment to appear personally to review the score sheets on the failed written portion of the examination.

(b) The candidate will be provided a form to complete in the Department of Licensing office in Olympia in defense of examination performance.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining board.

(e) The candidate may not bring in notes, texts, or other individuals except for an attorney, for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining board will schedule a closed session meeting to review the examination, score sheets and form completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the examining board, pursuant to the administrative procedure act. Such written request for hearing must be received by the Department of Licensing within twenty (20) days of the postmark of the notification of the results of the board's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before an administrative law judge or a board member, as decided by the board.

(5) In the event there is a prehearing conference, the administrative law judge or board member shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the basis for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

AMENDATORY SECTION (Amending Order PM 740, filed 6/22/88)

**WAC 308-40-105 PRACTICAL EXAMINATION REVIEW PROCEDURES.** ~~((1) Each individual who takes the examination for licensure as a dentist and does not pass the examination will be provided, upon written request, information indicating the areas of the examination in which his or her performance was deficient.~~

~~(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:~~

~~(a) A showing of a significant procedural error in the examination process;~~

~~(b) Evidence of bias, prejudice or discrimination in the examination process;~~

~~(c) Other significant errors which result in substantial disadvantage to the applicant.~~

(3) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of receipt of the result of the board's review of the examination results.)) (1) Any candidate who takes the practical examination for licensure as a dentist and does not pass may request informal review by the examining board of his or her examination results. This request must be in writing and must be received by the department within twenty days of the postmark of notification of the examination results. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination procedure, or bias, prejudice, or discrimination in the examination process.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia to request that copies of the score sheets on the failed practical portion of the examination be provided.

(b) The candidate will be provided a form to complete in defense of examination performance. Such form must be returned to the department within fifteen days.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference, requests for special consideration, or reexamination of the patient will not be considered by the examining board.

(e) The examining board will schedule a closed session meeting to review the examination, score sheets, and form completed by the candidate for the purpose of informal review.

(f) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the examining board, pursuant to the Administrative Procedure Act. Such written request for hearing must be received by the department of licensing within twenty days of the postmark of the notification of the results of the board's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination procedure, or bias, prejudice, or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the

statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts, and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and

(f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before an administrative law judge or a board member, as decided by the board.

(5) In the event there is a prehearing conference, the administrative law judge or board member shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading, and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the basis for his or her challenge of the examination results unless amended by a prehearing order. The board will not consider reexamination of the patient. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

## WSR 89-10-075

### ADOPTED RULES

#### DEPARTMENT OF LICENSING (Board of Practical Nursing)

[Order PM 835—Filed May 3, 1989]

Be it resolved by the Washington State Board of Practical Nursing, acting at the Best Western (Fife) Executive Inn, 5700 Pacific Highway East, Fife, WA, that it does adopt the annexed rules relating to licensure of graduates of foreign schools of nursing, amending WAC 308-117-080.

This action is taken pursuant to Notice No. WSR 89-06-071 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.78.050, 18.78.060, 18.78.070 and 18.130.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 20, 1989.

By Marie Christine Ivy  
Chairperson

AMENDATORY SECTION (Amending Order PM 705, filed 2/9/88)

WAC 308-117-080 LICENSURE OF GRADUATES OF FOREIGN SCHOOLS OF NURSING. ((+)) Applicants who received their nursing education outside the United States or its territories shall meet the following requirements for licensing:

((a)) (1) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

((b)) (2) Satisfactory passage of the test of English as a foreign language (TOEFL). As of May 1, 1988, all applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the board's discretion and for good cause, to this requirement.

((c)) (3) All other requirements of the statute and regulations shall be met.

((d)) (4) File with the board of practical nursing a completed notarized license application with the required fee prior to February 15 for the April examination and prior to August 15 for the October examination. The fees are not refundable.

((e)) (5) Submit one recent United States passport identification photograph of the applicant unmounted and signed by the applicant across the front.

((f)) (6) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

((g)) (7) File an examination application, along with the required fee, directly with the testing service.

((h)) (8) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington.

WSR 89-10-076

ADOPTED RULES

DEPARTMENT OF LICENSING

(Veterinary Board of Governors)

[Order PM 836—Filed May 3, 1989]

Be it resolved by the Veterinary Board of Governors, acting at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, Seattle, WA 98118, that it does adopt the annexed rules relating to:

New	WAC 308-154-085	AIDS prevention and information education requirements.
New	WAC 308-156-200	AIDS prevention and information education requirements.
Amd	WAC 308-150-014	Honesty, integrity, and fair dealing.

This action is taken pursuant to Notice No. WSR 89-06-073 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 604, chapter 206, Laws of 1988 and RCW 18.92.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 28, 1989.

By Jerry Pospisil, D.V.M.  
Chairman

NEW SECTION

WAC 308-154-085 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS.

(1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for licensure. Effective September 1, 1989 persons applying for licensure shall submit, prior to obtaining a license, and in addition to the other requirements for licensure, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning September 1, 1989 and ending August 31, 1990, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education.

(a) Acceptable education. The board will accept education that is consistent with the topical outline available from the Office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education

shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective September 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of subsection (a).

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance or description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.

#### NEW SECTION

#### WAC 308-156-200 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS.

##### (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for registration. Effective September 1, 1989 persons applying for registration shall submit prior to becoming registered and in addition to the other requirements for registration, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of registration. Effective with the renewal period beginning September 1, 1989 and ending August 31, 1990, all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

##### (4) AIDS education.

(a) Acceptable education. The board will accept education that is consistent with the topical outline available from the Office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective September 1, 1989, the requirement for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary

status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of subsection (a).

(c) Documentation. The registrant shall:

(i) Certify, on forms provided, that the minimum education has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance or description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.

#### AMENDATORY SECTION (Amending Order PL 575, filed 12/18/85)

WAC 308-150-014 HONESTY, INTEGRITY AND FAIR DEALING. A veterinarian shall conduct his/her practice on the highest plane of honesty, integrity and fair dealing with his/her clients in time and services rendered, and in the amount charged for services, facilities, appliances and drugs. It is unprofessional and unethical for a veterinarian to attempt to mislead or deceive a client or to make untruthful statements or representations to a client.

It is also unprofessional and unethical for a veterinarian to attempt to dissuade a client from filing a disciplinary complaint by, but not limited to, a liability release, waiver, or written agreement, wherein the client assumes all risk or releases the veterinarian from liability for any harm, damage, or injury to an animal while under the care, custody, or treatment by the veterinarian.

**WSR 89-10-077**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
[Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director, Department of Licensing intends to adopt, amend, or repeal rules concerning mandatory reporting requirements for the following professions, and a rule required cooperation with investigation for licensees, certificants or registrants: Nursing assistant, social worker, mental health counselor, counselor, dispensing optician, respiratory care practitioner, marriage and family therapist, massage practitioner, ocularist, midwife, naturopath, dental hygienist, acupuncturist, radiological technologist and dietitian or nutritionist;

that the agency will at 9:00 a.m., Thursday, June 15, 1989, in the 4th Floor Conference Room, Highway Licensing Building, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on a date following the hearing.

The authority under which these rules are proposed is RCW 18.130.050.

The specific statute these rules are intended to implement is RCW 18.130.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 15, 1989.

Dated: May 1, 1989  
By: John Swannack  
Assistant Director

### STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To establish procedures for mandatory reporting of findings of unprofessional conduct or findings that a licensee, certificant or registrant is unable to practice with reasonable safety and skill, and to establish requirements for cooperation with investigation.

Statutory Authority: RCW 18.130.050.

Summary of Rules: Model rules (A-H) for mandatory reporting requirements and a rule (I) requiring cooperation with investigation for licensees, certificants and registrants for nursing assistants, social worker, mental health counselor, counselor, dispensing optician, respiratory care practitioner, marriage and family therapist, massage practitioner, ocularist, midwife, naturopath, dental hygienist, acupuncturist, radiological technologist and dietician or nutritionist. (A) General provisions; (B) mandatory reporting; (C) health care institutions; (D) associations or societies; (E) health care service contractors, and disability insurance carriers; (F) professional liability carriers; (G) courts; (H) state and federal agencies; and (I) cooperation with investigation.

Responsible Departmental Personnel: In addition to the Department of Licensing, the following departmental personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: John Swannack, Assistant Director, 1300 Quince S.E., Olympia, WA 98504, 234-2241 scan, 753-2241 comm.

Proponents: The director of the Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small business.

### NEW SECTION

WAC 308-25-080 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Dental hygienist" means a person licensed pursuant to chapter 18.29 RCW.

(6) "Mentally or physically disabled dental hygienist" means a dental hygienist who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice dental hygiene with reasonable

skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

### NEW SECTION

WAC 308-25-090 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dental hygienist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

### NEW SECTION

WAC 308-25-100 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any dental hygienist's services are terminated or are restricted based on a determination that the dental hygienist has either committed an act or acts which may constitute unprofessional conduct or that the dental hygienist may be mentally or physically disabled.

### NEW SECTION

WAC 308-25-110 DENTAL HYGIENIST ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any dental hygienist association or society within this state shall report to the department when an association or society determines that a dental hygienist has committed unprofessional conduct or that a dental hygienist may not be able to practice dental hygiene with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

### NEW SECTION

WAC 308-25-120 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dental hygienist has engaged in fraud in billing for services.

### NEW SECTION

WAC 308-25-130 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to dental hygienists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dental hygienist's incompetency or negligence in the practice of dental hygiene. Such organization or institution shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dental hygienist's alleged incompetence or negligence in the practice of dental hygiene.

NEW SECTION

WAC 308-25-140 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed dental hygienists, other than minor traffic violations.

NEW SECTION

WAC 308-25-150 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dental hygienist is employed to provide client care services, to report to the department whenever such a dental hygienist has been judged to have demonstrated his/her incompetency or negligence in the practice of dental hygiene, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dental hygienist. These requirements do not supersede any federal or state law.

NEW SECTION

WAC 308-25-160 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

NEW SECTION

WAC 308-26-055 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Dispensing optician" means a person licensed pursuant to chapter 18.34 RCW.

(6) "Mentally or physically disabled dispensing optician" means a dispensing optician who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice dispensing with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

NEW SECTION

WAC 308-26-065 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dispensing optician being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

NEW SECTION

WAC 308-26-075 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any dispensing optician's services are terminated or are restricted based on a determination that the dispensing optician has either committed an act or acts which may constitute unprofessional conduct or that the dispensing optician may be mentally or physically disabled.

NEW SECTION

WAC 308-26-085 DISPENSING OPTICIAN ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any dispensing optician association or society within this state shall report to the department when an association or society determines that a dispensing optician has committed unprofessional conduct or that a dispensing optician may not be able to practice dispensing of optical goods with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 308-26-095 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dispensing optician has engaged in fraud in billing for services.

NEW SECTION

WAC 308-26-105 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to dispensing opticians shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dispensing optician's incompetency or negligence in the practice of opticianry. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dispensing optician's alleged incompetence or negligence.

NEW SECTION

WAC 308-26-115 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed dispensing opticians, other than minor traffic violations.

NEW SECTION

WAC 308-26-125 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dispensing optician is employed to provide client care services, to report to the department whenever such a dispensing optician has been judged to have demonstrated his/her incompetency or negligence in the practice of opticianry, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dispensing optician. These requirements do not supersede any federal or state law.

NEW SECTION

WAC 308-26-135 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

NEW SECTION

WAC 308-51-230 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Massage practitioner" means an individual licensed under chapter 18.108 RCW.

(6) "Mentally or physically disabled massage practitioner" means a massage practitioner who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice massage therapy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

NEW SECTION

WAC 308-51-240 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the massage practitioner being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

NEW SECTION

WAC 308-51-250 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any massage practitioner's services are terminated or are restricted based on a determination that the massage practitioner has either committed an act or acts which may constitute unprofessional conduct or that the massage practitioner may be mentally or physically disabled.

NEW SECTION

WAC 308-51-260 MASSAGE PRACTITIONER ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any massage practitioner association or society within this state shall report to the department when an association or society determines that a massage practitioner has committed unprofessional conduct or that a massage practitioner may not be able to practice massage therapy with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 308-51-270 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a massage practitioner has engaged in fraud in billing for services.

NEW SECTION

WAC 308-51-280 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to massage practitioners shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured massage practitioner's incompetency or negligence in the practice of massage. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the massage practitioner's alleged incompetence or negligence in the practice of massage therapy.

NEW SECTION

WAC 308-51-290 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed massage practitioners, other than minor traffic violations.

NEW SECTION

WAC 308-51-300 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a massage practitioner is employed to provide client care services, to report to the department whenever such a massage practitioner has been judged to have demonstrated his/her incompetency or negligence in the practice of massage therapy, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled massage practitioner. These requirements do not supersede any state or federal law.

NEW SECTION

WAC 308-51-310 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

NEW SECTION

WAC 308-55-035 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Ocularist" means a person licensed under chapter 18.55 RCW.

(6) "Mentally or physically disabled ocularist" means an ocularist who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice ocular prosthetic services with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

NEW SECTION

WAC 308-55-045 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the ocularist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

NEW SECTION

WAC 308-55-055 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any ocularist's services are terminated or are restricted based on a determination that the ocularist has either committed an act or acts which may constitute unprofessional conduct or that the ocularist may be mentally or physically disabled.

NEW SECTION

WAC 308-55-065 OCULARIST ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any ocularist association or society within this state shall report to the department when an association or society determines that an ocularist has committed unprofessional conduct or that an ocularist may not be able to practice ocular prosthetics with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 308-55-075 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that an ocularist has engaged in fraud in billing for services.

NEW SECTION

WAC 308-55-085 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to ocularists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured ocularist's incompetency or negligence in the practice of ocular prosthetic services. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the ocularist's alleged incompetence or negligence.

NEW SECTION

WAC 308-55-095 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed ocularists, other than minor traffic violations.

NEW SECTION

WAC 308-55-105 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which an ocularist is employed to provide client care services, to report to the department whenever such an ocularist has been judged to have demonstrated his/her incompetency or negligence in the practice of ocular prosthetic services, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled ocularist. These requirements do not supersede any federal or state law.

NEW SECTION

WAC 308-55-115 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### NEW SECTION

WAC 308-115-260 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Midwife" means a person licensed pursuant to chapter 18.50 RCW.

(6) "Mentally or physically disabled midwife" means a midwife who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice midwifery with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

WAC 308-115-270 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the midwife being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

WAC 308-115-280 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any midwife's services are terminated or are restricted based on a determination that the midwife has either committed an act or acts which may constitute unprofessional conduct or that the midwife may be mentally or physically disabled.

#### NEW SECTION

WAC 308-115-290 MIDWIFERY ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any midwifery association or society within this state shall report to the department

when an association or society determines that a midwife has committed unprofessional conduct or that a midwife may not be able to practice midwifery with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the licensee holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

WAC 308-115-310 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a midwife has engaged in fraud in billing for services.

#### NEW SECTION

WAC 308-115-320 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to midwives shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured midwife's incompetency or negligence in the practice of midwifery. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the midwife's alleged incompetence or negligence in the practice of midwifery.

#### NEW SECTION

WAC 308-115-330 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed midwives, other than minor traffic violations.

#### NEW SECTION

WAC 308-115-340 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a midwife is employed to provide patient care services, to report to the department whenever such a midwife has been judged to have demonstrated his/her incompetency or negligence in the practice of midwifery, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled midwife. These requirements do not supersede any federal or state law.

#### NEW SECTION

WAC 308-115-350 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

Chapter 308-130 WAC  
NATUROPATHS

## WAC

308-130-320	General provisions.
308-130-330	Mandatory reporting.
308-130-340	Health care institutions.
308-130-350	Naturopathic associations or societies.
308-130-360	Health care service contractors and disability insurance carriers.
308-130-370	Professional liability carriers.
308-130-380	Courts.
308-130-390	State and federal agencies.
308-130-400	Cooperation with investigation.

NEW SECTION

WAC 308-130-320 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Naturopath" means a person licensed pursuant to chapter 18.36A RCW.

(6) "Mentally or physically disabled naturopath" means a naturopath who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice naturopathy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

NEW SECTION

WAC 308-130-330 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the naturopath being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

NEW SECTION

WAC 308-130-340 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any naturopath's services are terminated or are restricted based on a determination that the naturopath has either committed an act or acts which may constitute unprofessional conduct or that the naturopath may be mentally or physically disabled.

NEW SECTION

WAC 308-130-350 NATUROPATHIC ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any naturopathic association or society within this state shall report to the department when an association or society determines that a naturopath has committed unprofessional conduct or that a naturopath may not be able to practice naturopathy with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 308-130-360 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a naturopath has engaged in fraud in billing for services.

NEW SECTION

WAC 308-130-370 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to naturopaths shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured naturopath's incompetency or negligence in the practice of naturopathy. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the naturopath's alleged incompetence or negligence in the practice of naturopathy.

NEW SECTION

WAC 308-130-380 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed naturopaths, other than minor traffic violations.

NEW SECTION

WAC 308-130-390 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a naturopath is employed to provide patient care services, to report to the department whenever such a naturopath has been judged to have demonstrated his/her incompetency or negligence in the practice of naturopathy, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled naturopath. These requirements do not supersede any federal or state law.

NEW SECTION

WAC 308-130-400 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide

if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### NEW SECTION

WAC 308-173-010 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9649  
Olympia, Washington 98504-8001

(5) "Nursing assistant" means a person certified pursuant to chapter 267, Laws of 1988.

(6) "Mentally or physically disabled nursing assistant" means a nursing assistant who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice nursing assistance with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

WAC 308-173-020 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the nursing assistant being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

(5) The administrator, executive officer, or responsible personnel of any nursing home shall report to the department of licensing when any nursing assistant under chapter 18.130 RCW is terminated or such person's services are restricted based on a determination that the nursing assistant has committed an act or acts which may constitute unprofessional conduct as defined in RCW 18.130.180 or that the nursing assistant may be mentally or physically impaired as defined in RCW 18.130.170.

(6) The administrator, executive officer, or responsible personnel of any nursing home shall report to the department of licensing when any person practices, or offers to practice as a nursing assistant in the state of Washington when the person is not registered in the state; or when a person uses any title, abbreviation, card, or device to indicate the person is registered when the person is not.

(7) The department of licensing requests the assistance of responsible personnel of any state or federal program operating in the state of Washington, under which a nursing assistant is employed, to report to the department whenever such a nursing assistant is not registered pursuant to this act or when such a nursing assistant has committed an act or acts which may constitute unprofessional conduct as defined in RCW 18.130.180 or may be mentally or physically impaired as defined in RCW 18.130.170.

#### NEW SECTION

WAC 308-173-070 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of nursing assistants, other than minor traffic violations.

#### NEW SECTION

WAC 308-173-080 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a nursing assistant is employed to provide patient care services, to report to the department whenever such a nursing assistant has been judged to have demonstrated his/her incompetency or negligence in the practice of nursing assistance, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled nursing assistant. These requirements do not supersede any state or federal law.

#### NEW SECTION

WAC 308-173-090 COOPERATION WITH INVESTIGATION. (1) A certificant or registrant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or registrant or their attorney, whichever is first. If the certificant or registrant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant or registrant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant or registrant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### Chapter 308-177 WAC DIETITIANS OR NUTRITIONISTS

##### WAC

308-177-010	General provisions.
308-177-020	Mandatory reporting.
308-177-030	Health care institutions.
308-177-040	Dietitian or nutritionist associations or societies.
308-177-050	Health care service contractors and disability insurance carriers.
308-177-060	Professional liability carriers.
308-177-070	Courts.
308-177-080	State and federal agencies.
308-177-090	Cooperation with investigation.

#### NEW SECTION

WAC 308-177-010 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9649  
Olympia, Washington 98504-8001

(5) "Dietitian or nutritionist" means a person certified pursuant to chapter 277, Laws of 1988.

(6) "Mentally or physically disabled dietitian or nutritionist" means a dietitian or nutritionist who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice dietetics or general nutrition services with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

WAC 308-177-020 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dietitian or nutritionist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

WAC 308-177-030 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any dietitian or nutritionist's services are terminated or are restricted based on a determination that the dietitian or nutritionist has either committed an act or acts which may constitute unprofessional conduct or that the dietitian or nutritionist may be mentally or physically disabled.

#### NEW SECTION

WAC 308-177-040 DIETITIAN OR NUTRITIONIST ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any dietitian or nutritionist association or society within this state shall report to the department when an association or society determines that a dietitian or nutritionist has committed unprofessional conduct or that a dietitian or nutritionist may not be able to practice dietetics or general nutrition services with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

WAC 308-177-050 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dietitian or nutritionist has engaged in fraud in billing for services.

#### NEW SECTION

WAC 308-177-060 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to dietitians or nutritionists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a

claim or action for damages alleged to have been caused by an insured dietitian or nutritionist's incompetency or negligence in the practice of dietetics or general nutrition services. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dietitian or nutritionist's alleged incompetence or negligence in the practice of dietetics or general nutrition services.

#### NEW SECTION

WAC 308-177-070 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of dietitians or nutritionists, other than minor traffic violations.

#### NEW SECTION

WAC 308-177-080 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dietitian or nutritionist is employed to provide patient care services, to report to the department whenever such a dietitian or nutritionist has been judged to have demonstrated his/her incompetency or negligence in the practice of dietetics or general nutrition services, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dietitian or nutritionist. These requirements do not supersede any federal or state law.

#### NEW SECTION

WAC 308-177-090 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### NEW SECTION

WAC 308-180-290 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Acupuncturist" means a person certified under chapter 18.06 RCW.

(6) "Mentally or physically disabled acupuncturist" means an acupuncturist who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice acupuncture with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

NEW SECTION

WAC 308-180-300 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the acupuncturist being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

NEW SECTION

WAC 308-180-310 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the department when any acupuncturist's services are terminated or are restricted based on a determination that the acupuncturist has either committed an act or acts which may constitute unprofessional conduct or that the acupuncturist may be mentally or physically disabled.

NEW SECTION

WAC 308-180-320 ACUPUNCTURE ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any acupuncture association or society within this state shall report to the department when an association or society determines that an acupuncturist has committed unprofessional conduct or that an acupuncturist may not be able to practice acupuncture with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 308-180-330 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that an acupuncturist has engaged in fraud in billing for services.

NEW SECTION

WAC 308-180-340 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to acupuncturists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured acupuncturist's incompetency or negligence in the practice of acupuncture. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the acupuncturist's alleged incompetence or negligence in the practice of acupuncture.

NEW SECTION

WAC 308-180-350 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed acupuncturists, other than minor traffic violations.

NEW SECTION

WAC 308-180-360 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which an acupuncturist is employed to provide patient care services, to report to the department whenever such an acupuncturist has been judged to have demonstrated his/her incompetency or negligence in the practice of acupuncture, or has otherwise committed unprofessional conduct. These requirements do not supersede any federal or state law.

NEW SECTION

WAC 308-180-370 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

Chapter 308-183 WAC  
RADIOLOGICAL TECHNOLOGISTS

WAC

308-183-010	General provisions.
308-183-020	Mandatory reporting.
308-183-030	Health care institutions.
308-183-040	Radiological technologist associations or societies.
308-183-050	Professional liability carriers.
308-183-060	Courts.
308-183-070	State and federal agencies.
308-183-080	Cooperation with investigation.

NEW SECTION

WAC 308-183-010 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Radiological technologist" means a person certified pursuant to chapter 18.84 RCW.

(6) "Mentally or physically disabled radiological technologist" means a radiological technologist who is mentally incompetent or

mentally ill as determined by a court, or who is unable to practice radiological technology with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

**NEW SECTION**

WAC 308-183-020 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, profession, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the radiological technologist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

**NEW SECTION**

WAC 308-183-030 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer or appropriate personnel of any hospital or nursing home shall report to the department when any radiological technologist's services are terminated or are restricted based on a determination that the radiological technologist has either committed an act or acts which may constitute unprofessional conduct or that the radiological technologist may be mentally or physically disabled.

**NEW SECTION**

WAC 308-183-040 RADIOLOGICAL TECHNOLOGIST ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any radiological technologist association or society within this state shall report to the department when an association or society determines that a radiological technologist has committed unprofessional conduct or that a radiological technologist may not be able to practice radiological technology with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

**NEW SECTION**

WAC 308-183-050 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to radiological technologists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured radiological technologist's incompetency or negligence in the practice of radiology technology. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the radiological technologist's alleged incompetence or negligence.

**NEW SECTION**

WAC 308-183-060 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified radiological technologists, other than minor traffic violations.

**NEW SECTION**

WAC 308-183-070 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a radiological technologist is employed to provide client care services, to report to the department whenever such a radiological technologist has been judged to have demonstrated his/her incompetency or negligence in the practice of radiological technology, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled radiological technologist. These requirements do not supersede any federal or state law.

**NEW SECTION**

WAC 308-183-080 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

Chapter 308-190 WAC  
COUNSELORS

WAC

- 308-190-060 General provisions.
- 308-190-070 Mandatory reporting.
- 308-190-080 Health care institutions.
- 308-190-090 Counselor associations or societies.
- 308-190-100 Health care service contractors and disability insurance carriers.
- 308-190-110 Professional liability carriers.
- 308-190-120 Courts.
- 308-190-130 State and federal agencies.
- 308-190-140 Cooperation with investigation.

**NEW SECTION**

WAC 308-190-060 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Counselor" means a person registered pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled counselor" means a counselor who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice counseling with reasonable skill and safety

to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

**WAC 308-190-070 MANDATORY REPORTING.** (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the registered counselors being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the report is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

**WAC 308-190-080 HEALTH CARE INSTITUTIONS.** The chief administrator or executive officer of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any registered counselor's services are terminated or are restricted based upon a determination that the registered counselor has committed an act which may constitute unprofessional conduct or that the registered counselor may be mentally or physically disabled.

#### NEW SECTION

**WAC 308-190-090 COUNSELOR ASSOCIATIONS OR SOCIETIES.** The president or chief executive officer of any counselor association or society within this state shall report to the department when an association or society determines that a registered counselor has committed unprofessional conduct or that a registered counselor may not be able to practice counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the registration holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

**WAC 308-190-100 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS.** The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a registered counselor has engaged in fraud in billing for services.

#### NEW SECTION

**WAC 308-190-110 PROFESSIONAL LIABILITY CARRIERS.** Every institution or organization providing professional liability insurance directly or indirectly to registered counselors shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured registered counselor's incompetency or negligence in the practice of counseling. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a

twelve-month period as a result of the counselor's alleged incompetence or negligence in the practice of counseling.

#### NEW SECTION

**WAC 308-190-120 COURTS.** The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of registered counselors, other than minor traffic violations.

#### NEW SECTION

**WAC 308-190-130 STATE AND FEDERAL AGENCIES.** The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a registered counselor is employed to provide client care services, to report to the department whenever such a registered counselor has been judged to have demonstrated his/her incompetency or negligence in the practice of counseling, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled counselor. These requirements do not supersede any federal or state law.

#### NEW SECTION

**WAC 308-190-140 COOPERATION WITH INVESTIGATION.** (1) A registrant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the registrant or their attorney, whichever is first. If the registrant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the registrant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the registrant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### NEW SECTION

**WAC 308-195-120 GENERAL PROVISIONS.** (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Respiratory care practitioner" means a person certified pursuant to chapter 18.89 RCW.

(6) "Mentally or physically disabled respiratory care practitioner" means a respiratory care practitioner who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice respiratory care with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

**WAC 308-195-130 MANDATORY REPORTING.** (1) All reports required by this chapter shall be submitted to the department as

soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the respiratory care practitioner being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

WAC 308-195-140 HEALTH CARE INSTITUTIONS. The chief administrator, executive officer, or responsible personnel of any hospital or nursing home shall report to the department when any respiratory care practitioner's services are terminated or are restricted based on a determination that the respiratory care practitioner has either committed an act or acts which may constitute unprofessional conduct or that the respiratory care practitioner may be mentally or physically disabled.

#### NEW SECTION

WAC 308-195-150 RESPIRATORY CARE PRACTITIONER ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any respiratory care practitioner association or society within this state shall report to the department when an association or society determines that a respiratory care practitioner has committed unprofessional conduct or that a respiratory care practitioner may not be able to practice respiratory care with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

WAC 308-195-160 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to respiratory care practitioners shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured respiratory care practitioner's incompetency or negligence in the practice of respiratory care. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the respiratory care practitioner's alleged incompetence or negligence.

#### NEW SECTION

WAC 308-195-170 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified respiratory care practitioners, other than minor traffic violations.

#### NEW SECTION

WAC 308-195-180 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a respiratory care practitioner is employed to provide patient care services, to report to the department whenever such a respiratory care

practitioner has been judged to have demonstrated his/her incompetency or negligence in the practice of respiratory care, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled respiratory care practitioner. These requirements do not supersede any state or federal law.

#### NEW SECTION

WAC 308-195-190 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### NEW SECTION

WAC 308-210-080 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Mental health counselor" means a person certified pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled mental health counselor" means a mental health counselor who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice mental health counseling with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

WAC 308-210-090 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone number of the certified mental health counselor being reported.

(c) The case number of any client/patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

**WAC 308-210-100 HEALTH CARE INSTITUTIONS.** The chief administrator or executive officer of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any certified mental health counselor's services are terminated or are restricted based upon a determination that the certified mental health counselor has committed an act which may constitute unprofessional conduct or that the certified mental health counselor may be mentally or physically disabled.

#### NEW SECTION

**WAC 308-210-110 MENTAL HEALTH COUNSELOR ASSOCIATIONS OR SOCIETIES.** The president or chief executive officer of any mental health counselor association or society within this state shall report to the department when an association or society determines that a certified mental health counselor has committed unprofessional conduct or that a certified mental health counselor may not be able to practice mental health counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

**WAC 308-210-120 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS.** The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a certified mental health counselor has engaged in fraud in billing for services.

#### NEW SECTION

**WAC 308-210-130 PROFESSIONAL LIABILITY CARRIERS.** Every institution or organization providing professional liability insurance directly or indirectly to certified mental health counselors shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured certified mental health counselor's incompetency or negligence in the practice of mental health counseling. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the mental health counselor's alleged incompetency or negligence in the practice of mental health counseling.

#### NEW SECTION

**WAC 308-210-140 COURTS.** The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified mental health counselors, other than minor traffic violations.

#### NEW SECTION

**WAC 308-210-150 STATE AND FEDERAL AGENCIES.** The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a certified mental health counselor is employed to provide patient/client care services, to report to the department whenever such a certified mental health counselor has been judged to have demonstrated his/her

incompetency or negligence in the practice of mental health counseling, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled certified mental health counselor. These requirements do not supersede any federal or state law.

#### NEW SECTION

**WAC 308-210-160 COOPERATION WITH INVESTIGATION.** (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### NEW SECTION

**WAC 308-220-090 GENERAL PROVISIONS.** (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Marriage and family therapist" means a person certified pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled marriage and family therapist" means a marriage and family therapist who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice marriage and family counseling with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

**WAC 308-220-100 MANDATORY REPORTING.** (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the certified marriage and family therapist being reported.

(c) The case number of any client/patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

WAC 308-220-110 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any certified marriage and family therapist's services are terminated or are restricted based upon a determination that the certified marriage and family therapist has committed an act which may constitute unprofessional conduct or that the certified marriage and family therapist may be mentally or physically disabled.

#### NEW SECTION

WAC 308-220-120 MARRIAGE AND FAMILY THERAPIST ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any marriage and family therapist association or society within this state shall report to the department when an association or society determines that a certified marriage and family therapist has committed unprofessional conduct or that a certified marriage and family therapist may not be able to practice marriage and family therapy with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the holder of the certificate appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

WAC 308-220-130 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a certified marriage and family therapist has engaged in fraud in billing for services.

#### NEW SECTION

WAC 308-220-140 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to certified marriage and family therapists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured certified marriage and family therapist's incompetency or negligence in the practice of marriage and family therapy. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the marriage and family therapist's alleged incompetency or negligence.

#### NEW SECTION

WAC 308-220-150 COURTS. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified marriage and family therapists, other than minor traffic violations.

#### NEW SECTION

WAC 308-220-160 STATE AND FEDERAL AGENCIES. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a certified marriage and family therapist is employed to provide client care services, to report to the department whenever such a certified marriage and family therapist has been judged to have demonstrated his/her incompetency or negligence in the practice of marriage and

family therapy, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled certified marriage and family therapist. These requirements do not supersede any federal or state law.

#### NEW SECTION

WAC 308-220-170 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee, certificant, or registrant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

#### NEW SECTION

WAC 308-230-060 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing  
Professional Programs Management Division  
P.O. Box 9012  
Olympia, Washington 98504-8001

(5) "Social worker" means a person licensed pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled social worker" means a social worker who is mentally incompetent or mentally ill as determined by a court, or who is unable to practice social work with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

#### NEW SECTION

WAC 308-230-070 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the certified social worker being reported.

(c) The case number of any patient/client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the

report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

#### NEW SECTION

**WAC 308-230-080 HEALTH CARE INSTITUTIONS.** The chief administrator or executive officer of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any certified social worker's services are terminated or are restricted based upon a determination that the certified social worker has committed an act which may constitute unprofessional conduct or that the social worker may be mentally or physically disabled.

#### NEW SECTION

**WAC 308-230-090 SOCIAL WORKER ASSOCIATIONS OR SOCIETIES.** The president or chief executive officer of any social worker association or society within this state shall report to the department when an association or society determines that a certified social worker has committed unprofessional conduct or that a certified social worker may not be able to practice social work with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

**WAC 308-230-100 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS.** The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a certified social worker has engaged in fraud in billing for services.

#### NEW SECTION

**WAC 308-230-110 PROFESSIONAL LIABILITY CARRIERS.** Every institution or organization providing professional liability insurance directly or indirectly to certified social workers shall send a complete report to the department of any malpractice settlement, award, or payment in excess of fifteen thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured certified social worker's incompetency or negligence in the practice of social work. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the social worker's alleged incompetence or negligence.

#### NEW SECTION

**WAC 308-230-120 COURTS.** The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified social workers, other than minor traffic violations.

#### NEW SECTION

**WAC 308-230-130 STATE AND FEDERAL AGENCIES.** The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a certified social worker is employed to provide client care services, to report to the department whenever such a certified social worker has been judged to have demonstrated his/her incompetency or negligence in the practice of social work, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled certified social worker. These requirements do not supersede any federal or state law.

#### NEW SECTION

**WAC 308-230-140 COOPERATION WITH INVESTIGATION.** (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

### **WSR 89-10-078**

#### **PROPOSED RULES**

### **HORSE RACING COMMISSION**

[Filed May 3, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning appeal to the commission, amending WAC 260-88-010;

that the agency will at 1:00 p.m., Tuesday, June 6, 1989, in the Hyatt Hotel, 17001 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

Dated: April 17, 1989

By: John Crowley

Executive Secretary

#### **STATEMENT OF PURPOSE**

In the matter of adopting an amendment to WAC 260-88-010 Appeal to the commission.

WAC 260-88-010 provides for appeals to the Horse Racing Commission. Subsection (4) allows for written appeals to the commission. The amendment will now allow written appeals only on advance approval by the commission.

This rule is being promulgated pursuant to RCW 67.16.020 and 67.16.040, the general rule-making authority of the Washington Horse Racing Commission.

This proposed action should be supported because it is designed to prevent abuse of the written appeal option

by appellants that do not intend to actively monitor their appeals.

John Crowley, executive secretary, and members of the Horse Racing Commission staff are responsible for the drafting, implementation and enforcement of the proposed rules within this proposed chapter.

The proponent of the enactment of this rule is the Washington Horse Racing Commission, Warren Chinn, chairperson.

The Washington Horse Racing Commission recommends adoption of this rule. This rule has been drafted in consultation and with the assistance of the attorney general and his assistant, William A. Garling, Jr.

The enactment of this rule is not necessary as the result of action by the legislature or by any act of federal or state courts.

This certifies that copies of the statement are on file with the Horse Racing Commission, are available for public inspection, and that three copies of the statement are this date being forwarded to the Secretary of the Senate and to the Chief Clerk of the House of Representatives.

Small Business Economic Impact Statement: The enactment of the amendment to WAC 260-88-010 is not anticipated to effect more than 20 percent of all industries, nor more than 10 percent of any one industry as defined by section 2(3), chapter 6, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

AMENDATORY SECTION (Amending Order 82-03, filed 4/9/82)

WAC 260-88-010 APPEAL TO THE COMMISSION. (1) Any person against whom a ruling is made by the stewards may appeal the ruling to the commission.

(2) Such an appeal must be made in writing at the office of the commission within five days of the date of the stewards' ruling.

(3) The appeal shall be signed by the person making it and must set forth the alleged errors in the stewards' ruling.

(4) Any person bringing an appeal will be heard in person or by counsel. A person bringing an appeal may submit his case entirely in writing; if approved in advance by the commission.

(5) All communications to the commission with respect to an appeal must be in writing, and all papers filed with the commission shall be the property of the commission.

(6) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.

**Table of WAC Sections Affected**

**KEY TO TABLE**

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Re-adoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

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16-232-440	NEW-E	89-08-006	55-01-030	AMD	89-06-001	132D-10-078	REP-P	89-07-069
16-232-445	NEW-E	89-05-004	55-01-050	AMD	89-06-001	132D-10-084	REP-P	89-07-069
16-232-445	REP-E	89-08-006	55-01-060	AMD	89-06-001	132D-10-087	REP-P	89-07-069
16-232-450	NEW-E	89-08-006	82-50-021	AMD	89-03-063	132D-10-096	REP-P	89-07-069
16-232-455	NEW-E	89-05-004	98-08-150	AMD-P	89-05-054	132D-10-120	REP-P	89-07-069
16-232-455	REP-E	89-08-006	98-08-150	AMD	89-08-043	132D-10-144	REP-P	89-07-069
16-232-460	NEW-E	89-08-006	98-11-010	AMD-P	89-05-054	132D-10-147	REP-P	89-07-069
16-232-465	NEW-E	89-05-004	98-11-010	AMD	89-08-043	132D-10-150	REP-P	89-07-069
16-232-465	REP-E	89-08-006	98-12-010	REP-P	89-05-054	132D-10-153	REP-P	89-07-069
16-232-470	NEW-E	89-08-006	98-12-010	REP	89-08-043	132D-10-165	REP-P	89-07-069
16-232-480	NEW-E	89-08-006	98-12-050	NEW-P	89-05-054	132D-10-168	REP-P	89-07-069
16-232-490	NEW-E	89-08-006	98-14-090	AMD-P	89-05-054	132D-10-171	REP-P	89-07-069
16-300-010	AMD-E	89-07-029	98-14-090	AMD	89-08-043	132D-10-175	REP-P	89-07-069
16-300-010	AMD-P	89-07-074	98-14-100	NEW-P	89-05-054	132D-10-177	REP-P	89-07-069
16-304-040	AMD-P	89-07-074	98-14-100	NEW	89-08-043	132D-10-180	REP-P	89-07-069
16-316-160	AMD-P	89-07-074	98-16-020	AMD-P	89-05-054	132D-10-183	REP-P	89-07-069
16-316-185	AMD-P	89-07-074	98-16-020	AMD	89-08-043	132D-10-186	REP-P	89-07-069
16-316-230	AMD-P	89-07-074	98-20-010	REP-P	89-05-054	132D-10-189	REP-P	89-07-069
16-316-270	AMD-P	89-07-074	98-20-010	REP	89-08-043	132D-10-192	REP-P	89-07-069
16-316-315	AMD-P	89-07-074	98-20-020	AMD-P	89-05-054	132D-10-195	REP-P	89-07-069
16-316-350	AMD-P	89-07-074	98-20-020	AMD	89-08-043	132D-10-198	REP-P	89-07-069
16-316-350	AMD-E	89-09-013	98-40-020	AMD-P	89-05-054	132D-10-201	REP-P	89-07-069
16-316-360	AMD-P	89-07-074	98-40-020	AMD	89-08-043	132D-10-204	REP-P	89-07-069
16-316-370	AMD-P	89-07-074	98-40-030	AMD-P	89-05-054	132D-10-207	REP-P	89-07-069
16-316-440	AMD-P	89-07-074	98-40-030	AMD	89-08-043	132D-10-210	REP-P	89-07-069
16-316-474	AMD-P	89-07-074	98-40-040	AMD-P	89-05-054	132D-10-212	REP-P	89-07-069
16-316-525	AMD-P	89-07-074	98-40-040	AMD	89-08-043	132D-10-215	REP-P	89-07-069
16-316-660	AMD-P	89-07-074	98-40-050	AMD-P	89-05-054	132D-10-228	REP-P	89-07-069
16-316-800	AMD-P	89-07-074	98-40-050	AMD	89-08-043	132D-10-231	REP-P	89-07-069
16-316-810	AMD-P	89-07-074	98-40-070	AMD-P	89-05-054	132D-10-261	REP-P	89-07-069
16-316-820	AMD-P	89-07-074	98-40-070	AMD	89-08-043	132D-10-264	REP-P	89-07-069
16-400-007	AMD-P	89-05-040	98-40-080	AMD-P	89-05-054	132D-10-267	REP-P	89-07-069
16-400-007	AMD	89-08-040	98-40-080	AMD	89-08-043	132D-10-270	REP-P	89-07-069
16-400-010	AMD-P	89-05-040	98-70-010	AMD-P	89-03-032	132D-10-273	REP-P	89-07-069
16-400-010	AMD	89-08-040	98-70-010	AMD-E	89-03-033	132D-10-276	REP-P	89-07-069
16-400-040	AMD-P	89-05-040	98-70-010	AMD	89-06-074	132D-10-279	REP-P	89-07-069
16-400-040	AMD	89-08-040	131-28	AMD-C	89-09-056	132D-10-281	REP-P	89-07-069
16-400-050	REP-P	89-05-040	131-28-015	AMD-P	89-06-054	132D-10-284	REP-P	89-07-069
16-400-050	REP	89-08-040	131-28-021	AMD-P	89-06-054	132D-10-287	REP-P	89-07-069
16-400-100	AMD-P	89-05-040	131-28-025	AMD-P	89-06-054	132D-10-290	REP-P	89-07-069
16-400-100	AMD	89-08-040	131-28-026	AMD-P	89-06-054	132D-10-293	REP-P	89-07-069

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132D-10-299	REP-P 89-07-069	132D-20-020	REP-P 89-05-012	132D-20-270	REP-P 89-07-070
132D-10-302	REP-P 89-07-069	132D-20-020	REP-W 89-05-046	132D-20-280	REP-P 89-05-012
132D-10-305	REP-P 89-07-069	132D-20-020	REP-P 89-07-070	132D-20-280	REP-W 89-05-046
132D-10-308	REP-P 89-07-069	132D-20-030	REP-P 89-05-012	132D-20-280	REP-P 89-07-070
132D-10-311	REP-P 89-07-069	132D-20-030	REP-W 89-05-046	132D-20-290	REP-P 89-05-012
132D-10-314	REP-P 89-07-069	132D-20-030	REP-P 89-07-070	132D-20-290	REP-W 89-05-046
132D-10-317	REP-P 89-07-069	132D-20-040	REP-P 89-05-012	132D-20-290	REP-P 89-07-070
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132D-10-332	REP-P 89-07-069	132D-20-050	REP-P 89-07-070	132D-104-030	NEW-P 89-07-061
132D-10-335	REP-P 89-07-069	132D-20-060	REP-P 89-05-012	132D-104-040	NEW-P 89-07-061
132D-10-338	REP-P 89-07-069	132D-20-060	REP-W 89-05-046	132D-122-010	NEW-P 89-05-006
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132D-10-347	REP-P 89-07-069	132D-20-070	REP-W 89-05-046	132D-122-020	NEW 89-09-039
132D-10-350	REP-P 89-07-069	132D-20-070	REP-P 89-07-070	132D-122-030	NEW-P 89-05-006
132D-10-353	REP-P 89-07-069	132D-20-080	REP-P 89-05-012	132D-122-030	NEW 89-09-039
132D-10-356	REP-P 89-07-069	132D-20-080	REP-W 89-05-046	132D-140-010	NEW 89-06-012
132D-10-359	REP-P 89-07-069	132D-20-080	REP-P 89-07-070	132D-140-020	NEW 89-06-012
132D-10-362	REP-P 89-07-069	132D-20-090	REP-P 89-05-012	132D-140-030	NEW 89-06-012
132D-10-365	REP-P 89-07-069	132D-20-090	REP-W 89-05-046	132D-140-040	NEW 89-06-012
132D-10-368	REP-P 89-07-069	132D-20-090	REP-P 89-07-070	132D-140-050	NEW 89-06-012
132D-10-371	REP-P 89-07-069	132D-20-100	REP-P 89-05-012	132D-140-060	NEW 89-06-012
132D-10-374	REP-P 89-07-069	132D-20-100	REP-W 89-05-046	132D-140-070	NEW 89-06-012
132D-10-377	REP-P 89-07-069	132D-20-100	REP-P 89-07-070	132D-140-080	NEW 89-06-012
132D-10-380	REP-P 89-07-069	132D-20-110	REP-P 89-05-012	132D-140-080	NEW-P 89-07-062
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132D-10-386	REP-P 89-07-069	132D-20-110	REP-P 89-07-070	132D-276-020	NEW-P 89-07-062
132D-10-389	REP-P 89-07-069	132D-20-120	REP-P 89-05-012	132D-276-030	NEW-P 89-07-062
132D-10-392	REP-P 89-07-069	132D-20-120	REP-W 89-05-046	132D-276-040	NEW-P 89-07-062
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132D-10-398	REP-P 89-07-069	132D-20-120	REP-P 89-05-012	132D-276-060	NEW-P 89-07-062
132D-10-401	REP-P 89-07-069	132D-20-130	REP-P 89-05-046	132D-276-070	NEW-P 89-07-062
132D-10-404	REP-P 89-07-069	132D-20-130	REP-W 89-05-046	132D-276-080	NEW-P 89-07-062
132D-10-407	REP-P 89-07-069	132D-20-130	REP-P 89-07-070	132D-276-090	NEW-P 89-07-062
132D-10-408	REP-P 89-07-069	132D-20-140	REP-P 89-05-012	132D-276-100	NEW-P 89-07-062
132D-10-410	REP-P 89-07-069	132D-20-140	REP-W 89-05-046	132D-276-110	NEW-P 89-07-062
132D-10-413	REP-P 89-07-069	132D-20-140	REP-P 89-07-070	132D-276-120	NEW-P 89-07-062
132D-10-416	REP-P 89-07-069	132D-20-150	REP-P 89-05-012	132D-276-130	NEW-P 89-07-062
132D-10-419	REP-P 89-07-069	132D-20-150	REP-W 89-05-046	132D-276-140	NEW-P 89-07-062
132D-10-422	REP-P 89-07-069	132D-20-150	REP-P 89-07-070	132D-280-010	NEW-P 89-07-063
132D-10-425	REP-P 89-07-069	132D-20-160	REP-P 89-05-012	132D-280-020	NEW-P 89-07-063
132D-10-428	REP-P 89-07-069	132D-20-160	REP-W 89-05-046	132D-280-025	NEW-P 89-07-063
132D-10-431	REP-P 89-07-069	132D-20-160	REP-P 89-07-070	132D-280-030	NEW-P 89-07-063
132D-10-434	REP-P 89-07-069	132D-20-170	REP-P 89-05-012	132D-280-035	NEW-P 89-07-063
132D-12-010	REP-P 89-05-012	132D-20-170	REP-W 89-05-046	132D-280-040	NEW-P 89-07-063
132D-12-010	REP-W 89-05-046	132D-20-170	REP-P 89-07-070	132D-300-010	NEW-P 89-07-058
132D-12-010	REP-P 89-05-047	132D-20-180	REP-P 89-05-012	132D-300-020	NEW-P 89-07-058
132D-12-010	REP 89-09-038	132D-20-180	REP-W 89-05-046	132D-300-030	NEW-P 89-07-058
132D-12-015	REP-P 89-05-012	132D-20-180	REP-P 89-07-070	132D-325-010	NEW-P 89-05-048
132D-12-015	REP-W 89-05-046	132D-20-190	REP-P 89-05-012	132D-325-010	NEW 89-09-042
132D-12-015	REP-P 89-05-047	132D-20-190	REP-W 89-05-046	132D-350-010	NEW-P 89-07-064
132D-12-015	REP 89-09-038	132D-20-190	REP-P 89-07-070	132D-350-020	NEW-P 89-07-064
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132D-12-020	REP-W 89-05-046	132D-20-200	REP-W 89-05-046	132D-350-040	NEW-P 89-07-064
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132D-12-020	REP 89-09-038	132D-20-210	REP-P 89-05-012	132F-120-090	AMD-P 89-08-069
132D-18-010	REP-P 89-07-062	132D-20-210	REP-W 89-05-046	132I-120-315	AMD-P 89-04-039
132D-18-020	REP-P 89-07-062	132D-20-210	REP-P 89-07-070	132I-120-315	AMD 89-08-016
132D-18-030	REP-P 89-07-062	132D-20-220	REP-P 89-05-012	132I-120-400	AMD-P 89-04-039
132D-18-040	REP-P 89-07-062	132D-20-220	REP-W 89-05-046	132I-120-400	AMD 89-08-016
132D-18-050	REP-P 89-07-062	132D-20-220	REP-P 89-07-070	132I-120-405	AMD-P 89-04-039
132D-18-060	REP-P 89-07-062	132D-20-230	REP-P 89-05-012	132I-120-405	AMD 89-08-016
132D-18-070	REP-P 89-07-062	132D-20-230	REP-W 89-05-046	132I-120-410	AMD-P 89-04-039
132D-18-080	REP-P 89-07-062	132D-20-230	REP-P 89-07-070	132I-120-410	AMD 89-08-016
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132D-18-100	REP-P 89-07-062	132D-20-240	REP-W 89-05-046	132I-120-425	AMD 89-08-016
132D-18-110	REP-P 89-07-062	132D-20-240	REP-P 89-07-070	132I-120-430	AMD-P 89-04-039
132D-18-120	REP-P 89-07-062	132D-20-250	REP-P 89-05-012	132I-120-430	AMD 89-08-016
132D-18-130	REP-P 89-07-062	132D-20-250	REP-W 89-05-046	132I-136-010	REP-P 89-08-015
132D-18-140	REP-P 89-07-062	132D-20-250	REP-P 89-07-070	132I-136-020	REP-P 89-08-015
132D-18-150	REP-P 89-07-062	132D-20-260	REP-P 89-05-012	132I-136-030	REP-P 89-08-015
132D-20-010	REP-P 89-05-012	132D-20-260	REP-W 89-05-046	132I-136-040	REP-P 89-08-015
132D-20-010	REP-W 89-05-046	132D-20-260	REP-P 89-07-070	132I-136-050	REP-P 89-08-015
		132D-20-270	REP-P 89-05-012	132I-136-060	REP-P 89-08-015

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132I-136-100	NEW-P	89-08-015	137-56-095	AMD-C	89-07-083	173-19-390	AMD	89-07-026
132I-136-110	NEW-P	89-08-015	137-56-100	AMD-P	89-02-058	173-19-390	AMD-P	89-08-114
132I-136-120	NEW-P	89-08-015	137-56-100	AMD-C	89-07-083	173-19-3910	AMD-P	89-08-115
132I-136-130	NEW-P	89-08-015	137-56-110	AMD-P	89-02-058	173-19-4501	AMD-P	89-08-113
132I-136-140	NEW-P	89-08-015	137-56-110	AMD-C	89-07-083	173-19-4507	AMD	89-03-010
132I-136-150	NEW-P	89-08-015	137-56-120	AMD-P	89-02-058	173-20-700	AMD-W	89-07-025
132I-136-160	NEW-P	89-08-015	137-56-120	AMD-C	89-07-083	173-50	NEW-C	89-07-032
132I-136-170	NEW-P	89-08-015	137-56-140	AMD-P	89-02-058	173-50-010	NEW-P	89-04-052
132N-276-070	AMD-P	89-04-035	137-56-140	AMD-C	89-07-083	173-50-010	NEW	89-10-001
132N-276-080	AMD-P	89-04-035	137-56-150	AMD-P	89-02-058	173-50-020	NEW-P	89-04-052
132N-276-110	AMD-P	89-04-035	137-56-150	AMD-C	89-07-083	173-50-020	NEW	89-10-001
132N-276-130	AMD-P	89-04-035	137-56-160	AMD-P	89-02-058	173-50-030	NEW-P	89-04-052
132N-276-150	AMD-P	89-04-035	137-56-160	AMD-C	89-07-083	173-50-030	NEW	89-10-001
132Q-04-035	AMD-C	89-04-018	137-56-170	AMD-P	89-02-058	173-50-040	NEW-P	89-04-052
132Q-04-035	AMD-C	89-06-023	137-56-170	AMD-C	89-07-083	173-50-040	NEW	89-10-001
132Q-04-035	AMD	89-07-068	137-56-180	AMD-P	89-02-058	173-50-050	NEW-P	89-04-052
132Y-300-001	NEW	89-04-008	137-56-180	AMD-C	89-07-083	173-50-050	NEW	89-10-001
132Y-300-002	NEW	89-04-008	137-56-190	AMD-P	89-02-058	173-50-060	NEW-P	89-04-052
132Y-300-003	NEW	89-04-008	137-56-190	AMD-C	89-07-083	173-50-060	NEW	89-10-001
132Y-300-004	NEW	89-04-008	137-56-200	AMD-P	89-02-058	173-50-070	NEW-P	89-04-052
132Y-310-010	NEW-P	89-08-023	137-56-200	AMD-C	89-07-083	173-50-070	NEW	89-10-001
132Y-310-020	NEW-P	89-08-023	137-56-210	AMD-P	89-02-058	173-50-080	NEW-P	89-04-052
132Y-310-030	NEW-P	89-08-023	137-56-210	AMD-C	89-07-083	173-50-080	NEW	89-10-001
132Y-310-040	NEW-P	89-08-023	137-56-220	AMD-P	89-02-058	173-50-090	NEW-P	89-04-052
132Y-320-010	NEW-P	89-08-022	137-56-220	AMD-C	89-07-083	173-50-090	NEW	89-10-001
132Y-320-020	NEW-P	89-08-022	137-56-230	AMD-P	89-02-058	173-50-100	NEW-P	89-04-052
132Y-320-030	NEW-P	89-08-022	137-56-230	AMD-C	89-07-083	173-50-100	NEW	89-10-001
132Y-320-040	NEW-P	89-08-022	137-56-240	AMD-P	89-02-058	173-50-110	NEW-P	89-04-052
132Y-320-050	NEW-P	89-08-022	137-56-240	AMD-C	89-07-083	173-50-110	NEW	89-10-001
132Y-320-060	NEW-P	89-08-022	137-56-250	AMD-P	89-02-058	173-50-120	NEW-P	89-04-052
132Y-320-070	NEW-P	89-08-022	137-56-250	AMD-C	89-07-083	173-50-120	NEW	89-10-001
132Y-320-080	NEW-P	89-08-022	137-70-040	AMD-P	89-07-075	173-50-130	NEW-P	89-04-052
132Y-320-090	NEW-P	89-08-022	139-05-200	AMD-P	89-07-049	173-50-130	NEW	89-10-001
132Y-320-100	NEW-P	89-08-022	139-05-200	AMD-E	89-07-050	173-50-140	NEW-P	89-04-052
132Y-320-110	NEW-P	89-08-022	139-05-230	AMD-P	89-07-048	173-50-140	NEW	89-10-001
132Y-320-120	NEW-P	89-08-022	143-06-990	REP	89-05-007	173-50-150	NEW-P	89-04-052
132Y-320-130	NEW-P	89-08-022	154-04-040	REP-P	89-07-090	173-50-150	NEW	89-10-001
132Y-320-990	NEW-P	89-08-022	154-04-060	REP-P	89-07-090	173-50-160	NEW-P	89-04-052
137-25-010	NEW-P	89-04-031	154-04-065	NEW-P	89-07-090	173-50-160	NEW	89-10-001
137-25-010	NEW-E	89-06-010	154-04-090	REP-P	89-07-090	173-50-170	NEW-P	89-04-052
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137-25-020	NEW-E	89-06-010	154-12-020	AMD-P	89-07-090	173-50-180	NEW-P	89-04-052
137-25-030	NEW-P	89-04-031	154-12-030	AMD-P	89-07-090	173-50-180	NEW	89-10-001
137-25-030	NEW-E	89-06-010	154-12-040	AMD-P	89-07-090	173-50-190	NEW-P	89-04-052
137-25-040	NEW-P	89-04-031	154-12-050	AMD-P	89-07-090	173-50-190	NEW	89-10-001
137-25-040	NEW-E	89-06-010	154-12-060	REP-P	89-07-090	173-50-200	NEW-P	89-04-052
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173-315-070	NEW-E	89-06-061	180-59-090	NEW	89-09-044	204-91-190	REP-P	89-10-029
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308-34-450	NEW	89-02-051	308-53-400	NEW	89-09-027	308-130-320	NEW-P	89-10-077
308-34-460	NEW	89-02-051	308-55-035	NEW-P	89-10-077	308-130-330	NEW-P	89-10-077
308-34-470	NEW	89-02-051	308-55-045	NEW-P	89-10-077	308-130-340	NEW-P	89-10-077
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308-37-190	AMD-P	89-02-064	308-55-065	NEW-P	89-10-077	308-130-360	NEW-P	89-10-077
308-37-190	AMD-C	89-05-020	308-55-075	NEW-P	89-10-077	308-130-370	NEW-P	89-10-077
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308-40-102	AMD	89-06-075	308-55-105	NEW-P	89-10-077	308-130-400	NEW-P	89-10-077
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308-40-106	NEW-E	89-10-074	308-56A-630	NEW-E	89-10-045	308-154-085	NEW	89-10-076
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308-42-010	AMD-C	89-10-073	308-56A-660	NEW-E	89-10-045	308-173-010	NEW-P	89-10-077
308-42-121	NEW-P	89-09-066	308-56A-670	NEW-E	89-10-045	308-173-020	NEW-P	89-10-077
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388-24-052	AMD-P	89-09-031	388-73-136	AMD	89-07-027	419-64-020	NEW	89-04-050
388-24-074	AMD-P	89-09-031	388-76-080	NEW	89-05-033	419-64-030	NEW	89-04-050
388-24-113	NEW-P	89-03-052	388-76-170	AMD	89-05-033	419-64-040	NEW	89-04-050
388-24-114	REP-P	89-09-031	388-77-005	AMD	89-03-053	419-64-050	NEW	89-04-050
388-24-190	REP-P	89-09-031	388-77-005	AMD-E	89-03-054	419-64-060	NEW	89-04-050
388-24-200	AMD-P	89-09-031	388-77-230	AMD-P	89-09-033	419-64-070	NEW	89-04-050
388-28-390	AMD-P	89-04-053	388-77-240	AMD-P	89-09-033	419-64-080	NEW	89-04-050
388-28-390	AMD	89-07-038	388-77-610	AMD	89-03-053	419-64-090	NEW	89-04-050
388-29-001	AMD-P	89-08-099	388-77-610	AMD-E	89-03-054	446-40-020	AMD-E	89-10-011
388-29-020	AMD-P	89-08-099	388-77-820	AMD	89-03-053	446-40-020	AMD	89-10-015
388-29-295	AMD-P	89-02-066	388-77-820	AMD-E	89-03-054	446-40-025	NEW-E	89-10-011
388-29-295	AMD-E	89-02-068	388-78-210	AMD-P	89-05-062	446-40-025	NEW	89-10-015
388-29-295	AMD	89-05-030	388-78-210	AMD	89-08-050	456-08-001	REP-P	89-06-062
388-33-376	AMD	89-03-051	388-81-043	AMD	89-05-029	456-08-001	REP	89-10-055
388-38-045	AMD	89-03-051	388-81-060	AMD	89-05-029	456-08-002	REP-P	89-06-062
388-38-172	AMD	89-03-051	388-82-140	NEW	89-05-029	456-08-002	REP	89-10-055
388-40-001	NEW-P	89-03-026	388-82-140	AMD-P	89-08-044	456-08-003	REP-P	89-06-062
388-40-001	NEW-E	89-03-027	388-82-140	AMD-E	89-08-053	456-08-003	REP-E	89-07-031
388-40-001	REP-E	89-06-034	388-83-012	AMD-P	89-10-047	456-08-003	REP	89-10-055
388-40-001	REP-E	89-06-051	388-83-012	AMD-E	89-10-048	456-08-004	REP-P	89-06-062
388-40-002	NEW-P	89-03-049	388-83-013	NEW-P	89-10-047	456-08-004	REP-E	89-07-031
388-40-002	NEW-E	89-03-050	388-83-013	NEW-E	89-10-048	456-08-004	REP	89-10-055
388-40-002	REP-E	89-06-034	388-83-014	NEW-P	89-10-047	456-08-005	REP-P	89-06-062
388-40-002	REP-E	89-06-051	388-83-014	NEW-E	89-10-048	456-08-005	REP	89-10-055
388-40-030	AMD-E	89-06-034	388-83-015	AMD-P	89-08-045	456-08-006	REP-P	89-06-062
388-40-030	AMD-P	89-06-048	388-83-015	AMD-E	89-08-048	456-08-006	REP	89-10-055
388-40-030	AMD-E	89-06-051	388-83-032	AMD-P	89-08-044	456-08-007	REP-P	89-06-062
388-40-050	AMD-E	89-06-034	388-83-032	AMD-E	89-08-053	456-08-007	REP	89-10-055
388-40-050	AMD-P	89-06-048	388-84-115	AMD-P	89-07-011	456-08-010	REP-P	89-06-062
388-40-050	AMD-E	89-06-051	388-84-115	AMD-E	89-07-030	456-08-010	REP	89-10-055
388-40-080	AMD-E	89-06-034	388-86-005	AMD-P	89-10-020	456-08-040	REP-P	89-06-062
388-40-080	AMD-P	89-06-048	388-86-005	AMD-E	89-10-024	456-08-040	REP	89-10-055
388-40-080	AMD-E	89-06-051	388-86-090	AMD	89-05-029	456-08-045	REP-P	89-06-062
388-40-090	AMD-E	89-06-034	388-86-100	AMD	89-08-052	456-08-045	REP	89-10-055
388-40-090	AMD-P	89-06-048	388-87-011	AMD-P	89-07-037	456-08-070	REP-P	89-06-062
388-40-090	AMD-E	89-06-051	388-87-011	AMD-E	89-07-039	456-08-070	REP	89-10-055
388-40-091	NEW-E	89-06-034	388-87-060	AMD-P	89-07-012	456-08-080	REP-P	89-06-062
388-40-091	NEW-P	89-06-048	388-87-060	AMD-E	89-07-013	456-08-080	REP	89-10-055
388-40-091	NEW-E	89-06-051	388-88-060	AMD-P	89-07-094	456-08-090	REP-P	89-06-062
388-40-100	AMD-E	89-06-034	388-88-095	AMD	89-06-050	456-08-090	REP	89-10-055
388-40-100	AMD-P	89-06-048	388-88-097	NEW	89-06-050	456-08-092	REP-P	89-06-062
388-40-100	AMD-E	89-06-051	388-88-098	NEW-P	89-07-094	456-08-092	REP	89-10-055
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388-49-020	AMD	89-07-001	388-96-210	AMD-P	89-08-046	456-08-160	REP	89-10-055
388-49-030	AMD-P	89-03-072	388-96-221	AMD-P	89-08-046	456-08-170	REP-P	89-06-062
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456-09-950	NEW	89-10-056	456-10-550	NEW	89-10-057	458-14-045	REP-P	89-07-087
456-09-955	NEW-P	89-06-063	456-10-555	NEW-P	89-06-064	458-14-050	REP-P	89-07-087
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456-10-330	NEW-P	89-06-064	456-12-040	NEW-P	89-06-065	458-18-220	AMD	89-10-067
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456-10-340	NEW	89-10-057	456-12-060	NEW	89-10-058	458-20-252	AMD-C	89-04-042
456-10-345	NEW-P	89-06-064	456-12-070	NEW-P	89-06-065	458-20-252	AMD-E	89-06-005
456-10-345	NEW	89-10-057	456-12-070	NEW	89-10-058	458-20-252	AMD-W	89-07-084
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456-10-410	NEW-P	89-06-064	456-12-100	NEW	89-10-058	458-30-261	NEW	89-05-008
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456-10-420	NEW-P	89-06-064	456-12-110	NEW	89-10-058	458-40-660	AMD-P	89-10-061
456-10-420	NEW	89-10-057	456-12-120	NEW-P	89-06-065	458-40-670	AMD-P	89-10-061
456-10-430	NEW-P	89-06-064	456-12-120	NEW	89-10-058	458-53-020	AMD-P	89-05-053
456-10-430	NEW	89-10-057	456-12-130	NEW-P	89-06-065	458-53-020	AMD	89-09-021
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456-10-510	NEW-P	89-06-064	458-14-009	NEW-P	89-07-087	458-53-100	AMD-P	89-05-053
456-10-510	NEW	89-10-057	458-14-010	REP-P	89-07-087	458-53-100	AMD	89-09-021
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456-10-525	NEW	89-10-057	458-14-020	REP-P	89-07-087	458-53-163	AMD	89-09-021
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460-46A-145	AMD-P	89-03-044	468-300-010	AMD-P	89-08-068	479-116-020	NEW-E	89-10-054
460-46A-145	AMD	89-07-042	468-300-020	AMD	89-04-014	479-116-030	NEW-P	89-10-053
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468-16-060	NEW-W	89-08-064	478-116-345	NEW-P	89-09-043	480-12-195	AMD	89-06-021
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