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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 81-15-37.

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DENNIS W. COOPER
Code Reviser

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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 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 MATTER

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 matter is new matter;
 - (ii) ~~deleted matter 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. 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 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 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.

1981

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ OR 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
81-01	Jan 7, 1981	Jan 27	Dec 24, 1980	Dec 10	Nov 26
81-02	Jan 21	Feb 10	Jan 7	Dec 24, 1980	Dec 10
81-03	Feb 4	Feb 24	Jan 21	Jan 7	Dec 24, 1980
81-04	Feb 18	Mar 10	Feb 4	Jan 21	Jan 7
81-05	Mar 4	Mar 24	Feb 18	Feb 4	Jan 21
81-06	Mar 18	Apr 7	Mar 4	Feb 18	Feb 4
81-07	Apr 1	Apr 21	Mar 18	Mar 4	Feb 18
81-08	Apr 15	May 5	Apr 1	Mar 18	Mar 4
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81-21	Nov 4	Nov 24	Oct 21	Oct 7	Sep 23
81-22	Nov 18	Dec 8	Nov 4	Oct 21	Oct 7
81-23	Dec 2	Dec 22	Nov 18	Nov 4	Oct 21
81-24	Dec 16	Jan 5, 1982	Dec 2	Nov 18	Nov 4

¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²"No proceeding shall 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(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediate preceding Register.

³OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

WSR 81-06-024
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1613—Filed February 25, 1981]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 81-01-108 filed with the code reviser on December 24, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 74.46.800 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of chapter 74.46 RCW.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED February 25, 1981.

By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth below when used in this chapter.

"Accrual method of accounting" – A method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

"Allowable costs" – See WAC 388-96-501.

"Ancillary care" – Those services required by the individual, comprehensive plan of care provided by qualified therapists.

"Appraisal" – The process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

"Arms-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the market place.

"Assets" – Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. They also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

"Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

"Beds" – Unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

"Beneficial owner" – Any person who:

(1) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(a) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(b) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(2) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(3) Subject to subsection (2) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(a) Through the exercise of any option, warrant, or right;

(b) Through the conversion of an ownership interest;

(c) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(d) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subdivisions (a), (b), or (c) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(4) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(a) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor,

nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (2) of this section; and

(b) The pledge agreement, prior to default, does not grant to the pledgee:

(i) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(ii) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

"Capitalization" - ((The process of recording and carrying forward into one or more future periods an expenditure the benefits or proceeds from which will then be enjoyed)) The recording of an expenditure as an asset.

"Capitalized lease" - A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

"Cash method of accounting" - A method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for them.

"Change of ownership" - A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(1) Events which change ownership include but are not limited to the following:

(a) The form of legal organization of the ((owner)) contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) Title to the nursing home enterprise is transferred by the ((operating entity)) contractor to another party;

(c) The nursing home enterprise is leased, or an existing lease is terminated;

(d) Where the ((owner)) contractor is a partnership, any event occurs which dissolves the partnership;

(e) Where the ((owner)) contractor is a corporation, it is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the ((owner)) contractor to manage the enterprise as the ((owner's)) contractor's agent, i.e., subject to the ((owner's)) contractor's general approval of daily operating decisions;

(b) If the ((owner)) contractor is a corporation, some or all of its stock is transferred.

"Charity allowances" - Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

"Contract" - A contract between the department and a contractor for the delivery of SNF, ICF and/or IMR services to medical care recipients.

"Contractor" - An entity which contracts with the department to deliver ((SNF, ICF and/or IMR)) care services to medical care recipients in a facility and which entity is responsible for operational decisions.

"Courtesy allowances" - Reductions in charges in the form of an allowance to physicians, clergy, and others,

for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

"CSO" - The local community services office of the department.

"Department" - The department of social and health services (DSHS) and its employees.

"Depreciation" - The systematic distribution of the cost or other base of ((a depreciable)) tangible assets, less salvage, over ((its)) the estimated useful life of the assets.

"Donated asset" - An asset which the contractor acquired without making any payment for it in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring it. An asset purchased using donated funds is not a donated asset.

"Entity" - An individual ((or legal organization)) partnership, corporation, or any other association of individuals capable of entering enforceable contracts ((e.g., corporation, partnership)).

"Equity capital" - Total fixed assets which are necessary, ordinary and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

"Exceptional care recipient" - A medical care recipient determined by the department to require exceptionally heavy care.

"Facility" - A nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

"Fair market value" - The price for which an asset would have been purchased on the date of acquisition in an arms-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

"Fiscal year" - The operating or business year of a contractor. All contractors report on the basis of a twelve month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

"Fixed asset" - A tangible asset with an historical cost in excess of one hundred fifty dollars and a useful life of more than one year.

"Generally accepted accounting principles" - Accounting principles ((currently)) approved by the ((American institute of certified public accountants)) financial accounting standards board (FASB).

"Goodwill" - The excess of the price paid for a business over the fair market value of all other identifiable, tangible and intangible assets acquired. Also, the excess of the price paid for an asset over its fair market value.

"Historical cost" - The actual cost incurred in acquiring and preparing an ((fixed)) asset for use((-Historical cost includes such planning costs as)), including feasibility studies, architects' fees, and engineering studies. ((It does not include "start-up costs" as defined in this section or construction interest (see WAC 388-96-543).))

"ICF" - When referring to a nursing home, an intermediate care facility. When referring to a level of care,

intermediate care. When referring to a patient, a patient requiring intermediate care.

"Imprest fund" – A fund which is regularly replenished in exactly the amount expended from it.

"IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, services for the mentally retarded or persons with related conditions. When referring to a recipient, a recipient requiring IMR services.

"Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

"Intermediate care facility" – A licensed facility certified to deliver intermediate care services to medical care recipients.

"Joint facility costs" – Any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

"Levels of care" – The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

"Medical care program" – Medical assistance provided under RCW 74.09.500 or authorized state medical care services.

"Medical care recipient" – ((A recipient of medical assistance under Title XIX of the Social Security Act or of state funded medical care services:)) An individual determined eligible by the department for the services provided in chapter 74.09 RCW.

"Multiservice facility" – A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

"Nonallowable costs" – ((Costs which do not meet every test of an allowable cost.)) Same as "unallowable costs."

"Nonrestricted funds" – Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

"Nursing home" – A home, place or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing, intermediate care and/or IMR services are delivered.

"Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

"Owner" – ((The individual or legal organization which is responsible for the daily operation of a nursing home. This party is legally responsible for operational decisions and liabilities)) A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

"Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

"Patient day" – A calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he

or she is assigned a bed and a patient medical record is opened.

"Per diem (per patient day) costs" – Total allowable costs for a fiscal period divided by total patient days for the same period.

"Prospective daily payment rate" – The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

"Qualified therapist" – Any of the following:

(1) An activities specialist who has specialized education, training, or experience as specified by the department.

(2) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

(3) A mental health professional as defined by chapter 71.05 RCW.

(4) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled.

(5) A social worker who is a graduate of a school of social work.

(6) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience.

(7) A physical therapist as defined by chapter 18.74 RCW.

(8) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

"Recipient" – A medical care recipient.

"Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

"Related organization" – An entity which, to a significant extent, is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if it has a five percent or greater ownership interest in the other, or if it has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

"Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; step-parent, step-child, step-brother, step-sister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece or cousin.

"Restricted fund" – A fund the use of the principal and/or income of which is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the ((owner)) contractor has complete control. These generally fall into three categories:

(1) Funds restricted by the donor to specific operating purposes;

(2) Funds restricted by the donor for additions to property, plant and equipment; and

(3) Endowment funds.

"Secretary" - The secretary of the department of social and health services (DSHS).

"Skilled nursing facility" - A licensed facility certified to deliver skilled nursing care services to medical care recipients.

"SNF" - When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

"Start-up costs" - The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. They do not include ((such costs as feasibility studies, engineering studies and architects' fees which are part of the historical cost of the facility)) expenditures for capital assets.

"Title XIX" - The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

"Unallowable costs" - Costs which do not meet every test of an allowable cost.

"Uniform chart of accounts" - A list of account titles identified by code numbers established by the department for contractors to use in reporting their costs.

"Vendor number" - A number assigned to each contractor delivering ((SNF, ICF and/or HMR)) care services to medical care recipients.

"Working capital" - Total current assets which are necessary, ordinary and related to patient care from the most recent cost report minus total current liabilities which are necessary, ordinary and related to patient care from the most recent cost report.

NEW SECTION

WAC 388-96-015 PHASE-IN OF OTHER DEFINITIONS. Notwithstanding anything stated in WAC 388-96-010, effective January 1, 1981, the following terms shall have the meanings set forth below when used in this chapter, for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently. Notwithstanding anything stated in WAC 388-96-010, effective July 1, 1982, the following terms shall have the meanings set forth below when used in this chapter, for all purposes.

"Arm's-length transaction" - A transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transaction shall not be considered arm's-length transactions. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction.

"Fair market value" - The replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

AMENDATORY SECTION (Amending Order 1461, filed 11/30/79)

WAC 388-96-222 SETTLEMENT. (1) Following completion of the field audit of an annual report, the department will compare the prospective rates paid to the contractor during the report period, weighted according to the number of patient days during which each rate was in effect, with the contractor's audited allowable costs for the period, taking into account all authorized shifting (WAC 388-96-223) and the upper rate limits set out in WAC 388-96-760.

(2) Within sixty days after completion of the field audit, the department will send a written audit report to the contractor. In this report, the department will:

(a) Explain the application of relevant contract provisions, regulations, auditing standards, rate formulas, and department policies to the contractor's report, in sufficient detail to permit the contractor to calculate with reasonable certainty its audited allowable costs and its settlement with the department;

(b) Advise the contractor of rules and regulations justifying a settlement determination resulting in reimbursement in any cost center at less than actual allowable costs, as reported by the contractor and verified by audit;

(c) Summarize all audit disallowances; and

(d) Request the contractor to refund money, if necessary, in accordance with the following principles:

(i) In the patient care and food cost areas, the contractor shall refund all portions of payments received for recipients in excess of allowable patient care and food costs, respectively, for those recipients;

(ii) In the administration and operations and property cost areas, after January 1, 1979, the contractor shall refund all portions of payments received for recipients in excess of administration and operations and property costs, respectively, for those recipients;

(iii) In the property cost area, the contractor shall refund amounts determined under WAC ((388-96-571(4) or) 388-96-573 and, for settlement periods prior to January 1, 1981, amounts determined under WAC 388-96-571(4).

(3) The contractor shall pay the refund, or shall commence repayment in accordance with a schedule determined by the department, within sixty days after receiving the audit report, unless the contractor contests settlement issues in good faith in accordance with the procedures set out in WAC 388-96-904. If the settlement determination is contested, the contractor shall pay or commence repayment in accordance with a schedule determined by the department within sixty days after such proceedings are concluded. The department will pay any amount due the contractor as the result of errors discovered at audit in billing or payment within thirty days after the audit report is received by the contractor or within thirty days after proceedings to contest the settlement are concluded.

(4) If the contractor does not refund the over-payment or any installment when due, the department may withhold payments from current billings until the over-payment is refunded. Payments will only be withheld

under this subsection up to the unrefunded amount of the overpayment.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-225 DATE SETTLEMENT BECOMES FINAL. (1) A settlement determination will become final thirty days after the date the settlement report is received by the contractor unless the contractor contests this determination in accordance with the procedures set out in WAC 388-96-904. In the event the settlement determination is contested, it will be final as of the date these proceedings are concluded.

(2) A settlement for a settlement period prior to January 1, 1981, will be reopened if necessary to make adjustments in accordance with WAC 388-96-571(4).

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-501 ALLOWABLE COSTS. Allowable costs are documented costs which are necessary, ordinary and related to the ~~((provision of SNF, ICF or IMR services to nursing home patients))~~ care of medical care recipients, and are not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if they are of the nature and magnitude which prudent and cost-conscious management would pay.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-503 SUBSTANCE PREVAILS OVER FORM. (1) In determining allowable costs, the substance of a transaction will prevail over its form. Accordingly, allowable costs will not include increased costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(2) Increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale and leaseback, successive sales or leases of a single facility or piece of equipment) will not be allowed.

(3) The payment for property usage is to be independent of ownership structure and financing arrangements. This subsection is effective January 1, 1981, for purposes of rate setting for rate periods beginning July 1, 1982, and subsequently. This subsection is effective July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-505 OFFSET OF MISCELLANEOUS REVENUES. (1) Allowable costs shall be reduced by the contractor whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for ~~((SNF, ICF or IMR))~~ care services; except that, unrestricted grants, gifts, and endowments, and interest

therefrom, will not be deducted from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

(3) Only allowable costs shall be recovered under this section. Costs allocable to activities or services which are not included in SNF, ICF or IMR services (e.g., costs of vending machines, patients' personal laundry, and services specified in chapter 388-86 WAC which are not included in SNF, ICF or IMR services) are nonallowable costs.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-507 COSTS OF MEETING STANDARDS. All necessary and ordinary expenses a contractor incurs in providing ~~((SNF, ICF and/or IMR))~~ care services meeting all applicable standards will be allowable costs. These expenses include necessary and ordinary costs of:

- (1) Meeting licensing and certification standards;
- (2) Meeting standards of providing regular room, (dietary and) nursing, ancillary, and dietary services, (minor medical and surgical supplies, and the use of equipment and facilities,)) in accordance with WAC 388-88-050 and 388-88-051;
- (3) Fulfilling accounting and reporting requirements imposed by ~~((the department))~~ this chapter and chapter 74.46 RCW; and
- (4) Performing any patient assessment activity required by the department.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-513 LIMIT ON COSTS TO RELATED ORGANIZATIONS. (1) Costs applicable to services, facilities and supplies furnished by organizations related to the contractor shall be allowable only to the extent they do not exceed the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere. The term "related organization" is defined in WAC 388-96-010.

(2) Documentation of costs to related organizations shall be made available to ~~((department))~~ the auditor((s)) at the time and place the financial records relating to the ~~((nursing home))~~ entity are audited. Payments to or for the benefit of the related organization will be disallowed where the cost to the related organization cannot be documented.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-523 ORGANIZATION COSTS. (1) Necessary and ordinary costs which are directly incident to the creation of a corporation or other form of

business of the contractor and that are incurred prior to the admission of the first patient, will be allowable if they are amortized over not less than sixty consecutive months beginning with the month in which the first patient is admitted for care.

(2) Allowable organization costs include but are not limited to legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation. They do not include costs relating to the issuance and sale of shares of capital stock or other securities.

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-525 EDUCATION AND TRAINING. (1) Necessary and ordinary expenses of ~~((employee orientation,))~~ on-the-job training~~((;))~~ and in-service training~~((, and continuing education will be allowable costs, if the training is necessary in order for employees to maintain relevant professional licenses, or is))~~ required for employee orientation and certification training directly related to the performance of duties assigned ~~((or reasonably in prospect))~~ will be allowable costs.

(2) Ordinary expenses of nursing assistant training conducted pursuant to chapter 18.54A RCW will be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training ~~((programs))~~ conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-529 TOTAL COMPENSATION—OWNERS, RELATIVES AND CERTAIN ADMINISTRATIVE PERSONNEL. (1) For purposes of the test~~((s))~~ in WAC 388-96-531 ~~((and 388-96-533)),~~ total compensation includes gross salary or wages, excluding payroll taxes paid by the contractor, plus fringe benefits (e.g., health insurance) made available to all employees.

(2) For purposes of the test in WAC 388-96-533:

(a) Subsection (1) of this section shall apply for settlement purposes for periods prior to January 1, 1981, and for rate-setting purposes for periods prior to July 1, 1982.

(b) For other periods, subsection (1) of this section shall be presumed to apply, absent contrary evidence of the terms of the contract between the contractor and the administrative personnel.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-531 OWNER OR RELATIVE—COMPENSATION. (1) Total compensation of an owner or relative of an owner shall be limited to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits set out in this chapter.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) The contractor ~~((shall maintain)),~~ in maintaining customary time records adequate for audit, shall include such records for owners and relatives who receive compensation.

(3) For purposes of this section, if the contractor with the department is a ~~((partnership or))~~ corporation, "owner" includes ~~((all general and limited partners, and))~~ all corporate officers~~((;))~~ and directors~~((, and beneficial interest holders of five percent or more of the corporation's outstanding stock)).~~

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section. Effective January 1, 1981, for settlement purposes for periods after that date and for rate-setting purposes for periods beginning July 1, 1982, and subsequently, such compensation shall be as defined in the contract between the contractor and such personnel, subject to the limits contained in this section.

~~((+))~~ (2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty hours per week, including reasonable vacation, holiday and sick time) will be allowable at the lower of (a) actual compensation received, or (b) the amount in the table in subsection (4) of this section corresponding to the number of ~~((set-up))~~ beds in the nursing home. Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after it begins.

~~((+))~~ (3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty ~~((set-up))~~ beds in the nursing home, at the lower of (a) actual compensation received, or (b) seventy-five percent of the appropriate amount in the table in subsection (4) of this section.

~~((+))~~ (4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of (a) actual compensation received, or (b) sixty percent of the appropriate amount in the table.

~~((+))~~ (5) TABLE

Maximum Allowable Total Compensation for Licensed Administrators—
Calendar Year ~~((1980))~~ 1981

BED SIZE

1 - ((49)) 79	(((\$25,775)) \$27,200
((50-99))	(((\$26,974))
((100-149)) 80 - 159	(((\$29,222)) \$30,100
((150)) 160 and up	(((\$31,000)) \$32,000

~~((5))~~ (6) A table to be promulgated by the department will apply for subsequent calendar years.

~~((6))~~ (7) If ~~((any of the above employees works fewer than forty hours as))~~ the licensed administrator, licensed assistant administrator, or registered administrator-in-training ~~((in the average))~~ regularly work fewer than forty hours per week, allowable compensation shall be the lower of (a) actual compensation received, or (b) the appropriate amount in the table multiplied by the percentage ~~((of))~~ derived from the division of the actual hours worked by forty hours ~~((worked in the relevant position in the average week))~~. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

~~((7))~~ (8) The contractor shall maintain customary time records for the licensed administrator, ~~((and for an))~~ assistant administrator, ~~((or))~~ and/or administrator-in-training ~~((, if any))~~.

AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-535 MANAGEMENT AGREEMENTS, MANAGEMENT FEES AND CENTRAL OFFICE SERVICES. (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the nursing home as agent of the contractor, a copy of the agreement must be received by the department at least ninety days before it is to become effective. A copy of any amendment to a management agreement must also be received by the department in advance of the date it is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of medical care recipients, the ninety-day notice requirement may be waived, in writing, by the department.

(2) Management fees will be allowed only if (a) a written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services and activities to be provided by the manager; and (b) documentation demonstrates that the services contracted for were actually delivered. ~~((3))~~ To be allowable, fees must be for necessary, non-duplicative services.

(3) Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to (a) the maximum allowable compensation under WAC 388-96-533 of the licensed administrator and, if the facility has at least eighty ~~((set-up))~~ beds, of an assistant administrator, less (b) actual compensation received by the licensed administrator and by the assistant administrator, if any. In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

(4) (a) Notwithstanding subsection (3) of this section, effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, this subsection shall apply.

(b) Effective July 1, 1982, this subsection shall apply instead of subsection (3) of this section for all purposes.

(c) Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to:

(i) The maximum allowable compensation under WAC 388-96-533 of the licensed administrator, and, if the facility has at least eighty beds, of an assistant administrator, less

(ii) Actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any.

In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

~~((4))~~ (5) A management fee paid to or for the benefit of a related organization will be allowable to the extent it does not exceed the lesser of (a) the limits set out in subsection (3) of this section, or (b) the lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with WAC 388-96-534.

~~((5))~~ (6) Central office joint facility costs for general management services, including the portion of a management expense which is not allocated to specific services, shall be subject to the management fee limits determined in subsections (3), ~~((and))~~ (4), and (5) of this section.

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.

NEW SECTION

WAC 388-96-537 TEMPORARY CONTRACT LABOR. (1) Costs for the purchased services of temporary contract labor shall be allowable only to the extent they do not exceed the average of the usual and customary rate for the wages and benefits of the facility's comparable permanent staff, as reimbursed pursuant to RCW 74.46.480 and 74.46.500.

(2) This section shall take effect January 1, 1981, only for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently.

(3) Beginning July 1, 1982, this section shall be effective for all purposes.

AMENDATORY SECTION (Amending Order 1300, filed 06/01/78)

WAC 388-96-539 ALLOWABLE INTEREST. (1) The contractor's necessary and ordinary interest for working capital and capital indebtedness will be allowable.

(a) To be necessary, interest must be incurred in connection with a loan which satisfies a financial need of the contractor and be for a purpose related to patient care.

Interest expense relating to business opportunity or goodwill will not be allowed.

(b) To be ordinary, interest must be at a rate which is not in excess of what a prudent borrower would have to pay at the time of the loan in an arms-length transaction in the money market.

(c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.

(2) Interest paid to or for the benefit of a related organization will be allowed only to the extent the actual interest does not exceed the cost to the related organization of obtaining the use of the funds.

(3) This section shall cease to be effective on January 1, 1981, for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently.

(4) This section shall cease to be effective on July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-541 OFFSET OF INTEREST INCOME. (1) In computing allowable costs, interest income from the investment or lending of nonrestricted funds shall be deducted from allowable interest expense.

(2) Interest income from the investment or lending of restricted funds shall not be deducted from allowable interest expense.

(3) This section shall cease to be effective on January 1, 1981, for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently.

(4) This section shall cease to be effective on July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-543 EXPENSE FOR CONSTRUCTION INTEREST. Interest expense and loan origination fees relating to construction of a nursing home incurred during the period of construction shall be capitalized and amortized over not less than sixty consecutive months from the date the first patient is admitted. For settlement purposes for periods subsequent to December 31, 1980, and for rate-setting purposes for periods beginning July 1, 1982, and subsequently, such expenses and fees shall be amortized over the life of the facility pursuant to WAC 388-96-565, but not in excess of the project certificate of need period pursuant to RCW 70.38.125. The period of construction shall extend from the date of the construction loan to the date the facility is put into service for patient care.

NEW SECTION

WAC 388-96-545 OPERATING LEASES OF EQUIPMENT. Rental or lease costs under arm's-length operating leases of office equipment shall be allowable to the extent the cost is necessary and ordinary.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-547 OPERATING LEASES OF FACILITIES AND EQUIPMENT—TRANSITION PERIOD. (1) Rental or lease costs under arms-length operating leases of facilities and/or equipment shall be allowable for settlement purposes only for periods prior to July 1, 1982, to the extent the cost is not in excess of arms-length rental or lease costs of comparable facilities or equipment.

(2) Effective July 1, 1982, such costs shall only be allowable as provided in WAC 388-96-545.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-553 CAPITALIZATION. The following costs shall be capitalized (~~and depreciated in computing allowable costs~~):

(1) Expenses for equipment with historical cost in excess of \$150 per unit and a useful life of more than one year from the date of purchase;

(2) Expenses for equipment with historical cost of \$150 or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded \$150; or

(b) The item was part of the initial stock of the nursing home.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the sum "\$500" replacing the sum "\$150."

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-557 DEPRECIABLE ASSETS. (1) Tangible assets of the following types in which a contractor has an economic interest through ownership are subject to depreciation:

(a) Building – the basic structure or shell and additions thereto.

(b) Building Fixed Equipment – attachments to buildings, such as wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(i) Affixed to the building and not subject to transfer; and

(ii) A fairly long life, but shorter than the life of the building to which affixed.

(c) Major Movable Equipment – such items as beds, wheelchairs, desks, and (~~vehicles~~) x-ray machines. The general characteristics of this equipment are:

(i) A relatively fixed location in the building;

(ii) Capable of being moved as distinguished from building equipment;

(iii) A unit cost sufficient to justify ledger control;

(iv) Sufficient size and identity to make control feasible by means of identification tags; and

(v) A minimum life of approximately three years. Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting

rates for periods beginning July 1, 1982, and subsequently, this equipment shall be characterized by a minimum life of greater than one year.

(d) Minor Equipment – such items as waste baskets, bed pans, syringes, catheters, silverware, mops, and buckets which are properly capitalized. No depreciation shall be taken on items which are not properly capitalized (see WAC 388-96-553). The general characteristics of minor equipment are:

(i) In general, no fixed location and subject to use by various departments;

(ii) ~~((Comparatively))~~ Small in size and unit cost;

(iii) Subject to inventory control;

(iv) ~~((Fairly))~~ Large number in use; and

(v) Generally, a useful life of one to three years.

(e) Land Improvements – such items as paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, walls, etc., where replacement is the responsibility of the contractor.

(f) Leasehold Improvements – betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

(2) Land is not depreciable. The cost of land includes the cost of such items as off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor.

(3) Assets of the kind defined in this section as subject to depreciation in which the contractor has an interest through leasing are subject to depreciation through June 30, 1982, only for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently. Beginning July 1, 1982, such assets are subject to depreciation for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-559 DEPRECIATION BASE. (1) The depreciation base shall be the historical cost of the contractor in acquiring the asset from an unrelated organization and preparing it for use, less goodwill and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and such portions of WAC 388-96-561, 388-96-563, 388-96-565, and 388-96-567 as are applicable to the period for which the depreciation expense is being claimed. If the department challenges the historical cost of an asset, it will have the fair market value of the asset at the time of purchase established by an MAI appraisal (for facilities). The fair market value of items of equipment will be established by appraisals performed by vendors of the particular type of equipment. The department may also have the fair market value established by the department of general administration, through an appraisal proceeding. When these appraisals are conducted, the depreciation base of the asset will not exceed

its fair market value. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

~~((2))~~ (4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under ~~((the program))~~ a contract with the department.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-561 DEPRECIATION BASE—DONATED OR INHERITED ASSETS. (1) The depreciation base of donated assets, as defined in WAC 388-96-010, or of assets received through testate or intestate distribution, shall be the lesser of (a) fair market value at the date of donation or death, less goodwill. Estimated salvage value shall be deducted from fair market value where the straight-line or sum-of-the-years digits method of depreciation is used; or (b) the depreciation base under the cost-related reimbursement program of the owner last ~~((participating in the program))~~ contracting with the department, if any.

(2) If the donation or distribution is between related organizations, the base shall be the lesser of (a) fair market value, less goodwill and, where appropriate, salvage value, or (b) the depreciation base the related ~~((party))~~ organization had or would have had for the asset under ~~((the program))~~ a contract with the department.

NEW SECTION

WAC 388-96-563 DEPRECIATION BASE OF ASSETS PREVIOUSLY USED IN MEDICAL CARE PROGRAM. (1) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(2) Subsection (1) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the

fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(3) This section shall be effective January 1, 1981, only for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(4) This section shall be effective July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-565 LIVES. (1) ~~((Except for buildings;))~~ The contractor shall use lives no shorter than guideline lives contained in the internal revenue service Class Life ADR System or published by the American Hospital Association in computing allowable depreciation. The shortest life which may be used for buildings is thirty years.

(2) Lives shall be measured from the date of the most recent arms-length acquisition of the asset.

(3)(a) This subsection shall apply in the place of subsection (2) of this section effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently.

(b) Lives shall be measured from the date of the most recent arms-length acquisition of the asset or from the date on which the asset was first used in the medical care program, whichever is more recent. In cases where WAC 388-96-563 does apply, the shortest life that may be used for buildings is the remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

~~((2))~~ (4) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

~~((3))~~ (5) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

~~((4))~~ (6) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-567 METHODS OF DEPRECIATION. (1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method ~~((or a recognized accelerated depreciation method (declining balance, double declining balance, or sum-of-the-years-digits)))~~, the sum of the years' digits method, or declining balance method not to exceed 150% of the straight-line rate. Contractors which have elected to take ~~((accelerated))~~

either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to patient care.

~~((3) In computing depreciation on assets acquired before the contractor entered the program, depreciation computed in accordance with this chapter for the period before entry shall be deducted from the depreciation base:))~~

~~((4))~~ (3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 388-96-559 or 388-96-563.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-569 RETIREMENT OF DEPRECIABLE ASSETS. (1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and ~~((there is a likelihood that it))~~ the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-571 HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS SETTLEMENT PERIODS PRIOR TO 1/1/81 AND RATE PERIODS PRIOR TO 7/1/82.

(1) For settlement purposes for periods prior to January 1, 1981, and for rate-setting purposes for periods prior to July 1, 1982, gains and losses on the retirement of depreciable assets either during the period of participation in the program or within twelve months following termination, shall be treated in accordance with this section.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset. For purposes of subsections (3) and (4) of this section, the total gain shall be reduced by one percent for each month of ownership of an asset with an expected useful life of one hundred months or longer. For an asset with an expected useful life of less than one hundred months, total gain shall be reduced by the portion thereof equal to the ratio of the actual life of the asset from its most recent arms-length acquisition up to the date of retirement to its expected useful life.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(4) If the retired asset is not replaced, or if the contractor is terminating its contract, the gain or loss shall be spread over the actual life of the asset up to the date of retirement, provided that a loss will only be so spread if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement for depreciation which would have been paid with the base adjusted to reflect the gain or loss, will be computed. Where the difference results from a gain, it shall be recovered by the department. Where the difference results from a loss, it will be added to allowable costs for purposes of determining settlement.

NEW SECTION

WAC 388-96-572 HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS—OTHER PERIODS. (1) This section shall apply in the place of WAC 388-96-571 effective January 1, 1981, for purposes of settlement for settlement periods subsequent to that date, and for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

AMENDATORY SECTION (Amending Order 1387, filed 4/4/79)

WAC 388-96-585 ((NONALLOWABLE)) UNALLOWABLE COSTS. (1) Costs will be ~~((nonallowable))~~ unallowable if they are not documented, necessary, ordinary, and related to the provision of ~~((SNF, ICF or IMR))~~ care services to ((nursing-home)) authorized patients.

(2) Nonallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the ~~((Title XIX))~~ medical care program ~~((, including costs of unnecessary care))~~. Costs of nonprogram items or services will be ~~((nonallowable))~~ unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF, ICF or IMR recipients which are covered by the department's medical care program but not included in SNF, ICF or IMR services respectively. Items and services covered by the medical care program are listed in chapter 388-86 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria or plans. If the department was

not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date they are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter or in chapter 74.46 RCW.

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere.

(j) Bad debts.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs or in IMR programs where clothing is a part of routine care.

(r) Fund-raising expenses, except those directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios and similar appliances in patients' private accommodations.

(u) Federal, state and other income taxes.

(v) Costs of special care services ~~((, such as private duty nurses;))~~ except where authorized by the department ~~((for exceptional care recipients)).~~

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) ~~((Costs of training programs for nonemployees other than volunteers))~~ Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives ~~((, except those allowable as compensation)).~~

(aa) All expenses of maintaining professional licenses or membership in professional organizations (~~(not related to operation of the facility)~~). For settlement purposes for periods prior to January 1, 1981, such expenses are unallowable only if not related to the operation of the facility.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) (~~Organization costs, start-up costs, and construction interest not amortized over at least sixty months after opening~~) Expense related to vehicles which are in excess of what a prudent contractor would expend to the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.

(ff) Legal and consultant fees in connection with a lawsuit against the department (~~(are nonallowable)~~).

~~((ff))~~ (gg) Lease acquisition costs (~~(costs associated with agreements not to compete)~~) and other intangibles not related to patient care.

(hh) All audit costs incurred pursuant to RCW 74.46.120(1).

NEW SECTION

WAC 388-96-587 PHASE-IN OF OTHER UNALLOWABLE COSTS. Effective January 1, 1981, the following costs will be unallowable only for purposes of rate setting for rate periods beginning July 1, 1982, and subsequently. Effective July 1, 1982, the following costs will be unallowable for all purposes:

(1) All interest costs other than those allowable under WAC 388-96-543.

(2) All rental and lease costs other than those allowable under WAC 388-96-545.

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-722 PATIENT CARE COST AREA RATE. (1) The patient care cost area reimbursement rate will be computed to cover the necessary and ordinary costs of providing routine nursing (~~(and ancillary)~~) services to recipients in accordance with WAC 388-88-050 and 388-88-051.

(2)(a) Beginning July 1, 1980, regression analysis will be used to determine the relationship between patient care staff hours per patient day and the functional status of medical recipients. Staff data from recent cost reports or certified quarterly reports provided by the contractor will be used as the dependent variable in the regression analysis. The independent variable will be the functional status of medical recipients in the facility as determined by the facility's mean Katz ADL score in the calendar year corresponding to the reporting year. The regression analysis will be used to calculate the predicted staffing in the following equation: $y = a + bx$ where y is the predicted staff hours for the reporting period; x is the mean

Katz score in the calendar year corresponding to the reporting period; a is the intercept of the regression equation; and b is the slope of the regression equation which measures the change in predicted staff level per unit of change in Katz score.

(b) For each facility, the base period patient care staff hours and base period Katz score will be determined. The base period patient care staff hours are the patient care staff hours reimbursed during the period October 1, 1979 through June 30, 1980. The base period Katz score is the Katz score used in determining patient care staff ceilings effective October 1, 1979.

(c) The department will identify facilities which have experienced a substantial change in Katz score between the base year and the reporting year. A Substantial change will be determined as follows:

(i) The difference between the Katz score in the reporting period and the base year will be computed for all facilities;

(ii) The standard deviation of the differences specified in (2)(c)(i) above will be determined;

(iii) For each facility, the difference determined in (2)(c)(i) above will be divided by the standard deviation of the differences determined in (2)(c)(ii) above. This ratio is defined as the standardized (~~(changed)~~) change in Katz score;

(iv) A substantial decrease in a facility's Katz score is defined to occur when the standardized change in Katz score specified in (2)(c)(iii) above is less (~~(the)~~) than -1.645;

(v) A substantial increase in a facility's Katz score is defined to occur when the standardized change in Katz score specified in (2)(c)(iii) above is greater than 2.326;

(vi) Facilities not meeting the definition of substantial change in (2)(c)(iv) above or (2)(c)(v) above will be defined as not having a substantial change in Katz score.

(d) Patient care standard hours will be determined as follows:

(i) If there has not been a substantial change in a facility's Katz score as defined in (2)(c) above, standard hours will be the lesser of reporting period patient care staff hours or base period patient care staff hours;

(ii) If there has been a substantial change in a facility's Katz score as defined in (2)(c) above, standard hours will be the lesser of reporting period patient care staff hours or base period patient care staff hours plus the factor b defined in (2)(a) above multiplied times the facility's Katz score in the base period minus the facility's Katz score in the reporting period as shown in the following relation: $b \times (\text{base period Katz score} - \text{reporting period Katz score})$.

(e) The wages for patient care personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160. For the period July 1, 1979 through December 31, 1979 hourly wages for categories of employees covered within this cost center will be averaged as follows:

Registered nurses \$6.60
 Licensed Practical Nurses \$5.30
 Nursing assistants \$3.69

For other employees, actual reported wages plus ((8)) annual inflation will be used. Subsequent increases in the amount set forth in this section shall not be set forth by rule change, but will be available for inspection and examination in the Bureau of Nursing Home Affairs. Rates received by the application of the formula set forth in this section which are not devoted to meeting the wages set forth above are not allowable costs.

(f) The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.

(g) ((Θπ)) An add-on to this rate will be calculated to recognize contractual patient care consultants and therapists based upon recent cost reports.

(3) In addition to its reimbursement rate, each contractor may be assigned a range of nursing service hours which represent the maximum and minimum number of hours the department will purchase. For purposes of this hour range for IMR facilities, nursing services include residential living services. The range will depend on the characteristics of the patients in each facility. From January 1, 1978 through December 31, 1978, it will be computed based on the ratio of the number of SNF, ICF and IMR patients of each level, respectively, to the total number of patients in the facility, assuming a range of 1-2 hours for ICF patients, 1.75-3 hours for SNF patients, 3.1-6.1 for IMR level A patients, 2.7-5.4 for IMR level B patients, 2.1-3.6 for IMR level C patients, and 1.2-2.4 for IMR level D patients. On and after January 1, 1979, this range will be derived using a uniform patient assessment performed by the department. When the certification of a contractor is changed to add or eliminate a level of care, the range will be adjusted using the ratio of patients in each level of care at the time the new certification becomes effective. When the department requires new standards or makes program changes which require more or less nursing service, the range will be adjusted as of the effective date of the new standard or program change.

WSR 81-06-043
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1603—Filed February 27, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical assistance, amending chapters 388-86, 388-87 and 388-91 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing 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 such emergency is:

WHEREAS legislation known as SHB 206 and SHB 245 (chapter 8, Laws of 1981) was recently enacted by the Legislature and signed into law by the Governor; and,

WHEREAS that legislation provided for a supplemental budget appropriation for the Department of Social and Health Services and made certain changes in the programs administered by that department; and

WHEREAS RCW 43.88.290 expressly forbids the department from over-expending or over-encumbering any appropriation made by law, or expending funds contrary to the terms, limits, or conditions of any appropriation made by law,

NOW, THEREFORE, I, David A. Hogan, Director, Client and Community Relations Division of the department and by virtue of the authority vested in and required by the secretary of the department by chapters 43.88 and 43.20A RCW, do hereby find that emergency adoption of these rules is necessary under RCW 34.04.030.

Such rules are therefore adopted as emergency rules to take effect on March 1, 1981.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED February 27, 1981.

By David A. Hogan
 Director, Client and
 Community Relations Division

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA), the department shall authorize early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: anesthetization services; blood; ((limited)) dental services to EPSDT recipients; drugs and pharmaceutical supplies; eyeglasses

and examination; hearing aids and examinations; oxygen; physical therapy services; special-duty nursing services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. See WAC 388-86-050(5).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) ~~((Orthodontic treatment is not provided except for EPSDT recipients. See WAC 388-86-020(7)))~~ The following medical services are not provided:

- (a) Adult dental services,
- (b) Chiropractic services, and
- (c) Podiatry.

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

(10) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, 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.

(11) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be acted upon within five working days of the receipt of the additional justifying information.

(12) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial

to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service.

(b) 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 of social and health services, and instructions on how to obtain such assessment.

(c) 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.

(d) The recipient may be represented at the hearing by legal counsel or other representative.

(e) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-027 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT OF ELIGIBLE INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE. (1) ((The)) To the extent provided under these rules, the department will make available to categorically needy individuals under twenty-one years of age ((who are recipients of medical assistance (MA))), early and periodic screening and diagnosis to ascertain their physical and/or mental defects((;)) and ((preventive health care and)) will authorize treatment to correct or ameliorate the defects and chronic conditions discovered thereby((; to the extent provided under these rules)). There will be freedom of choice in obtaining screening services from among participating providers. The following services are included in the program:

(a) Screening by providers of screening services ((that)) who have been authorized by the division of medical assistance to provide ((at least the following items in)) an unclothed physical examination including at least:

- (i) medical history
- (ii) assessment of physical growth and nutritional status
- (iii) developmental assessment (physical and mental)
- (iv) inspection for obvious defects
- (v) inspection of ears, nose, mouth, teeth and throat
- (vi) visual screening; auditory testing
- (vii) screening for cardiac abnormalities
- (viii) screening for anemia
- (ix) urine screening
- (x) blood pressure (children twelve years of age or older)
- (xi) assessment of immunization status and updating immunization

(xii) referral to a dentist for examination, diagnosis and treatment for children three years of age and over.

(b) When indicated by screening findings, providers of screening services will provide, or refer eligible children for more definitive diagnostic study and/or treatment.

(c) Treatment shall be limited to the same duration and scope of care available to other recipients of medical assistance, except regardless of any such limitations,

treatment for visual and hearing defects including eyeglasses and hearing aids, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health shall be provided, subject to such utilization controls as may be imposed by the department.

~~((f))~~ (d) See WAC 388-86-005~~((7))~~ and 388-86-020~~((3) and (7))~~ for limitations of the dental program~~((:))~~, ~~((See))~~ WAC 388-86-030 for eyeglasses and examinations and 388-86-040~~((4))~~ for management of hearing defects.

(2) The EPSDT requirement applies to all individuals under twenty-one years of age who are determined to be ~~((eligible for medical assistance (MA)))~~ categorically needy.

AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-86-035 FAMILY PLANNING. The department shall make known to clients the availability of family planning services. The department shall provide to eligible categorically needy recipients ~~((of medical assistance (MA)))~~ necessary physicians' services, clinic or hospital services, supplies and drugs needed in conjunction with family planning. See WAC 388-15-240~~((3))~~ for Title XX services for nonrecipients including minors.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-040 HEARING AIDS. (1) The department shall provide to categorically needy recipients ~~((who are eligible for federal assistance grants or FAMCO))~~:

(a) One new hearing aid under the following conditions:

(i) On prescription of an otolaryngologist, or the attending physician where no otolaryngologist is available in the community, within six months prior to receiving hearing aid dispenser services, and

(ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated, and

(iii) When covered by a one year warranty, and/or

(b) One-time repair of a state purchased or privately owned hearing aid when covered by a ninety day warranty.

(2) Prior approval is required for the purchase or trial period rental of hearing aids and for one-time repair of a state purchased or privately owned hearing aid.

(3) After expiration of warranties, the owner is responsible for repairs and for purchase of batteries, any attachments and replacements.

(4) Individuals under age twenty-one must be referred to the Crippled Children's Service Conservation of Hearing Program.

(5) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

(6) Hearings aids are not provided to recipients of continuing general assistance grants ~~((or medical only (M-O)))~~.

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 1542, filed 9/9/80)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations listed below, the recipient will have free choice of hospitalization.

(2) Hospitalization for services covered by the program requires approval by:

(a) The local medical consultant for:

(i) Prior approval of nonemergent surgery;

(ii) Admission and length of stay for recipients on the GAU ~~((and M-O))~~ program~~((s))~~;

(iii) Retroactive certification and out-of-state care, including hospitalization in ~~((border))~~ bordering cities, for categorically needy recipients ~~((on federal aid programs))~~;

(b) The Washington state professional standards review organization (WSPSRO) by certification, when previous agreement with the department and the PSRO exists, and when review is timely and concurrent with hospitalization, for:

(i) Medical illness and emergent surgery for recipients on federal programs;

(ii) Admission and length of stay for categorically needy recipients ~~((on federal programs))~~.

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (as defined in WAC 388-80-005 and 388-87-013~~((2))~~). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient of GA-U ~~((or M-O))~~ exceeds the maximum number of days specified in PAS, an extension request shall be presented with adequate justification by the attending physician to the chief, office of medical policy and procedure or his designee within sixty days of final service. The Washington state professional standards review organization (WSPSRO) will certify days of stay and/or services (i.e., approve as necessary, appropriate, and of acceptable quality) for categorically needy recipients ~~((of federally-related programs))~~.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment

Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty-one and for all categorically needy recipients age sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. See WAC 388-82-025.

(4) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. See WAC 388-82-025.

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

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 1402, filed 5/16/79)

WAC 388-86-067 MENTAL HEALTH CENTER SERVICES. (1) The department shall provide mental health or day health care services to a cash ((~~beneficiary~~)) assistance recipient under ((Title XVI,)) SSI, state supplement or AFDC and an eligible recipient of a state funded continuing ((state or federal aid grant or federal aid medical care only)) general assistance grant. The services provided through these agencies are not subject to the limitation on the number of visits under the provisions of WAC 388-86-095((+5)).

(2) Community mental health services provided shall be as specified in a contract between the department and the participating center.

(3) For the purposes of this section, community mental health center shall mean an agency or program which meets the following criteria:

(a) Is included as a part of the approved county mental health plan, or is approved by the department to hold a subcontract from the area agency on aging to provide day health care.

(b) Receives state grant-in-aid funds as authorized by the Community Mental Health Services Act, chapter 71.24 RCW, and as described in WAC 275-25-030, or receives money through a contractual agreement with the area agency on aging for the provision of day health care.

(c) Provides treatment by, or under the direction of, a licensed doctor of medicine who has sufficient knowledge of the caseload and clinical program to be assured that the quality of the service is satisfactory.

(4) An agency or program must be either:

(a) An outpatient clinic, with its own governing body, administration and staff, or

(b) A county-administered outpatient clinic, or

(c) A separate identifiable outpatient clinic of a general hospital or psychiatric inpatient facility, or

(d) An outpatient clinic with a residential component within its administrative structure, or

(e) A separate identifiable outpatient clinical program of an agency which has other service functions.

(5) Agencies which have functions in addition to outpatient care (see items (4)(c), (d) and (e)) shall adhere to the following criteria:

(a) Specific staff are delineated to provide outpatient clinical services exclusively,

(b) Outpatient clinical records are separated from other service records of the agency,

(c) The center's accounting and bookkeeping procedures are such that:

(i) If the center has an existing contract, a review or audit finds that these procedures assure adequate fiscal accountability. Audits will be conducted by either the department or the office of the state auditor.

(ii) If an agency is applying for a contract, the application will be accompanied by a statement from a licensed or certified public accountant reflecting the accountant's unqualified opinion of the adequacy, accuracy and accountability of the agency's records.

(6) The final decision regarding a mental health center's participation in this program shall be made by the department.

(7) Mental health service records-content:

An adequate clinical record shall be maintained for each eligible client receiving outpatient mental health services in a mental health center. The clinical records at a minimum shall contain the following:

(a) History

(b) Diagnostic/evaluative statements

(c) Treatment plan

(d) Treatment notes

(e) Periodic treatment review

(f) Documentation of case conferences

(g) Clinical summaries on termination of service

(8) Subcontracts:

An agency which has a contract under this section shall

not enter into subcontracts for any work agreed upon under the contract without obtaining prior written approval of the department from the office of medical assistance.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-075 OUTPATIENT AND EMERGENCY CARE. ~~((+))~~ No authorization is required for categorically needy recipients ~~((of federal assistance grants or federal aid medical care only))~~ to receive outpatient service, acute and emergent outpatient surgical care and other emergency care performed on an outpatient basis in a hospital. Justification for the service must be presented for payment.

~~((2) Local medical consultant approval is required for all services provided to recipients of medical only and continuing general assistance.))~~

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-085 PATIENT TRANSPORTATION. (1) The department will assure the availability of necessary transportation for recipients to and from medical care providers.

(2) Ambulance or cabulance transportation shall be provided when medical necessity is clearly demonstrated or the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(3) Transportation by taxi will be provided only when approved by the local medical consultant.

(4) Transportation by private automobile other than owned by recipient is payable at rates established by the department.

(5) ~~((The recipient of medical only must have satisfied the deductible of one thousand dollars before transportation is provided for medical reasons))~~ Air transportation may be provided when medical necessity requires this mode of transportation.

(a) Intrastate services must have prior approval of the medical consultant.

(b) Interstate services must have approval of the medical director, office of medical policy and procedure.

(c) Prior approval is required for nonemergent air transportation when:

(i) Need for medical treatment is justified.

(ii) A closer location is not available.

(d) Method of reimbursement for air transportation and ancillary services will be published as necessary by the division of medical assistance.

(6) Providers of ambulance, cabulance and private automobile transportation must show medical necessity justification on the billing document.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-86-115 MEDICAL CARE PROVIDED OUT-OF-STATE. (1) The department shall authorize and provide comparable medical care services to a recipient of medical assistance (MA) who is temporarily outside the state to the same extent that such medical

care services are furnished to an eligible recipient in the state, subject to the exceptions and limitations in this section.

(2) Border situations mentioned in WAC 388-82-030(4) are not considered "out-of-state" and are excluded from these provisions. However, a recipient who visits another state, other than specified border locations, specifically for the purpose of obtaining medical care is not eligible for such care at the expense of the state of Washington.

(3) A recipient who moves to another state for the purpose of establishing residence in that state is not eligible for medical care after eligibility has been terminated by the department.

(a) When determining the effective date of change in the eligibility of a categorically needy recipient ~~((of a federal aid grant))~~, see WAC 388-33-365 for appropriate guidelines. Medical care coverage terminates the same date as termination of the grant.

(b) ((The date of termination of eligibility for medical care for a recipient of FAMCO is the date the change is reported on the appropriate certification form to the state office or the end of the month during the month in which notification is made, whichever is earlier)) State funded medical care is not provided out-of-state. Medical services in designated bordering cities may be authorized.

(4) The medical consultant shall review all cases involving out-of-state medical care to determine whether the services are within the scope of the medical assistance program.

~~((5) Dental care out-of-state is limited to treatment of acute and emergent conditions only. However, a dentist in another state licensed to practice in Washington, may render services to persons residing in Washington to the same extent as if practicing in Washington. (See WAC 388-86-020).))~~

~~((6) For limitations on eligibility for nursing home care out-of-state, see WAC 388-82-030(2).))~~

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-005 PAYMENT-ELIGIBLE PROVIDERS DEFINED~~((=GROUNDS FOR TERMINATING PARTICIPATION))~~. (1) Eligible providers are:

(a) Persons currently licensed by the state of Washington to practice medicine, ~~((chiropractic,))~~ osteopathy, dentistry~~((;))~~ or optometry~~((; or podiatry))~~,

(b) Persons currently licensed by the state of Washington as professional or practical nurses, or as physical therapists,

(c) A hospital currently licensed by the department,

(d) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility,

(e) A licensed pharmacy,

(f) A home health services agency certified by the department,

(g) An independent (outside) laboratory qualified to participate under Title XVIII or determined currently to meet the requirements for such participation,

(h) A company or individual (not excluded in subsection (3)) supplying items such as ambulance service, oxygen, eyeglasses, other appliances, or approved services,

(i) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the EPSDT program,

(j) A certified center for the detoxification of acute alcoholic conditions,

(k) An outpatient clinical community mental health center, drug treatment center or Indian health service clinic,

(l) A medicare certified rural health clinic,

(m) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations,

(n) An out-of-state provider of services (a) through (g) with comparable qualifications in state of residence or location of practice.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners will not be furnished to applicants or recipients:

Chiropractors

Podiatrists

Sanipractors

Naturopaths

Homopathists

Herbalists

Masseurs or manipulators

Christian Science practitioners or theological healers

Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-010 CONDITIONS OF PAYMENT—GENERAL. (1) The department shall be responsible for payment of service rendered to a recipient only when the services are within the scope of care, properly authorized and the recipient certified as eligible.

(2) The fees and rates established by the department shall constitute the full charge for approved medical care and services provided to recipients by the providers.

(3) When a provider of service furnishes services to a known eligible recipient and does not bill the department for services for which the department is responsible for payment, or fails to satisfy department conditions of payment such as prior approval and timely billing, the recipient is under no obligation to pay the provider.

(4) Payment for any service furnished to a recipient by a provider may not be made to or through a factor who advances money to that provider for accounts receivable.

(5) The department will not be responsible for payment for medical care and goods and/or services provided to a recipient enrolled in a department-contracted, prepaid medical plan who fails to use the provider under contract unless emergency conditions exist or the department has approved payment to another provider for provision of a service not covered by the prepaid plan.

(6) The department will not be responsible for payment of that portion of medical care or services reimbursable within a reasonable time by a third party resource available to the recipient such as health insurance coverage, casualty insurance or when medical needs result from accident or injury caused by another party. See ~~((WAC 388-83-010(t)))~~ chapter 388-83 WAC.

(7) Payment for care on the federally aided medical programs will be retroactive for three months prior to the month of application provided the applicant would have been eligible when the care was received. The applicant to a federally aided program need not be eligible for medical assistance at the time of actual application. ~~((Sec WAC 388-84-005(2)(b)). Payment for care on the fully state funded medical program may be retroactive for seven days prior to the date of application according to WAC 388-86-120(2)(h). Participation in the cost of medical care must be applied as outlined in WAC 388-83-045(6), and the service must be within the scope of care provided by the program.))~~ Medical services that require approval under the appropriate medical program must be approved by the ~~((ESSO))~~ CSO medical consultant for the retroactive period. ~~((Sec WAC 388-86-095(6)(a)).))~~

(8) A claim by a provider for payment for services rendered to a person who subsequently is determined to be ineligible at the time service was rendered may be paid under the following conditions only:

(a) The ineligible person must have been certified as both financially and medically eligible,

(b) Payment has not been made from sources outside the department.

(c) A request for such payment must be submitted and approved by the division of medical assistance.

(9) The department reimbursement level will not exceed the maximum rates established by Medicare. Payment for medically necessary services shall be made on the basis of usual and customary charges or the rates established by the department, whichever is lower.

(10) Payment for well baby care is not authorized except as provided under the EPSDT program. See WAC 388-86-027.

AMENDATORY SECTION (Amending Order 1112, filed 4/15/76)

WAC 388-87-011 CONDITIONS OF PAYMENT—MEDICARE DEDUCTIBLE AND COINSURANCE—WHEN PAID BY DEPARTMENT. The department shall be responsible for the deductible and coinsurance amounts for recipients participating in the benefits of Parts A and B of Medicare (Title XVIII of the Social Security Act) when the following conditions are met:

(1) Total combined reimbursement to the provider from Medicare and the department does not exceed the department's fee schedule, see WAC 388-87-010~~((t))~~.

(2) Services provided are within the scope of the medical program~~((;))~~.

(3) ~~((Recipients of federal aid medical care only (FAMCO) participate in the cost of care from available excess resources, see WAC 388-83-045(7), and~~

~~(4))~~ The provider accepts assignment for Medicare payment.

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-87-012 CONDITIONS OF PAYMENT—CONSULTANTS AND SPECIALISTS SERVICES AND FEES. (1) When services of a consultant or specialist are required, whether the patient has been referred by a physician or is being treated by the specialist as the attending physician, the approval of the medical consultant is not necessary. This rule applies to consultation or treatment in the home, office, or medical institution. ~~((See WAC 388-86-095(4)).)~~

(2) A copy of the consultation report must accompany the claim for consultant fees. If the report is not submitted with the billing, the fee for an initial office or hospital call will be paid dependent upon where consultation was given.

(3) When a specialist treats a patient for minor conditions or for chronic conditions of long duration, the standard fee for initial and subsequent office calls is allowed.

(4) Consultant's fees shall not be paid when the consulting physician specialist or other provider subsequently performs surgery or renders treatment for which flat fees are applicable, see WAC 388-86-095~~((4))~~.

(5) If more than one specialist is called in to examine a patient during a spell of illness, billings are subject to review and approval by the chief of the office of medical assistance. (See WAC 388-87-025~~((k))~~).

(6) Payment will be made for a psychological evaluation only when a physician has obtained the necessary approval to refer an eligible patient, whom he is treating, for such evaluation. Treatment by a psychologist is not provided. (See WAC 388-87-025(2)(n)).

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-013 CONDITIONS OF PAYMENT—HOSPITAL CARE. (1) A hospital must request approval of admission for nonemergent conditions from the local medical consultant before payment is made for services provided to recipients of the state funded program~~((s))~~.

(2) The department will not be responsible for payment for additional days of hospitalization in the case of a hospitalized recipient when the PAS limitations have been exceeded and the provider has not requested an extension within termination of service or an extension request has been denied unless prior contractual arrangements are made by the department for a specified length of stay. Payment for the additional days spent in the hospital would then depend upon any private agreement or contract between the provider and the patient.

(3) A beneficiary of Title XVIII Medicare who is not in a state institution shall use his nonrenewable lifetime hospitalization reserve of sixty days before payment for hospitalization will be made from Title XIX funds.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) ~~((All services rendered recipients of continuing general assistance and medical only require approval of the local medical consultant. When a medical emergency is alleged but not apparent, the otherwise eligible applicant for medical only may be referred to a participating physician for diagnosis and medical treatment if indicated. Such applicant may not be authorized this one office call unless one thousand dollars in unpaid medical bills have been accrued prior to application. Subsequent to such denial a medical only applicant has twelve months to incur one thousand dollars in medical costs. For this one office call only, the signature on the authorization form may be by a CSO designee whose signature is on file in the office of provider services.))~~

~~((2))~~ Services to recipients of medical assistance and continuing general assistance ~~((requiring))~~ require certain approvals ~~((are))~~.

~~((a))~~ (2) All surgical procedures require approval by the local medical consultant - see WAC 388-86-095~~((6))~~ and 388-86-110. ~~((The requesting physician shall submit form 525-100 to the CSO.))~~ Only the surgeon need obtain written approval for surgery. The services of the surgical assistant and the anesthesiologist or anesthetist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a cross reference to the surgeon. ~~((For approval of nonemergent surgery see WAC 388-87-027.))~~

~~((b))~~ (3) Requests for medical appliances and prosthetic devices must have prior approval ~~((with the following exceptions:))~~ according to WAC 388-86-100.

~~((i))~~ External braces involving neck, trunk and/or extremities.

~~((ii))~~ Other nonreusable items costing less than \$150 if provision of the item will expedite a recipient's release from a hospital.

~~((c))~~ All requests for reusable medical equipment and requests for surgical appliances provided, other than as described in subdivision (b), must be submitted on form 525-101 for the medical consultant's approval. If approval is received and the material to be supplied is to be billed by another provider of service it is necessary for the physician to transmit the approved form 525-101 to the provider for billing purposes - see WAC 388-86-100~~((c))~~.

~~((d))~~ (4) Requests for allergy testing shall be submitted on appropriate state form for prior approval by the local medical consultant. The extent of service to be provided shall be indicated. In the event an independent laboratory bills for the allergy testings, the requesting physician shall send the approved state form to the laboratory as the billing authority.

~~((e))~~ (5) Drugs not listed in the department's formulary or any single prescription exceeding the maximum limit established - see WAC 388-91-020.

~~((f))~~ (6) Admission to a hospital - see WAC 388-87-070 and 388-86-050~~((2))~~.

~~((g))~~ (7) Initial provision of oxygen service for a recipient under sixty-five years of age in his own home. Repeat deliveries of oxygen for the same illness do not require medical consultant approval - see 388-86-080~~((t))~~ and 388-87-080.

~~((h))~~ (8) Approval of physical therapy on an outpatient basis or in a nursing home when prescribed by the attending physician - see WAC 388-86-090.

~~((i))~~ (9) For certain bordering ~~((situations))~~ cities and out-of-state medical care - see WAC 388-82-030~~((4) and (5);)~~ and 388-86-115.

~~((j)) All major appliances - see WAC 388-86-100.)~~

~~((k))~~ (10) For consultant or specialist referral when such referrals exceed two such consultants or specialists - see WAC 388-86-095~~((4))~~.

~~((l))~~ (11) Respiratory therapy in excess of five treatments requires approval.

~~((m))~~ (12) Speech therapy requires an initial evaluation; both the evaluation and subsequent therapy require prior approval - see WAC 388-86-098.

~~((n))~~ (13) Psychological evaluation provided in connection with medical diagnosis and treatment (see WAC 388-87-012~~((6))~~).

~~((o)) Requests for audiometric evaluation require prior approval. See WAC 388-86-012.)~~

~~((p))~~ (14) Requests for taxi transportation.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL BY STATE OFFICE. (1) The following services requiring approval of the local medical consultant shall also receive prior approval of the chief of the office of medical policy and procedure:

(a) Nonemergent surgical procedures - see WAC 388-86-095~~((5))~~;

(b) Prosthetic devices and major appliances - see WAC 388-86-100;

(i) Purchase of reusable medical appliances and aids to mobility costing more than five hundred dollars,

(ii) Purchase of nonreusable surgical appliances or prosthetic devices costing more than five hundred dollars except those described in WAC 388-87-025~~((2)(b))~~.

(2) With the exception of prosthetic devices and major appliances, subsection (1) does not apply to CSOs or regions which have full time medical consultants who are authorized to give approval.

(3) The medical director or designee may approve the purchase of a hearing aid for less than 50 decibel loss if social information justifies the need.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-030 RESPONSIBILITY OF PHYSICIAN-PATIENT ADMITTED TO HOSPITAL. ~~((t))~~ Admission to a hospital shall be requested by the attending physician. The signature of the attending physician on the department's hospital invoice is not required; however, the hospital must enter the diagnosis, justification for admission and the physician's name and

provider number in the appropriate section of the invoice.

~~((2) The completed hospital invoice shall be forwarded to the CSO for review and appropriate action by the medical consultant.)~~

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-87-070 PAYMENT-HOSPITAL CARE. ~~((t))~~ The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020. Except for nonallowable revenue codes, reimbursable cost will be determined according to Medicare cost reimbursement methods. Recipients of Medicaid funded hospital services must have been approved as financially and medically eligible for hospitalization. They are:

~~((a))~~ (1) Recipients of federal aid grants, including essential persons,

~~((b))~~ (2) Children in foster care for whom the department is making payment, who are eligible for medical assistance,

~~((c))~~ (3) Recipients of continuing general assistance~~(;)~~;

~~((d)) Recipients of federal aid medical care only,~~

~~(e) Recipients of medical only who cannot be categorically related and who have satisfied the one thousand dollars deductible as specified by WAC 388-83-045(2)(e).~~

~~(2) Payment shall be based on the satisfaction of the criteria for the minimum deductible of one thousand dollars for recipients of medical only.)~~

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-87-077 PAYMENT-MENTAL HEALTH CENTER SERVICES. ~~((t))~~ Payment for approved mental health center services to eligible recipients as defined in WAC 388-86-067 shall be on the basis of a contract between the department and participating mental health center. Medical consultant approval for these services is not required.

~~((2) No payment shall be allowed for a recipient of medical only. See also WAC 388-86-120.)~~

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-105 PAYMENT-MEDICAL CARE OUTSIDE STATE OF WASHINGTON. (1) Medical care furnished in designated ~~((border))~~ bordering ~~((states))~~ cities mentioned in WAC 388-82-030~~((4))~~ is not considered to be out-of-state care. Payment is made to the provider of service as for care provided within the state of Washington. Provider licensure requirements, however, would be those of the state in which care is rendered.

(2) Payment is authorized for out-of-state medical care furnished only to categorically needy recipients ~~((of medical assistance (MA)))~~.

(3) The three month retroactive coverage applies to out-of-state care given to eligible applicants. ~~((See WAC 388-84-005(2)(b)))~~

(4) When out-of-state service is provided (excluding state office approved care in a skilled nursing home) in a state with a Title XIX medical care program, payment shall be authorized at the rate paid by the medical care program of the state in which the service is rendered. If provided in a state without a Title XIX program, payment shall be authorized at the rate charged, but not to exceed the rate paid for the service under Title XVIII medicare.

(5) Out-of-state providers shall be furnished with necessary billing forms and instructions ~~((except dentists whose billings shall be submitted to the Washington Dental Service))~~.

(6) If the deductible or coinsurance portions of medicare are claimed, it will be necessary for the provider to submit his billing to the intermediary or carrier in his own state on the appropriate medicare billing form. If the state of Washington is checked as being responsible for medical billing on the form, the intermediary or carrier may bill on behalf of the provider or may return the billing to the provider for submitting to the state.

(7) Approved care in out-of-state skilled nursing home will be paid either at the rates for care charged in that state for recipients of public assistance, or in an amount not to exceed the rate for skilled nursing home care in the state of Washington, whichever is the lesser amount. Exceptions to the rule in this subsection may be granted only by the director of the bureau of nursing home affairs.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-91-010 DRUGS-PERSONS ELIGIBLE. (1) A drug formulary will list all drug preparations which are provided without prior approval of medical consultant. It will include a description of program limitations, rules and program policy and penalties. The decision to place drugs in the division of medical assistance program drug formulary is based on these criteria:

(a) The drug must be established as a part of necessary and essential care for the condition for which it is to be used.

(b) The drug must be in general use by the physicians practicing in Washington.

(c) The drug must be of moderate cost. Generic forms will be used when listed under DSHS or federal maximum allowable cost (MAC) programs. When two preparations of equal effectiveness but disparate costs are presented, the less expensive one will be selected for the formulary.

(d) Drugs must not be classified "ineffective" or "possibly effective" by the food and drug administration.

(e) The drug must not be experimental.

(2) The following process is used to determine the acceptability of a drug preparation for possible listing in the formulary:

(a) Objective, scientific information and utilization data is reviewed for appropriateness according to the

criteria in subsection (1) of this section, by the program medical staff, or,

(b) The secretary may appoint an advisory committee in accordance with RCW 43.20A.360 to review and advise the division of medical assistance on the acceptability of the drug preparation.

(c) The medical director or his designee may make appropriate changes in the formulary ~~((consistence))~~ consistent with subsection (1) of this section, and may accept recommendations of the advisory committee providing that action is in compliance with regulations governing the program and with acceptable management policies.

(d) Acceptable drugs will be included in the next subsequent edition of the formulary.

(3) In accordance with the department's rules and regulations drugs are provided for:

(a) The necessary and essential medical care of recipients of federal assistance grant ~~((or federal aid medical care only (FAMCO)))~~.

(b) ~~((The treatment of acute and emergent conditions of recipients of medical only who cannot be categorically related. These persons are identified by the notation "MEDICAL SERVICES LIMITED" on their medical identification coupons. Recipients of continuing general assistance will have the notation "GAU-major medical-A/E" on their coupons. All drugs provided to such recipients require the approval of the local office medical consultant))~~ Recipients of state-funded medical care are furnished maintenance medications as listed by therapeutic classifications in the current division of medical assistance drug formulary. These persons are identified by the notation "GAU" on their medical identification coupons.

~~((c) Certain necessary drugs such as cardiac control agents, insulin and oral antidiabetic agents, anticonvulsant agents, urinary anti-infective agents, broncho-dilator agents and antineoplastics may be provided to recipients of continuing general assistance and medical only. All such drugs provided require approval of the local office medical consultant.))~~

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-91-016 DRUGS-LIMITATIONS TO PAYMENT. (1) The department does not provide:

(a) Nonformulary drugs which can be purchased without a prescription such as: Nose drops, cotton, alcohol, vitamins, simple laxatives, advertised antacids such as but not limited to Tums, Roloids, etc.;

(b) Any drug regularly supplied as an integral part of program activity by other public agencies such as the U.S. veterans' administration, U.S. department of health ~~((education and welfare))~~ and human services - division of Indian health, local health department, etc.;

(c) Drugs, biologicals, supplies, appliances, and equipment furnished by an extended care facility under Title XVIII of the Social Security Act;

(d) Drugs ordered for a hospitalized patient. These are to be furnished by the hospital;

(e) Drugs to individuals who have elected to be enrolled in a special group medical coverage contract

which includes the provision of drugs as a part of the contract.

(f) Drugs listed in the federal register as "ineffective" or "possibly effective." Payment will not be made for such prescriptions under any circumstances.

(2) The department furnishes psychotherapeutic drugs and agents used for treating drug-induced Parkinsonism which are prescribed for eligible former patients of Washington state institutions for the mentally ill and retarded. The attending physician shall mail the prescription, form 6-02, directly to the institution from which the patient has been discharged (~~(-form 13-32 to schools for the retarded or form 6-02 to mental hospitals)~~). The medication is then mailed by the facility pharmacy to the patient. Payment is not made to pharmacist providers in this situation. Coupon confirming eligibility should be attached.

(3) Prescribed nonformulary drugs will be allowed for unusual conditions only when approved by the local medical consultant.

(4) The physician who provides a drug (oral or by ~~((the department))~~ injection) incidental to an office call may include a fee established by the division on the basis of the acquisition cost of the drug in addition to his office call fee. In the event the cost of the drug given the patient exceeds this fee, the physician may include on his invoice for his professional services to the patient the actual cost of the drug indicating name of manufacturer and strength of dosage. ~~((Payment to the physician for the cost of drugs will be limited to:~~

- ~~(a) Penicillin and other antibiotics~~
- ~~(b) Estrogens and androgens~~
- ~~(c) Cortisone and derivatives~~
- ~~(d) Treatment of aplastic and pernicious anemia~~
- ~~(e) Antineoplastic preparations~~
- ~~(f) Preparations used in the treatment of hypochromic anemias after malabsorption has been clinically demonstrated.)~~

(5) Payment shall not be made for a prescription ordered for an individual recipient and used to replace drugs drawn from the doctor's stock for the treatment of such recipient. Payment shall not be allowed for experimental or controversial medications and those unrelated to the above.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-91-035 DRUGS—PHARMACISTS AGREEMENT. (1) Vendor service agreement, form DSHS 6-48 must be filed with department of social and health services, Olympia, Washington 98504. Forms may be obtained from the department's office of provider services LG 11, Olympia, WA 98504.

(2) To participate in this program, a licensed pharmacy must agree to furnish goods and services in accordance with the department's rules, regulations and payment procedures. Fees and rates established by the department according to WAC 388-91-020(3) shall constitute the full and complete charge for approved medical care and goods and services provided to recipients by the vendor or providers.

(3) All pharmacists and pharmacies agreeing to render goods and services to eligible persons shall submit such charges as agreed upon between the department and the individual or firm monthly and shall present their final charges not more than one hundred twenty days after the termination of their service or as otherwise provided by state law. Bills presented after the required one hundred twenty-day period shall be a charge against the state only when a written extension has been given by the ~~((health services))~~ division of medical assistance before the one hundred twenty-day period ends.

WSR 81-06-046
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1615—Filed February 27, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of chapters 388-24, 388-29, 388-37, 388-42, 388-52 and 388-57 WAC, Public assistance; New chapter 388-40 WAC Alcoholism detoxification program; and the repeal of chapter 388-35 WAC, Noncontinuing general assistance.

I, David A. Hogan, find that an emergency exists and that the foregoing 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 such emergency is:

WHEREAS legislation known as SHB 206 and SHB 245 (chapter 8, Laws of 1981) was recently enacted by the Legislature and signed into law by the Governor; and,

WHEREAS that legislation provided for a supplemental budget appropriation for the Department of Social and Services and made certain changes in the programs administered by that department; and

WHEREAS RCW 43.88.290 expressly forbids the department from over-expending or over-encumbering any appropriation made by law, or expending funds contrary to the terms, limits, or conditions of any appropriation made by law,

NOW, THEREFORE, I, David A. Hogan, Director, Client and Community Relations Division of the department and by virtue of the authority vested in and required of the secretary of the department by chapters 43.88 and 43.20A RCW, do hereby find that emergency adoption of these rules is necessary under RCW 34.04.030.

Such rules are therefore adopted as emergency rules to take effect on March 1, 1981.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED February 27, 1981.

By David A. Hogan
Director, Client and
Community Relations Division

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child((f:)):

- (1) Who is under the age of eighteen years;
 - (a) AFDC may be granted on behalf of an unborn child. Medical confirmation of pregnancy is required;
 - (b) AFDC shall be continued through the month in which the child reaches the maximum age;
- (2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC 388-26-050 through 388-26-105;
- (3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent – see WAC 388-24-055 through ((388-24-075)) 388-24-070; ((If unemployment of a parent or stepparent is the basis of deprivation, all provisions in WAC 388-24-135 apply.))
- (4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);
- (5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125;
- (b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;
- (6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;
- (7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;
- (8) Who is in financial need – see chapters 388-28 and 388-33 WAC;
- (9) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children;

(10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

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 1444, filed 10/23/79)

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. ((AFDC-R/E)) AFDC is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of persons residing together as follows:

- (1) A single assistance unit shall be established for:
 - (a) The eligible child(ren); and
 - (i) The eligible natural or adoptive parent(s) or stepparent(s) with whom the child(ren) lives; or
 - (ii) In lieu of a parent, one needy relative caretaker of specified degree with whom the child lives and whose eligibility depends solely on caring for the child(ren)((:));
 - (b) Only the eligible child(ren) when:
 - (i) The child(ren)'s parent(s) is not eligible;
 - (ii) The child(ren) lives with a nonneedy relative of specified degree who is not legally responsible for the support of the child(ren);
 - (iii) The child(ren) lives with a needy nonresponsible relative of specified degree who receives SSI;
 - (iv) The child(ren) is a recipient of AFDC-FC;
 - (c) Only the eligible parent(s), or needy caretaker relative of specified degree, when the only child, or all the children, has been deleted from the grant because of receiving income from SSI;
 - (d) Only the eligible parent(s) when the only child is unborn.
- (2) Two assistance units are necessary when:
 - (a) The responsible relative must temporarily reside apart from his or her family to secure training in accordance with an approved plan. Refer to WAC 388-24-125;
 - (i) One assistance unit is maintained for the family members in the home;
 - (ii) A separate assistance unit is established for the relative in training;
 - (b) The child lives with a nonresponsible relative of specified degree who is a member of another assistance unit.
- (3) Two or more assistance units are necessary when two or more persons not married to each other, each has his/her own child(ren) and there is no child in common; a separate assistance unit is established for each parent and his/her eligible child(ren);
- (4) When a relative of specified degree is eligible to receive assistance for two or more children for whom he/she is not legally responsible;
 - (a) One assistance unit is established for each group of children who are siblings;
 - (b) A separate assistance unit(s) is established for each of the other nonsibling children.

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 1191, filed 2/18/77)

WAC 388-24-065 AID TO FAMILIES WITH DEPENDENT CHILDREN(=REGULAR)— DEPRIVATION DUE TO INCAPACITY. (1) A child is considered to be deprived of parental support and care by reason of parental incapacity when he/she lives with two natural or adoptive parents or one natural or adoptive parent and one stepparent and one or both parents are substantially incapacitated.

(2) "Incapacity" refers to the existence of a physiological, emotional and/or mental impairment, defect, illness, or loss.

(a) "Substantially incapacitated" shall mean that the person can be expected to work at gainful employment for no more than one-half the time customarily required of fully employable persons; or that the person cannot perform necessary homemaking activities and/or provide adequate care for the children without help from other individuals.

(b) An exception to the rule in subdivision (2)(a) may be made when a person with limited skill and abilities is working more than half time in a special workshop or special work arrangement for handicapped individuals and the work is not fully competitive. Incapacity may continue to exist if the person is incapable of work in competitive work arrangements with full wages.

(c) Incapacity can be of a permanent or temporary nature, but must be expected to last for a period of at least 30 days from the date of application.

(3) A claim of incapacity shall be substantiated by competent medical testimony.

(a) A physiological incapacity will be documented by a report from a physician or chiropractor.

(b) A mental or emotional incapacity will be documented by a report from a psychiatrist, a clinical psychologist, or a mental health clinic when the report is signed by the clinic director.

(c) All medical testimony shall be in writing and must include a diagnosis and prognosis for the incapacity and a description of the effect of the condition on the individual's ability to function.

(4) Mental or emotional incapacity shall be determined on the basis of distinct impairments which substantially reduce a parent's ability to engage in activities necessary to carry on full-time specified responsibilities, such as employment, home management and/or adequate care of children. Evidence of any one or a combination of the following conditions may be sufficient to establish incapacity:

(a) Inability to exercise judgment, make decisions, sustain an adequate attention span, follow directions or learn to the degree necessary to sustain full-time employment, homemaking activities or care of the children.

(b) Bizarre or inappropriate behavior beyond his/her capability to control.

(c) Significant loss of physical and motor control.

(d) Inadequate perception and memory.

(e) Use of medication which impairs functioning.

(5) Incapacity due to alcoholism or drug addiction shall be determined by medical evidence that:

(a) Pathological or organic damage has resulted from chronic alcohol and/or drug abuse, or

(b) The use of alcohol or drugs has substantially reduced the parent's ability to engage in full-time employment or homemaking activities.

(6) Individuals who are determined to be incapacitated due to alcoholism or drug abuse shall be required to accept referral to a community alcoholism or drug treatment program for evaluation and recommendation for treatment. (See subsection 12)

(7) The medical testimony shall be supported by an objective appraisal of all factors relevant to the individual's situation.

(a) Consideration shall be given to the individual's age, emotional health, aptitudes, adjustment to and acceptance of the incapacity, family circumstances, employment history, education and the extent to which the individual is able to carry out specified responsibilities such as employment or homemaking. Social or educational deficiencies do not of themselves establish incapacity but may have a bearing on an individual's ability to overcome an incapacity.

(b) If an individual has an obvious incapacity for which medical evidence verifies inability to engage in gainful employment such an appraisal is not required.

(8) Deprivation due to incapacity shall be determined by the ((ESSO)) CSO incapacity review team in accordance with the criteria in subsections (1) through (7). The review team shall:

(a) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency such as delay on the part of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Consult with the medical consultant as necessary for evaluation of medical data.

(d) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a redetermination of incapacity.

(9) Eligibility cannot be established if an applicant or recipient fails to cooperate in obtaining information documenting incapacity.

(10) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

(11) Eligibility of either parent or stepparent in the home for veterans benefits based on disability of 50((%)) percent or more or for any social security administration benefit based on disability shall establish incapacity for aid to families with dependent children benefits, without further documentation or referral to the incapacity review team.

(12) Acceptance of available medical treatment

(a) Deprivation cannot be established when an AFDC parent or stepparent whose incapacity deprives his/her ((or)) child(ren) or stepchild(ren) of parental support or care, refused without good cause to accept available

medical treatment which would reasonably be expected to render him/her ((or)) employable.

(i) "Available medical treatment" shall mean and include medical, surgical, psychiatric therapy, treatment in an alcoholism or drug treatment center, or any combination thereof.

(ii) "Reasonably be expected to render him/her employable" shall mean that, in the opinion of the medical consultant the recommended medical, surgical or psychiatric therapy, or any combination thereof, is of such a nature and prognosis that, in the specific instance of the individual involved, medical experience indicates that the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner, or to resume care of the home or children.

(iii) "Refuses without good cause" shall mean that the ((ESSO)) CSO shall determine whether the individual is justified in refusing recommended medical treatment.

(b) An individual is justified in refusing recommended medical treatment when, according to the best objective judgment of the ((ESSO)) CSO review team confirmed by the ((ESSO)) CSO administrator and the medical consultant, such refusal is based upon one or more of the following conditions:

(i) The individual is genuinely fearful of undergoing recommended treatment even though such fear may appear to be unrealistic or irrational;

(ii) The individual could use a faculty, or the remaining use of a faculty he now has, and refuses to accept the risk;

(iii) The individual will not accept recommended medical treatment because of religious scruples.

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: Errors of punctuation or spelling 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 1444, filed 10/23/79)

WAC 388-24-090 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC-EMPLOYMENT OR TRAINING. ((+ For a child to be eligible for AFDC-E his/her unemployed parent or stepparent who qualifies the assistance unit for the program shall:

(a) Be currently registered for employment with DES as indicated in WAC 388-24-135(5);

(b) Show evidence of unemployment benefit status as specified in WAC 388-57-020 and 388-24-135(6);

(c) Accept employment or training for employment as indicated in WAC 388-57-025 and 388-57-030 unless certified to WIN/E&T.))

((+)) (1) All AFDC applicants and recipients are subject to WIN or employment and training (E&T) registration as provided in WAC 388-24-107.

((+)) (2) A WIN/E&T registrant, unless a volunteer, who fails to cooperate in appraisal prior to certification shall be subject to the provisions of WAC 388-57-056.

((+)) (3)(a) An AFDC recipient, unless a volunteer, who has been certified for the work incentive (WIN) program and who is determined by DES to have refused employment or training or participation in the WIN program without good cause shall be subject to provisions of WAC 388-57-061.

(b) An AFDC recipient, unless a volunteer, who has been certified for the E&T program and who is determined by DSHS to have refused employment, training or participation in the E&T program without good cause shall be subject to provisions of WAC 388-57-061.

((+)) (4) A child's eligibility is not affected by the WIN/E&T registration requirement for the parent or needy caretaker relative ((in the AFDC-R program)). ((A child's eligibility is affected by the WIN/E&T requirement for the unemployed parent in the AFDC-E program.))

((+)) (5) An individual who has been determined to be exempt from registration for WIN/E&T on the basis of documented incapacity shall be referred to DVR. See also WAC 388-52-150 through 388-52-155.

AMENDATORY SECTION (Amending Order 1499, filed 4/16/80)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC-REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or employment and training (E&T) program unless such individual is:

(a) Under age sixteen or age sixteen but not yet eighteen who is enrolled as, or has been accepted for enrollment as, a full-time student for the next school term,

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program,

(i) Temporary illness or incapacity (a condition lasting not more than ninety days) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons who have been determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his/her effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A parent or other needy caretaker relative of a child under the age of six who is caring for the child,

(f) A mother of an unborn child(;;).

~~(g) A parent caretaker of a child, when the other parent or stepparent is in the home and is not exempted by (a), (b), (c) or (d) of this subsection.~~

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his/her status is finally determined. (See WAC 388-57-090).

~~((3) Any parent who qualifies the assistance unit for AFDC-E and the entire assistance unit shall be determined ineligible if that parent fails or refuses to register for the WIN/E&T program. When both parents meet the eligibility criteria, they have the option as to who shall qualify the assistance unit. When the parent who has qualified the assistance unit fails or refuses to register, the other parent shall register. The requirements of the noncooperating parent shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance. (See WAC 388-57-056:))~~

~~((4) (3) The requirements of any individual ((other than the parent who qualifies the assistance unit for AFDC-E)) who fails to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.~~

~~((5)) (4) An exempt parent caretaker of a child or unborn child under the age of six shall be advised of her/his option to register if she/he so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.~~

~~((6)) (5) Effective January 1, 1980 when an AFDC recipient who has been classified as exempt from WIN/E&T registration reports any change which affects the exempt status, he/she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review.~~

~~((7)) (6) The department income maintenance unit (IMU) shall determine which AFDC applicants/recipients are exempt from registration and which are required to register as a condition of eligibility.~~

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 1054, filed 9/25/75)

WAC 388-24-108 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC-ASSIGNMENT OF RIGHTS TO SUPPORT.

(1) As a condition of eligibility each applicant for or recipient of AFDC shall assign to the office of support enforcement any and all right, title and interest in any support obligation the applicant or recipient may have in his/her ((or)) own behalf or on the behalf of any family member for whom application is being made; such assignment shall include rights in support payments which have accrued prior to the time assignment is made, and shall require the applicant/recipient to promptly remit

to the office of support enforcement any payments received directly from the person legally responsible to pay support.

(2) If the parent or other caretaker relative with whom the child is living fails or refuses to comply with the requirement in subsection (1), the caretaker relative shall be ineligible to receive assistance and any assistance for which the children may be eligible shall be provided by protective payment as specified in WAC 388-33-453; the determination of requirements for the child(ren) shall be computed without regard to the requirements of the caretaker relative.

(3) The requirement of subsection (1) shall be applicable to recipients no later than the next regular re-determination of eligibility.

AMENDATORY SECTION (Amending Order 1330, filed 8/22/78)

WAC 388-24-109 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC-COOPERATION IN OBTAINING SUPPORT FROM ABSENT PARENTS. As a condition of eligibility each applicant for or recipient of AFDC shall be required to cooperate as specified in WAC 388-14-200 except as specified in WAC 388-24-111.

AMENDATORY SECTION (Amending Order 1417, filed 7/19/79)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC-LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. (1) Relationship of child to relative

(a) A dependent child to be eligible for ((AFDC-R)) AFDC must be living with one or more of the following relatives in a place of residence the relative(s) maintains as his or her own home:

(i) Blood relatives (including those of half-blood); father, mother, brother, sister, uncle, aunt, first cousin, nephew or niece. Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.

(ii) Stepfather, stepmother, stepbrother and stepsister. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.

(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" above.

(iv) Spouse of any persons named in the above groups are within the scope of this provision, although the marriage is terminated by death or divorce.

~~((b) A child eligible for AFDC-E must be living with both natural or adoptive parents, or a parent and stepparent, as defined in WAC 388-24-135. A child of unmarried parents is included. In order to determine members of the assistance unit, see WAC 388-24-050 also:))~~

~~((c)) (b) A child eligible for AFDC-FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.~~

~~((f))~~ (c) The unborn child is considered to be living with the mother.

(2) Verification of relationships – relative to child and parents to each other.

(3) Other considerations in determining when child is living in home of relative of specified degree.

(a) "Living in home of relative" means that the child is an accepted member of a family unit, and therefore, has a close and direct relationship with a specified relative who has assumed parental responsibility for the care, guidance and control of the child.

(b) The "home" is a family setting which is maintained or is in the process of being established for the benefit of the family group. A home exists as long as the responsible relative exercises responsibility for the care and control of the child, even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting. Such temporary separations include:

(i) Temporary care of the child or the responsible relative in a hospital or public or private institution when the illness is such that a return to the family can be expected and parental responsibility continues. If the temporary care exceeds ninety days the monthly grant standard shall be as specified in WAC 388-29-125.

(ii) Attendance of a child in school when the purpose is primarily for obtaining an education or vocational training, the responsible relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation. The monthly grant standard for a child attending school away from home shall be as specified in WAC ~~((388-28-142))~~ 388-29-145. However, even temporary absence of a child from his home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to

(A) Need for specialized education and training not available in the child's home community, and such specialized education is recommended by local school authorities, or

(B) Isolation of the child's home making it necessary for him to be away from home to attend school.

(iii) Visits in which the child or responsible relative is away from home for ninety days or less, including visits of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ninety days, eligibility is redetermined in accordance with the new circumstances.

(iv) Attendance in a vocational training program when it is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training. Absence is considered temporary for the period of time required to complete the training program, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.

(A) CSO approval is required for the training plan. (See WAC 388-57-028(2)).

(B) A separate assistance unit shall be established for the responsible relative in training away from home.

(v) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(c) An AFDC payment can be made for a child who is a ward of the juvenile court, or other agency to whom the court has delegated authority, if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control and supervision of the child.

(d) An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control and supervision of the child.

(e) An AFDC payment can be made to the caretaker relative in behalf of a child even if the child is in foster care. The caretaker relative can apply for and receive AFDC for him/herself and the child for thirty days, even though the child is not physically in the custody of the relative if:

(i) The caretaker relative is otherwise eligible,

(ii) The child is returned to the relative's home before the end of that thirty day assistance period,

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in that same thirty day period.

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: Errors of punctuation or spelling 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 1444, filed 10/23/79)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. (1) When deprivation due to incapacity or absence ceases and the family remains in need, the CSO shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death(~~(, unemployment)~~) or incapacity after deprivation due to absence ceases, and the family remains in need and otherwise eligible, assistance may be continued for a temporary period as follows:

(a) Assistance will be discontinued at the end of the next calendar month after deprivation due to absence ceases unless some other type of deprivation exists.

(b) Assistance will be continued only when the change in circumstances has been reported as specified in WAC 388-38-255.

(3) If there is no other basis for deprivation after incapacity ceases and the family remains in need and otherwise eligible for ~~((AFDC-R))~~ AFDC, assistance may be continued until the end of the month following the month in which the parent's or stepparent's incapacity ceases to exist.

~~((a) When a formerly incapacitated parent or stepparent who qualifies the assistance unit for AFDC-E obtains employment, subsection (4) is applicable.~~

~~(4) If there is no other basis for deprivation, when an unemployed parent or stepparent who qualifies the assistance unit for AFDC-E obtains fulltime employment as defined in WAC 388-24-135(1)(a) or (b), assistance is continued, if otherwise eligible, until the end of the month in which he/she receives his/her pay for the first one hundred hours of employment or until the end of the next calendar month whichever is earlier.)~~

REPEALER

The following sections of the Washington Administrative Code are repealed.

- (1) WAC 388-24-075 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR-MULTIPLE DEPRIVATION FACTORS.
- (2) WAC 388-24-135 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE PARENT SUMMARY OF ELIGIBILITY CONDITIONS.

AMENDATORY SECTION (Amending Order 1565, filed 11/3/80)

WAC 388-24-250 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN. (1) Emergency assistance provides assistance in meeting specific emergent needs of a child(ren) and needy caretaker relative(s).

(2) Effective ~~((November 1, 1980))~~ March 1, 1981, emergency assistance shall be provided for only the following requirements:

- (a) Food,
 (b) Medical care as defined in chapter 388-86 WAC,
 (c) Transportation ~~((as specified in WAC 388-24-270))~~ for runaway minors,
 (d) Emergency foster care as described in WAC 388-70-044(-),
~~((3))~~ (e) Mass feeding and clothing distribution shall not be provided.

~~((4))~~ (3) Emergency assistance shall be used to meet these specified requirements for children and families not eligible for AFDC.

AMENDATORY SECTION (Amending Order 1565, filed 11/3/80)

WAC 388-24-255 EMERGENCY ASSISTANCE-ELIGIBILITY. Emergency assistance shall be provided when the child:

- (1) Is under 18 years of age, and
 (2) Is living with a parent or other relative as specified in WAC 388-24-125(1)(a)(i), or
 (3) Has lived with such relative within the six months prior to the month in which assistance is requested;
 (4) Is in financial need for federal emergency assistance ~~((see WAC 388-28-005))~~ (see WAC 388-29-

112) and the financial need is not due to his or such relative's refusal without good cause to accept employment or training for employment.

AMENDATORY SECTION (Amending Order 1565, filed 11/3/80)

WAC 388-24-260 EMERGENCY ASSISTANCE-STANDARDS-DURATION. (1) Effective ~~((November 1, 1980))~~ March 1, 1981, the standards for requirements shall be as provided in ~~((WAC 388-35-070))~~ WAC 388-29-112 and 388-29-190.

(2) Emergency assistance:

(a) ~~((May be paid to the recipient by immediate warrant or by vendor payment.~~

~~(b))~~ May only be granted during one period of thirty consecutive days in any twelve consecutive months.

~~((c))~~ (b) Shall be utilized for AFDC recipients from another state only when such individuals are:

(i) Detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated; or

(ii) They have decided to become residents.

AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-24-270 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN-TRANSPORTATION. (1) Transportation for the child ~~((or family))~~ shall be provided for:

(a) Returning a runaway child ~~((or family))~~ to state of former residence when they do not intend to reside in this state and have no resources available to pay for transportation.

~~(b) ((Reaching the location of a job when the availability of the job to the specific individual has been verified, or in the case of migrant families whose usual employment is agricultural, it is known that seasonal jobs are available.~~

~~(c))~~ Reaching a place where relatives will assume responsibility when the facts have been verified.

(2) Transportation will be paid according to the standard specified in WAC 388-29-190.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-010 STANDARDS FOR REQUIREMENTS-PERSON IN OWN HOME. (1) The public assistance law directs the department to establish a cost of living standard for use in determining whether or not an applicant needs money and if so how much he needs.

(2) The law specifies ~~((how this standard shall be made. The standard shall, except in special circumstances, be limited to "reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance, and necessary incidentals."))~~ that grants shall be awarded on a state-wide basis in accordance with standards of assistance established by the department and may vary by geographical areas.

(3) The law also ~~((contains a measurement of what the legislature considers to be "reasonable allowances"~~

for the cost of the items mentioned above)) specifies that, except for the federal emergency assistance program, the standards of assistance for any family size shall be equal to the difference between: (a) The community services administration non-farm poverty level income, and (b) The sum of the food stamp benefit and the low income energy assistance benefit.

(4) The law requires that for the purpose of establishing standards of assistance, (a) the low income energy assistance benefit shall be prorated to determine a monthly amount, and (b) state supplements for supplemental security income recipients shall be no less than the levels specified in 42 U.S.C. Section 1618.

(5) ((In developing this standard the department has used the best sources of objective and authoritative information available, including reports and studies by:

- (a) Federal and state departments and agencies
- (b) Private research foundations
- (c) Trade associations
- (d) Universities and colleges

(e) Various other experts in specific fields)) The department may prescribe maximums and rateable reductions for grants.

((6) Establishment and maintenance of this standard involves deciding what quantity and quality of goods and services will be included, placing a monthly cost on the items and keeping this currently valid on a statewide basis.))

((4)) (6) ((In line with this legal directive the department has devised and adopted a cost of living standard which is used to measure need and to determine the amount of the grant which will be given.)) The amount of the grant which is given is the difference between the monthly dollar value of the standard adjusted for the maximum grant limitation when in effect, and the resource value or income which the applicant or recipient possesses, or can obtain.

(7) ((The costs of the items are secured from representative vendors in both small and large communities throughout the state. These costs are then averaged out for each item in order to establish a standard cost or costs which can be used throughout the state. In some cases the majority cost rather than the average is used.))

((8)) The recipient who receives a cash grant uses his own discretion in spending the total funds available to him (grant plus his other income) thus giving him freedom and responsibility in personal planning and variations in taste.

AMENDATORY SECTION (Amending Order 1248, filed 10/25/77)

WAC 388-29-080 MONTHLY COST OF BASIC REQUIREMENTS—MAXIMUMS—PERSON IN OWN HOME—PERSON IN MEDICAL INSTITUTION. (1) The standards for basic requirements in WAC 388-29-100 apply to a person in his own home. The standards in WAC 388-29-150 through 388-29-230 are additional requirements for persons with circumstances as specified.

(2) Individuals in an AFDC or continuing GA assistance unit ((require each of)) shall be provided the basic requirements.

(3) Basic requirements for a person in his own home are food, clothing, personal maintenance and necessary incidentals, shelter, ((and)) household maintenance and energy. The monthly cost standards and maximums thereto, if in effect, are based upon the number of recipients in the assistance unit. When two or more assistance units share a common dwelling, the monthly standard for each is based upon the number of members of that assistance unit. A person receiving Title XVI benefits (SSI) is not considered as a member of an assistance unit.

(4) When a person is in a medical institution basic requirements of food, shelter and household maintenance are not computed in the grant but are paid as a medical care cost.

(5) The monetary allowance for the basic requirements, as determined by the standards in WAC 388-29-100, shall be reduced to the amounts in WAC 388-29-110 when maximum amounts are in effect.

AMENDATORY SECTION (Amending Order 1550, filed 10/2/80)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS FOR BASIC REQUIREMENTS. ((+)) Grants to families of 7 or more shall not exceed the following maximums. In computing the grant amount non-exempt income and resources which are available to meet need shall be deducted from the monthly standard specified in WAC 388-29-100.

	Number of recipients in household					
	7	8	9	10	11	12
Maximum	\$740	\$772	\$802	\$830	\$856	\$880
	13	14	15	16	17	18
Maximum	\$902	\$922	\$940	\$956	\$970	\$982

(2) These standards are effective November 1, 1980)) Currently, there are no maximums to monthly standards established.

NEW SECTION

WAC 388-29-112 FEDERAL EMERGENCY ASSISTANCE—STANDARDS OF ASSISTANCE. Effective March 1, 1981 the state-wide monthly standards for the federal emergency assistance program are:

1	\$ 70
2	128
3	183
4	233
5	277
6	332
7	367
8	419
9	472
10	525
Each additional member+53	

AMENDATORY SECTION (Amending Order 1550, filed 10/2/80)

WAC 388-29-100 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) Effective ((July 1, 1980)) March 1, 1981 the state-wide monthly

~~((a))~~ standards for food, clothing, personal maintenance and necessary incidentals, household maintenance,

~~((and))~~ shelter, and energy for those owning (including life estate), buying or renting an apartment or house are:

((a)) Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	Energy Amount Designated for both Areas I and II
1	((244)) 241	((15)) 21	((259)) 262	78
2	((339)) 264	((37)) 53	((376)) 317	84
3	((425)) 342	((33)) 47	((458)) 389	89
4	((503)) 421	((33)) 47	((536)) 468	94
5	((581)) 509	((33)) 47	((614)) 556	99
6	((659)) 581	((33)) 47	((692)) 628	104
7	((737)) 680	((33)) 47	((770)) 727	109
8	((815)) 757	((33)) 47	((848)) 804	114
9	((893)) 833	((33)) 47	((926)) 880	119
10	((971)) 910	((33)) 47	((1,004)) 957	124
11	((1,049)) 986	((33)) 47	((1,082)) 1,033	129
12	((1,127)) 1,063	((33)) 47	((1,160)) 1,110	134
13	((1,205)) 1,139	((33)) 47	((1,238)) 1,186	139
14	((1,283)) 1,215	((33)) 47	((1,316)) 1,263	144
15	((1,361)) 1,292	((33)) 47	((1,394)) 1,339	149
16	((1,439)) 1,368	((33)) 47	((1,472)) 1,415	154
17	((1,517)) 1,445	((33)) 47	((1,550)) 1,492	159
18 or more	((1,595)) 1,521	((33)) 47	((1,628)) 1,568	164

~~((b)) (2) Household with supplied shelter.~~

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	Energy Amount Designated for both Areas I and II
1	\$ ((159)) 153	78	249	78
2	((231)) 222	84	361	84
3	((306)) 294	89	440	89
4	((381)) 366	94	515	94
5	((456)) 438	99	590	99
6	((531)) 510	104	665	104
7	((606)) 582	109	740	109
8	((681)) 654	114	815	114
9	((756)) 726	119	890	119
10	((831)) 798	124	965	124
11	((906)) 870	129	1,040	129
12	((981)) 942	134	1,115	134
13	((1,056)) 1,014	139	1,190	139
14	((1,131)) 1,086	144	1,265	144
15	((1,206)) 1,158	149	1,340	149
16	((1,281)) 1,230	154	1,415	154
17	((1,356)) 1,302	159	1,490	159
18 or more	((1,431)) 1,374	164	1,565	164

~~((2) Effective November 1, 1980, the state-wide monthly payment standards reflecting 96% of the needs standards shall be:~~

(a) Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	234	15	249
2	325	36	361
3	408	32	440
4	483	32	515
5	558	32	590
6	633	32	665
7	708	32	740
8	783	32	815
9	858	32	890
10	933	32	965
11	1,008	32	1,040
12	1,083	32	1,115
13	1,158	32	1,190
14	1,233	32	1,265
15	1,308	32	1,340
16	1,383	32	1,415
17	1,458	32	1,490
18 or more	1,533	32	1,565

~~(b) Household with supplied shelter.~~

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	\$ 153		249
2	222		361
3	294		440
4	366		515
5	438		590
6	510		665
7	582		740
8	654		815
9	726		890
10	798		965
11	870		1,040
12	942		1,115
13	1,014		1,190
14	1,086		1,265
15	1,158		1,340
16	1,230		1,415
17	1,302		1,490
18 or more	1,374		1,565

REPEALER

The following sections of the Washington Administrative Code are each hereby repealed.

- (1) WAC 388-35-010 Conditions of eligibility
- (2) WAC 388-35-020 Determination of financial need
- (3) WAC 388-35-030 Certification period
- (4) WAC 388-35-050 Assistance units—Eligible persons
- (5) WAC 388-35-060 Reapplication
- (6) WAC 388-35-070 Noncontinuing general assistance—Requirements
- (7) WAC 388-29-190 Transportation to state of legal residence

AMENDATORY SECTION (Amending Order 1536, filed 8/25/80)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state financed program which provides for the needs of some persons who are not eligible for ~~((or are not receiving))~~ a federal aid grant, except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a ((30)) sixty day period, except as provided in WAC 388-37-030(3)(d).

(2) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by supplemental security income with the following exceptions:

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

- (i) The applicant applies;
- (ii) The applicant assigns the initial SSI payment to DSHS up to the amount of the GA-U provided to the applicant pending approval of the SSI application;
- (iii) The applicant meets all other general assistance eligibility requirements.

(b) If the amount of the initial SSI payment recovered by DSHS ~~((under subdivision (6)(a)))~~ does not meet the amount paid as GA-U, the balance must be treated as an overpayment.

If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

(c) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

~~((d) An SSI eligible spouse whose need is not being met by SSI because of separation from a spouse. Such persons are exempt from assigning the initial SSI payment to DSHS as provided in (2)(a)(ii) above.))~~

(3) Continuing general assistance cannot be granted to a recipient of supplemental security income when he

is subject to any sanction for failure to comply with SSI eligibility requirements.

AMENDATORY SECTION (Amending Order 1471, filed 1/9/80)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to:

~~((1) Deleted
(2) Families ineligible for AFDC-E solely because neither parent/stepparent meets the work quarters requirement and one parent/stepparent is regularly attending a vocational training course approved by the CSO in accordance with WAC 388-57-028:~~

~~(a) Disapproval of a training plan shall make the family ineligible for GAU.~~

~~(b) The CSO shall approve no more than twenty-four continuous months of training per family.~~

~~(3) A person who at the time of attaining the age of eighteen years is a recipient of public assistance and attending a state approved high school or vocational or technical institution:~~

~~(a) Assistance is continued while the person (if otherwise eligible) continually attends school on a full-time basis. Assistance is continued through the end of the school year immediately following the person's eighteenth birthday.~~

~~(b) If in the opinion of the CSO administrator one additional year of schooling will lead to completion of a secondary education, assistance is continued for one additional school year.))~~

~~((4)) (1) Incapacitated ((unemployable)) persons. As used in this section ((unemployable)) incapacitated person means a person who is sixty-five years of age or older or a person who is physically or mentally ((incapacitated by)) unable to work as a result of a condition expected to continue for at least ((thirty)) sixty days from date of application. ((Unemployability)) Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities. Eligible individuals are:~~

~~(a) An ((unemployable)) incapacitated single ((adult)) person age 18 or older.~~

~~(b) A married couple if both persons are ((unemployable)) incapacitated.~~

~~(c) The ((unemployable)) incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500(2)(a) and (b).~~

~~(d) Persons in approved drug or alcoholism treatment programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan.~~

~~((5) The spouse and children of a sixty-five year old beneficiary of supplemental security income when deprivation due to incapacity or unemployment cannot be established.))~~

~~((6)) (2) These rules shall be effective ((November 10, 1979)) March 1, 1981.~~

AMENDATORY SECTION (Amending Order 1536, filed 8/25/80)

WAC 388-37-035 INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological(~~(; emotional)~~) and/or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence.

(b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc. are not factors to be considered in determining his inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician or chiropractor, for a mental (~~(and/or emotional)~~) incapacity, the source may be a report from a psychiatrist or clinical psychologist. Medical evidence may be obtained (~~(by)~~) from other DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual, and consideration of the individual's abilities so that it can be determined whether there remains a capacity to engage in a useful occupation.

(4) Incapacity due to mental (~~(or emotional)~~) disorders shall be determined on the basis of actual and specific impairment of faculties necessary for the person to be able to engage in gainful employment. The fact that an individual may be receiving treatment for a mental health problem is not in itself evidence that incapacity exists.

(a) Such persons must be diagnosed as psychotic or psychotic in remission, or

(b) Mentally retarded as evidenced by a score of

(i) Eighty-four or less on the Wechsler Adult Intelligence Scale or on the Vineland Social Maturity Scale, or

(ii) Eighty-three or less on the Stanford-Binet Intelligence Scale.

~~((a))~~(c) Such incapacity will be determined on the basis of evidence that the individual

(i) Is unable to exercise judgment and make decisions necessary to obtain and maintain employment.

(ii) Is unable to sustain an adequate attention span.

(iii) Manifests bizarre or inappropriate behavior patterns beyond his capability to control.

(iv) Does not have the degree of physical and motor control required to sustain employment.

(v) Does not have perception and memory to the degree necessary to obtain and sustain employment.

(vi) Is unable to follow directions or to learn to the degree necessary to obtain and sustain employment.

(vii) Is under medication which impairs functioning.

(viii) Any one or a combination of the conditions in items (i) through (vii) may be sufficient to establish incapacity.

(5) Incapacity will be considered to be established without an incapacity review team decision for applicants for and recipients of services in a congregate care facility when the person

(a) Deleted;

(b) Has been determined to be eligible for any benefits (including FAMCO) based on social security administration disability criteria (~~(or veterans benefits based on disability of 50% or more)~~) except for persons with mental or emotional illness;

(c) Is eligible for services from the bureau of developmental disabilities(;);

~~((c) Is being released from a state or community psychiatric hospital.)~~

~~(6) ((Incapacity following hospitalization for mental health reasons will be considered to be established for only sixty days, assistance shall not be continued beyond the initial sixty days without an incapacity review team decision.))~~

~~((7))~~ Incapacity due to alcoholism will be considered to be established when an individual is ~~((accepted))~~ admitted as a resident into either intensive or long-term ((residential)) treatment at an alcoholism treatment center as defined in WAC 275-19-020.

~~((8))~~(7) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is ((accepted)) admitted as a resident into a certified residential drug treatment program, or ((a certified methadone (or approved substitute) maintenance or)) certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.

(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:

(i) Detoxification—((30)) thirty days

(ii) Maintenance—((60)) sixty days

(iii) Residential treatment—((60)) sixty days

(b) Assistance shall not be continued beyond the initial period of time described in subdivision (7)(a) without an incapacity review team decision.

~~((9))~~(8) If the person ((has not been referred to the ESSO by an alcoholism or certified drug treatment program)) claiming incapacity due to alcoholism or drug abuse does not meet the criteria in (6) or (7) above, incapacity will be determined by evidence that

(a) Pathological or demonstrable organic damage has resulted from chronic alcoholism or drug abuse, or

(b) The individual, as a result of the addiction, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment and constitutes a danger to himself, to any other person, or to property.

~~((10))~~(9) Individuals who are found to be incapacitated due to alcoholism or drug abuse ((with)) must be ((required to accept referral to a community)) participating in an approved alcoholism ((center)) or certified drug treatment program ((for evaluation and recommendation related to treatment)).

~~((+H))~~(10) An individual who refuses to accept and follow through on available treatment when such treatment is recommended shall not be eligible.

~~((+2))~~(11) The use of drugs or alcohol of itself is not evidence that an incapacitating condition exists.

~~((+3))~~ Incapacity shall be considered to be established without an incapacity review team decision for an SSI recipient whose needs are not being met by SSI because of separation from a spouse.)

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

CHAPTER 388-40

ALCOHOLISM DETOXIFICATION PROGRAM

NEW SECTION

WAC 388-40-010 ELIGIBLE PERSONS. (1) Persons receiving three-day detoxification services for acute alcoholic condition shall be eligible for the Alcoholism Detoxification Program provided they meet the following eligibility criteria:

(a) He/she is not eligible for or receiving a federal aid grant or medical assistance.

(b) His/her income and or nonexempt resources do not exceed the standards of assistance in WAC 388-29-100(1).

(c) He/she has not transferred resources within two years prior to the date of application without having received adequate consideration according to the provisions of WAC 388-28-461.

(2) The following resources shall be exempt for the Alcoholism Detoxification Program:

(a) A home.

(b) Used and useful household furnishings and personal clothing.

(c) Personal property of great sentimental value.

(d) Livestock or similar property owned by children when profit is reserved for education.

(e) Other personal property used to reduce need for assistance or for rehabilitation.

(f) One cemetery plot for each member of the assistance household.

(g) A used and useful automobile.

(3) The following resources are not exempt:

(a) Cash, marketable securities and any other resource not specifically exempted that can be converted to cash.

(b) The potential earning power of the applicant or recipient. Even if an applicant has no cash resources, current employment or possibility of employment in the future, as evidenced by past opportunities, may be such that he/she could be reasonably expected to pay all or part of the cost of detoxification out of future earnings.

(4) The following shall be deducted or exempted from income:

(a) Mandatory deductions of employment.

(b) Total income and resources of a noninstitutionalized SSI beneficiary.

(c) Support payments paid under a court order.

(d) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment.

(5) Recipients receiving detoxification services shall not be required to incur a deductible as a factor of eligibility for the covered period of detoxification.

(6) (a) Eligibility for the Alcoholism Detoxification Program shall be determined on the basis of information shown on the department's application forms.

(b) Supplemental forms, verification procedures, and/or face-to-face interviews shall be required only in cases where there is a positive reason for requiring further verification of eligibility.

(7) When the department is notified within seven days of the date detoxification began, certification shall cover this period if all eligibility factors have been met.

(8) The effective period of eligibility shall be continued from the date detoxification treatment began through the end of the month in which the three-day treatment was completed.

(9) Services must meet the following criteria to be paid through the Alcoholism Detoxification Program:

(a) Such services must be directly related to detoxification, and

(b) Such services must be performed in a certified detoxification center or a general hospital with certified detoxification facilities.

AMENDATORY SECTION (Amending Order 1340, filed 9/22/78)

WAC 388-42-020 FUNERAL EXPENSES—DEFINITIONS AND STANDARDS. (1) "Funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services(~~(including)~~).

(2) "Burial" shall mean necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

~~((+2))~~ (3) Two types of funeral services shall be available: A regular service and a minimum service.

(a) The minimum service shall include:

(i) Transportation of the body from place of death to mortuary;

(ii) Proper preparation and care of the remains of the deceased person for immediate disposition by cremation or burial;

(iii) Preparation and filing of death certificate and permits;

(iv) A wooden container of sufficient durability to transport the remains from the mortuary to the crematorium or cemetery;

(v) Transportation of the remains from the mortuary to the crematorium or cemetery;

(vi) Use of the funeral director's staff and facilities when requested for a memorial service;

(vii) The cost for these services shall not exceed the standard in WAC 388-42-150(1)(a).

(b) The regular service shall include all the services of the minimum service plus:

(i) Service car (first call);

- (ii) Embalming and care of the body;
- (iii) Casket of octagon shape cut panel board top, or square with raised top, covered with crepe or flannel cloth, trimmed with full art lining and six bail handles;
- (iv) Use of reposing rooms, chapel, casket coach, one car for family and personal services;
- (v) The cost of these services shall not exceed the standard in WAC 388-42-150(1)(b).

~~((3))~~ (4) Payment for the regular service shall be authorized only upon request by someone who wishes the deceased to have a regular funeral service and who plans to attend the service. Otherwise, only the minimum service shall be authorized.

~~((4))~~ (5) Disposition of the body shall be by cremation or burial.

(a) Burial services shall include:

- (i) Burial plot if not previously provided;
- (ii) Minimum grave marker;
- (iii) Liner and endowed care if either or both are required;
- (iv) Cost of the lot purchased within thirty days prior to burial shall be included in cemetery costs;
- (v) Opening and closing grave;
- (vi) Items available under a prepaid plan shall be utilized for the purpose intended. The original cost or current market value of the prepaid items or service need not be computed;
- (vii) The cost of burial services shall not exceed the standard in WAC 388-42-150(2)(a).

(b) Cremation services shall include:

- (i) Cremation;
- (ii) An urn of metal or other substantial material;
- (iii) Marker;
- (iv) Space for disposition of the remains either in a mausoleum or cemetery;
- (v) Disposition of cremated remains;
- (vi) Costs for cremation services shall not exceed the standard in WAC 388-42-150(2)(b).

(6) Payment made for any funeral or burial service by relatives, friends, or any other third party shall be deducted from the payment made by the department.

~~((5))~~ (7) ~~((The local office shall not authorize nor shall the funeral director, cemetery or crematory accept any supplemental payment for goods and services furnished in excess of the department's standard.))~~ Donated flowers, music and ministerial service shall not be ~~((considered as supplementation))~~ deducted from the department's payment. However, if these services are provided by the funeral director they are considered as part of the funeral director's services and their cost must be included in the department's standard.

AMENDATORY SECTION (Amending Order 538, filed 3/31/71, effective 5/1/71)

WAC 388-42-050 FUNERAL EXPENSE—VETERANS' BURIAL BENEFIT. The United States veterans' administration pays ~~((250))~~ burial benefits for a war veteran who has not been dishonorably discharged and to certain other veterans as provided by veterans' administration regulations. Application should be made to the veterans' administration in all instances except when it is obvious there is no entitlement. The funeral

director, if unpaid, or who paid the veteran's funeral expense, may claim the reimbursement from the veterans' administration. If there is any possibility that a veterans' burial benefit is available, it is essential that a claim be made prior to payment by the department. The ~~((10))~~ local office shall authorize only the difference between the cost of the funeral and the death benefit. If the claim for reimbursement is denied, the original authorization shall be cancelled and payment reauthorized in the corrected amount. The department cannot claim reimbursement from the veterans' administration.

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 1368, filed 2/15/79)

WAC 388-52-166 COMPREHENSIVE EMPLOYMENT AND TRAINING PROGRAM—PARTICIPATION OF RECIPIENT. (1) If ~~((the))~~ an AFDC participant is certified and assigned to the CETA program by WIN, WIN rules regarding participation requirements are applicable.

(2) ~~((If the participant is enrolled on the basis of an independent plan, or if the participation of an AFDC-E recipient is part of a local office approved training plan, WAC 388-24-090(1)(c), 388-57-025 and 388-57-030 are applicable.))~~

~~((3))~~ ~~((An AFDC-R recipient))~~ He/She is required to participate only if assigned by WIN/E&T.

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 1444, filed 10/23/79)

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT DES—REGISTRATION. ~~((1))~~ An employable applicant/recipient of general assistance shall be currently registered for employment with DES prior to granting of assistance.

(2) An AFDC-E parent or stepparent who qualifies the assistance unit for the program shall be registered for employment as specified in WAC 388-24-135(5).

~~((3))~~ An ~~((AFDC-E))~~ AFDC mandatory registrant, WAC 388-24-107, shall be registered for WIN with DES through the CSO at the time of granting of assistance. This requirement shall not affect the eligibility of the children for ~~((AFDC-R))~~ ADFC.

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 1444, filed 10/23/79)

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS—VERIFICATION. (1) An applicant for or recipient of ~~((AFDC-R, AFDC-E or general assistance))~~ AFDC who is potentially eligible for unemployment compensation as determined by the CSO

based on work history and availability for employment, shall apply for unemployment compensation unless he/she furnishes written verification that he/she is receiving, or not eligible to receive, unemployment compensation.

(2) A recipient of (~~AFDC-R, AFDC-E or general assistance~~) AFDC who becomes potentially eligible for unemployment compensation is required to comply with the provisions of subsection (1) within 30 days.

~~((3) The spouse of the AFDC-E applicant/recipient who is potentially eligible for unemployment compensation is required to comply with the provisions of subsections (1) and (2).))~~

AMENDATORY SECTION (Amending Order 1472, filed 1/9/80)

WAC 388-57-032 EMPLOYMENT AND TRAINING (E&T) PROGRAM. (1) The employment and training (E&T) program is a department of social and health services designated program which is complementary to and consistent with the work incentive (WIN) program as described in this chapter. It is designed to provide services to employable recipients of AFDC who are not receiving work incentive (WIN) program services ~~((and to employable applicants/recipients of general assistance))~~.

(2) The WIN rules, including all responsibilities, exemptions, sanctions and protections in chapter 388-57 WAC apply to the employment and training (E&T) program except as outlined in WAC 388-57-032 and 388-57-036.

(3) The following services will be available through the E&T program to recipients in both WIN and non-WIN localities:

- (a) Placement in employment;
- (b) Referral to other programs offering public service employment (PSE) or training;
- (c) Self-support services.

(4) In WIN areas, recipients of AFDC are required to satisfy WIN program requirements prior to being considered for E&T. Persons certified to WIN may be suspended to E&T.

AMENDATORY SECTION (Amending Order 1472, filed 1/9/80)

WAC 388-57-036 EMPLOYMENT AND TRAINING (E&T)—DEFINITIONS. The terms in chapter 388-57 WAC apply in the E&T program except:

(1) "Certification" means acceptance for E&T services of (~~GA-N applicants/recipients and~~) AFDC recipients in non-WIN areas. The form is retained by the CSO rather than being sent to DES;

(2) "Registrant" means a recipient who is registered for E&T services;

(3) "Self-support services" means counseling, child care, transportation, miscellaneous expense and medical payments during the certification period to assist the recipient in obtaining employment and training (E&T). These departmental payments are exempt;

(4) "DES-DSHS joint case responsibility" is not applicable in the E&T program;

(5) The thirty dollar incentive payment is not applicable in the E&T program;

(6) A sixty-day counseling period according to WAC 388-57-062 shall be provided to AFDC recipients who have failed or refused training or employment in the employment and training program without good cause.

(7) Protective or vendor payments shall not be imposed upon noncooperating (~~AFDC-R~~) AFDC recipients not certified to WIN(~~;~~).

~~((8) Registration to the E&T program does not satisfy the requirement to register for employment with DES.))~~

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 1444, filed 10/23/79)

WAC 388-57-056 REFUSAL TO COOPERATE IN APPRAISAL PRIOR TO CERTIFICATION. A WIN registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be de-registered from WIN by DES. An E&T registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be de-registered from E&T by the CSO.

~~((1) If the de-registered recipient is the parent who qualified the assistance unit for AFDC-E, the entire assistance unit shall be terminated unless the other parent can qualify the family for AFDC-E (see WAC 388-24-135).))~~

~~(a) Once a parent who first qualifies the assistance unit for AFDC-E is de-registered, a sanction period is established in accordance with WAC 388-57-061. This person's needs shall be reinstated in the grant after the sanction period is completed or earlier if exempt status is acquired;~~

~~(b) The other parent who becomes the qualifying parent must satisfy all eligibility criteria for the AFDC-E program.~~

~~(2)) Any ((other)) de-registered ((recipient)) mandatory registrant shall be removed from the AFDC grant for failure to participate. This person's needs shall be reinstated in the grant after the sanction period is completed or earlier if exempt status is acquired.~~

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-057 WORK INCENTIVE PROGRAM—CERTIFICATION OF AFDC RECIPIENT TO STATE EMPLOYMENT SERVICE. (1) An AFDC recipient registered with WIN shall be certified to the state employment service when requested by the state employment service.

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and

for a thirty-day period from the start of full time, continuous employment. The thirty-day limitation following employment shall include "WIN on-the-job training", "WIN public service employment", and WIN "suspense" to CETA "on-the-job training" and "public service employment".

~~(3) ((An unemployed parent who qualifies the family for AFDC-E must be certified to WIN/E&T within thirty days of receipt of assistance whether or not requested by the state employment service.~~

~~(4)) A certified mandatory registrant may not refuse supportive services if such refusal prevents the individual from accepting an appropriate work or training assignment. Such refusal shall be treated as a refusal to participate without good cause.~~

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-061 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/E&T WITHOUT GOOD CAUSE. (1) This section does not apply to a voluntary WIN/E&T registrant who discontinues participation in the program.

(2) If and for so long as ~~((an individual))~~ a mandatory registrant certified to the WIN/E&T program has been determined by DES/DSHS to have refused without good cause to participate in the WIN/E&T program or to accept a bona fide offer of employment in which he/she is able to engage,

~~((a) If such individual is the unemployed parent who qualifies the assistance unit for the AFDC-E program, assistance for the entire assistance unit shall be terminated, unless the other parent can qualify the remaining members of the assistance unit for AFDC-E;~~

~~(b) If such individual is a caretaker relative other than the qualifying parent receiving AFDC-E, his/her needs shall not be taken into account in determining the family's need for assistance;~~

~~((c))~~(a) If such individual is a caretaker relative ~~((receiving AFDC-E)),~~ his/her needs shall not be taken into account in determining the family's need for assistance. Assistance in the form of protective or vendor payments will be provided to WIN-related registrants only;

~~((d))~~(b) If such individual is the only dependent child in the family, assistance for the family will be terminated; and

~~((e))~~(c) If such individual is one of several dependent children in the family, assistance for such child will be terminated and his/her needs will not be taken into account in determining the family's need for assistance.

(3) The specified sanctions in subsection (2) of this section shall not be applied during the period of sixty days in which the individual is being provided the counseling described in WAC 388-57-062 except that in the case of the caretaker relative receiving AFDC, assistance in behalf of himself/herself and his/her family will be provided in the form of protective or vendor payments as described in WAC 388-33-450.

(4) In the event an individual certified to the WIN/E&T program refuses to accept employment offered to him/her by an employer, whether directly or through the employment service, the determination as to

whether the offer was bona fide or there was good cause to refuse the offer will be made by DES/DSHS and will be binding on the department.

(5) In the event an individual certified to DES/DSHS E&T should need to be referred back to the CSO as having good cause for not continuing on a training plan or job, the CSO should promptly restore the assistance payment to the individual if otherwise eligible or make other necessary payment adjustments.

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 1472, filed 1/9/80)

WAC 388-57-090 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/EMPLOYMENT AND TRAINING WITHOUT GOOD CAUSE—FAIR HEARINGS. (1) An AFDC applicant who claims to be exempt from WIN/employment and training (E&T) registration as provided in WAC 388-24-107 shall be considered exempt until his/her status is finally determined.

(2) An individual who is dissatisfied with the determination that he/she must register for the work incentive (WIN) program or the employment and training (E&T) program as provided in WAC 388-24-107 may request a fair hearing.

(3)(a) DES has responsibility for hearing and deciding disputes over their decisions involving refusal or failure without good cause on the part of a registrant or participant to accept employment or to participate in the work incentive (WIN) program or the employment and training (E&T) program upon suspension from the WIN program.

(b) DSHS has responsibility for hearing and deciding disputes over their decisions involving registrant/participant refusal or failure to accept employment or to participate in the employment and training (E&T) program without good cause only when he/she is not certified to the WIN program. Refer to WAC 388-57-061.

~~((4) This section is applicable to applicants/recipients of general assistance who are employable and are required to participate in the E&T program.))~~

REPEALER

The following section of the Washington Administrative Code is repealed.

- (1) 388-57-025 ACCEPTANCE OF FULL OR PART-TIME EMPLOYMENT—EFFECT OF REFUSAL ON ELIGIBILITY.

WSR 81-07-001
ADOPTED RULES
COMMISSION FOR THE BLIND
 [Order 81-06—Filed March 5, 1981]

Be it resolved by the Washington State Commission for the Blind, acting at 3411 South Alaska Street, Seattle, WA 98118, that it does promulgate and adopt the annexed rules relating to WAC 67-32-150, 67-32-310 and 67-32-910, concerning the Vending Facility Program for the blind in the state of Washington. WAC 67-32-150 is amended in order to specifically define the categories for which federal vending machine income may be spent, and to change the designation of such funds from "set aside funds" to "federal vending machine income." WAC 67-32-310 is amended to shift the responsibility for vending facility public liability insurance from the commission to the vendor; also spells out the minimums of coverage. WAC 67-32-910 is amended to conform to the liability provision of WAC 67-32-310. It adds new provisions for vendor accountability for vending facility equipment/responsibility for keeping vending facility equipment sanitary. It provides for termination of the vendor's agreement along with termination of the permit or contract for the location. It also displays the agreement in actual format as opposed to a "sample" as formerly. It also adds provisions for identifying the signers of the agreement by a typewritten name and a title.

This action is taken pursuant to Notice Nos. WSR 80-18-042 and 81-03-049 filed with the code reviser on December 3, 1980 and January 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.17.040, 74.16.430(1) and 74.16.450.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 7, 1981.

By William K. James
 Director

AMENDATORY SECTION (Amending Order 80-03, filed 5/16/80)

WAC 67-32-150 ((SET ASIDE FUNDS)) FEDERAL VENDING MACHINE INCOME—USE AS DETERMINED. Vending machine income received by the commission as described in WAC 67-32-140(4) shall be known as ((set aside funds)) federal vending machine income. ((Set aside funds)) Federal vending machine income shall be used for the establishment and maintenance of retirement or pension funds, health insurance, the provision of paid sick leave and vacation time for vendors, ((for)) the repair of vending facility

equipment, the replacement of obsolete or worn-out vending facility equipment, the purchase of new or additional vending facility equipment in existing facilities((;)), management services, ((the purchase of liability insurance)) and the costs necessary to the conduct of the state blind vendors committee.

(1) After the majority of all vendors have voted to utilize federal vending machine income for retirement or pension, health insurance, paid sick leave or paid vacations, the commission may adopt procedures for implementing such plans.

(2) Vendors whose income from their vending facility is at the national average or above for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay repair charges for each separate repair job on vending facility equipment of fifty dollars or ten percent of the cost of ((the)) repair((;)), whichever is greater. For purposes of this paragraph, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.

((;)) (3) Vendors whose income from their vending facility is below the national average of such income for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay a voluntary amount for each separate repair job on vending facility equipment at their facility.

((;)) (4) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections ((;)) (2) and ((;)) (3) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.

((;)) (5) For purposes of this section vending facility equipment shall include equipment provided by the commission and equipment furnished as ((a)) a part of the contract or permit for which the commission and operator assumes the responsibility of maintenance.

AMENDATORY SECTION (Amending Order 79-10, filed 7/10/79)

WAC 67-32-310 ((COMMISSION RESPONSIBILITY—LIABILITY INSURANCE. The commission shall arrange for the liability insurance that meets the specification of contracts and permits, and that can be purchased at a group rate. Within funds available the commission will provide this insurance in accordance with WAC 67-32-150))

PUBLIC LIABILITY INSURANCE. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:

\$100,000.00 each person personal injury,
\$300,000.00 each occurrence personal injury, and
\$ 25,000.00 each occurrence property damage; or
insurance coverage specified in the permit or contract, which ever is greater.

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-910 ((SAMPLE)) AGREEMENT.
((Sample Agreement))

This AGREEMENT entered in this day of, 19.. by and between the Commission for the Blind, hereinafter referred to as the commission, and, hereinafter referred to as the vendor.

Name and Address of Facility
City:, Washington

IT IS HEREBY AGREED:

1. The provisions of the permit or contract between the commission and the property management as now exists or as may be renegotiated in the future, and chapter 67-32 WAC (the Vending Facility Program rules), which described the rights and responsibilities of the commission and the rights and responsibilities of the vendor, as presently exist or as may be amended in the future, are both by reference incorporated into and made part of this agreement.
2. The vendor is entitled to all profits of the vending facility, and vending machine revenue from site, except as provided for in WAC 67-32-140.
3. The vendor is responsible to submit reports to the commission as required.
4. The vendor must maintain the business hours agreed upon or as stated in the permit or contract.
5. The vendor shall receive a copy of the permit or contract and all applicable commission rules.
6. The vendor shall obtain and maintain continuously ~~((as provided in WAC 67-32-310))~~ public liability insurance ~~((and/or other insurance necessary to comply with the hold harmless agreement incorporated herein))~~ with limits of liability not less than:
 \$100,000.00 each person~~((;))~~ personal injury,
 \$300,000.00 each occurrence~~((;))~~ personal injury, and
 \$ 25,000.00 each occurrence~~((;))~~ property damage or insurance coverage specified in the permit or contract, which ever is greater.
7. Vendors are accountable to the commission for equipment assigned to their location. The vendor is responsible for maintaining

the equipment in a clean and sanitary condition.

- ~~((7-))~~ 8. The vendor shall not discriminate in the employment of persons on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
- ~~((8-))~~ 9. The vendor or the vendor's employees shall not subject customers to discrimination or deny them participation in, or the benefits of the vending facility on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
10. The commission staff shall provide management services as defined in WAC 67-32-030 on a systematic basis. Consultation shall occur a least bi-monthly.
- ~~((9-))~~ 11. The commission may upon thirty days notice terminate the license and/or terminate the agreement with the vendor for failure to operate the facility in accordance with the permit or contract or the vending facility rules and shall provide an opportunity for a full evidentiary hearing as provided for in WAC 67-32-420, except in those instances where aggravated emergency conditions require immediate termination of license and/or termination of agreement and removal of the vendor due to gross neglect or misconduct, as provided for in WAC 67-32-430.
- ~~((10-))~~ 12. The vendor may terminate this agreement upon giving thirty days written notice to the commission.
13. This agreement is automatically terminated when the permit or contract with the contracting agency is terminated.

I HEREBY CERTIFY THAT I FULLY UNDERSTAND THE ARTICLES AND TERMS SET FORTH IN THE ABOVE AGREEMENT AND HAVE RECEIVED ALL NECESSARY EXPLANATIONS OF THE PERMIT OR CONTRACT AND THE VENDING FACILITY PROGRAM RULES AND HAVE RECEIVED WRITTEN COPIES THEREOF.

Signed:~~((Vendor))~~ Date:, 19..
(Vendor)

Name of vendor:
(please type)

Signed:~~((Commission for the Blind))~~ Date:, 19..
(Commission for the Blind)

Name of staff:
Title:

WSR 81-07-002
ADOPTED RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Order 87—Filed March 6, 1981—Eff. April 6, 1981]

Be it resolved by the Higher Education Personnel Board, acting at Green River Community College, Auburn, Washington, that it does promulgate and adopt the annexed rules relating to suspended operation, amending WAC 251-22-240.

This action is taken pursuant to Notice Nos. WSR 80-10-049, 80-14-032, 80-16-008, 81-01-105 and 81-04-023 filed with the code reviser on 8/6/80, 9/29/80, 10/27/80, 12/24/80 and 1/30/81. Such rules shall take effect at a later date, such date being April 6, 1981.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 19, 1981.

By Douglas E. Sayan
 Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-240 SUSPENDED OPERATION.

(1) Notwithstanding the provisions of WAC 251-10-030, if the chief executive officer of the institution determines that the public health or property or safety is jeopardized and it is advisable due to emergency conditions (~~beyond control (such as but not limited to riot, civil disturbance, mechanical failure, severe weather conditions, declaration by the governor of a state of energy supply alert or energy emergency as provided in RCW 43.21G.040, strike or work stoppage);~~) to suspend the operation of all or any portion of the institution, the following will govern classified employees:

~~((†))~~ (a) When prior notification has not been given, employees released until further notice after reporting to work, shall receive a minimum of four hours pay for the first day ~~((with the option of using accrued compensatory time (where applicable), annual leave or leave without pay))~~. The following options shall be made available to affected employees not required to work for the balance of the closure:

- (i) Annual leave, personal holiday; or
- (ii) Accrued compensatory time (where applicable); or
- (iii) Leave without pay; or
- (iv) Reasonable opportunity to make up work time lost as a result of the suspended operation as provided in subsection (1)(c).

~~((2) Employees not required to work may use accrued compensatory time (where applicable), annual leave or leave without pay.~~

~~(3))~~ (b) Employees required to work shall receive their regular rate of pay for work performed during the period of suspended operation. Overtime worked during the closure will be compensated as provided in chapter 251-09 WAC ((251-09-030)). The personnel officer may petition the director for approval of a special premium pay allowance due to hazardous working conditions encountered by employees required to work during the period of suspended operation.

(c) Employees who lose regular work time as a result of suspended operation may request to work additional hours during the ninety-day period immediately following the suspended operation. Compensation for such additional work shall be granted on a compensatory time basis at not less than straight time nor more than time and one-half, and shall be part of the institution's suspended operations procedures. The amount of compensation earned under this section should not exceed the amount of salary lost by the employee due to suspended operation. Management directed overtime shall be compensated as provided in chapter 251-09 WAC.

~~((4))~~ (2) Each institution/related board, together with the appropriate exclusive representative(s), shall develop and file with the director, subject to approval, a procedure to provide for staffing during periods of suspended operation. The procedure shall include identification of the manner in which employees will be notified of suspended operation by the chief executive officer.

(3) The provisions of this rule may be utilized only when an institutional procedure has been approved by the director and an official declaration of suspended operation has been made by the chief executive officer of the institution.

(4) The provisions of this section and institutional procedures adopted hereunder may not be in effect in excess of fifteen calendar days unless within the fifteen days the personnel officer requests the director's or designee's approval of an extension. Such approval is subject to confirmation by the board.

WSR 81-07-003
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed March 6, 1981]

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 general and seasonal day care services, amending WAC 388-15-170.

It is the intention of the secretary to adopt these rules on an emergency basis on March 9, 1981.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Client and Community Relations Division
 Department of Social and Health Services
 Mailstop OB-44 D
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by April 9, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Thursday, April 23, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 29, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 23, 1981, and/or orally at 10:00 a.m., Thursday, April 23, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 4, 1981

By: David A. Hogan

Director, Client and

Community Relations Division

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-15-170.

Purpose of the rule or rule change is to transfer approximately 440 children from Title XX day care to Title IV-A day care.

The reason(s) these rules are necessary is to save substantial amounts of state funds.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change: AFDC children will no longer be eligible for Title XX day care due to employment unless they (1) meet the eligibility criteria for seasonal day care, or (2) are residents of a federally recognized Indian reservation, or (3) are refugees.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Jan Wells

Title: Program Manager

Office: Bureau of Childrens Services

Mailstop: OB-41 D

Phone: 3-7076

The person or organization (if other than DSHS) who proposed these rules is: None.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1552, filed 10/6/80)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care and protection and related services for a child under 15 years of age during that

portion of the 24 hour day that neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed or seeking employment in accord with an approved case plan, and if an AFDC recipient must meet the eligibility criteria for seasonal day care, or be a resident of a federally recognized Indian reservation, or be a refugee,

(b) Parent is enrolled in an approved Work Incentive Program (WIN) or refugee training program (not to exceed two years) leading toward employment,

(c) For school age parent to complete secondary education or attainment of G.E.D. (not to exceed two years), subject to approval by the department,

(d) For parent who is a resident of a federally recognized Indian reservation and is enrolled in an approved training program (not to exceed two years) leading toward employment,

(e) For AFDC recipient to serve as a volunteer on DSHS advisory board,

(f) Parent to keep physical or mental health appointment,

(g) Child in need of day care as part of children's protective service case plan,

(h) Provided as child welfare services by a professional or other mental health social service agency referral for the child or parents physical/emotional health or support to the family structure.

(2) Goals for General Day Care Services shall be limited to those specified in WAC 388-15-010(1)(a), (b), (c). Also see WAC 388-15-010(2). Also see WAC 388-75-203 through 388-75-396.

(3) Child care including seasonal day care may be purchased for children or families who are:

(a) Individuals whose gross income is equal to or below 38 percent of the state median gross income for a family of four adjusted for family size. (See WAC 388-15-020(2)(d)).

(i) Exception: Residents on federally recognized Indian Reservations whose gross income is equal to or below 80% of the state median income for a family of four adjusted for family size, shall be eligible for general child day care services.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for Seasonal Day Care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies which serve migrant families; and

(b) Must derive at least 50% of its annual income from agriculturally related work; and

(c) must have more than one agricultural employer per year; and

(d) Must have a gross income for the past 12 months not to exceed 38% of the state median income adjusted for family size.

(5) Standards for in-home care

(a) In-home care is the care and supervision of a child in her or his own home by a relative or by an unrelated person during part of the 24-hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine that the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary that he remain in his home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program which DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older,

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,

(iii) Be of sufficient physical, emotional and mental health to meet the needs of the children in care,

(iv) Subject to the discretion of the worker, give written evidence from a medical authority that he or she is in sufficient physical, emotional and mental health to be a safe caretaker,

(v) Produce written references indicating that she or he is capable of handling children of the ages for whom she or he will be caring and has the ability to provide activities suitable to their ages and interests.

- (vi) Be able to work with children without recourse to physical punishment or psychological abuse,
 - (vii) Be able to accept and follow instructions,
 - (viii) Maintain personal cleanliness,
 - (ix) Be prompt and regular in job attendance,
 - (x) Expect to be evaluated on the above items.
- (e) Responsibilities of in-home caretaker - in-home caretaker shall:
- (i) Consider her or his primary function that of child care,
 - (ii) Provide constant care and supervision of the children for whom she or he is responsible throughout the time she or he is on duty in accordance with their needs,
 - (iii) Provide appropriate activities for children in care.
- (6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.
- (a) When the parent or parent surrogate is responsible for in-home care, that person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.
- (b) The in-home care provider must sign a receipt at the time that payment is received. The parent/surrogate must send this receipt with his or her statement of child care provided during the previous month to the ESSO before the next child care payment shall be authorized.
- (c) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.
- (d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.
- (e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

WSR 81-07-004

ADOPTED RULES

DATA PROCESSING AUTHORITY

[Order 004—Filed March 6, 1981]

Be it resolved by the Washington State Data Processing Authority, acting at Educational Service District (ESD), 113 Building, McPhee Road, Olympia, WA, that it does promulgate and adopt the annexed rules relating to the Washington State Data Processing Authority's operations and methods and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25-32 of that act, dealing with public records.

This action is taken pursuant to Notice No. WSR 81-03-034 filed with the code reviser on January 14, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 43.105 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 4, 1981.

By Terrence Wold
Executive Director

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-010 PURPOSE. The purpose of this chapter shall be ~~((by the Washington State Data Processing Authority))~~ to adopt rules descriptive of the Washington State Data Processing Authority's operations and methods and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25-32 of that act, dealing with public records.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-020 DEFINITIONS. (1) Public record includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, 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) The Washington State Data Processing Authority is the agency appointed by the governor pursuant to chapter 219, Laws of 1973(;;) 1st ex. sess. The Washington State Data Processing Authority shall hereinafter be referred to as the authority. Where appropriate, the term authority also refers to the staff and employees of the Washington State Data Processing Authority.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. (1) The Administrative Office of the authority and its staff is located ~~((at 2604—12th Court S.W.))~~ in the 9th and Columbia Building, Olympia, Wash., 98504.

(2) The authority is composed of eleven ~~((11))~~ persons appointed by the governor to carry out the duties and tasks contained in chapter 43.105 RCW as amended. The administrative head of the authority is its executive director. All communications, requests and business shall be forwarded to the executive director at the aforesaid designated Administrative Office of the authority.

(3) The authority is chartered by the legislature to provide for the efficient and coordinated utilization of data processing equipment, techniques and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing and transmission of information; to authorize development, implementation and maintenance of a coordinated state-

wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive and judicial branches of state and local government.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-040 OPERATIONS AND PROCEDURES. (1) The Washington State Data Processing Authority, hereinafter referred to as the authority, shall hold regular meetings the first Wednesday of each month at a time and place designated by the authority in a previous regular or special meeting, and special meetings at times and places designated by the Chairman chair or a majority three of the members. Members will receive written notification of a special meeting at least 24 hours in advance. All meetings of the authority shall be open to the public; except that the authority may meet in executive session when considering matters as defined in RCW 42.30.110 (Open Public Meetings Act).

Public notice shall be given of all authority meetings as provided in chapter 42.30 RCW (Open Public Meetings Act).

(2) All meetings of the authority, its executive committee, or any subcommittee, ad-hoc committee or task force created by the authority, shall be governed by Reed's Parliamentary Rules, except as specified by applicable law or these rules of procedure.

(3) A majority of the A quorum must be present to conduct business. Six members shall constitute a quorum and a majority (thereof) (at least four) of those present shall have the authority to transact all business.

~~((4))~~ The regular order of business of the Authority shall be:

- ~~(a) Call to order~~
- ~~(b) Roll call and determination of quorum.~~
- ~~(c) Reading, correction, and approval of minutes~~
- ~~(d) Reading and disposition of communications~~
- ~~(e) Introduction and disposition of resolutions and proposals~~
- ~~(f) Consideration of reports~~
- ~~(g) Authority staff business~~
- ~~(h) Other business~~
- ~~(i) Announcements~~
- ~~(j) Adjournment~~

The agenda for all regular meetings of the authority will be (approved) set by the Chairman or, in his absence, the Vice-Chairman executive director. Any member of the authority, an agency, a vendor or the public may request, in writing to the Chairman executive director, an item to be placed on the agenda. The agenda for special meetings will be set by the Chairman executive director or the members calling the special meeting. The agenda of meetings of ad-hoc committees, or task forces of the authority will be set by their respective (chairmen) chairs.

~~((5))~~ (4) Minutes, which shall be a summary of the proceedings, shall be kept at each regular or special

meeting of the authority and, upon correction and approval, transmitted to each member of the authority and to such other persons as may be required by law.

~~((6))~~ (5) The officers of the authority shall be a Chairman chair and vice-Chairman chair ~~(. The Chairman and Vice-Chairman shall be)~~ elected by the authority ~~(not less than annually)~~. The Chairman chair shall preside at all meetings of the authority except that the vice-Chairman chair shall preside when the Chairman chair is not present.

In the event of any vacancy of the chair or vice-chair, the authority shall fill the vacancy by elections at its next regularly scheduled meeting. In such cases, members will be advised that an election will be held in accordance with normal meeting notice procedures.

~~((7))~~ Resolutions and Proposals for Authority consideration of action may be presented orally or in writing by any member of the Authority. Resolutions and proposals for consideration by the Authority, except those relating to the business of the day or for adjournment, may be submitted in writing to the Authority by any state agency or member of the legislature, on his own behalf or on behalf of another. Resolutions and proposals shall be presented to the Authority in regular order of business [Rule 4 (c)], and shall be numbered in the order of presentation. A resolution or proposal may be submitted to the Authority when it is not in session by filing it with the Executive Director by mail or otherwise, at the Authority's Administrative Office, who shall present it at the next regular meeting of the Authority.

~~((8))~~ (6) All news releases identified as coming from the authority as a whole will be promulgated from the authority's office and approved either by the Chairman chair or, (in his absence) if absent, the vice-Chairman chair.

~~((9))~~ (7) An annual budget will be prepared by the executive director and approved by the authority. All expenditures consistent with the approved budget ~~(except out-of-state travel)~~ may be approved by the executive director or (his) designee. ~~(Out-of-state travel on behalf of the Authority by members or staff will be subject to prior approval of the Authority. Such approval may be obtained by a telephone poll of the membership.)~~ Emergency expenditures not to exceed ~~\$(250.00)~~ 500.00 for items not included in the approved budget may be authorized by the executive director.

~~((10))~~ (8) The authority shall appoint by an absolute majority vote (six) an executive director who shall be chief executive officer for the authority, and shall perform such duties as the authority may require, such appointment to be confirmed by a majority vote of the Senate.

~~((11))~~ (9) Staff members may be employed by the executive director when consistent with an approved budget. Staff members shall report to and shall be subject to the direction of the executive director.

~~((12))~~ (10) The executive director shall present to the authority work plans for accomplishing the tasks delegated ~~(to him)~~ by the authority. Such plans shall be subject to review and approval by the authority.

Progress reports and proposed revisions to plans or priorities shall be submitted to the authority for review and approval.

((H3)) (11) These rules of procedure may, by a vote of an absolute majority of the members of the authority, be amended or suspended in any manner not inconsistent with the laws of the state(,:); PROVIDED, HOWEVER, That such amendment or suspension shall not be operative during the same meeting in which proposed, except by vote of two-thirds of those present or an absolute majority (six) of the members, whichever is greater.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-050 PUBLIC RECORDS AVAILABLE. All public records of the authority, as defined in WAC 143-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 42.17 RCW and WAC 143-06-100.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-060 PUBLIC RECORDS OFFICER. The authority's public records shall be in charge of the Public Records Officer designated by the executive director of the authority. The person so designated shall be located in the Administrative Office of the authority. The Public Records Officer shall be responsible for the following: The implementation of the authority's rules and regulations regarding release of public records, coordinating the staff of the authority in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the authority. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements 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 authority (Appendix A: WAC 143-

06-990) which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the authority's staff, if the public records officer is not available, at the administrative office of the authority during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record
 - (b) The time of day and calendar date on which the request was made
 - (c) The nature of the request
 - (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 Authority's current index,~~) An appropriate description of the record is requested.
- (2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-090 COPYING. No fee shall be charged for the inspection of public records. The authority shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the authority's copy equipment. This charge is the amount necessary to reimburse the authority for its actual costs incident to such copying.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-100 EXEMPTIONS. (1) The authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 143-06-080 is exempt under the provisions of section 31, chapter 42.17 RCW.

(2) In addition, pursuant to (~~section 26, chapter 42-16 RCW~~) RCW 42.17.260, the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may

petition for ((prompt)) review of such decision by tendering a written request to the executive director for review. The written request shall specifically refer to the written statement by the public records officer or other 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 public records officer or other staff member denying the request shall refer it to the Executive Director of the Authority.))~~ The executive director shall ~~((immediately))~~ consider the matter and either affirm or reverse such denial or call a special meeting of the authority as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-120 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface or destroy public records of the authority.

(2) Original copies of public records of the authority shall not be removed from the Administrative Offices of the authority.

(3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-130 RECORDS INDEX. (1) The authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(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) The current index promulgated by the authority shall be available to all persons under the same rules ~~((and on the same rules))~~ and on the same conditions as are applied to public records available for inspection.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-140 COMMUNICATIONS WITH THE AUTHORITY. All communications with the authority including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter ~~((42.16))~~ 42.17 RCW and these rules; requests for copies of the authority's decisions and other matters, shall be addressed as follows: Washington State Data Processing Authority, c/o Public Records Officer, ~~((2604-12th Court S.W.))~~ 9th and Columbia Building, Olympia, Wash. 98504.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-150 ADOPTION OF FORM. The authority hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Records".

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-990 APPENDIX A—FORM—REQUEST FOR PUBLIC RECORDS.

REQUEST FOR PUBLIC RECORDS

TO: WASHINGTON STATE DATA PROCESSING AUTHORITY

1.

Requestor's Name - Print)	Requestor's Signature)
------------------------------	---------------------------

2.
(Requestor's Organization -
if applicable)

3.
(Requestor's Mailing Address)

4.
(Date of Request) (Phone No.) (Time of Day)

5. NATURE OF REQUEST

6. Document(s) Reference Identification from Public Records Index

7. Description of Document(s) Requested ~~((if Not Identifiable by Reference to Washington State Data Processing Authority Public Records Index))~~

8. If the Requested documents are or include a list of individuals or companies state the purpose for which list is intended and sign the following acknowledgement: I promise that the list of individuals or firms furnished hereunder will not be used for commercial purposes.

Purpose:

.....
(Signature)

(Signature required on reverse side prior to release of requested information.)

Public records of the authority are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface or destroy public records of the authority.
- (2) Original copies of public records of the authority shall not be removed from the Administrative Offices of the authority.
- (3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
- (4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
- (5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.
- (6) The charge for providing electrostatic copies of public records is ten cents (10¢) per 8 1/2 x 11 inch page.

I have read, understand and will comply with the above-stated regulations.

.....
(Signature and date)

WSR 81-07-005
NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE
 [Memorandum—March 4, 1981]

This is to notify you that the regularly scheduled meeting of the Clark College District #14 Board of Trustees for April has been changed to April 28.

Also, our assistant attorney general has brought to my attention that state agencies which hold regular meetings should file not only the date of those meetings, but also the place. This, then, is to notify you that, with one exception, all regular meetings of the Clark College Board of Trustees are scheduled to be held in the Board Room of the Administration Building on the Clark College Campus. (1800 E. McLoughlin Boulevard, Vancouver, Washington) The exception is the March 17 meeting which will be held in the Camas School District Board Room, 2028 N.E. Garfield, Camas, Washington.

WSR 81-07-006
ADOPTED RULES
WASHINGTON STATE UNIVERSITY
 [Order 81-1, Resolution 1/81-14—Filed March 6, 1981]

Be it resolved by the board of regents of the Washington State University, acting at Pullman,

Washington, that it does promulgate and adopt the annexed rules relating to interlibrary loans, repealing WAC 504-40-070.

This action is taken pursuant to Notice No. WSR 80-18-007 filed with the code reviser on November 24, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority if the Washington State University as authorized in RCW 28B.30.125 and 28B.30.150.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 30, 1981.

By Glenn Terrell
President

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 504-40-070 INTERLIBRARY LOAN.

WSR 81-07-007
PROPOSED RULES
SEATTLE COMMUNITY COLLEGE
 [Filed March 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that Community College District VI, intends to adopt, amend, or repeal rules concerning the procedure for contested case hearings pursuant to RCW 28B.19.110-120;

and that the adoption, amendment, or repeal of such rules will take place at 6:30 p.m., Monday, May 4, 1981, in North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The authority under which these rules are proposed is RCW 28B.19.110-150.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 4, 1981, and/or orally at 6:30 p.m., Monday, May 4, 1981, North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

Dated: February 20, 1981

By: John W. Casey
Chancellor

STATEMENT OF PURPOSE

Title: Chapter 132F-08 WAC. Contested Case Hearings. Legal authority: RCW 28B.50.140.

Summary: The rules amend the following chapters:

Notice and Opportunity for Hearing in Contested Cases. Minor change in wording.

Method of Service. Minor change in wording.

Filing with Agency. Change of address of District Office.

Personnel: John W. Casey, Chancellor, Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-3872.

Institution: Seattle Community College District, public.

Comments: The purpose is to amend rules codified in chapter 132F-08 WAC to bring them in compliance with statute and current operating policies.

AMENDATORY SECTION (Amending Order 18, filed 5/22/73)

WAC 132F-08-001 FORMAL HEARING POLICY. In each instance that a formal hearing is required by ~~((institutional policy or chapter 28B-19))~~ RCW 28B.19.110, the provisions of WAC 132F-08-001 through 132F-08-999 shall be applicable.

AMENDATORY SECTION (Amending Order 18, filed 5/22/73)

WAC 132F-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES. In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the ~~((Chairman of the Executive Committee))~~ Chancellor of the Seattle Community College District or his designee and shall state the time, place, and issues involved, as required by RCW 28B.19.120.

AMENDATORY SECTION (Amending Order 18, filed 5/22/73)

WAC 132F-08-120 METHOD OF SERVICE. Service of papers shall be made personally or, unless otherwise provided by law, by first-class ~~((registered))~~ or certified mail (return receipt); or by telegraph.

AMENDATORY SECTION (Amending Order 18, filed 5/22/73)

WAC 132F-08-140 FILING WITH AGENCY. Papers required to be filed with the agency shall be deemed filed upon actual receipt by the Executive Secretary of the agency at ~~((401 Queen Anne Avenue North))~~ 300 Elliott Avenue West, Seattle, Washington ~~((98109))~~ 98119, accompanied by proof of service upon parties required to be served.

WSR 81-07-008
PROPOSED RULES
SEATTLE COMMUNITY COLLEGE
[Filed March 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that Community College District VI, intends to adopt, amend, or repeal rules concerning rules governing appearance before the board of trustees;

and that the adoption, amendment, or repeal of such rules will take place at 6:30 p.m., Monday, May 4, 1981, in North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 4, 1981, and/or orally at 6:30

p.m., Monday, May 4, 1981, North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

Dated: February 20, 1981

By: John W. Casey
Chancellor

STATEMENT OF PURPOSE

Title: Chapter 132F-104 WAC. Appearance Before The Board. Legal authority: RCW 28B.50.130.

Summary: The rules amend the following chapters:

Location of meetings. Meetings will now be held in the Board Room of the District Office.

Submission of items for Board Consideration. Stating normal administrative channels for submitting information.

Review of Agenda Items. Stating the procedure prepared materials for consideration by the board shall be reviewed.

Deadlines. Timeline for materials to be in Board Office.

Submission Routes. How materials are initiated and submitted prior to board meeting.

Informational Materials. Minor change in word from college to campus.

Board mailing list. This is updating the constituencies who will be receiving board materials.

New Business. The handling of emergency items not listed on the agenda.

Notification to Board Office. Specifying the number of days required to notify the Board Office in order to discuss old or new business.

Personnel: John W. Casey, Chancellor, Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-3872.

Institution: Seattle Community College District, public.

Comments: The purpose is to amend rules codified in chapter 132F-104 WAC to bring them in compliance with statute and current operating policies.

AMENDATORY SECTION (Amending Order 20, filed 6/6/75)

WAC 132F-104-030 LOCATION OF MEETING. The board meetings will be rotated among the three ~~((colleges))~~ campuses and ~~((for))~~ the District Office, in accordance with the published schedule:

- (1) North Seattle Community College
9600 College Way North
Seattle, WA 98103
- (2) Seattle Central Community College
~~((+7+8))~~ 1701 Broadway
Seattle, WA 98122
- (3) South Seattle Community College
6000 - 16th Avenue S.W.
Seattle, WA 98106
- (4) Seattle Community College District
~~((401 Queen Anne Avenue North))~~
300 Elliott Avenue West
Seattle, WA ~~((98109))~~ 98119

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-810 SUBMISSION OF ITEMS FOR BOARD CONSIDERATION. Any individual, group of individuals, or organization may submit any item of concern to the board for consideration; however, normal administrative channels are recommended to assure adequate background information.

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-811 REVIEW OF AGENDA ITEMS. All items submitted for the board agenda will be reviewed by the appropriate ~~((college)) campus president and the District ((Executive Committee)) Chancellor.~~ A standard cover sheet containing ~~((the Executive Committee's)) background information and the District Chancellor's recommendation, as appropriate,~~ shall be attached and the item shall be assigned to the agenda for the ~~((appropriate)) board meeting.~~ As practicable, all materials prepared for consideration by the Board of Trustees shall be reviewed by the Chancellor's Cabinet and the District Council prior to submission to the board.

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-812 DEADLINES. Items for regular board meeting agendas should be in the board office two weeks before the board meeting. Advance materials, including the agenda, background materials, and other information will be mailed to the board members and an approved board ~~((meeting)) materials distribution list ((six)) three work days in advance of regular meetings (including the day on which the materials are mailed and the day on which the meeting is held).~~

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-813 SUBMISSION ROUTES. To allow the board to have the benefit of background information and research, and to permit access for all SCCD constituencies to the board, the following submission routes ~~((through the Executive Committee and))~~ to the board are available:

- | | |
|--|---|
| <p>INITIATED BY:</p> <p>(1) An individual student, group of students, or ((regular ASB)) student government organization.</p> <p>(2) An individual faculty member, group of faculty members, or the faculty organization (SCCFT). ((This definition includes)) ((full-and-part-time)) ((faculty:))</p> <p>(3) An individual ((full-or)) ((part-time classified)) support staff employee, group of support staff employees, or the CPA organization.</p> <p>(4) An individual administrative employee, a group of administrative employees, or the administrative organization ((SCCAA)).</p> | <p>SUBMITTED BY:</p> <p>((Associated)) Student body ((ASB)) government or other elected student representative to students' ((ex-officio member)) ((on)) advisory representative to the board, or ((to)) through the dean of students ((and)) to the ((college)) campus president.</p> <p>Faculty representative organization (SCCFT) ((or)) to the faculty ((ex)) ((officio)) advisory representative ((on)) to the board, or to the ((college)) campus president via the dean of instruction or the District Chancellor.</p> <p>Classified Personnel Association officers ((or ex)) ((officio)) advisory representative ((for)) to the ((classified)) board, or via the business representative for the support staff employees' ((union)) organization to the ((college)) campus president or the ((Executive Committee)) District Chancellor.</p> <p>To ((immediate supervisor and)) ((then to)) either the ((college)) campus president or the ((Executive)) ((Committee)) District Chancellor via immediate supervisor.</p> |
|--|---|

INITIATED BY:

- (5) Individual citizens, groups, organizations, associations, agencies, or others who are not regular members of the district community.

SUBMITTED BY:

~~((College)) Campus president if the matter concerns only one ((college)) campus or to the ((Executive Committee)) District Chancellor if the matter concerns the entire district.~~

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-814 INFORMATIONAL MATERIALS. Written background materials, arguments, views, or supporting data are extremely helpful to the board's understanding of matters before it. Accordingly, the reviewing authorities ~~((in)) on the ((colleges)) campuses or at the district level may request or suggest these if they are not provided initially.~~

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-815 BOARD MAILING LIST. The board mailing list will include the following:

	NO. COPIES	TOTAL
Regular Board Members	1 each	5
((Ex-Officio Board members (SCCFT, CPA, SCCAA, three students))	((+ 3 6))	
((College)) Campus Presidents' Offices	2 *	6
((Executive Committee)) Chancellor's Office	1 * ((4))	3
Assistant Attorney General	1 *	1
District Officers and staff	1 * ((5))	7
ASB Presidents	1 *	3
Chairman, CPA	1 *	1
Advisory Representative, CPA	1 *	1
((Chairman, SCCAA))	((+ 3 +))	
President, SCCFT	1 *	1
Advisory Representative, SCCFT	1 *	1
Campus Vice-Presidents, SCCFT	1 *	3
((College)) Campus Library	1 *	3
Editor, Polaris	1 *	1
Editor, City Collegian	1 *	1
Editor, Sentinel	1 *	1
Education Editor, Seattle Times	1 *	1
Education Editor, Seattle Post-Intelligencer	1 *	1
	((43))	40

Individuals or groups who wish to read these materials may do so in the ~~((college)) campus presidents' offices or in the board office anytime during regular working hours. They are also available in each college library.~~

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-818 NEW BUSINESS. Items not previously discussed may be presented by any individual or group at this time. Normally, no action may be taken at this time on any item which has not appeared on the printed agenda unless they are of an emergency nature.

AMENDATORY SECTION (Amending Order 14, filed 5/22/73)

WAC 132F-104-819 NOTIFICATION TO BOARD OFFICE. Individuals or groups are requested to notify the board office ~~((by the Friday)) ten work days prior to the regular board meeting of the title and/or nature of any items which they wish to discuss under old or new business at the meeting.~~

WSR 81-07-009

ADOPTED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Order 81-1, Resolution 81-1—Filed March 6, 1981]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to

Pilotage Rates for the Grays Harbor Pilotage District, amending WAC 296-116-185.

This action is taken pursuant to Notice No. WSR 81-03-072 filed with the code reviser on January 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 88.16.035 which directs that the Board of Pilotage Commissioners has authority to implement the provisions of chapter 88.16 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 26, 1981. By Ralph White Acting Chairman

AMENDATORY SECTION (Amending Order 79-6, Resolution 79-6, filed 3/4/80)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on April 1, 1980:

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$((26+1))31.35 per meter (or \$((7-97))9.56 per foot) and the tonnage charge shall be \$((0606))0.83 per net registered ton. The minimum net registered tonnage charge is \$((26+00))350.00. The charge for an extra vessel (in case of tow) is \$((+63-00))200.00.

Boarding Fee:

Per each boarding/deboarding from a boat \$((50-00))90.00

NOTE: ((The boarding fee is to finance the purchase of the pilot boat "Chehalis". When the boat is fully amortized, the boarding fee will be terminated.)) Fifty dollars of the boarding fee is to finance the purchase of the pilot boat "Chehalis" and "Grays Harbor." When the boats are fully amortized, the boarding fee is to be terminated. The forty-dollar additional fee will be placed in an account for maintenance of the pilot boats.

Harbor Shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ((+63-00))250.00
Delays per hour ((+43-00))60.00
Cancellation charge (pilot only) ((65-00))100.00
Cancellation charge (pilot boat only) ((26+00))300.00

Travel Allowance:

Boarding or deboarding a vessel off Grays Harbor entrance ((+40-00))50.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$200 for each day or fraction thereof, and the travel expense incurred.

Bridge Transit:

Charge for each bridge transited ((85-00))110.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 60 days of invoice will be assessed at 1% per month late

charge. At least a four hour notice shall be given for an arrival, sailing, or change of ETA or ETD.

WSR 81-07-010
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1622--Filed March 9, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general and seasonal day care services, amending WAC 388-15-170.

I, David A. Hogan, find that an emergency exists and that the foregoing 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 such emergency is substantial fiscal impact is involved.

Such 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 secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 9, 1981. By David A. Hogan Director, Client and Community Relations Division

AMENDATORY SECTION (Amending Order 1552, filed 10/6/80)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care and protection and related services for a child under 15 years of age during that portion of the 24 hour day that neither of the child's parents are able to provide necessary care and supervision for the following reasons:

- (a) Parent is employed or seeking employment in accord with an approved case plan, and if an AFDC recipient must meet the eligibility criteria for seasonal day care, or be a resident of a federally recognized Indian reservation, or be a refugee,
(b) Parent is enrolled in an approved Work Incentive Program (WIN) or refugee training program (not to exceed two years) leading toward employment,
(c) For school age parent to complete secondary education or attainment of G.E.D. (not to exceed two years), subject to approval by the department,
(d) For parent who is a resident of a federally recognized Indian reservation and is enrolled in an approved

training program (not to exceed two years) leading toward employment,

(e) For AFDC recipient to serve as a volunteer on DSHS advisory board,

(f) Parent to keep physical or mental health appointment,

(g) Child in need of day care as part of children's protective service case plan,

(h) Provided as child welfare services by a professional or other mental health social service agency referral for the child or parents physical/emotional health or support to the family structure.

(2) Goals for General Day Care Services shall be limited to those specified in WAC 388-15-010(1)(a), (b), (c). Also see WAC 388-15-010(2). Also see WAC 388-75-203 through 388-75-396.

(3) Child care including seasonal day care may be purchased for children or families who are:

(a) Individuals whose gross income is equal to or below 38 percent of the state median gross income for a family of four adjusted for family size. (See WAC 388-15-020(2)(d)).

(i) Exception: Residents on federally recognized Indian Reservations whose gross income is equal to or below 80% of the state median income for a family of four adjusted for family size, shall be eligible for general child day care services.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for Seasonal Day Care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies which serve migrant families; and

(b) Must derive at least 50% of its annual income from agriculturally related work; and

(c) must have more than one agricultural employer per year; and

(d) Must have a gross income for the past 12 months not to exceed 38% of the state median income adjusted for family size.

(5) Standards for in-home care

(a) In-home care is the care and supervision of a child in her or his own home by a relative or by an unrelated person during part of the 24-hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine that the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary that he remain in his home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program which DSHS is responsible for arranging, approving or

paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older,

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,

(iii) Be of sufficient physical, emotional and mental health to meet the needs of the children in care,

(iv) Subject to the discretion of the worker, give written evidence from a medical authority that he or she is in sufficient physical, emotional and mental health to be a safe caretaker,

(v) Produce written references indicating that she or he is capable of handling children of the ages for whom she or he will be caring and has the ability to provide activities suitable to their ages and interests.

(vi) Be able to work with children without recourse to physical punishment or psychological abuse,

(vii) Be able to accept and follow instructions,

(viii) Maintain personal cleanliness,

(ix) Be prompt and regular in job attendance,

(x) Expect to be evaluated on the above items.

(e) Responsibilities of in-home caretaker - in-home caretaker shall:

(i) Consider her or his primary function that of child care,

(ii) Provide constant care and supervision of the children for whom she or he is responsible throughout the time she or he is on duty in accordance with their needs,

(iii) Provide appropriate activities for children in care.

(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, that person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time that payment is received. The parent/surrogate must send this receipt with his or her statement of child care provided during the previous month to the ESSO before the next child care payment shall be authorized.

(c) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required

to support the relative's employment, the child is eligible for day care.

WSR 81-07-011
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
[Filed March 9, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning the amending of WAC 308-120-170, 308-120-510 and 308-120-511;

that such agency will at 9:00 a.m., Saturday, April 25, 1981, in the Renton Sheraton, Spruce, Cedar and Fir Rooms, 800 Rainier Avenue South, Renton, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Saturday, April 25, 1981, in the Renton Sheraton, Spruce, Cedar and Fir Rooms, 800 Rainier Avenue South, Renton, WA.

The authority under which these rules are proposed is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 25, 1981, and/or orally at 9:00 a.m., Saturday, April 25, 1981, Renton Sheraton, Spruce, Cedar and Fir Rooms, 800 Rainier Avenue South, Renton, WA.

Dated: March 9, 1981

By: Gary P. Troskie
Assistant Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Nursing.

Purpose: The purpose of the amendments to WAC 308-120-170 is to correct the reference to interim permits by using the statutorily correct name, "interim" permit and to clarify who is entitled to such permits. The amendment also adds to this section other documents which legally authorize practice in the state of Washington. The purpose of the amendment to WAC 308-120-510 is to modify the requirements for nurse administrators for approved schools of nursing. The purpose of the amendment to WAC 308-120-511 is to modify the requirements for faculty of approved schools of nursing.

Statutory Authority: RCW 18.88.080.

Summary of the Rules: WAC 308-120-170 lists the documents that indicate that a person has been authorized to practice registered nursing in the state of Washington. WAC 308-120-510 lists the qualifications for nurse administrators of approved schools of nursing and their responsibilities. WAC 308-120-511 contains the qualifications for

faculty of approved schools of nursing and lists some of the principal functions of the faculty. It also describes the faculty organization of approved schools of nursing and the student faculty ratio for these schools.

Reason Proposed: The amendments are proposed to add to the list of documents that authorize legal practice of nursing in the state of Washington and to modify the requirements for nurse administrators and faculty members of approved schools of nursing.

Responsible Departmental Personnel: In addition to the members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules:

Margaret M. Sullivan, Executive Secretary, Washington State Board of Nursing, Third Floor, Highways-Licenses Bldg., Olympia, WA 98504, 234-3726 (SCAN), 753-3726 (COMM).

Proponents: These amendments were proposed by the Washington State Board of Nursing.

Agency Comments: These amendments were promulgated pursuant to the authority contained in RCW 18.88.080.

AMENDATORY SECTION (Amending Order PL 196, filed 7/25/75)

WAC 308-120-170 DOCUMENTS WHICH INDICATE AUTHORIZATION TO PRACTICE REGISTERED NURSING IN WASHINGTON. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) License. A license is ((†)) issued upon completion of all requirements for licensure - confers the right to use the title registered nurse and the use of its abbreviation, R.N.

(2) ((Temporary)) Interim permit. An ((temporary)) interim permit may be issued to a graduate from an approved ((registered)) nursing ((program)) school who has met all qualifications, has filed an application for examination and is eligible for admission to the ((first)) licensing examination ((scheduled following date of graduation)).

(a) This permit expires when a license is issued, ((failure notice is received:)) when the candidate receives first notice of failure, or within one year ((of)) from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The ((temporary)) interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse". The title ((temporary)) "interim permit nurse" or "graduate nurse" may be used.

(3) Memorandum of approval. A memorandum of approval of application for license by endorsement is issued pending printing of the license. The date of expiration is on the memorandum.) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 308-120-185).

(4) Certified registered nurse (CRN) recognition document. A CRN recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "certified registered nurse" or the abbreviation "CRN". This

document authorizes the CRN to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) CRN prescriptive authorization document. A CRN prescriptive authorization document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This document authorizes the CRN to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

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 PL 339, filed 3/27/80)

WAC 308-120-510 NURSE ADMINISTRATOR FOR APPROVED SCHOOL OF NURSING. (1) Nurse administrators shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A ~~((minimum of a))~~ a baccalaureate degree in nursing, a master's degree ((in nursing or public health)) from an accredited college or university, ((which includes)) and evidence of post-baccalaureate preparation in ((administration, curriculum development and/or teaching)) nursing and education commensurate with their position and responsibilities.

(c) A minimum of five years of professional experience as a registered nurse which includes two years teaching in an approved school of nursing ~~((and one year administrative experience in nursing)).~~

Exceptions shall be justified to and approved by the board of nursing.

(2) Nurse administrators are responsible for the following functions:

(a) Create and maintain an environment conducive to teaching and learning.

(b) Serve as liaison with the central administration and other units of the college or university.

(c) Organize and administer the nursing program.

(d) Provide educational leadership for the faculty and students of the school.

(e) Facilitate recruitment, selection and development of qualified faculty.

(f) Recommend faculty for appointment, promotion, tenure and retention.

(g) Facilitate program evaluation and development.

(h) Plan and administer the budget.

(i) Facilitate arrangements for all necessary resources and services.

(j) Facilitate peer and student evaluation of teaching effectiveness.

(k) Facilitate development of long range goals and objectives for the nursing program.

(l) Facilitate the recruitment, selection and retention of students.

(m) Assure that the minimum rules/regulations of the state board of nursing are effectively implemented.

(3) The nurse administrator shall have sufficient time provided for carrying out administrative responsibilities. Instructional responsibilities of the nurse administrator shall be consistent with the scope of the administrative responsibility.

AMENDATORY SECTION (Amending Order PL 339, filed 3/27/80)

WAC 308-120-511 FACULTY FOR APPROVED SCHOOLS OF NURSING. (1) Faculty shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) ~~((Academic preparation and professional experience consistent with their respective areas of responsibility:))~~ After January 1, 1983, all newly appointed faculty shall have had a minimum of one year of professional experience as a registered nurse.

(c) The baccalaureate degree in nursing shall be ((a)) the minimum requirement for faculty appointment until January 1, 1985, ((at which time a minimum of a master's degree in nursing or public health shall be required)). After January 1, 1985, all newly appointed faculty shall be required to hold a master's degree from an accredited college or university and show evidence of post-baccalaureate preparation in nursing and education commensurate with their position and responsibilities.

Exceptions shall be justified to and approved by the board of nursing.

(2) Principal functions of the faculty shall include but not be limited to:

(a) Develop, implement and evaluate the philosophy and objectives of the program;

(b) Construct, implement, evaluate and revise the curriculum;

(c) Develop and evaluate policies and standards for the selection, admission, promotion and graduation of nursing students within the framework of the policies of the college or university;

(d) Evaluate student achievement in terms of course and program objectives, assign grades for courses according to policies, and recommend successful candidates for the degree or diploma;

(e) Develop, implement and evaluate statements of policy necessary for the operation of the program, and participate in appropriate activities of the college or university;

(f) Participate in academic advising of students;

(g) Provide for peer and student evaluation of teaching effectiveness;

(h) Participate in periodic review of the total nursing program; and

(i) Participate in the overall faculty activities of the college or university, e.g., governance, interdepartmental teaching and research.

(3) A nursing faculty organization, with delineated policies and procedures, shall be established in harmony with the policies of the college or university.

(a) All faculty shall participate in the activities of the faculty organization in ways consistent with their position and responsibilities.

(b) Committees shall be established as necessary to carry out the functions of the faculty effectively. The purposes and membership of each committee shall be defined clearly.

(c) Meetings shall be held on a regular basis.

(d) Minutes, including faculty action, shall be recorded in writing and kept on file for ready reference.

(4) Faculty/student ratio.

(a) Faculty shall be provided in adequate number and kind to meet the purposes and objectives of the program.

(b) Twelve students is the maximum for which a faculty member shall be responsible at any one time in the clinical area. A lower ratio may apply to students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(i) The preparation and expertise of the faculty member;

(ii) The objectives to be achieved;

(iii) The level of students;

(iv) The number, type, and conditions of patients;

(v) The number, type, location and physical layout of clinical facilities;

(vi) The number of clinical facilities being used for a particular course.

Exceptions shall be justified to and approved by the board of nursing.

WSR 81-07-012

PROPOSED RULES

BOARD OF PHARMACY

[Filed March 9, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-32-050 and 360-32-055;

that such agency will at 1:00 p.m., Thursday, April 23, 1981, in the Burien Police Station, 14905 6th S.W., Burien, WA., conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, April 23, 1981, in the Burien Police Station, 14905 6th S.W., Burien, WA.

The authority under which these rules are proposed is RCW 69.41.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 23, 1981, and/or orally at 1:00 p.m., Thursday, April 23, 1981, Burien Police Station, 14905 6th S.W., Burien, WA.

Dated: March 9, 1981
By: David C. Campbell, Jr.
Executive Secretary

STATEMENT OF PURPOSE

Title: WAC 360-32-050 Identification of legend drugs for purposes of chapter 69.41 RCW.

Description of Purpose: This amendment incorporates the latest edition of the American Druggist Blue book as the listing of those drugs which have been designated as legend drugs by the board.

Statutory Authority: RCW 69.41.075.

Title: WAC 360-32-055 Ephedrine prescription restrictions.

Description of Purpose: This amendatory section revises the old restrictions on ephedrine by making a legend drug for all purposes under RCW 69.41.030. The previous ephedrine regulation did not prohibit possession of ephedrine but only its preparation, compounding, dispensing, sale, giving away, bartering, or otherwise distributing it. The amendatory section would make clear that possession of ephedrine without a prescription (etc.) would be a violation of the Legend Drug Act, chapter 69.41 RCW.

Statutory Authority: RCW 69.41.075.

Summary of Rules:

WAC 360-32-050, as amended, would update the list of board-identified legend drugs by incorporating a more recent (1981) commercial publication containing a listing of those drugs. WAC 360-32-055, as amended, would identify ephedrine as a legend drug and would limit the use of ephedrine to prescription only, except for products specifically exempted from the rule by name.

Reasons Supporting Action:

WAC 360-32-050. This amendment was necessary to provide reference to a list of board-identified legend drugs in the latest available edition of the American Druggist Blue Book. The previous list of such board-identified legend drugs was in the 1979 edition.

WAC 360-32-055. This amendment was necessary to clarify that ephedrine is a legend drug for all purposes. This was necessary to close the loophole which permitted persons in the state to purchase, by mail from out of state, ephedrine containing drugs without being subject to penalty for violation of the Legend Drug Act.

Agency personnel responsible for drafting, implementing and enforcing the rule:

Charles R. James, Acting Executive Secretary, WEA Building, 319 E. 7th Avenue, Olympia, WA 98504, 234-6834 (SCAN), 753-6834 (COMM).

Name of person or organization proposing the rule: WAC 360-32-050 and 360-32-055 as proposed to be amended, were proposed by the Washington State Board of Pharmacy.

Agency comments: The intention of the board in proposing amendments to the above sections is to clarify and update listing of drugs identified as legend drugs for the purposes of chapter 69.41 RCW.

These rule amendments were not made necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 149, filed 9/5/79)

WAC 360-32-050 IDENTIFICATION OF LEGEND DRUGS FOR PURPOSES OF CHAPTER 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the food and drug administration, pursuant to the federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the ~~((1979))~~ 1981 edition of the American Druggist Blue Book. Copies of the list of legend drugs as contained in the American Druggist Blue Book shall be available for public inspection at the headquarters office of the state board of pharmacy, 319 East 7th Avenue, Olympia, Washington 98504. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of \$10 per copy.

AMENDATORY SECTION (Amending Order 149, filed 9/5/79)

WAC 360-32-055 EPHEDRINE PRESCRIPTION RESTRICTIONS. (1) ~~((No person shall prepare, compound, dispense, sell, give away, barter, or otherwise distribute))~~ The board of pharmacy, pursuant to RCW 69.41.075, hereby identifies ephedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, ~~((except as stated in subsections (2) and (3) of this regulation or as provided in RCW 69.41.030))~~ as a legend drug subject to the restrictions of RCW 69.41.030.

~~((2) Preparation or distribution of the drugs in subsection (1) shall be:~~

~~(a) Upon a written prescription of a licensed medical practitioner;~~
~~(b) Upon an oral prescription of a licensed medical practitioner which is reduced promptly to writing and filed by the pharmacist; or~~
~~(c) By refilling the written or oral prescription if such refilling is authorized by the licensed medical practitioner either in the original prescription or by oral order which is reduced promptly to writing and shall include the date of the refill authorization, the initials of the pharmacist receiving the authorization and the filing by the pharmacist.))~~

~~((3))~~ (2) The following products containing ephedrine or its stereoisomers are exempted from the provisions of this regulation:

- | | |
|---------------------------------|---------------------------------|
| 1. AMORDRINE tablet
(Searle) | 25mg (as racemic hydrochloride) |
| 2. BRONITIN tablet (Whitehall) | 24mg ephedrine |
| 3. BRONKAID tablet (Breon) | 24mg (as sulfate) |
| 4. BRONKOTABS tablet (Breon) | 24mg (as sulfate) |
| 5. CALCIDRINE SYRUP (Abbott) | 4.2mg/5cc Hcl |

- 6. CHLOR-TRIMENTON DECON-
GESTANT (Schering) 60mg ephedrine
- 7. CODIMAL tablet - capsule
(Central Pharmacal) pseudoephedrine hydro-
chloride, 30mg
- 8. CO-TYLENOL COLD FORMULA
for CHILDREN (McNeil) pseudoephedrine hydro-
chloride, 7.5mg/5 ml
- 9. D-FEDA (Dooner) pseudoephedrine hydro-
chloride, 30mg/5 ml
- 10. DIMOCOL LIQUID and
CAPSULES (Robins) pseudoephedrine hydro-
chloride, 30mg/5 ml or
capsules
- 11. FEDAHIST tablet - syrup
(Dooner) pseudoephedrine hydro-
chloride, 60mg/tablet
30mg/5 ml
- 12. FEDAHIST EXPECTORANT
(Dooner) pseudoephedrine hydro-
chloride, 30mg/5 ml
- 13. FEDRAZIL tablet
(Burroughs Wellcome) pseudoephedrine hydro-
chloride, 30mg
- 14. HISTADYL EC
(Lilly) ephedrine hydrochlo-
ride, 30mg/30 ml
- 15. HISTIVITE-D
(Vitarine) ephedrine sulfate,
30mg/30 ml
- 16. NALDEGESIC tablet
(Bristol) pseudoephedrine, 15mg
- 17. NOVAFED syrup
(Dow) pseudoephedrine hydro-
chloride, 30mg/5 ml
- 18. NOVAFED A
(Dow) pseudoephedrine hydro-
chloride, 30mg/5 ml
- 19. NOVAHISTINE DMX
(Dow) pseudoephedrine hydro-
chloride, 30mg/5 ml
- 20. NYQUIL
(Vicks) ephedrine sulfate,
8mg/30 ml
- 21. PRIMATINE M tablet
(Whitehall) 24mg (as hydrochlo-
ride)
- 22. QUELIDRINE
(Abbott) ephedrine hydrochlo-
ride, 5mg/5 ml
- 23. QUIET-NITE
(Rexall) ephedrine sulfate,
10mg/30 ml
- 24. ROBITUSSION-PE
(Robins) pseudoephedrine hydro-
chloride, 30mg/5 ml
- 25. SINACET tablet
(Meyer) pseudoephedrine hydro-
chloride, 15mg
- 26. SUDAFED tablet - syrup
(Burroughs Wellcome) pseudoephedrine hydro-
chloride, 30mg and
60mg tablets or
5 ml (30mg/ml)
- 27. VERAQUAD tablet - sus-
pension (Knoll) 24mg tablet, 12mg/5 ml
(as hydrochloride)

WSR 81-07-013
ADOPTED RULES
CEMETERY BOARD
[Order 104—Filed March 9, 1981]

Be it resolved by the Washington State Cemetery Board, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to improved commercial or real estate income, hybrid units, hybrid units as funeral merchandise or services, disclosures of support items, removal of dedication and adding as new sections WAC 98-12-020, 98-16-010, 98-16-020, 98-16-030 and 98-20-010.

This action is taken pursuant to Notice No. WSR 81-02-055 filed with the code reviser on January 7, 1981.

Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 68.05.100 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 18, 1981.

By B. David Daly
Chairman

NEW SECTION

WAC 98-12-020 IMPROVED COMMERCIAL OR REAL ESTATE INCOME. In determining the trust fund income for the purpose of RCW 68.44.020 and RCW 68.44.170, an allowance for depreciation on the improved real estate will be used as a determining factor in computing fund income. The trustee shall deduct depreciation from the gross rents and transfer the amount into a fund for depreciation account. The fund may be reinvested with other endowment investments, or may be used to create a sinking fund within the endowment fund.

Chapter 98-20 WAC
CEMETERY PROPERTY

WAC

98-20-010 Removal of dedication.

NEW SECTION

WAC 98-20-010 REMOVAL OF DEDICATION. Any cemetery authority, as defined in RCW 68.04.190, which desires to remove the dedication to cemetery purposes from all or any part of its property pursuant to RCW 68.24.090, must notify the cemetery board, in writing, of its intention to do so at least 60 days prior to filing the proceeding in superior court pursuant to RCW 68.24.090.

Chapter 98-16 WAC
HYBRID UNITS

WAC

98-16-010 Hybrid unit.
98-16-020 Hybrid unit as funeral merchandise or services.
98-16-030 Disclosure of support or service items.

NEW SECTION

WAC 98-16-010 HYBRID UNIT. A hybrid unit shall mean any combination "casket-vault" that is designed, intended, or represented to function as a substitute for a casket and/or a vault, or intended to serve the same purpose as a casket or a vault or in lieu thereof.

NEW SECTION

WAC 98-16-020 HYBRID UNIT AS FUNERAL MERCHANDISE OR SERVICES. A hybrid unit shall be considered funeral merchandise or services as defined in RCW 48.40.002(2)(b), unless specifically designated, detailed and represented to the contrary in cemetery prearrangement contracts: **PROVIDED, HOWEVER,** That hybrid units not subject to regulation under chapter 48.40 RCW shall, if applicable, be subject to chapter 68.46 RCW and considered cemetery merchandise or services. Such cemetery prearrangement contracts, advertising, and other representations shall clearly state which items of the hybrid unit are being sold as funeral merchandise or services and which are being sold as cemetery merchandise or services.

NEW SECTION

WAC 98-16-030 DISCLOSURE OF SUPPORT OR SERVICE ITEMS. In accordance with WAC 98-14-020, Hybrid units specified as cemetery merchandise or services in cemetery prearrangement contracts must be itemized, and must disclose and describe all items of support or services which are required or may be required for the future or intended use of hybrid units. "Support or service" as used herein means any function, activity, or object, and their availability, required or that may be required to meet a buyer's expectations for necessary cemetery merchandise or services and/or funeral merchandise or services. Whether items of support or service are included in the immediate purchase price or are reserved for future sale at the time of need, must be clearly set forth in the cemetery prearrangement contract, and in all advertising or representations pertaining to preneed or prearrangement contract sales of hybrid units.

WSR 81-07-014
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed March 9, 1981]

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 the amending of WAC 388-29-575, disregard of income and resources.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Client and Community Relations Division
 Department of Social and Health Services
 Mailstop OB-44 D
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia,

Washington, Phone (206) 753-7015, by April 9, 1981. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Thursday, April 23, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 29, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 23, 1981, and/or orally at 10:00 a.m., Thursday, April 23, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 9, 1981

By: David A. Hogan

Director, Client and

Community Relations Division

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-28-575.

Purpose of the rule or rule change is to add a category of exempt income to the AFDC program.

The reason(s) these rules are necessary is to comply with federal requirements.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change: WAC 388-28-575 is revised by adding a new subdivision declaring that HUD community development block grant funds obtained and used by an applicant/recipient under conditions that preclude their use for current living costs shall not be considered as income. Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Mick Determan

Title: Program Manager

Office: Bureau of Income Maintenance

Phone: 3-7137

Mailstop: OB-31 C

The person or organization (if other than DSHS) who proposed these rules is: None.

These rules are necessary as a result of federal law: P.L. 93-383, P.L. 95-128, 45 CFR 233.20(a)(3)(iv)(b).

AMENDATORY SECTION (Amending Order 1399, filed 5/16/79)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that act.

(f) From August 1, 1975, to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) Moneys received under The Comprehensive Employment and Training Act of 1973, as amended, as follows:

(i) The \$30 weekly incentive training allowance for AFDC recipients;

(ii) Earnings and allowances received by any youth under the youth incentive entitlement pilot projects, youth community conservation and improvement projects and youth employment and training program.

(h) Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.

(i) OASDI benefits paid to 18 to 22 year olds who are full-time students.

(j) That part of a veterans' administration educational assistance payment which is for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes and child care services necessary for school attendance.

(k) HUD community development block grant funds obtained and used under conditions that preclude their use for current living costs.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended.

(c) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(d) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(e) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended and the special food service program for children under the National School Lunch Act, as amended.

(f) Payments made under the Community Services Administration's Emergency Energy Conservation Program of 1979.

that such agency will at 10:00 a.m., Monday, May 18, 1981, in the Board Room, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1981, and/or orally at 10:00 a.m., Monday, May 18, 1981, Board Room, Highway Administration Building, Olympia, Washington.

Dated: March 9, 1981

By: V. W. Korf
Deputy Secretary

WSR 81-07-016

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed March 10, 1981]

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 regulations;

that such agency will at 10:00 a.m., Tuesday, April 21, 1981, in the Large General Administration Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, April 27, 1981, in the Washington Department of Fisheries Conference Room, Room 115, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1981, and/or orally at 10:00 a.m., Tuesday, April 21, 1981, Large General Administration Conference Room, General Administration Building, Olympia, Washington.

Dated: March 9, 1981

By: Rolland A. Schmitt
Director

STATEMENT OF PURPOSE

Title:

WAC 220-52-019 Geoduck Clams - Gear

WAC 220-52-071 Sea Cucumbers

WAC 220-52-075 Shellfish Harvest Logs

WAC 220-69-240 Duties of Commercial Purchasers and Receivers

WAC 220-69-241 Duties of Commercial Fishermen and Growers

WAC 220-69-25401 Required Information on Shellfish Receiving Tickets

WAC 220-69-280 Fish Receiving Ticket Accountability

Description of Purpose: Modifies harvesting and reporting requirements in the commercial geoduck fishery.

WSR 81-07-015

REVIEW OF RULES

DEPARTMENT OF TRANSPORTATION

[Filed March 10, 1981]

Notice is hereby given in accordance with Executive Order 80-20, that the Department of Transportation intends to review the following rules:

chapter 468-06 WAC Public access to information and records (management services).

chapter 468-10 WAC Practice and procedure (Attorney General Division).

chapter 468-12 WAC Transportation Commission and Transportation Department State Environmental Policy Act rules (Public Transportation and Planning Division).

chapter 468-18 WAC State Aid Office (state aid).

chapter 468-300 WAC State ferries and toll bridges (Marine Transportation Division);

Summary of rule: Prohibits commercial geoduck harvest at night and on weekends or holidays, prohibits geoduck and sea cucumber operations on the same vessel, eliminates geoduck harvest log, requires additional information on shellfish receiving tickets.

Reasons Supporting Proposed Action: The geoduck fishery is managed on a maximum sustained yield basis. Proper enforcement and control of harvest are necessary to safeguard the stocks from overharvest.

Agency personnel responsible for:

Drafting: Suzanne Shaw, Room 115, General Administration Building, Olympia, Washington 98504, Phone: 754-2429.

Implementation: Ron Westley, Room 115, General Administration Building, Olympia, Washington 98504, Phone: 753-6749.

Enforcement: R. Hachtel, Room 115, General Administration Building, Olympia, Washington 98504, Phone: 753-6585.

Proponents: Washington Department of Fisheries.

Comments: This rule is not the result of federal law or any court action.

AMENDATORY SECTION (Amending Order 79-129, filed 11/20/79)

WAC 220-52-019 GEODUCK CLAMS—GEAR. It ~~((shall be))~~ is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the tidelands of the state of Washington: PROVIDED, That pursuant to RCW 75.24.100, validations for the use of hand-held manually operated water jet or suction devices for harvesting geoduck clams for commercial purposes may be obtained from the director of fisheries subject to the following conditions:

(1) All harvesting methods and types of water jet and suction devices used in the taking or harvesting of geoduck clams must be approved by the director of fisheries prior to their use, except that water jet devices meeting the following requirements are approved for use:

(a) The water jet must have an automatic spring-triggered shutoff valve or a manual valve capable of being operated from full flow to completely off within one-half turn.

(b) The device ~~((shall))~~ must consist of not more than one jet, the nozzle of which shall not exceed 5/8 inch inside diameter.

(c) It ~~((shall be))~~ is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

(2) One geoduck validation must be physically present on board the harvest vessel for each and every geoduck personal commercial fishing license in use. It is the responsibility of the holder of the harvest agreement to issue validations only to divers authorized to harvest on the specific tract or tracts. It is the responsibility of the holder of the harvest agreement to ensure that the required number of validation cards are on board the harvesting vessel engaged in geoduck harvesting.

(3) It ~~((shall be))~~ is unlawful to take, fish for or possess geoduck clams taken from 6:00 p.m. to 6:00 a.m. It is unlawful to take, fish for or possess geoduck clams on Saturday, Sunday or the following legal holidays:

<u>New Year's Day</u>	<u>January 1</u>
<u>Lincoln's Birthday</u>	<u>February 12</u>
<u>Washington's Birthday</u>	<u>Third Monday in February</u>
<u>Memorial Day</u>	<u>Last Monday in May</u>
<u>Independence Day</u>	<u>July 4</u>
<u>Labor Day</u>	<u>First Monday in September</u>
<u>Veteran's Day</u>	<u>November 11</u>
<u>Thanksgiving Day</u>	<u>Fourth Thursday in November</u>

The day after Thanksgiving Day

Christmas Day

December 25

(4) It ~~((shall be))~~ is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It ~~((shall be))~~ is unlawful to retain any shellfish other than geoduck clams during geoduck harvesting operations unless the operator is licensed for the taking of clams other than geoduck clams as provided for in RCW 75.24.100. It is unlawful to take, fish for or possess sea cucumbers during geoduck clam harvesting operations, or possess sea cucumbers on a vessel that has geoducks aboard.

(6) It shall be unlawful for more than six divers to harvest geoducks at any one time on a single geoduck tract. It shall be the responsibility of the holder of the harvest agreement to assure that no more than six divers are harvesting at one time.

(7) At all times when geoduck harvest is occurring, copies of the official geoduck tract map and complete tract boundary identification documents or photographs as issued by the department of natural resources for the specific tract must be on board the vessel.

(8) No processing of geoducks is permitted on board the harvest vessel.

(9) It shall be unlawful to take, fish for or possess geoduck clams for commercial purposes except those taken within boundaries of subtidal tracts for which geoduck harvest agreements have been issued by the department of natural resources or from subtidal tracts which were leased from the department of natural resources prior to June 30, 1979 for geoduck harvest.

(10) It shall be unlawful to harvest from bottoms which are shallower than 10 feet below mean lower low water (0.0 feet), or which lie in areas bounded by the line of ordinary high tide (mean high tide), and a line 1/4-mile seaward from and parallel to said line of ordinary high tide on subtidal tracts which were leased for geoduck harvest prior to June 30, 1979.

(11) It shall be unlawful to harvest from bottoms which are shallower than 18 feet below mean lower low water (0.0 feet), or which lie in areas bounded by the line of ordinary high tide (mean high tide), and a line 200 yards seaward from and parallel to said line of ordinary high tide on subtidal tracts for which geoduck harvest agreements have been issued after June 30, 1979.

AMENDATORY SECTION (Amending Order 79-6, filed 1/30/79)

WAC 220-52-071 SEA CUCUMBERS. (1) It ~~((shall be))~~ is lawful to take, fish for and possess sea cucumbers for commercial purposes with dip bag net gear the entire year and with trawl gear in areas open to bottom fish trawling except as provided in subsection (2).

(2) It ~~((shall be))~~ is unlawful to harvest sea cucumbers for commercial purposes within one-half mile of the shorelines of San Juan Island and Henry Island.

(3) It ~~((shall be))~~ is unlawful to ~~((harvest))~~ take or fish for sea cucumbers for commercial purposes from ~~((one-half hour after sunset))~~ 6:00 p.m. to ((one-half hour before sunrise)) 6:00 a.m. It is unlawful to take, fish for or possess sea cucumbers for commercial purposes on Saturday, Sunday or those legal holidays listed in WAC 220-52-019(3).

(4) It is unlawful to take, fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumber on board.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-52-075 SHELLFISH HARVEST LOGS. It ~~((shall be))~~ is unlawful for any vessel operator engaged in commercial crawfish, geoduck, sea cucumber, sea urchin, and shrimp fisheries and operators of mechanical clam digging devices to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, geoducks, sea cucumbers, sea urchins, shrimp or clams aboard. The vessel operator must submit the log book for inspection upon request by authorized department of fisheries representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first. Vessel operators engaged in commercial harvest of:

(1) Shrimp and crawfish with shellfish pot or ring net gear must record the vessel identity, number of pots or ring nets pulled, date pulled, soak times and gear location before leaving the catch area where taken and weights must be recorded upon landing or sale.

(2) Shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location, duration and estimated weight of shrimp caught for each tow before leaving the catch area where taken.

(3) Sea urchins, or sea cucumbers must record the vessel identity, date, location and approximate number of geoducks, sea urchins or sea cucumbers before leaving the catch area where taken and the exact weight must be recorded upon landing or sale.

(4) Clams with mechanical digging devices must record the vessel identity, location and date of harvest before the end of each days' fishing and the weights by clam species must be recorded upon landing or sale.

~~((5) Geoducks must record the vessel identity date, location, and approximate number of geoducks before leaving the department of natural resources geoduck tract from which the catch was taken, and the exact weight must be recorded upon landing or sale. A separate geoduck harvest log must be used for each separate tract for each month fished:))~~

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-69-240 DUTIES OF COMMERCIAL PURCHASERS AND RECEIVERS. (1) Every person, partnership, association, corporation, or similar entity receiving or purchasing fresh, iced, or frozen food fish or shellfish, or any parts thereof, from fishermen, firms, or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 75 RCW, ~~((shall))~~ must immediately, completely, accurately, and legibly prepare the appropriate State of Washington Fish Receiving Ticket regarding each and every purchase or receipt of such commodities. Each delivery ~~((shall))~~ must be recorded on a separate State of Washington Fish Receiving Ticket: PROVIDED, That provisions of this section do not apply to purchases or receipts made by individuals or consumers at retail: PROVIDED FURTHER, That the provisions of this section do not apply to fresh, iced, or frozen food fish or shellfish, or parts thereof purchased from any person, partnership, association, corporation, or similar entity, possessing a valid Washington wholesale dealer's license. It ~~((shall-be))~~ is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license number, and retain these, together with such sales receipt documents or information as may be required, to show the seller's name, quantity of fish, and date of the transaction.

(2) State of Washington Fish Receiving Tickets ~~((shall-be))~~ are required for:

(a) Fresh food fish or shellfish previously landed in another state, territory, or country and shipped or transported into the State of Washington.

(b) Any frozen food fish or shellfish received in the State of Washington which were not previously landed in another state, territory, or country.

(3) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: PROVIDED, That it ~~((shall-be))~~ is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts ~~((shall))~~ must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "Loss Estimate".

(4) It ~~((shall-be))~~ is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 15 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring ~~((shall))~~ must then be weighed and the weight ~~((shall-be))~~ immediately entered in the appropriate space on the ticket. A separate State of Washington fish receiving ticket ~~((shall))~~ must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(5) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 ~~((shall))~~ must report each calendar day's receipts by noon of the following day to the Department of Fisheries, Olympia, Washington; telephone (206) 753-6637.

(6) It is unlawful for any person, partnership, association, corporation, or similar entity receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 75 RCW, to fail to completely, accurately, and legibly prepare a shellfish receiving ticket for each and every purchase or receipt of geoducks immediately upon the actual landing of geoducks from the harvesting vessel onto the shore or upon transfer to another vessel.

(7) The fish ticket initiated on the harvest site for each day's catch of geoducks for each tract must accompany each day's catch of geoducks from the point of landing to the point of final processing. From point of landing to point of processing, all copies of the fish ticket except the fisherman's copy must accompany the geoducks. Point of final processing is the place where shells and viscera are separated from the geoduck body. The final processor is responsible for forwarding the fish receiving tickets to the department of fisheries on a daily basis. In the event of sale of whole geoducks or shipment of whole geoducks out of the state, the final processor is the person or corporation who exports the geoducks to point of final sale, or to the state border, or to the common carrier who transports the geoducks out of state.

AMENDATORY SECTION (Amending Order 81-6, filed 1/13/81)

WAC 220-69-241 DUTIES OF COMMERCIAL FISHERMAN AND GROWERS. (1) Every fisherman, or food fish or shellfish grower, selling his food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every fisherman, or food fish or shellfish grower, who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, ~~((shall-be))~~ is required to:

~~((1))~~ (a) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in his own name for each retail sale or out-of-state shipment so made, or

~~((2))~~ (b) At the close of each day's business, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in his own name for the total day's activities, or

(2) In the commercial geoduck fishery, the person designated as the vessel operator by the tract holder must list on the fish ticket the number of cages of geoducks harvested, the boat name, department of fisheries identification number and date and sign the fish ticket as the fisherman for each day's harvest from each tract.

(3) Food fish growers who sell their product as a wholesale dealer or make a direct sale out of state may, upon written approval from the Department of Fisheries, completely, accurately and legibly prepare a monthly State of Washington Aquaculture Production Report for each and every month irrespective of whether aquaculture harvest was done during that month, or

(4) Clam farm licensees harvesting hardshell clams may, upon written approval from the Department of Fisheries, completely, accurately and legibly prepare a monthly State of Washington Hardshell Clam Production Report for each and every month irrespective of whether hardshell clams were harvested that month.

AMENDATORY SECTION (Amending Order 80-27, filed 5/2/80)

WAC 220-69-25401 REQUIRED INFORMATION ON SHELLFISH RECEIVING TICKET. (1) Entries (a) through (n) and entry (q) of subsection (1) of WAC 220-69-23401 ~~((shall-be))~~ are required on each completed shellfish receiving ticket:

PROVIDED, That, a valid license card or duplicate license card issued by the Department of Fisheries ~~((shall))~~ must be used in conjunction with an approved mechanical imprinter in lieu of entries (a) through (f) of subsection (1) of WAC 220-69-23401 except as provided in WAC 220-69-273:

PROVIDED FURTHER, That a valid dealer or buyer card issued by the Department of Fisheries ~~((shall))~~ must be used in conjunction with an approved mechanical imprinter in lieu of entries (h) through (j) of subsection (1) of WAC 220-69-23401 except as provided in WAC 220-69-273.

(2) The following additional information is required on each completed fish receiving ticket reporting the receipt or purchase of geoducks:

(a) The vessel and department of fisheries identification number of the vessel delivering geoducks must be written legibly across the top of the fish receiving ticket.

(b) The name of the diver delivering geoducks must be printed legibly on the fish receiving ticket.

(c) The diver delivering geoducks must sign the fish receiving ticket.

AMENDATORY SECTION (Amending Order 80-27, filed 5/2/80)

WAC 220-69-280 FISH RECEIVING TICKET ACCOUNTABILITY. Only Series G, Series H or Series J state of Washington fish receiving tickets ((~~shall~~)) are be used, and ((~~shall be~~)) are subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the Department of Fisheries.

(2) Fish receiving ticket books ((~~shall~~)) must be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver. All Series G tickets ((~~shall~~)) must be used before using Series H, and all Series H tickets ((~~shall~~)) must be used before using Series J.

(3) Fish receiving tickets or ticket books ((~~shall~~)) must not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the Department of Fisheries.

(4) Any purchaser or receiver terminating business ((~~shall~~)) must notify the department of fisheries in writing and ((~~shall~~)) return all unused fish receiving tickets and ticket books to the Department of Fisheries within 30 days after termination of business.

(5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, ((~~shall~~)) must be submitted to the Department of Fisheries accompanying, and in sequence with, other fish receiving tickets.

(6) All fish receiving tickets that are lost, destroyed, or otherwise missing, ((~~shall~~)) must be accounted for in writing to the Department of Fisheries.

(7) A book of numbered fish receiving tickets for use in commercial geoduck harvest will be issued to a specific harvest vessel and must be used by and only by the assigned vessel. The designated operator for each vessel will be held accountable for all shellfish tickets issued.

WSR 81-07-017

ADOPTED RULES

**DEPARTMENT OF
RETIREMENT SYSTEMS**

[Order 81-2—Filed March 10, 1981]

I, Robert L. Hollister, Jr., director of the Department of Retirement Systems, do promulgate and adopt at Olympia, Washington, the annexed rules relating to continued membership in the Law Enforcement Officers' and Fire Fighters' (LEOFF) Retirement System by members serving in state elective positions.

This action is taken pursuant to Notice No. WSR 81-04-022 filed with the code reviser on January 30, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.50.050(6) which directs that the Director of the Department of Retirement Systems has authority to implement the provisions of chapters 41.26, 41.40 and 41.50 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 10, 1981.

By Robert L. Hollister, Jr.
Director

SERVICE IN STATE ELECTIVE POSITIONS

NEW SECTION

WAC 415-104-800 CONTINUED LEOFF MEMBERSHIP FOR MEMBERS IN STATE ELECTIVE POSITIONS. RCW 41.40.010(9)(b) provides in part as follows: "Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system."

An individual covered by RCW 41.40.010(9)(b) in order to remain an active member of the retirement system provided by chapter 41.26 RCW and receive service credit therein for elective service must execute a written election to do so in a format provided by the Department.

NEW SECTION

WAC 415-104-810 CONTRIBUTIONS AND SERVICE CREDIT FOR MEMBERS IN STATE ELECTIVE POSITIONS. When an individual makes the election provided in WAC 415-104-800 the following shall apply:

(1) Service credit earned by virtue of elective service shall be credited in LEOFF together with service earned in LEOFF capacity except that no more than one month's service credit shall be allowed during any one calendar month.

(2) Contributions shall be paid on all basic salary earned either as a law enforcement officer or firefighter, or as an elected official, by the employee at the rate prescribed for employees in the LEOFF retirement system.

(3) Contributions shall be paid on basic salary paid by the LEOFF employer or elected official employer at the rate prescribed for employers in the LEOFF retirement system.

NEW SECTION

WAC 415-104-820 MEMBERS IN STATE ELECTIVE POSITIONS - ENTITLEMENT TO BENEFITS. (1) In the event an individual who has made the election provided by WAC 415-104-800 qualifies and applies for a service or disability retirement or dies while serving in elective office, the basis for establishing the benefit amount shall be an imputed salary equal to the full salary the member would have been receiving according to the member's rank or position if the member had been in full-time service with the member's last LEOFF employer. Regular increases in basic salary will be included but increases based on promotions which might have occurred but which, in fact, did not occur shall not be considered.

(2) An individual who has made the election provided by WAC 415-104-800 shall not be eligible for a service retirement until such member has terminated both service as a law enforcement officer or fire fighter, and service as a state elective official.

(3) An individual who has made the election provided by WAC 415-104-800 shall not be eligible for a disability retirement allowance until such member has terminated both service as a law enforcement officer or fire fighter, and service as a state elective official.

(4) All payments for disability leave or for medical benefits for an individual who has made the election provided by WAC 415-104-800 shall be made by the individual's last LEOFF employer rather than his or her elective service employer.

NEW SECTION

WAC 415-104-830 OPERATION IF IN CONFLICT WITH STATE LAW. If any part of WAC 415-104-800 through 415-104-820 shall be found to be in conflict with state law, such conflicting part shall be inoperative to the extent of such conflict.

WSR 81-07-018
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed March 11, 1981]

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 Standards for additional requirements under specified circumstances—Child care expenses for AFDC recipients in approved training plans, repealing WAC 388-29-158.

It is the intention of the secretary to adopt these rules on an emergency basis effective March 15, 1981.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Client and Community Relations Division
 Department of Social and Health Services
 Mailstop OB-44 D
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by April 9, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Thursday, April 23, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 29,

1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 23, 1981, and/or orally at 10:00 a.m., Thursday, April 23, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 10, 1981

By: David A. Hogan

Director, Client and

Community Relations Division

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Repeal WAC 388-29-158.

Purpose of the rule or rule change is to eliminate day care for AFDC recipients in approved training plans.

The reason(s) these rules are necessary is: The supplemental budget does not contain funding for this program and funds will be exhausted on March 15.

Statutory authority: RCW 74.08.090.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Gerry Nelson

Title: Program Manager

Office: Bureau of Income Maintenance

Phone: 3-3177

Mailstop: OB-31 C.

The person or organization (if other than DSHS) who proposed these rules is: None.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-29-158 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR AFDC RECIPIENTS IN APPROVED TRAINING PLANS.

WSR 81-07-019
ADOPTED RULES
ENERGY FACILITY
SITE EVALUATION COUNCIL
 [Order 81-1—Filed March 11, 1981]

Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd WAC 463-30-080 Commencement of contested case proceedings.

Amd WAC 463-46-055 Timing of the EIS process.

This action is taken pursuant to Notice No. WSR 81-03-055 filed with the code reviser on January 20, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the Energy Facility Site Evaluation Council has authority to implement the provisions of chapter 80.50 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 9, 1981.

By William L. Fitch
Executive Secretary

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-080 COMMENCEMENT OF CONTESTED CASE PROCEEDINGS. Contested case proceedings pursuant to RCW 80.50.090(3) shall be commenced ~~((on receipt of the application))~~ upon issuance of a formal notice of hearing by the council.

AMENDATORY SECTION (Amending Order 112, filed 12/15/76)

WAC 463-46-055 TIMING OF THE EIS PROCESS. (1) The primary purpose of the EIS process is to provide environmental information to governmental decision-makers to be considered prior to making their decision. The process should thus be completed before the decisions of the council commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. The council shall identify the times at which the EIS process must be completed. The lead agency should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision-making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(2) ~~((At a minimum;))~~ The threshold determination and any required EIS shall be completed prior to undertaking any proposed major action. For the purpose of this chapter, the council has determined that the proposed major action is the recommendation to the governor required in RCW 80.50.100. The council may initiate a contested case hearing required by RCW 80.50.100 prior to completion of the draft EIS. The council

shall initiate and conclude a contested case hearing required by RCW 80.50.100 prior to issuance of the final EIS.

(3) When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a non-project nature, and the proponent of the major action is also the lead agency, then the maximum time limits contained in these guidelines for the threshold determination and EIS process need not apply to the proposal.

WSR 81-07-020

PROPOSED RULES

HORSE RACING COMMISSION

[Filed March 11, 1981]

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 WAC 260-12-010, relating to definition of terms; WAC 260-12-140, relating to application of rules to licensed personnel; WAC 260-24-280, relating to the authority of the stewards to award punishment; WAC 260-36-040, relating to the occupational permit fee; WAC 260-40-120, relating to horse identification requirements; WAC 260-48-110, relating to wagers on "entries"; WAC 260-52-010, relating to rules for paddock to post; WAC 260-52-040, relating to rules for post to finish; WAC 260-60-050, relating to the requisites for a claim; WAC 260-60-120, relating to disclosure of incumbrances and provisions of stallion service certificate; WAC 260-60-210, relating to the cancellation of claims; and WAC 260-70-140, relating to hypodermic instruments; and adopting WAC 260-20-075, relating to the prohibition of firearms; WAC 260-36-180, relating to consent to searches; and WAC 260-60-115, relating to claims made in bad faith;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, March 20, 1981, in the Plaza Ball Room, Towne Plaza Motor Inn, North 7th Street and East Yakima, Yakima, WA 98901.

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 prior to March 13, 1981, and/or orally at 10:00 a.m., Friday, March 20, 1981, Plaza Ball Room, Towne Plaza Motor Inn, North 7th Street and East Yakima, Yakima, WA 98901.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-01-060 filed with the code reviser's office on December 15, 1980.

Dated: March 10, 1981

By: George McIvor
Executive Secretary

WSR 81-07-021
PROPOSED RULES
HORSE RACING COMMISSION
 [Filed March 11, 1981]

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 relating to jockey conflict of interest, amending WAC 260-32-040;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, March 20, 1981, in the Plaza Ball Room, Towne Plaza Motor Inn, North 7th Street and East Yakima, Yakima, WA 98901.

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 prior to March 13, 1981, and/or orally at 10:00 a.m., Friday, March 20, 1981, Plaza Ball Room, Towne Plaza Motor Inn, North 7th Street and East Yakima, Yakima, WA 98901.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-01-059 filed with the code reviser's office on December 15, 1980.

Dated: March 10, 1981

By: George McIvor
 Executive Secretary

WSR 81-07-022
RULES OF COURT
STATE SUPREME COURT
 [March 11, 1981]

IN THE MATTER OF THE ADOPTION OF JISCR 15. NO. 25700-A-316 ORDER

The Judicial Information Systems Committee having recommended the adoption of JISCR 15, and JISCR 15 having been published for comment in 94 Wn.2d Advance Sheet No. 9, November 28, 1980, and the Court having considered the rule as proposed by the Judicial Information Systems Committee and the comments submitted thereto, and having determined that the proposed Rule as amended by the Court will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

- (a) That JISCR 15 as attached hereto is adopted.
- (b) That the current JISCR 15 and JISCR 16 be re-numbered as JISCR 16 and JISCR 17, respectively.
- (c) That these changes are to be published expeditiously in the Washington Reports and shall become effective on March 20, 1981.

DATED at Olympia, Washington, this 11th day of March, 1981.

	Robert F. Brachtenbach
Hugh J. Rosellini	Floyd V. Hicks
Charles F. Stafford	William H. Williams
Robert F. Utter	Fred H. Dore
James M. Dolliver	Carolyn R. Dimmick

JISCR RULE 15

DATA DISSEMINATION OF COMPUTER-BASED COURT INFORMATION

It is declared to be the policy of the courts to facilitate public access to court records, provided such disclosures in no way present an unreasonable invasion of personal privacy and will not be unduly burdensome to the ongoing business of the courts.

Due to the confidential nature of some court information, authority over the dissemination of such information shall be exercised by the judicial branch. This rule establishes the minimum criteria to be met by each information request before allowing dissemination.

(a) Application. This rule applies to all requests for computer-based court information submitted by an individual, as well as public and private associations and agencies. This rule does not apply to requests initiated by or with the consent of the Administrator for the Courts for the purpose of answering a request vital to the internal business of the courts.

(b) Excluded Information. Records sealed, exempted, or otherwise restricted by law or court rule may not be released to the general public except by court order.

(c) Data Dissemination Committee. The Chair of the Judicial Information System Committee shall appoint a Data Dissemination Committee whose members shall be appointed for 3-year terms. Membership terms shall be staggered.

(d) Data Dissemination Policies and Procedures. The Administrator for the Courts shall promulgate policies and procedures for handling applications for computer-based information. These policies and procedures shall be subject to the approval of the Data Dissemination Committee.

(e) Information for Release of Data. Information which must be supplied by the requestor and upon which evaluation will be made includes:

- (1) Identifying information concerning the applicant;
- (2) Statement of the intended use and distribution;
- (3) Type of information needed.
- (f) Criteria To Determine Release of Data. The criteria against which the applications are evaluated are as follows:
 - (1) Availability of data;
 - (2) Specificity of the request;
 - (3) Potential for infringement of personal privacy created by release of the information requested;
 - (4) Potential disruption to the internal, ongoing business of the courts.

(g) Cost. The requestor shall bear the cost of honoring the request for information in accordance with section (d).

(h) Appeal. If a request is denied by the Administrator for the Courts, the requestor may appeal the decision to the Data Dissemination Committee in accordance with section (d). The Data Dissemination Committee shall review and act upon the appeal in accordance with procedures promulgated by the Committee for this purpose.

JISCR 15

RECORD AND DISSEMINATION DATA PROCESSING

[No change; renumber as JISCR 16.]

JISCR 16

EFFECTIVE DATE

[No change; renumber as JISCR 17.]

WSR 81-07-023

PROPOSED RULES

SEATTLE COMMUNITY COLLEGE

[Filed March 12, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that Community College District VI, intends to adopt, amend, or repeal rules concerning use of college facilities;

and that the adoption, amendment, or repeal of such rules will take place at 6:30 p.m., Monday, May 4, 1981, in North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 4, 1981, and/or orally at 6:30 p.m., Monday, May 4, 1981, North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

Dated: February 20, 1981

By: John W. Casey
Chancellor

STATEMENT OF PURPOSE

Title: Chapter 132F-136 WAC. Use Of College Facilities. Legal authority: RCW 28B.50.140.

Summary: The rules amend the following chapters:

Limitation of Use to School Activities. Addition of two words.

Administrative Control. Minor change in wording.

Trespass. Correction of RCW number.

Personnel: John W. Casey, Chancellor, Seattle Community College District, 300

Elliott Avenue West, Seattle, WA 98119, (206) 587-3872.

Institution: Seattle Community College District, public.

Comments: The purpose is to amend several words in the rules codified in chapter 132F-136 WAC to bring them in compliance with statute and current operating policies.

AMENDATORY SECTION (Amending Order 35, filed 11/21/77)

WAC 132F-136-020 LIMITATION OF USE TO SCHOOL ACTIVITIES. The college buildings, properties, and facilities, including those assigned to student programs, may be used only for:

(1) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(2) Cultural, educational, or recreational activities of the students or of the faculty or staff.

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration or the board of trustees, whether implicit or explicit, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Such arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with published college regulations and on the basis of time, space availability, priority of request and the demonstrated needs of the individual, group or organization.

(8) Use of space shall not interfere with regularly scheduled classes or activities. Physical abuse of assigned facilities may result in limitation of future allocation of space to the offending parties. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

AMENDATORY SECTION (Amending Order 3, filed 9/20/72)

WAC 132F-136-040 ADMINISTRATIVE CONTROL. The board hereby delegates to the ((~~president~~)) chancellor authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

AMENDATORY SECTION (Amending Order 35, filed 11/21/77)

WAC 132F-136-050 TRESPASS. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the campus president, or his designee, to leave the college property. Such a request will be deemed to prohibit the entry of, withdraw the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave, and subject such

individuals to arrest under the provisions of chapter 9A.52 RCW ((9-88-080)).

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Persons who violate or are in violation of a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license, or privilege to be on district property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

WSR 81-07-024
PROPOSED RULES
FORT STEILACOOM
COMMUNITY COLLEGE
 [Filed March 12, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Community College District No. 11, Fort Steilacoom Community College, intends to adopt, amend, or repeal rules concerning reduction in force, repealing WAC 132K-112-200;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, April 7, 1981, in Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 1, 1981, and/or orally at 2:00 p.m., Tuesday, April 7, 1981, Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-03-022 filed with the code reviser's office on January 12, 1981.

Dated: March 4, 1981

By: Dr. Robert H. Stauffer
 President

WSR 81-07-025
ADOPTED RULES
FORT STEILACOOM
COMMUNITY COLLEGE
 [Order 43—Filed March 12, 1981]

I, Dr. Robert H. Stauffer, College President of Fort Steilacoom Community College, District No. 11, do promulgate and adopt at Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA 98498, the annexed rules relating to procedure relating to the dismissal of a tenured or probationary faculty member on lay-off due to reduction in force, amending WAC 132K-20-070.

This action is taken pursuant to Notice No. WSR 81-03-023 filed with the code reviser on January 12, 1981.

Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 3, 1981.

By Dr. Robert H. Stauffer
 President

AMENDATORY SECTION (Amending Order 20, filed 12/14/73)

WAC 132K-20-070 PROCEDURE RELATING TO THE DISMISSAL OF A TENURED OR PROBATIONARY FACULTY MEMBER ((OR LAY-OFF DUE TO REDUCTION IN FORCE)) FOR CAUSE. (1) A Dismissal Review Committee created for the express purpose of hearing dismissal cases ((and Reduction in Force recommendations)) shall be established no later than October 15 of each academic year (except if this provision is passed after October 15 of any academic year, the Dismissal Review Committee will be chosen within thirty days after passage of this provision), and shall be comprised of the following members:

(a) One member chosen by the College President

(b) Two faculty members and two alternates shall be chosen by the faculty acting in a body. (The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting as a body.)

(c) The College President shall choose one alternate member to serve on the Dismissal Review Committee should the regularly appointed member be unable to serve on the committee.

(d) The alternate shall be called upon if the first appointee is the subject of review.

(e) The Dismissal Review Committee will select one of its members to serve as chairman.

(2) When the President receives or initiates a formal written recommendation about a faculty member which may warrant dismissal ((or when it is determined that an individual is to be placed on a lay-off register due to a requirement for Reduction in Force)), he shall inform that faculty member. Within ten (10) days after having been so informed, the faculty member will be afforded an opportunity to meet with the President or his designee and the chairman of the division. At this preliminary meeting, which in dismissal cases shall be an information-gathering session, an adjustment may be mutually agreed upon. If the matter is not settled or adjusted to

the satisfaction of the College President, he shall recommend that the faculty member be dismissed.

(3) If the President recommends that the faculty member be dismissed, (~~or in cases arising from Reduction in Force~~) he shall:

(a) Deliver a short and plain statement to the faculty member which shall contain

(i) The grounds for dismissal (~~or lay-off~~) in reasonable particularity;

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) Reference to any particular statutes or rules involved.

(b) Call into action the Dismissal Review Committee, if the academic employee requests a hearing.

(4) After receiving the President's recommendation for Dismissal, (~~or lay-off~~) the affected academic employee may request a hearing within the following five (5) days. If the President does not receive this request within five (5) days, the academic employee's right to a hearing will be deemed waived.

(5) If the President receives a request for a hearing, the Dismissal Review Committee shall, after receiving the written recommendation from the College President, establish a date for a committee hearing giving the faculty member so charged twenty (20) days notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(6) The Dismissal Review Committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

(b) Afford the faculty member whose case is being heard the right of cross-examination and the opportunity to defend himself and be accompanied by legal counsel;

(c) Allow the college administration to be represented by an assistant attorney general.

(7) The Dismissal Review Committee shall (~~include~~) appoint a (~~neutral~~) presiding or hearing officer (~~appointed by the State Director of Community College Education~~). Such presiding or hearing officer shall not be a voting member of the committee; it shall be his responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the Dismissal Review Committee hearings;

(b) Meet and confer with the members of the Dismissal Review Committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearing, and record any other matters related to the hearing as directed by the presiding officer;

(d) The hearing officer shall prepare proposed findings of fact and a record for review by the appointing authority which shall include:

(i) All pleadings, motions and rulings;

(ii) All evidence received or considered;

(iii) A statement of any matters officially noticed;

(iv) All questions and offers of proof, objections and rulings thereon;

(v) Proposed findings and exceptions;

(vi) A copy of the recommendations of the Dismissal Review Committee.

(8) A copy of the above shall be transcribed and furnished to the faculty member whose case is being heard.

(9) The hearing shall be closed. However, interested parties, including but not limited to faculty members and students, will be given an opportunity to present evidence.

(10) Within ten (10) business days of the conclusion of the hearing, the Dismissal Review Committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his counsel(s) and the representative designated by the President of the college the opportunity to argue orally before it. If written briefs would be helpful, the Dismissal Review Committee may request them. The Dismissal Review Committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within ten (10) business days of the conclusion of the hearing the President of the college, the faculty member and the Board of Trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

(11) The Board of Trustees shall meet within thirty (30) days subsequent to its receipt of the Dismissal Review Committee recommendations to consider those recommendations. The Board of Trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the faculty member involved. The Board of Trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the Board level shall be made and the final decision shall be based only upon the record made before the Board and the Dismissal Review Committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the Board of Trustees after giving reasonable consideration to the recommendation of the Dismissal Review Committee. The Dismissal Review Committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision made, the Board of Trustees. The Board of Trustees shall within ten (10) days following the conclusion of their review, notify the charged faculty member in writing of its final decision.

(12) Suspension of the faculty member by the President during the administrative proceedings involving him (prior to the final decision of the Board of Trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be with pay.

(13) Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the Dismissal Review Committee or administrative officers of the Board of

Trustees until all administrative proceedings and appeals have been completed.

(14) Any dismissed faculty member shall have the right to appeal the final decision of the Board of Trustees within ten (10) days of the receipt of the notice of dismissal ((or lay-off)). The filing of an appeal shall not stay enforcement of the decision of the Board of Trustees.

(15) If the President of the Community College District No. 11 initiates a formal written recommendation that a faculty member be dismissed and the Board of Trustees decides to retain the faculty member, or if the trustees' decision to dismiss a faculty member is reversed by a court, all evidence concerning the dismissal will be removed from the faculty member's permanent personnel file if the reason for the denial of the recommendation was the President's failure to establish the facts which were the basis for the dismissal recommendation.

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.

WSR 81-07-026
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed March 13, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.069, that the University of Washington, intends to adopt, amend, or repeal rules concerning rules and regulations for the University of Washington governing access to public records, amending chapter 478-276 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, May 8, 1981, in the Regent's Room, Administration Building, UW, Seattle, Washington.

The authority under which these rules are proposed is RCW 28B.20.130(1).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 8, 1981, and/or orally at 1:00 p.m., Friday, May 8, 1981, Regent's Room, Administration Building, UW, Seattle, Washington.

Dated: March 11, 1981

By: Elsa Kircher Cole
Assistant Attorney General

STATEMENT OF PURPOSE

Rules and Regulations for the University of Washington Governing Access to Public Records, chapter 478-276 WAC.

Statutory Authority: Chapter 1, Laws of 1973, Disclosure-Campaign-Finances-Lobbying-Records, and in particular sections 25-32 dealing with Public Records.

Chapter 478-276 WAC provides the procedures by which the University of Washington complies with the provisions of chapter 1, Laws of 1973, in regard to the release and copying of the University's public records.

A major revision has been made in WAC 478-276-130 stating why the University of Washington no longer maintains a current index of its public records, and minor alterations have been made to certain sections to bring them up-to-date.

Names and addresses of University personnel who are responsible for drafting, implementation and enforcement of the rule:
Virginia (Polly) Clark, Public Records Officer

Visitors Information Center, HI-22

University of Washington

4014 University Way N.E.

Seattle, WA 98105

Mary Lou La Pierre, Director

University Information Center

University Relations and Development Office, AI-10

University of Washington

Seattle, WA 98195

Stanton E. Schmid, Director

University Relations and Development

University Relations and Development Office, AI-10

University of Washington

Seattle, WA 98195

Same as above.

The primary revision which has been made in WAC 478-276-130, University Records, states that the University has issued a formal order through the Board of Regents indicating why it would be unduly burdensome to maintain a current index of all University records and to provide in its place the indexing devices maintained for University use.

The proposed changes do not result from federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-010 PURPOSE. This chapter is enacted by the Board of Regents of the University of Washington in compliance with the provisions of chapter 1, Laws of 1973 (Initiative 276), "Disclosure-Campaign-Finances-Lobbying-Records"; and in particular with §§ 25-32 of that act dealing with public records.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-040 GENERAL COURSE AND METHOD OF GOVERNMENT. The government of the University of Washington is vested in a board of regents, consisting of seven members appointed by the governor of the state pursuant to RCW 28B.20.100. Regular meetings of the board are held each month (except for the month of July)(;) at a time established by resolution of the board(;) in Room 301 of the Administration Building on the campus in Seattle, or at such other place as the board may direct.

The general course and method of government at the university, including all formal and informal procedures, are subject to the authority, by-laws, and standing orders of the board of regents.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-060 PUBLIC RECORDS OFFICER. For purposes of compliance with chapter 1, Laws of 1973, a public records officer shall be designated by the president of the university. The duties of the public records officer shall be as provided by the president of the university and may include but not be limited to: The implementation of the university's rules and regulations regarding release of public records, coordinating the staff of the Visitors' Information Center in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter 1, Laws of 1973. The person so designated shall be located in the Visitors' Information Center, (~~1416 N.E. 41st Street~~) 4014 University Way N.E., University of Washington, Seattle, Washington 98105.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973, 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 required to be disclosed by chapter 1, Laws of 1973, may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the public records officer at the address set forth in WAC 478-276-140. The request shall include the following information: (1) The name of the person requesting the records or some other means of identifying that person;

(2) The time of day and calendar date on which the request was made; and

(3) The public record(s) requested.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-090 COMMERCIAL PURPOSES. No provision of any regulation contained in this chapter 478-276 WAC shall be construed as giving authority to any (~~officer~~) faculty or staff member of the University of Washington to give, sell, or provide access to lists of individuals requested for commercial purposes.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-100 INSPECTION OF PUBLIC RECORDS—COPYING. (1) Public records of the University of Washington required to be disclosed by chapter 1, Laws of 1973, shall be (~~provided~~) made available for inspection and copying (~~by those requesting such records~~) at the Visitors' Information Center under the supervision of the public records officer (~~and the staff of the Visitors' Information Center. Persons requesting such records may not remove them from that facility~~).

(2) No fee shall be charged for the inspection of public records. The university may impose a charge for providing copies of public records. Such charges shall not exceed the amount necessary to reimburse the university for its actual costs incident to such copying.

(3) No person shall be provided a copy of a public record which has been copied by the university at the request of such person until and unless such person has tendered payment for the charge for providing such copying.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-120 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) (~~Any~~) The person who (objects to the denial of a request for a) has been denied access to public records may submit to the public records officer a petition for prompt review of such decision. The written request shall specifically refer to the written statement by the public records officer or 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 public records officer or other staff member denying the request shall refer it to the office of the president of the University of Washington. The petition shall be reviewed promptly and the action of the public records officer shall be approved or disapproved. Such approval or disapproval shall constitute final university action for purposes of judicial review.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-130 UNIVERSITY RECORDS ((INDEX)). (~~The University of Washington shall maintain and make available for public inspection and copying an appropriate index~~) In accordance with section 26, chapter 1, Laws of 1973, the university has issued a formal order stating why it would be unduly burdensome to comply with the requirement to maintain a current index providing identifying information as to all the university's records issued since June 30, 1972. Instead, the Visitors' Information Center provides for public inspection and copying the indexing devices maintained for the university's use.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-140 VISITORS' INFORMATION CENTER—ADDRESS. All requests for public records to the University of Washington shall be addressed as follows: University of Washington, c/o Public Records Officer, Visitors' Information Center, (~~Room 104, 1416 N.E. 41st Street, H-60~~) 4014 University Way N.E., HI-22, Seattle, Washington (98195) 98105. The telephone number of the Visitors' Information Center is 543-9198.

WSR 81-07-027
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Filed March 13, 1981)

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 49.17 RCW, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

- Amd ch. 296-24 WAC General safety and health, adding new sections regarding working near energized power lines.
- Amd ch. 296-62 WAC General occupational health standards is amended to add new sections on respiratory protection and hearing conservation.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

Correspondence relating to this notice and the proposed rules should be addressed to:

The Division of Industrial Safety and Health
 Technical Services Section
 P.O. Box 207
 Olympia, Washington 98504;

that such agency will at 9:30 a.m., Thursday, April 23, 1981, in the Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, May 21, 1981, in the Director's Office, Labor and Industries, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.17.040, 49.17.050 and 49.17.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to April 17, 1981, and/or orally at 9:30 a.m., Thursday, April 23, 1981, Conference Room, General Administration Building, Olympia, Washington.

Dated: March 13, 1981

By: Sam Kinville
Director

STATEMENT OF PURPOSE

Title and number of rule(s) or chapter: Chapter 296-24 WAC, General Safety and Health Standard; and chapter 296-62 WAC, General Occupational Health Standard.

Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240.

Summary of rule(s): Chapters 296-24 and 296-62 WAC are to be amended. New sections are proposed for chapter 296-62 WAC.

Description of the rule(s): New sections are proposed to the general safety and health standards that concern working near energized power lines and equipment and will be included as WAC 296-24-960 and 296-24-964. A new section on hearing conservation, WAC 296-62-09015, reflecting federal regulation 29 CFR 1910.95, is proposed for the occupational health standard. This section requires the employer to administer a continuing effective hearing conservation program. A new proposal WAC 296-62-071, respiratory protection, sets forth accepted practices for respirator users, provides information and guidance on the proper selection, use and care of respirators, and contains requirements for establishing and regulating respirator programs. This section reflects ANSI Z88.2-1980. The new section WAC 296-62-07519 includes the requirements for control of worker exposure to Thiram. This proposal is state initiated and is compatible with Oregon's regulation.

Reasons supporting the proposed rule(s): To ensure safe and healthful working conditions for every man and woman working in the state of Washington. To be in compliance with federal regulations.

The agency personnel responsible for the drafting: Richard E. Martin, Technical Services Chief, Department of Labor and Industries, P.O. Box 207, Olympia, Washington 98504, 753-6381. Implementation and Enforcement: James P. Sullivan, Assistant Director, Department of Labor and Industries, P.O. Box 207, Olympia, Washington 98504, 753-6500.

Name of the person or organization, whether private, public or governmental, that is proposing the rule: Department of Labor and Industries, Division of Industrial Safety and Health.

Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement and fiscal matters pertaining to the rule: None.

The rule is necessary to comply with a federal law: 29 U.S.C. Sec. 667(c)(2).

Any other information that may be of assistance in identifying the rule or its purpose: None.

NEW SECTION

WAC 296-24-960 WORKING NEAR ENERGIZED HIGH VOLTAGE POWER LINES, CONDUCTORS AND EQUIPMENT.

(1) Before any person works within 10 feet of energized high voltage power lines or equipment, they shall inform the system owner. A high voltage power line is one that is rated at over 750 volts. A "system owner" is a private or government owned high voltage power or equipment system.

(2) No person may store, pile or handle material, erect or dismantle a scaffold, use tools, operate equipment or machinery, or otherwise work or go within the minimum clearance, as defined by subsection

(3), of an energized high voltage power line, conductor, or equipment unless the person is protected from the line, conductor, or equipment by an approved barrier that is adequate for the rated line voltage. An "approved barrier" is a physical obstruction which is intended to prevent contact with energized lines or equipment.

(3) The minimum clearance for all energized high voltage power lines, conductors, and equipment that are rated at 50 kV or less is 10 feet. For lines, conductors, or equipment rated at more than 50 kV, the minimum clearance between the lines, conductors, or equipment and any person, or any tool, equipment, or machinery used by the person shall be 10 feet plus 0.4 inch for each 1 kV over 50 kV.

NEW SECTION

WAC 296-24-964 WORKING NEAR ENERGIZED LOW VOLTAGE CIRCUITS. A low voltage circuit is one that is rated at 750 volts or less.

No employer shall permit an employee to contact any part of a low voltage circuit unless the employee is protected against electric shock by:

- (1) Deenergizing the circuit and ground it, or
- (2) Guarding the circuit by effective insulation.

NEW SECTION

WAC 296-62-071 RESPIRATORY PROTECTION. This section contains the requirements to be followed when establishing a respiratory protection program.

NEW SECTION

WAC 296-62-07101 SCOPE. This standard sets forth accepted practices for respirator users, provides information and guidance on the proper selection, use, and care of respirators, and contains requirements for establishing and regulating respirator programs. The standard covers the use of respirators to protect persons against the inhalation of harmful air contaminants and against oxygen deficient atmospheres in the workplace. The following are not covered by this standard: (1) Underwater breathing devices, (2) aircraft oxygen systems, (3) military masks, and (4) medical inhalators and resuscitators.

NEW SECTION

WAC 296-62-07103 PURPOSE. The purpose of this standard is to provide information and guidance on the proper selection and use of respirators that will help safeguard the health and life of the users. This standard is written for all persons concerned with respiratory protection, but especially for those primarily responsible for establishing and administering an acceptable respirator program.

NEW SECTION

WAC 296-62-07105 DEFINITIONS. (1) Abrasive-blasting respirator. See respirator. A respirator designed to protect the wearer

against inhalation of abrasive material and against impact and abrasion from rebounding abrasive material.

(2) Accepted. Reviewed and listed as satisfactory for a specified use by the director or his/her designee.

(3) Aerodynamic diameter. The diameter of a unit density sphere having the same settling velocity as the particle in question of whatever shape and density.

(4) Aerosol. A system consisting of particles, solid or liquid, suspended in air.

(5) Air-line respirator. See respirator.

(6) Air-purifying respirator. See respirator.

(7) Air-regulating valve. An adjustable valve used to regulate, but which cannot completely shut off the airflow to the facepiece, helmet, hood, or suit of an air-line respirator.

(8) Air-supply device. A hand- or motor-operated blower for the hose mask, or a compressor or other source of respirable air for the air-line respirator.

(9) Approved. Tested and listed as satisfactory by the Bureau of Mines (BM) of the United States Department of Interior, or jointly by the Mining Enforcement and Safety Administration (MESA) of the United States Department of Interior and the National Institute for Occupational Safety and Health (NIOSH) of the United States Department of Health, Education, and Welfare, or jointly by the Mine Safety and Health Administration (MSHA) of the United States Department of Labor and the National Institute for Occupational Safety and Health (NIOSH) of the United States Department of Health, Education, and Welfare.

(10) Bioassay. A determination of the concentration of a substance in a human body by an analysis of urine, feces, blood, bone, or tissue.

(11) Breathing tube. A tube through which air or oxygen flows to the facepiece, mouthpiece, helmet, hood, or suit.

(12) Canister (air-purifying). A container with a filter, sorbent, or catalyst, or any combination thereof, which removes specific contaminants from the air drawn through it.

(13) Canister (oxygen-generating). A container filled with a chemical which generates oxygen by chemical reaction.

(14) Carcinogen. A substance known to cause cancer.

(15) Cartridge (air-purifying). A small canister.

(16) Catalyst. In respirator use, a substance which converts a toxic gas (or vapor) into a less-toxic gas (or vapor).

(17) Ceiling concentration. The concentration of an airborne substance that shall not be exceeded.

(18) Chemical-cartridge respirator. See respirator.

(19) Confined space. An enclosure - such as a storage tank, process vessel, boiler, silo, tank car, pipeline, tube, duct, sewer, underground utility vault, tunnel, or pit - having limited means of egress and poor natural ventilation and which may contain hazardous contaminants or be oxygen deficient.

(20) Contaminant. A harmful, irritating, or nuisance material that is foreign to the normal atmosphere.

(21) Corrective lens. A lens ground to the wearer's individual corrective prescription to permit normal visual acuity.

(22) Demand. See demand-type self-contained breathing apparatus and demand-type air-line respirator in Tables 3 and 4.

(23) Detachable coupling. A device which permits the respirator wearer, without using hand tools, to detach the air-supply line from that part of the respirator worn on the person.

(24) Dust. See Table 2.

(25) Emergency respirator use. Wearing a respirator when a hazardous atmosphere suddenly occurs that requires immediate use of a respirator either for escape from the hazardous atmosphere or for entry into the hazardous atmosphere to carry out maintenance or some other task.

(26) Exhalation valve. A device that allows exhaled air to leave a respirator and prevents outside air from entering through the valve.

(27) Eyepiece. A gas-tight, transparent window(s) in a full facepiece, helmet, hood, or suit, through which the wearer may see.

(28) Facepiece. That portion of a respirator that covers the wearer's nose and mouth in quarter-mask (above the chin) or half-mask (under the chin) facepiece or that covers the nose, mouth, and eyes in a full facepiece. It is designed to make a gas-tight or particle-tight fit with the face and includes the headbands, exhalation valve(s), and connections for an air-purifying device or respirable gas source, or both.

(29) Face shield. A device worn in front of the eyes and a portion of, or all of, the face, whose predominant function is protection of the eyes and the face.

(30) Fibrosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce findings of fibrotic growth that may cause pulmonary disease.

(31) Filter. A media component used in respirators to remove solid or liquid particles from the inspired air.

(32) Filter respirator. See respirator.

(33) Fog. See Table 2.

(34) Full facepiece. See facepiece.

(35) Fume. See Table 2.

(36) Gas. An aeriform fluid which is in the gaseous state at ordinary temperature and pressure.

(37) Gas mask. See respirator.

(38) Goggle. A device, with contour-shaped eyecups with glass or plastic lenses, worn over eyes and held in place by a headband or other suitable means for the protection of the eyes and eye sockets.

(39) Half-mask facepiece. See facepiece.

(40) Hazardous atmosphere. Any atmosphere, either immediately or not immediately dangerous to life or health, which is oxygen deficient or which contains a toxic or disease-producing contaminant exceeding the legally established permissible exposure limit (PEL) or, where applicable, the Threshold Limit Value (TLV) established by the American Conference of Governmental Industrial Hygienists (ACGIH).

(41) Head harness. That part of a facepiece assembly which secures the facepiece to the wearer.

(42) Helmet. That portion of a respirator which shields the eyes, face, neck, and other parts of the head.

(43) High-efficiency filter. A filter which removes from air 99.97% or more of monodisperse dioctyl phthalate (DOP) particles having a mean particle diameter of 0.3 micrometer.

(44) Hood. That portion of a respirator which completely covers the head, neck, and portions of the shoulders.

(45) Hose mask. See respirator.

(46) Immediately dangerous to life or health (IDLH). Any atmosphere that poses an immediate hazard to life or produces immediate irreversible debilitating effects on health.

(47) Inhalation valve. A device that allows respirable air to enter a respirator and prevents exhaled air from leaving the respirator through the valve.

(48) Irrespirable. Unfit for breathing.

(49) Maximum use limit of filter, cartridge, or canister. The maximum concentration of a contaminant for which an air-purifying filter, cartridge, or canister is approved for use.

(50) Mist. See Table 2.

(51) Mouthpiece. That portion of a respirator which is held in the wearer's mouth and is connected to an air-purifying device or respirable gas source, or both. It is designed to make a gas-tight or particle-tight fit with the mouth.

(52) MPCa. Maximum permissible airborne concentration. These concentrations are set by the National Committee on Radiation Protection. They are recommended maximum average concentrations of radionuclides to which a worker may be exposed, assuming that he works 8 hours a day, 5 days a week, and 50 weeks a year.

(53) Negative pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is positive during exhalation in relation to the air pressure of the outside atmosphere and negative during inhalation in relation to the air pressure of the outside atmosphere.

(54) Nonroutine respirator use. Wearing a respirator when carrying out a special task that occurs infrequently.

(55) Nose clamp. A device used with a respirator equipped with a mouthpiece that closes the nostrils of the wearer (sometimes called a nose clip).

(56) Not immediately dangerous to life or health. Any hazardous atmosphere which may produce physical discomfort immediately, chronic poisoning after repeated exposure, or acute adverse physiological symptoms after prolonged exposure.

(57) Odor threshold limit. The lowest concentration of a contaminant in air that can be detected by the olfactory sense.

(58) Oxygen deficiency - immediately dangerous to life or health. An atmosphere which causes an oxygen partial pressure of 100 millimeters of mercury column or less in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor. See WAC 296-62-07125(10).

(59) Oxygen deficiency - not immediately dangerous to life or health. An atmosphere having an oxygen concentration below the minimum legal requirement (see Table 1) but above that which is immediately dangerous to life or health.

(60) Particulate matter. A suspension of fine solid or liquid particles in air, such as: Dust, fog, fume, mist, smoke, or spray. Particulate matter suspended in air is commonly known as an aerosol.

(61) Permissible exposure limit (PEL). The legally established time-weighted average (TWA) concentration or ceiling concentration of a contaminant that shall not be exceeded.

(62) Pneumoconiosis-producing dust. Dust which, when inhaled, deposited, and retained in the lungs, may produce signs, symptoms, and findings of pulmonary disease.

(63) Positive-pressure respirator. A respirator in which the air pressure inside the respiratory-inlet covering is positive in relation to the air pressure of the outside atmosphere during exhalation and inhalation.

(64) Powered air-purifying respirator. See respirator.

(65) Pressure-demand. See pressure-demand-type self-contained breathing apparatus and pressure-demand-type air-line respirator in Tables 3 and 4.

(66) Protection factor. The ratio of the ambient concentration of an airborne substance to the concentration of the substance inside the respirator at the breathing zone of the wearer. The protection factor is a measure of the degree of protection provided by a respirator to the wearer. See Appendix (6)(d).

(67) Rescue respirator use. Wearing a respirator for entry into a hazardous atmosphere to rescue a person(s) in the hazardous atmosphere.

(68) Resistance. Opposition to the flow of air, as though a canister, cartridge, particulate filter, orifice, valve, or hose.

(69) Respirable. Suitable for breathing.

(70) Respirator. A device designed to protect the wearer from the inhalation of harmful atmospheres. See WAC 296-62-07111, Classification, Description, and Limitations of Respirators, and Tables 3 and 4.

(71) Respiratory-inlet covering. That portion of a respirator which connects the wearer's respiratory tract to an air-purifying device or respirable gas source, or both. It may be a facepiece, helmet, hood, suit, or mouthpiece/nose clamp.

(72) Routine respirator use. Wearing a respirator as a normal procedure when carrying out a regular and frequently repeated task.

(73) Sanitization. The removal of dirt and the inhibiting of the action of agents that cause infection or disease.

(74) Self-contained breathing apparatus. See respirator.

(75) Service life. The period of time that a respirator provides adequate protection to the wearer - for example, the period of time that an air-purifying device is effective for removing a harmful substance from inspired air.

(76) Smoke. See Table 2.

(77) Sorbent. A material which is contained in cartridge or canister and which removes toxic gases and vapors from the inhaled air.

(78) Spray. See Table 2.

(79) Supplied-air respirator. See respirator.

(80) Supplied-air suit. A suit that is impermeable to most particulate and gaseous contaminants and that is provided with an adequate supply of respirable air.

(81) Time-weighted average (TWA). The average concentration of a contaminant in air during a specific time period.

(82) Valve (air or oxygen). A device which controls the pressure, direction, or rate of flow of air or oxygen.

(83) Vapor. The gaseous state of a substance that is solid or liquid at ordinary temperature and pressure.

(84) Welding helmet. A device designed to provide protection for the eyes and face against intense radiant energy and molten metal splatter encountered in the welding and cutting of metals.

(85) Window indicator. A device on a cartridge or canister that visually denotes the service life of the cartridge or canister.

NEW SECTION

WAC 296-62-07107 RESPIRATOR PROGRAM REQUIREMENTS. (1) Purpose. This section establishes requirements for a program for the use of respirators. The following requirements are supplemented by recommended practices in subsequent sections of this standard.

(2) Permissible practice. In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fumes, sprays, mists, fogs, smokes, vapors, or gases, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for

example, enclosure or confinement of the operation general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted or evaluated, appropriate respirators shall be used pursuant to the following requirements.

(3) Employer responsibility.

(a) Respirators shall be provided at no cost to an employee by the employer when such equipment is necessary to protect the health of the employee.

(b) The employer shall provide the respirators which are applicable and suitable for the purpose intended.

(c) The employer shall be responsible for the establishment and maintenance of a respiratory protection program which shall include the general requirements outlined in subsection (5) of this section.

(4) Employee responsibility.

(a) The employee shall use the provided respiratory protection in accordance with instructions and training received.

(b) The employee shall guard against damage to the respirator.

(c) The employee shall report any malfunction of the respirator to a responsible person designated by the written standard operating procedures.

(5) Minimal acceptable respirator program.

(a) Standard operating procedures. Written standard operating procedures covering a complete respirator program shall be established and implemented in conformance with (b) through (o) of this subsection.

(b) Program administration. The plant or company industrial hygiene, health physics, or safety engineering department shall administer the respirator program in close liaison with the medical department. Responsibility and authority for the respirator program shall be assigned to a single person. In small plants or companies having no formal industrial hygiene, health physics, or safety engineering department, the respiratory program shall be administered by an upper-level superintendent, foreman, or other qualified person responsible to the principal manager. The administrator shall have sufficient knowledge of respiratory protection to properly supervise the respirator program.

(c) Physiological and psychological limitations for respirator wearers. A physician shall determine what physiological and psychological conditions are pertinent for the wearing of different types of respirators. The respirator program administrator or his designee, using guidelines established by the physician, shall determine whether or not a person may be assigned to a task requiring the use of a respirator. This determination shall be reviewed at least annually. (See WAC 296-62-07115(3)(a), (b), (f), (g) and (h) and 296-62-07125(4).)

(d) Approved or accepted respirators shall be used. Any modification that is not authorized by the approval agencies of an approved respirator voids the approval.

(e) Respirator selection. The selection of the proper type of respirator shall be based upon (i) the nature of the hazardous operation or process, (ii) the type of respiratory hazard (including physical properties, physiological effects on the body, concentration of toxic material or air-borne radioactivity level, established permissible time-weighted average concentration for toxic material, established permissible airborne concentration for radioactive material, and established immediately dangerous to life or health concentration for toxic material), (iii) the location of the hazardous area in relation to the nearest area having respirable air, (iv) the period of time for which respiratory protection must be provided, (v) the activities of workers in the hazardous area, (vi) the physical characteristics and functional capabilities and limitations of the various types of respirators, and (vii) respirator protection factors. (See WAC 296-62-07113.)

(f) Training. Each respirator wearer shall be given training which shall include explanations and discussions of (i) the respiratory hazard and what happens if the respirator is not used properly, (ii) the engineering and administrative controls being used and the need for respirators to provide protection, (iii) the reason for selecting a particular type of respirator, (iv) the function, capabilities, and limitations of the selected respirator, (v) the method of donning the respirator and checking its fit and operation, (vi) the proper wearing of the respirator, (vii) respirator maintenance, and (viii) recognizing and handling emergency situations. (See WAC 296-62-07115(2)(c).)

(g) Respirator fit. Each respirator wearer shall be provided with a respirator fitted in accordance with WAC 296-62-07113(11). Each respirator wearer shall be required to check the seal of the respirator by appropriate means prior to entering a harmful atmosphere. (See WAC 296-62-07115(4).)

(h) Facial hair, contact lenses, and eye and face protective devices. A negative pressure respirator equipped with a facepiece shall not be worn if facial hair comes between the sealing periphery of the facepiece and the face or if facial hair interferes with valve function. The wearer of a respirator equipped with a full facepiece, helmet, hood, or suit shall not be allowed to wear contact lenses. If a spectacle, goggle, face shield, or welding helmet must be worn with a facepiece, it shall be worn so as not to adversely affect the seal of the facepiece to the face. (See WAC 296-62-07115(3) and 296-62-07119(1).)

(i) Issue of respirators. The proper type of respirator for each respiratory hazard shall be listed in written standard operating procedures. Only persons trained to ensure that proper respirators are issued shall be permitted to issue respirators to persons needing them. (See WAC 296-62-07115(2)(b) and (5).)

(j) Respirator inspection. The respirator shall be inspected by the wearer prior to its use to ensure that it is in proper working condition. Each respirator stored for emergency or rescue use shall be inspected at least once a month. (See WAC 296-62-07115 and 296-62-07117.)

(k) Monitoring respirator use. Supervisory personnel shall periodically monitor the use of respirators to ensure that they are worn properly. (See WAC 296-62-07115(7).)

(l) Monitoring respiratory hazard. The concentration or the airborne radioactivity level of the respiratory hazard in the work area shall be monitored initially prior to respirator selection and periodically during respirator use to ensure that the proper type of respirator is being utilized. (See WAC 296-62-07113(4) and 296-62-07115(8).)

(m) Medical and bioassay surveillance. When applicable, medical surveillance, including bioassay, shall be carried out periodically to determine if respirator wearers are receiving adequate respiratory protection. A physician shall determine the requirements of the surveillance program. (See WAC 296-62-07121(4).)

(n) Respirator maintenance. Respirator maintenance shall be performed regularly. Maintenance shall be carried out on a schedule which ensures that each respirator wearer is provided with a respirator that is clean and in good operating condition. Maintenance shall include: (i) Washing, sanitizing, rinsing, and drying, (ii) inspection for defects, (iii) replacement of worn or deteriorated parts, (iv) repair if necessary, and (v) storage to protect against dust, sunlight, excessive heat, extreme cold, excessive moisture, damaging chemicals, and physical damage. (See WAC 296-62-07117.)

(o) Respirator program evaluation. An appraisal of the effectiveness of the respirator program shall be carried out at least annually. Action shall be taken to correct defects found in the program. (See WAC 296-62-07121.)

NEW SECTION

WAC 296-62-07109 CLASSIFICATION OF RESPIRATORY HAZARDS. (1) Introduction. The purpose of this section is to list and briefly describe various categories of respiratory hazards that might be encountered and that may require use of respirators. The information provides a general background for relating the guidance provided in subsequent sections to the type of hazard encountered. The respirator program administrator, however, may find it necessary to consult references on industrial hygiene and toxicology, and perhaps expert individuals as well, in order to develop the necessary comprehensive information on specific airborne contaminants.

Respiratory hazards, for the purpose of this standard, are classified as follows:

- (a) Oxygen deficiency.
 - (i) Immediately dangerous to life or health.
 - (ii) Not immediately dangerous to life or health.
- (b) Gas and vapor contaminants.
 - (i) Immediately dangerous to life or health.
 - (ii) Not immediately dangerous to life or health.
- (c) Particulate contaminants (aerosols including dust, fog, fume, mist, smoke, and spray).
 - (i) Immediately dangerous to life or health.
 - (ii) Not immediately dangerous to life or health.
- (d) Combination of gas, vapor, and particulate contaminants.
 - (i) Immediately dangerous to life or health.
 - (ii) Not immediately dangerous to life or health.

Respirators may afford some protections against high-temperature atmospheres (see WAC 296-62-07119(6)). Further information on the hazards of and use of respirators in high temperatures is presented in a National Fire Protection Association publication, Fire Officers Guide to Breathing Apparatus for the Fire Service, published in 1975.

(2) Classification and description of respiratory hazards. The basic respiratory hazards listed in subsection (1) of this section are classified in Table 1 according to expected biological effects of the contaminants. Many respirators, particularly air-purifying respirators, are designed and selected on the basis of chemical and physical properties of the air contaminants. Therefore, gas, vapor, and particulate contaminants are presented in Table 2 according to their physical and chemical properties.

NEW SECTION

WAC 296-62-07111 CLASSIFICATION, DESCRIPTION, AND LIMITATIONS OF RESPIRATORS. (1) Introduction. The purpose of this section is to provide a description of the various types of respirators, including their limitations and capabilities, as a background for subsequent sections which discuss their selection, use, and maintenance. This information is presented in two tables. Table 3 covers the classification and description of respirators according to the general classifications concerning mode of operation. Table 4 covers capabilities and limitations of respirators arranged to correspond to the subject headings in Table 3.

Respirators fall into the following general classifications, according to mode of operation:

- (a) Atmosphere-supplying respirators.
 - (i) Self-contained.
 - (ii) Supplied-air.
 - (iii) Combination self-contained and supplied-air.
- (b) Air-purifying respirators.
 - (i) Gas and vapor.
 - (ii) Particulate (aerosols including dust, fog, fume, mist, smoke, and spray).
 - (iii) Combination gas, vapor, and particulate.

(c) Combination atmosphere-supplying and air-purifying respirators. More detailed information on specific types of respirators can be obtained from respirator manufacturers and from the following manuals.

Respiratory Protective Devices Manual published by the American Industrial Hygiene Association and the American Conference of Governmental Industrial Hygienist in 1963 (out of print).

A Guide to Industrial Respiratory Protection published by the Los Alamos Scientific Laboratory in 1977.

Energy Research and Development Administration, Division of Safety, Standards, and Compliance Respirator Manual published by the Los Alamos Scientific Laboratories in 1976.

Manual of Respiratory Protection Against Airborne Radioactive Materials published by the United States Nuclear Regulatory Commission in 1976.

The colors assigned to cartridges and canisters of air-purifying respirators are listed in the American National Standard for Identification of Cartridges and Canisters used in Air-Purifying Respirators. ANSI K13.1-1973.

(2) Respirable air and oxygen for self-contained breathing apparatus and supplied air respirators. Compressed gaseous air, compressed gaseous oxygen, liquid air, and liquid oxygen used for respiration shall be of high purity. Compressed gaseous or liquid oxygen shall meet the requirements of the United States Pharmacopeia for medical or breathing oxygen. Chemically generated oxygen shall meet the requirements of United States Department of Defense Military Specification MIL-E-83252 or Military Specification MIL-0-15633c. Compressed gaseous air shall meet at least the requirements of the specification for Type I - Grade D breathing air, and liquid air shall meet at least the requirements for Type II - Grade B breathing air as described in American National Standard Commodity Specification for Air, ANSI Z86.1-1973 (Compressed Gas Association Commodity Specification for Air, G-7.1, 1973).

(a) Compressed gaseous air may contain low concentrations of oil. If high-pressure oxygen passes through an oil- or grease-coated orifice, an explosion or fire may occur. Therefore, compressed gaseous oxygen shall not be used in supplied-air respirators or in open-circuit-type self-contained breathing apparatus that have previously used compressed air.

(b) Breathing air may be supplied to respirators from cylinders or air compressors. Cylinders shall be tested and maintained in accordance with applicable Department of Transportation specifications for shipping containers (Title 49, Code of Federal Regulations, Part 173, General Requirements for Shipments and Packagings, and Part 178, Shipping Container Specifications). A compressor shall be constructed

and situated so as to avoid entry of contaminated air into the air-supply system and shall be equipped with a suitable in-line air-purifying sorbent bed and filter (i.e., a particulate filter followed by a bed of activated charcoal and a moisture absorber, if necessary) to further assure breathing air quality. These filters should be placed before any receiver and after the discharge in the compressor. If an oil-lubricated compressor is used, it shall be equipped with a high-temperature alarm or a carbon-monoxide alarm, or both.

(i) If a high-temperature alarm is used, it shall activate either at or less than 350°F (175°C) as measured at the highest compressor-to-oil contact point (e.g., cylinder head temperature in a piston-type compressor).

(ii) If a carbon monoxide alarm is used, it shall be calibrated by a trained person at least once per month. A calibration and maintenance log shall be kept and shall be available for review and copying by the director or his/her designee. The log shall identify the test method,

date, time of test, results, and the name of the person performing the test. The log shall be retained for at least one year from the date of the test.

(c) Breathing air couplings shall be incompatible with outlets for nonrespirable plant air or other gas systems to prevent inadvertent servicing of air-line respirators with nonrespirable gases.

(d) Breathing gas containers shall be marked in accordance with American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z48.1-1954 (R1971); Federal Specification BB-A-1034a, June 21, 1968, Air, Compressed for Breathing Purposes; or Interim Federal Specification GG-B-675d, September 23, 1976, Breathing Apparatus, Self-Contained. Further details on sources of compressed air and its safe use will be found in Compressed Gas Association Pamphlet G-7, 1976, Compressed Air for Human Respiration.

NEW SECTION

WAC 296-62-07113 SELECTION OF RESPIRATORS. (1) Approved respirators. Only approved or accepted respirators shall be selected. (See WAC 296-62-070125(3).)

(2) General considerations. The selection of a proper respirator for any given situation shall require consideration of the following factors:

- (a) The nature of the hazard (WAC 296-62-07113(3), (4), (9)(a), (b) and (c)).
- (b) The characteristics of the hazardous operation or process (WAC 296-62-07113(5)).
- (c) The location of the hazardous area with respect to a safe area having respirable air (WAC 296-62-07113(6)).
- (d) The period of time for which respiratory protection may be provided (WAC 296-62-07113(7)).
- (e) The activity of workers in the hazardous area (WAC 296-62-07113(8)).
- (f) The physical characteristics, functional capabilities, and limitations of respirators of various types (WAC 296-62-07113(9)).
- (g) The respirator-protection factors and respirator fit (WAC 296-62-07113(10), (11), (12), (13), (14) and (15)).

(3) Nature of hazard. The following factors concerning the nature of the hazard requiring the use of respirators shall be considered in respirator selection:

- (a) Type of hazard.
 - (i) Oxygen deficiency.
 - (ii) Contaminant.
- (b) Physical properties.
- (c) Chemical properties.
- (d) Physiological effects on the body.
- (e) Actual concentration of a toxic material or airborne radioactivity level.
 - (i) Average.
 - (ii) Peak.
- (f) Established permissible time-weighted average or peak concentration of a toxic material, or both, or established maximum permissible airborne radioactivity level for radioactive substances.
- (g) Whether the hazard is an immediately-dangerous-to-life-or-health concentration of a toxic material.
- (h) Warning properties.

See WAC 296-62-07109 for classification and discussion of respiratory hazards.

(4) Initial monitoring of respiratory hazard. Recognition and evaluation of the respiratory hazard (oxygen deficiency or contaminant(s)) shall be an essential part of selecting a respirator except in emergency or rescue operations. Initial monitoring of the respiratory hazard shall be carried out to obtain data needed for the selection of proper respiratory protection. The data should include:

- (a) Identification of the type of respiratory hazard.
 - (i) Oxygen deficiency.
 - (ii) Specific contaminant(s).
- (b) Nature of contaminant(s).
 - (i) Particulate matter.
 - (ii) Vapor(s) or gas(es).
- (c) Concentration of respiratory hazard.

See Appendix, (8) for a discussion of the monitoring of respiratory hazards.

(5) Characteristics of hazardous operation or process. The following factors concerning the hazardous operation or process shall be taken into account in selecting the proper respirator:

Table 1
Classification of Respiratory Hazards According to Their Biological Effect

Oxygen Deficiency	Gas and Vapor Contaminants	Particulate Contaminants (Dust, fog, fume, mist, smoke and spray)
Minimum legal requirements: 18.0% by volume for respirable air at sea-level conditions. (See Note 1.) Occurrence: Confined or un-ventilated cellars, wells, mines, ship holds, tanks, burning buildings, and enclosures containing inert atmospheres:	Asphyxiants: Interfere with utilization of oxygen in the body. Simple asphyxiants: Physiologically inert substances that dilute oxygen in the air (for example: Nitrogen, hydrogen, helium, methane). See Oxygen Deficiency, Column 1. Chemical asphyxiants: Low concentrations interfere with supply or utilization of oxygen in the body (for example: Carbon monoxide, hydrogen cyanide, cyanogen, and nitriles).	Relatively inert: May cause discomfort and minor injury at reasonable concentrations (for example: Marble, gypsum). Pulmonary-fibrosis-producing: Produce nodulation and fibrosis in the lung, possibly leading to complications (for example: Quartz, asbestos).
Atmosphere oxygen content (percent by volume) versus expected conditions: 20.9% Oxygen content of normal air at sea-level conditions.	Irritants: Corrosive in action. May cause irritation and inflammation of parts of the respiratory system (also skin and eyes) and pulmonary edema (for example: Ammonia hydrogen chloride, formaldehyde, sulfur dioxide, chlorine, ozone, nitrogen dioxide, phosgene, and arsenic trichloride).	Carcinogens: Produce cancer in some individuals after latent period (for example: Asbestos, chromates, radioactive particulates).
Oxygen Volume Percent at Sea Level Physiological Effects	Anesthetics: Cause loss of feeling and sensation with unconsciousness and death possible	Chemical irritants: Produce irritation, inflammation, and ulceration in upper respiratory tract (for example: Acidic mists, alkalis). Systemic poisons: Produce pathologic reactions in various systems of the body (for

Oxygen Deficiency	Gas and Vapor Contaminants	Particulate Contaminants (Dust, fog, fume, mist, smoke and spray)
16% - 12% loss of peripheral vision, increased breathing volume, accelerated heart-beat, impaired attention and thinking, impaired coordination.	(for example: Nitrous oxide, hydrocarbons, and ethers). Some anesthetics injure body organs (for example: Carbon tetrachloride (liver and kidneys), chloroform (liver and heart), benzene (bone marrow), and carbon disulfide (nervous system)).	example: Lead manganese, cadmium). Allergy-producing: Produce reactions such as itching, sneezing, and asthmas (for example: Pollens spices, and animal fur).
12% - 10% Very faulty judgment, very poor muscular coordination, muscular exertion causes fatigue that may cause permanent heart damage, intermittent respiration.	Sensitizers: Cause increased probability of physiological reactions (for example: Isocyanates, epoxy resin systems).	Febrile-reaction-producing: Produce chills followed by fever (for example: Fumes of zinc and copper).
10% - 6% Nausea, vomiting, inability to perform vigorous movement, unconsciousness followed by death.	Systemic poisons: Damage organs and systems in the body (for example: Mercury (nervous system and various organs), phosphorus (bone), hydrogen sulfide (respiratory paralysis), and arsine (red blood cells and liver)).	
Less than Spasmodic breathing, convulsive movements, death 6% in minutes.	Carcinogens: Produce cancer in some individuals after a latent period (for example: Vinyl chloride, benzene).	

Combinations of Gas, Vapor, and Particulate Contaminants

Combinations of contaminants may occur simultaneously in the atmosphere. Contaminants may be entirely different substances (dusts and gases from blasting) or the particulate and vapor forms of the same substance. Synergistic effects (joint action of two or more agents that results in an effect which is greater than the sum of their individual effects) may occur. Such effects may require extraordinary protective measures.

NOTE 1: See definition in WAC 296-62-07105 "oxygen deficiency - not immediately dangerous to life or health" and "oxygen deficiency - immediately dangerous to life or health," and WAC 296-62-07125(10).

Table 2
Classification of Respiratory Hazards According to Their Properties Which Influence Respirator Selection

Gas and Vapor Contaminants

Inert: Substances that do not react with other substances under most conditions, but create a respiratory hazard by displacing air and producing oxygen deficiency (for example: Helium, neon, argon).

Acidic: Substances that are acids or that react with water to produce an acid. In water, they produce positively charged hydrogen ions (H⁺) and a pH of less than 7. They taste sour, and many are corrosive to tissues (for example: Hydrogen chloride, sulfur dioxide, fluorine, nitrogen dioxide, acetic acid, carbon dioxide, hydrogen sulfide, and hydrogen cyanide).

Alkaline: Substances that are alkalis or that react with water to produce an alkali. In water, they result in the production of negatively charged hydroxyl ions (OH⁻) and a pH greater than 7. They taste bitter, and many are corrosive to tissues (for example: Ammonia, amines, phosphine, arsine, and stibine).

Organic: The compounds of carbon. Examples are saturated hydrocarbons (methane, ethane, butane), unsaturated hydrocarbons (ethylene, acetylene), alcohols (methyl ether, ethyl ether), aldehydes (formaldehyde), ketones (methyl ketone), organic acids (formic acid, acetic acid), halides (chloroform, carbon tetrachloride), amides (formamide, acetamide), nitriles (acetonitrile), isocyanates (toluene diisocyanate), amines (methylamine), epoxies (epoxyethane, propylene oxide), and aromatics (benzene, toluene, xylene).

Organometallic: Compounds in which metals are chemically bonded to organic groups (for example: Ethyl silicate, tetraethyl lead, and organic phosphate).

Hydrides: Compounds in which hydrogen is chemically bonded to metals and certain other elements (for example: Diborane and tetraborane).

Particulate Contaminants

Particles are produced by mechanical means by disintegration processes such as grinding, crushing, drilling, blasting, and spraying; or by physiochemical reactions such as combustion, vaporization, distillation, sublimation, calcination, and condensation. Particles are classified as follows:

Dust: A solid, mechanically produced particle with sizes varying from submicroscopic to visible or macroscopic.

Spray: A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.

Fume: A solid condensation particle of extremely small particle size, generally less than one micrometer in diameter.

Mist: A liquid condensation particle with sizes ranging from submicroscopic to visible or macroscopic.

Fog: A mist of sufficient concentration to perceptibly obscure vision.

Smoke: A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.

Table 3
Classification and Description of Respirators by Mode of Operation

Atmosphere-Supplying Respirators

A respirable atmosphere independent of the ambient air is supplied to the wearer.

Self-Contained Breathing
Apparatus (SCBA)

A supply of air, oxygen, or oxygen-generating material is carried by the wearer. Normally equipped with full facepiece, but may be equipped with a quarter-mask facepiece, half-mask facepiece, helmet, hood, or mouthpiece and nose clamp.

(1) Closed-Circuit SCBA (oxygen only, negative pressure³ or positive pressure^b).

(a) Compressed or liquid oxygen type. Equipped with a facepiece or mouthpiece and nose clamp. High-pressure oxygen from a gas cylinder passes through a high-pressure reducing valve and, in some designs, through a low-pressure admission valve to a breathing bag or container. Liquid oxygen is converted to low-pressure gaseous oxygen and delivered to the breathing bag. The wearer inhales from the bag, through a corrugated tube connected to a mouthpiece or facepiece and a one-way check valve. Exhaled air passes through another check valve and tube into a container of carbon-dioxide removing chemical and reenters the breathing bag. Make-up oxygen enters the bag continuously or as the bag deflates sufficiently to actuate an admission valve. A pressure-relief system is provided, and a manual by-pass system and saliva trap may be provided depending upon the design.

(b) Oxygen-generating type. Equipped with a facepiece or mouthpiece and nose clamp. Water vapor in the exhaled breath reacts with chemical in the canister to release oxygen to the breathing bag. The wearer inhales from the bag through a corrugated tube and one-way check valve at the facepiece. Exhaled air passes through a second check valve/breathing tube assembly into the canister. The oxygen-release rate is governed by the volume of exhaled air. Carbon dioxide in the exhaled breath is removed by the canister fill.

(2) Open-Circuit SCBA (compressed air, compressed oxygen, liquid air, liquid oxygen). A bypass system is provided in case of regulator failure except on escape-type units.

(a) Demand type. Equipped with a facepiece or mouthpiece and nose clamp. The demand valve permits oxygen or air flow only during inhalation. Exhaled breath passes to ambient atmosphere through a valve(s) in the facepiece.

(b) Pressure-demand type. Equipped with a facepiece only. Positive pressure is maintained in the facepiece. The apparatus may have provision for the wearer to select the demand or pressure-demand mode of operation, in which case the demand mode should be used only when donning or removing the apparatus.

Combination Air-Line Respirators with Auxiliary Self-Contained Air Supply

Include an air-line respirator with an auxiliary self-contained air supply. To escape from a hazardous atmosphere in the event the primary air supply fails to operate, the wearer switches to the auxiliary self-contained air supply. Devices approved for both entry into and escape from dangerous atmospheres have a low-pressure warning alarm and contain at least a 15-minute self-contained air supply.

Supplied-Air Respirators

(1) Hose Mask.

Equipped with a facepiece, breathing tube, rugged safety harness, and large-diameter heavy-duty nonkinking air-supply hose. The breathing tube and air-supply hose are securely attached to the harness. The facepiece is equipped with an exhalation valve. The harness has provision for attaching a safety line.

(a) Hose mask with blower. Air is supplied by a motor-driven or hand-operated blower. The wearer can continue to inhale through the hose if the blower fails. Up to 300 feet (91 meters) of hose length is permissible.

(b) Hose mask without blower. The wearer provides motivating force to pull air through the hose. The hose inlet is anchored and fitted with a funnel or like object covered with a fine mesh screen to prevent entrance of coarse particulate matter. Up to 75 feet (23 meters) of hose length is permissible.

(2) Air-Line Respirator.

Respirable air is supplied through a small-diameter hose from a compressor or compressed-air cylinder(s). The hose is attached to the wearer by a belt or other suitable means and can be detached rapidly in an emergency. A flow-control valve or orifice is provided to govern the rate of air flow to the wearer. Exhaled air passes to the ambient atmosphere through a valve(s) or opening(s) in the enclosure (facepiece, helmet, hood, or suit). Up to 300 feet (91 meters) of hose length is permissible.

(a) Continuous-flow class. Equipped with a facepiece, hood, helmet, or suit. At least 115 liters (four cubic feet) of air per minute to tight-fitting facepieces and 170 liters (six cubic feet) of air per minute to loose-fitting helmets, hoods, and suits is required. Air is supplied to a suit through a system of internal tubes to the head, trunk, and extremities through valves located in appropriate parts of the suit.

(b) Demand type. Equipped with a facepiece only. The demand valve permits flow of air only during inhalation.

(c) Pressure-demand type. Equipped with a facepiece only. A positive pressure is maintained in the facepiece.

Air-Purifying Respirators

Ambient air, prior to being inhaled, is passed through a filter, cartridge, or canister which removes particles, vapors, gases, or a combination of these contaminants. The breathing action of the wearer operates the nonpowered type of respirator. The powered type contains a blower - stationary or carried by the wearer - which passes ambient air through an air-purifying component and then supplies purified air to the respirator - inlet covering. The nonpowered type is equipped with a facepiece or mouthpiece and nose clamp. The powered type is equipped with a facepiece, helmet, hood, or suit.

Vapor- and Gas-Removing Respirators

Equipped with cartridge(s) or canister(s) to remove a single vapor or gas (for example: chlorine gas), a single class of vapors or gases (for example: organic vapors), or a combination of two or more classes of vapors or gases (for example: organic vapors and acidic gases) from air.

Particulate-Removing Respirators

Equipped with filter(s) to remove a single type of particulate matter (for example: dust) or a combination of two or more types of particulate matter (for example: dust and fume) from air. Filter may be a replaceable part or a permanent part of the respirator. Filter may be of the single-use or the reusable type.

Combination Particulate-and Vapor-and Gas-Removing Respirators

Equipped with cartridge(s) or canister(s) to remove particulate matter, vapors, and gases from air. The filter may be a permanent part or a replaceable part of a cartridge or canister.

Combination Atmosphere-Supplying and Air-Purifying Respirators

Provide the wearer with the option of using either of two different modes of operation: (1) an atmosphere-supplying respirator with an auxiliary air-purifying attachment which provides protection in the event the air supply fails or (2) an air-purifying respirator with an auxiliary self-contained air supply which is used when the atmosphere may exceed safe conditions for use of an air-purifying respirator.

³Device produces negative pressure in respiratory-inlet covering during inhalation.

^bDevice produces positive pressure in respiratory-inlet covering during both inhalation and exhalation.

^cEquipped with a demand valve that is activated on initiation and permits the flow of breathing atmosphere to the facepiece. On exhalation, pressure in the facepiece becomes positive and the demand valve is deactivated.

^dA positive pressure is maintained in the facepiece by a spring-loaded or balanced regulator and exhalation valve.

Table 4
Capabilities and Limitations of Respirators

Atmosphere Supplying Respirators

(See WAC 296-62-07111(2) for specification on respirable atmospheres.)

Atmosphere-supplying respirators provide protection against oxygen deficiency and toxic atmospheres. The breathing atmosphere is independent of ambient atmospheric conditions.

General limitations: Except for some air-line suits, no protection is provided against skin irritation by materials such as ammonia and hydrogen chloride, or against sorption of materials such as hydrogen cyanide, tritium, or organic phosphate pesticides through the skin. Facepieces present special problems to individuals required to wear prescription lenses (see WAC 296-62-07119(1)). Use of atmosphere-supplying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table 5 and WAC 296-62-07119(3) and (4)).

Self-Contained Breathing Apparatus (SCBA)

The wearer carries his own breathing atmosphere.

Limitations: The period over which the device will provide protection is limited by the amount of air oxygen in the apparatus, the ambient atmospheric pressure (service life of open-circuit devices is cut in half by a doubling of the atmospheric pressure), and the type of work being performed. Some SCBA devices have a short service life (less than 15 minutes) and are suitable only for escape (self-rescue) from an irrespirable atmosphere.

Chief limitations of SCBA devices are their weight or bulk, or both, limited service life, and the training required for their maintenance and safe use.

(1) Closed-Circuit SCBA.

The closed-circuit operation conserves oxygen and permits longer service life at reduced weight. The negative-pressure type produces a negative-pressure in the respiratory inlet covering during inhalation, and this may permit inward leakage of contaminants; whereas the positive-pressure type always maintains a positive pressure in the respiratory-inlet covering and is less apt to permit inward leakage of contaminants.

(2) Open-Circuit SCBA.

The demand type produces a negative pressure in the respiratory-inlet covering during inhalation, whereas the pressure-demand type maintains a positive pressure in the respiratory-inlet covering during inhalation and is less apt to permit inward leakage of contaminants.

Supplied-Air Respirators

The respirable air supply is not limited to the quantity the individual can carry, and the devices are lightweight and simple.

Limitations: Limited to use in atmospheres from which the wearer can escape unharmed without the aid of the respirator.

The wearer is restricted in movement by the hose and must return to a respirable atmosphere by retracing his route of entry. The hose is subject to being severed or pinched off.

(1) Hose Mask.

The hose inlet or blower must be located and secured in a respirable atmosphere.

(a) Hose mask with blower.

If the blower fails, the unit still provides protection, although a negative pressure exists in the facepiece during inhalation.

(b) Hose mask without blower.

Maximum hose length may restrict application of device.

(2) Air-Line Respirator (Continuous Flow, Demand, and Pressure-Demand Types).

The demand type produces a negative pressure in the facepiece on inhalation, whereas continuous-flow and pressure-demand types maintain a positive pressure in the respiratory-inlet covering and are less apt to permit inward leakage of contaminants.

Air-line suits may protect against atmospheres that irritate the skin or that may be absorbed through the unbroken skin.

Limitations: Air-line respirators provide no protection if the air supply fails. Some contaminants, such as tritium, may penetrate the material of an air-line suit and limit its effectiveness.

Other contaminants, such as fluorine, may react chemically with the material of an air-line suit and damage it.

Combination Airline Respirators with Auxiliary SC Air Supply

The auxiliary self-contained air supply on this type of device allows the wearer to escape from a dangerous atmosphere. This device with auxiliary self-contained air supply is approved for escape and may be used for entry when it contains at least 15-minute auxiliary self-contained air supply. (See Table 5)

Air-Purifying Respirators

General limitations: Air-purifying respirators do not protect against oxygen-deficient atmospheres not against skin irritations by, or sorption through the skin of, airborne contaminants.

The maximum contaminant concentration against which an air-purifying respirator will protect is determined by the design efficiency and capacity of the cartridge, canister, or filter and the facepiece-to-face seal on the user. For gases and vapors, the maximum concentration for which the air-purifying element is designed is specified by the manufacturer or is listed on labels of cartridges and canisters.

Nonpowered air-purifying respirators will not provide the maximum design protection specified unless the facepiece or mouthpiece/nose clamp is carefully fitted to the wearer's face to prevent inward leakage (see WAC 296-62-07115(4)). The time period over which protection is provided is dependent on canister, cartridge, or filter type; concentration of contaminant; humidity levels in the ambient atmosphere; and the wearer's respiratory rate.

The proper type of canister, cartridge, or filter must be selected for the particular atmosphere and conditions. Nonpowered air-purifying respirators may cause discomfort due to a noticeable resistance to inhalation. This problem is minimized in powered respirators. Respirator facepieces present special problems to individuals required to wear prescription lenses (see WAC 296-62-07119(1)). These devices do have the advantage of being small, light, and simple in operation.

Use of air-purifying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table 5 and WAC 296-62-07119(3) and (4)).

Vapor and Gas-Removing Respirators

Limitations: No protection is provided against particulate contaminants. A rise in canister or cartridge temperature indicates that a gas or vapor is being removed from the inspired air.

An uncomfortably high temperature indicates a high concentration of gas or vapor and requires an immediate return to fresh air.

Use should be avoided in atmospheres where the contaminant(s) lacks sufficient warning properties (that is: odor, taste, or irritation at a concentration in air at or above the permissible exposure limit). (Vapor- and gas-removing respirators are not approved for contaminants that lack adequate warning properties.)

Not for use in atmospheres immediately dangerous to life or health unless the device is powered-type respirator with escape provisions (see Table 5).

(1) Full Facepiece Respirator.

Provides protection against eye irritation in addition to respiratory protection.

(2) Quarter-Mask and Half-Mask Facepiece Respirator. A fabric covering (facelet) available from some manufacturers shall not be used.

(3) Mouthpiece Respirator.

Shall be used only for escape applications. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.

A small lightweight device that can be donned quickly.

Particulate-Removing Respirators

Limitations: Protection against nonvolatile particles only. No protection against gases and vapors.

Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table 5).

(1) Full Facepiece Respirator. Provides protection against eye irritation in addition to respiratory protection.

(2) Quarter-Mask and Half-Mask Facepiece Respirator. A fabric covering (facelet) available from some manufacturers shall not be used unless approved for use with respirator.

(3) Mouthpiece Respirator. Shall be used only for escape applications. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.

A small, lightweight device that can be donned quickly.

Combination Particulate and Vapor and Gas-Removing Respirators

The advantages and disadvantages of the component sections of the combination respirator as described above apply.

Combination Atmosphere-Supplying and Air-Purifying Respirators

The advantages and disadvantages expressed above, of the mode of operation being used will govern. The mode with the greater limitations (air-purifying mode) will mainly determine the overall capabilities and limitations of the respirator, since the wearer may for some reason fail to change the mode of operation even though conditions would require such a change.

**Table 5
Respirator Protection Factors^a**

Type of Respirator	Permitted for Use in Oxygen-Deficient Atmosphere	Permitted for Use in Immediately-Dangerous to Life-or-Health Atmosphere
Particulate-filter, quarter-mask or half-mask facepiece ^{b,c}	No	No
Vapor-or gas-removing, quarter-mask or half-mask facepiece ^c	No	No
Combination particulate-filter and vapor- or gas-removing, quarter-mask or half-mask facepiece ^{b,c}	No	No
Particulate-filter, full facepiece ^b	No	No
Vapor- or gas-removing, full facepiece	No	No
Combination particulate-filter and vapor- or gas-removing, full facepiece ^b	No	No
Powered particulate-filter, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)
Powered vapor- or gas-removing, any respiratory-inlet covering ^{c,d}	No	No (yes, if escape provisions are provided ^d)
Powered combination particulate-filter and vapor- or gas-removing, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)

Air-line, demand quarter-mask or half-mask facepiece, with or without escape provisions ^{c,e}	Yes ^f	No
Air-line, demand full facepiece, with or without escape provisions ^e	Yes ^f	No
Air-line, continuous flow or pressure-demand type, any facepiece, without escape provisions ^c	Yes ^f	No
Air-line, continuous flow or pressure-demand type, any facepiece, with escape provisions ^{c,e}	Yes ^g	Yes
Air-line, continuous flow, helmet, hood, or suit, without escape provisions	Yes ^f	No
Air-line, continuous flow, helmet, hood, or suit, with escape provisions ^c	Yes ^g	Yes
Hose mask, with or without blower, full facepiece	Yes ^f	No
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, quarter-mask or half-mask facepiece ^c	Yes ^f	No
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp ^c	Yes ^f (Yes ^g , if respirator is used for mine rescue and mine recovery operations)	No (yes, if respirator is used for mine rescue and mine recovery operations)
Self-contained breathing apparatus, pressure-demand-type open-circuit or positive-pressure-type closed-circuit, quarter-mask or half-mask facepiece, full facepiece, or mouthpiece/nose clamp ^c	Yes ^g	Yes
Combination respirators not listed		

Respirator Protection Factor

Qualitative Test	Quantitative Test
10	As measured on each person with maximum of 100.
10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
100	As measured on each person with maximum of 100 if dust, fume, or mist filter is used, or maximum of 1000 if high-efficiency filter is used.
100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 1000, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100 if dust, fume, or mist filter is used and maximum of 1000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 30000 if high-efficiency filter is used.	N/A
N/A	N/A

Respirator Protection Factor

Qualitative Test	Quantitative Test
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 3000, or maximum use limit of cartridge or canister for vapor or gas ^{I,J} , whichever is less.	N/A
N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{I,J} , whichever is less.	N/A
10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
100	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	N/A
N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	N/A
N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	N/A
N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	N/A
10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
100	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values, except when the respirator is used for mine rescue and mine recovery operations.
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	N/A
The type and mode of operation having the lowest respirator protection factor shall be applied to the combination respirator.	N/A

N/A means not applicable since a respirator-fitting test is not carried out.

³A respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

^hWhen the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

^cIf the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece.

^dIf the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or canister and through the pump. If the powered air-purifying respirator is equipped with a helmet, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.

^eThe escape provision shall be an auxiliary self-contained supply of respirable air.

^fFor definition of "oxygen deficiency – not immediately dangerous to life or health" see WAC 296-62-07105.

^gFor definition of "oxygen deficiency – immediately dangerous to life or health" see WAC 296-62-07105 and Appendix, (10).

^hThe protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.

ⁱThe service life of a vapor-or-gas-removing cartridge or canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service lives. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.

^jVapor- and gas-removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

NOTE: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respiratory-inlet covering are not given, since such respirators are approved only for escape purposes.

- (a) Operation or process characteristics.
- (b) Work area characteristics.
- (c) Materials, including raw materials, end products, and byproducts (actual and potential).
- (d) Worker activities.

Modification in the operation or process shall be taken into account, since this may change the hazard and hence require the selection of a different respirator.

(6) Location of hazardous area. The location of the hazardous area with respect to a safe area having respirable air shall be considered in selecting a respirator, since this will permit planning for the escape of workers if an emergency occurs, for the entry of workers to perform maintenance duties, and for rescue operations.

(7) Respirator use time period. The period of time that a respirator must be worn is an important factor that shall be taken into account in selecting a respirator. Consideration shall be given to the type of respirator application, such as for routine, nonroutine, emergency, or rescue use. It would not be desirable, for example, to select respirators that are heavy or that offer high resistance to breathing for routine wearing for many hours each day.

(8) Worker activity. Worker activities and worker locations in hazardous areas shall be considered in selecting the proper respirator (for example, whether the worker is in the hazardous area continuously or intermittently during the work shift and whether the work rate is light, medium, or heavy).

(9) Respirator characteristics, capabilities, and limitations. The physical characteristics, the functional capabilities, and the performance limitations of the various types of respirators shall be considered in selecting a respirator. (See WAC 296-62-07111).

(a) Respirators for oxygen-deficient atmosphere. Only respirators that provide an independent, respirable atmosphere shall be used in an oxygen-deficient atmosphere. Respirators for use in atmospheres that are oxygen deficient and immediately dangerous to life or health (see definition) and respirators for use in atmospheres that are oxygen deficient but not immediately dangerous to life or health (see definition) are listed in Table 5.

(b) Respirators for atmospheres immediately dangerous to life or health. Respirators for use in atmospheres that contain adequate oxygen but are immediately dangerous to life or health because of the presence of toxic contaminants are listed in Table 5.

(c) Respirators for atmospheres not immediately dangerous to life or health. All types of respirators listed in Table 5 may be used in contaminated atmospheres that contain adequate oxygen and are not immediately dangerous to life or health.

(10) Respirator protection factor (PF). Respirators shall be selected according to the characteristics of the hazards involved, the capabilities and limitations of the respirators, and the ability of each respirator wearer to obtain a satisfactory fit with a respirator. Taking into account the capabilities and limitations of respirators and the results of respirator-fitting tests, a table of respirator protection factors has been prepared (see Table 5). A respirator protection factor is a measure of the degree of protection provided by a respirator to a wearer. Multiplying either (1) the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or (2) the maximum permissible airborne concentration for a radionuclide by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance in which the respirator can be used. Limitations of filters, cartridges, and canisters also shall be considered (see Table 5).

(11) Respirator-fitting tests. A qualitative or quantitative respirator-fitting test shall be used to determine the ability of each individual respirator wearer to obtain a satisfactory fit with a negative-pressure respirator. (The National Institute for Occupational Safety and Health recommends that only a program of quantitative-fit testing can provide adequate worker protection.) The results of qualitative or quantitative respirator or fitting-tests shall be used to select specific types, makes, and models of negative-pressure respirators for use by individual respirator wearers. A respirator-fitting test shall be carried out for each wearer of a negative-pressure respirator at least annually. Respirator-fitting tests shall not be required for positive-pressure respirators.

Qualitative respirator-fitting test – A person wearing a respirator is exposed to an irritant smoke, an odorous vapor, or other suitable test agent. An air-purifying respirator must be equipped with an air-purifying element(s) which effectively removes the test agent from inspired air. If the respirator wearer is unable to detect penetration of the test agent into the respirator, the respirator wearer has achieved a satisfactory fit with the respirator. (See WAC 296-62-07125(5).)

Quantitative respirator-fitting test – A person wears a respirator in a test atmosphere containing a test agent in the form of an aerosol, vapor, or gas. Instrumentation, which samples the test atmosphere and the air inside the respiratory-inlet covering of the respirator, is used to measure quantitatively the penetration of the test agent into the respiratory-inlet covering. (See WAC 296-62-07125(6).)

When carrying out a qualitative or quantitative respirator-fitting test, the respirator wearer shall carry out a series of exercises which simulate work movements. (See WAC 296-62-07125(5) and (6).)

When carrying out respirator-fitting tests, it shall be acceptable procedure to make the following modifications to respirators provided that such modifications do not affect the seal of the respirators to wearers.

(a) When carrying out a qualitative or quantitative respirator-fitting test which uses an aerosol as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with a high-efficiency filter.

(b) When carrying out a qualitative or quantitative respirator-fitting test which uses a vapor or gas as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with an appropriate cartridge or canister which removes the vapor or gas from air.

(c) When carrying out a quantitative respirator-fitting test, it shall be acceptable procedure to attach a sampling probe to the respirator which is connected by flexible tubing to an instrument which measures the penetration of the test agent into the respirator.

When carrying out quantitative respirator-fitting tests, it shall be an acceptable procedure to carry out a single test for each available make and model of respirator in order to select a respirator for use by a person. However, three additional quantitative respirator-fitting tests involving the wearing of the selected make and model of respirator by the person shall be carried out to determine a protection factor for that particular respirator and person. The lowest protection factor determined by these three tests shall be assigned to a particular person wearing a specific make and model of respirator.

If a qualitative respirator-fitting test has been used in respirator selection, a person shall be allowed to use only the specific make(s) and model(s) of respirator(s) for which the person obtained a satisfactory fit, and the respirator protection factor listed under "qualitative test" in Table 5 shall apply. Under no circumstances shall a person be allowed to use any respirator if the results of the qualitative respirator-fitting test indicates that the person is unable to obtain a satisfactory fit.

If a quantitative respirator-fitting test has been used in selecting a respirator, the test results shall be used to assign a respirator protection factor to each person for each specific make and model of respirator tested. The assigned respirator protection factor shall be applied when the person wears the specific respirator in a hazardous atmosphere, but it shall not exceed the respirator protection factor listed under "quantitative test" in Table 5 for the particular type of respirator.

(12) Respirator-fitting test records. Records of respirator-fitting tests shall be kept for at least the duration of employment. These records shall include the following information:

- (a) Type of respirator-fitting test used;
- (b) Specific make and model of respirator tested;
- (c) Name of person tested;
- (d) Name of test operator;
- (e) Date of test;
- (f) Results of respirator-fitting tests;
- (i) Success or failure of person to obtain satisfactory fit if a qualitative respirator-fitting test was carried out.
- (ii) Respirator protection factor based upon test results if a quantitative respirator-fitting test was carried out.

(13) Respirator protection factor assignment. When a group of persons wear respirators in a given work area, a single respirator protection factor shall be assigned to all respirator wearers in the group. When negative-pressure respirators are being used, this respirator protection factor shall correspond to the lowest value established by qualitative or quantitative respirator-fitting tests for any person of the group with the specific make and model of respirator which that person will wear in the given work area.

(14) Face dimensions and facepiece sizes. The wide range of face dimensions requires more than a single size of respirator facepiece to provide a proper fit to all respirator users. Therefore, respirator facepieces of more than one size shall be available in any respirator-selection program involving respirators equipped with facepieces.

(15) Employee acceptance. Employee acceptance of a particular respirator model within a class shall be considered in selecting a respirator since this may determine whether or not he wears the respirator properly. Acceptance factors to be considered include discomfort, breathing resistance, weight, and interference with vision or the work to be performed. If the results of respirator-fitting tests show that the person can obtain an acceptable fit with two or more respirator models of the selected class of respirator, then the person should be permitted to use the respirator model which he or she prefers.

NEW SECTION

WAC 296-62-07115 USE OF RESPIRATORS. (1) Standard operating procedures. Written standard operating procedures shall cover a complete respirator program (see WAC 296-62-07107) and shall include information necessary for the proper use of respirators, including training of respirator wearers, respirator sealing tests, issuance of respirators, inspection of respirators prior to use, monitoring respirator use, monitoring respiratory hazard, and planning for routine, nonroutine, emergency, and rescue uses of respirators.

(a) The written standard operating procedures shall include plans necessary to ensure the safe routine use and nonroutine use of respirators. Emergency and rescue uses of respirators shall be anticipated, and the written standard operating procedures shall include plans necessary to ensure the safe emergency and rescue uses of respirators. Persons who wear respirators routinely, who wear respirators nonroutinely, and who may be required to wear respirators for emergency and rescue work shall be given adequate information concerning plans covering these respirator uses to ensure the safe use of respirators.

(b) Standard operating procedures for emergency and rescue use of respirators. It is recognized that it is not possible to foresee every emergency and rescue use of respirators for every kind of operation. Nevertheless, a wide variety of possible conditions requiring the emergency or rescue use of respirators can be envisioned and an adequate emergency and rescue respirator-response capability can be achieved through a serious effort to anticipate the worst possible consequences of particular malfunctions or mishaps.

The written standard operating procedures governing the emergency and rescue uses of respirators shall be developed in the following manner:

(i) An analysis of the emergency and rescue uses of respirators that may occur in each operation shall be made by careful consideration of materials, equipment, processes, and personnel involved. Such an analysis shall be reviewed by the person who is thoroughly familiar with the particular operation. Consideration shall be given to past occurrences requiring emergency or rescue uses of respirators as well as conditions which resulted in such respirator applications. The possible consequences of equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error shall be given consideration.

All potential hazards which may result in emergency or rescue use of respirators shall be listed.

(ii) Based upon the analysis, appropriate types of respirators shall be selected, an adequate number shall be provided for each area where they may be needed for emergency or rescue use, and these respirators shall be maintained and stored so that they are readily accessible and operational when needed.

(2) Training. The supervisor, the person issuing respirators, and the respirator wearers shall be given adequate training by a qualified person(s) to ensure the proper use of respirators. Written records shall be kept of the names of persons trained and the dates when training occurred.

(a) Training of supervisor. A supervisor - that is, a person who has the responsibility of overseeing the work activities of one or more persons who must wear respirators - shall be given adequate training to ensure the proper use of respirators. Supervisor training shall include but shall not necessarily be limited to the following subjects:

(i) The basic respiratory-protection practices (see WAC 296-62-07107).

(ii) The nature and extent of respiratory hazards to which persons under his supervision may be exposed (see WAC 296-62-07109, 296-62-07113(2)(d) and 296-62-07115(8)).

(iii) The principles and criteria of selecting respirators (see WAC 296-62-07111 and 296-62-07113).

(iv) The training of respirator wearers (see WAC 296-62-07115(2)(c)).

(v) The issuance of respirators (see WAC 296-62-07115(2)(b) and (5)).

(vi) The inspection of respirators (see WAC 296-62-07115(6) and 296-62-07117(3)).

(vii) The use of respirators, including monitoring of use (see WAC 296-62-07115(3), (4), (7), (8), (9) and 296-62-07119).

(viii) The maintenance and storage of respirators (see WAC 296-62-07117).

(ix) The regulations concerning respirator use.

(b) Training of person issuing respirators. A person assigned the task of issuing respirators to persons who must wear respirators for protection against harmful atmospheres shall be given adequate training to ensure that the correct respirator is issued for each application

in accordance with written standard operating procedures. (See WAC 296-62-07115(5)).

(c) Training of respirator wearer. To ensure the proper and safe use of a respirator, the minimum training of each respirator wearer shall include the following elements:

(i) The reasons for the need of respiratory protection (see WAC 296-62-07107(2)).

(ii) The nature, extent, and effects of respiratory hazards to which the person may be exposed (see WAC 296-62-07109 and 296-62-07113(3)).

(iii) An explanation of why engineering controls are not being applied or are not adequate and of what effort is being made to reduce or eliminate the need for respirators (see WAC 296-62-07107(2)).

(iv) An explanation of why a particular type of respirator has been selected for a specific respiratory hazard (see WAC 296-62-07113).

(v) An explanation of the operation, and the capabilities and limitations, of the respirator selected (see WAC 296-62-07111, 296-62-07113(5) and (6)).

(vi) Instruction in inspecting, donning, checking the fit of, and wearing the respirator (see WAC 296-62-07115(2)(c)(xi)(A)(aa) and (bb); 297-62-07115(4) and (6)).

(vii) An opportunity for each respirator wearer to handle the respirator, learn how to don and wear it properly, check its seals, wear it in a safe atmosphere, and wear it in a test atmosphere (see WAC 296-62-07115(2)(c)(xi)(A)(cc) and (dd) and 296-62-07115(4) and (6)).

(viii) An explanation of how maintenance and storage of the respirator is carried out (see WAC 296-62-07117).

(ix) Instructions in how to recognize and cope with emergency situations (see WAC 296-6207115(1)(b)).

(x) Instructions as needed for special respirator use (see WAC 296-62-07119).

(xi) Regulations concerning respirator use.

(A) Wearing instructions and training. Wearing instructions and training, including practice demonstrations, shall be given to each respirator wearer and shall cover:

(aa) Donning, wearing, and removing the respirator.

(bb) Adjusting the respirator so that its respiratory-inlet covering is properly fitted on the wearer and so that the respirator causes a minimum of discomfort to the wearer.

(cc) Allowing the respirator wearer to wear the respirator in a safe atmosphere for an adequate period of time to ensure that the wearer is familiar with the operational characteristics of the respirator.

(dd) Providing the respirator wearer an opportunity to wear the respirator in a test atmosphere to demonstrate that the respirator provides protection to the wearer. A test atmosphere is any atmosphere in which the wearer can carry out activities simulating work movements and respirator leakage or respirator malfunction can be detected by the wearer.

(B) Retraining. Each respirator wearer shall be retrained at least annually.

(3) Respirator sealing problems. Respirators shall not be worn when conditions prevent a seal of the respirator to the wearer.

(a) A person who has hair (stubble, moustache, sideburns, beard, low hairline, bangs) which passes between the face and the sealing surface of the facepiece of the respirator shall not be permitted to wear such a respirator.

(b) A person who has hair (moustache, beard) which interferes with the function of a respirator valve(s) shall not be permitted to wear the respirator.

(c) A spectacle which has temple bars or straps which pass between the sealing surface of a respirator full facepiece and the wearer's face shall not be used.

(d) A head covering which passes between the sealing surface of a respirator facepiece and the wearer's face shall not be used.

(e) The wearing of a spectacle, a goggle, a faceshield, a welding helmet, or other eye and face protective device which interferes with the seal of a respirator to the wearer shall not be allowed.

(f) If scars, hollow temples, excessively protruding cheekbones, deep creases in facial skin, the absence of teeth or dentures, or unusual facial configurations prevent a seal of a respirator facepiece to a wearer's face, the person shall not be permitted to wear the respirator.

(g) If missing teeth or dentures prevent a seal of a respirator mouthpiece in a person's mouth, the person shall not be allowed to wear a respirator equipped with a mouthpiece.

(h) If a person has a nose of a shape or size which prevents the closing of the nose by the nose clamp of a mouthpiece/nose-clamp

type of respirator, the person shall not be permitted to wear this type of respirator.

(4) Respirator sealing tests. To ensure proper protection, the wearer of a respirator equipped with a facepiece shall check the seal of the facepiece prior to each entry into a hazardous atmosphere. This may be done using procedures recommended by respirator manufacturers or by any of the field tests described in WAC 296-62-07125(7).

(5) Issuance of respirators. The proper respirator shall be specified for each application and shall be listed in the written standard operating procedures. If a respirator is marked for the worker to whom it is assigned or for other identification purposes, the markings shall not affect the respirator performance in any way.

(6) Respirator inspection prior to use. Each person issued a respirator for routine, nonroutine, emergency, or rescue use shall inspect the respirator prior to its use to ensure that it is in good operating condition.

(7) Monitoring respirator use. The use of respirators on a routine or nonroutine basis shall be monitored to ensure that the correct respirators are being used, that the respirators are being worn properly and that the respirators being used are in good working condition.

(8) Monitoring respiratory hazard during use. The level of the respiratory hazard in the workplace to which a person wearing a respirator is exposed shall be monitored periodically. The time-weighted average concentration of the respiratory hazard shall be determined to ensure that the proper type of respirator is being utilized (see WAC 296-62-07125(8)).

(9) Leaving a hazardous area. A respirator wearer shall be permitted to leave the hazardous area for any respirator-related cause. Reasons which may cause a respirator wearer to leave a hazardous area include, but are not limited to, the following:

(a) Failure of the respirator to provide adequate protection.

(b) Malfunction of the respirator.

(c) Detection of leakage of air contaminant into the respirator.

(d) Increase in resistance of respirator to breathing.

(e) Severe discomfort in wearing the respirator.

(f) Illness of respirator wearer, including: sensation of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever, and chills.

NEW SECTION

WAC 296-62-07117 MAINTENANCE OF RESPIRATORS.

(1) General. A program for the maintenance of respirators shall include the following:

(a) Cleaning and sanitizing.

(b) Inspection of defects.

(c) Repair.

(d) Storage.

Each respirator shall be properly maintained to retain its original shape and effectiveness.

(2) Cleaning and sanitizing. Each respirator shall be cleaned and sanitized to ensure that the respirator wearer is provided with a clean and sanitized respirator at all times. A respirator issued for other than continuous personal use by a particular worker, such as with routine, nonroutine, emergency, or rescue use, shall be cleaned and sanitized after each use.

(3) Inspection. Each respirator shall be inspected routinely before and after use. A respirator shall be inspected by the user immediately prior to each use to ensure that it is in proper working condition.

(a) After cleaning and sanitizing, each respirator shall be inspected to determine if it is in proper working condition, if it needs replacement of parts or repairs, or if it should be discarded. Each respirator stored for emergency or rescue use shall be inspected at least monthly. Respirator inspection shall include a check for tightness of connections; for the condition of the respiratory-inlet covering, head harness, valves, connecting tubes, harness assemblies, filters, cartridges, canisters, end-of-service-life indicator, and shelf life date(s); and for the proper function of regulators, alarms, and other warning systems.

(b) Each rubber or other elastomeric part shall be inspected for pliability and signs of deterioration. Each air and oxygen cylinder shall be inspected to ensure that it is fully charged according to the manufacturer's instructions.

(c) A record of inspection dates, findings, and remedial actions shall be kept for each respirator maintained for emergency or rescue use.

(4) Part replacement and repair. Replacement of parts or repairs shall be done only by persons trained in proper respirator assembly and correction of possible respirator malfunctions and defects. Replacement parts shall be only those designed for the specific respirator being

repaired. Reducing or admission valves, regulators, and alarms shall be returned to the manufacturer or to a trained technician for repair or adjustment. Instrumentation for valve, regulator, and alarm adjustments and tests must be approved by the valve, regulator, or alarm manufacturer.

(5) Storage. Respirators shall be stored in a manner that will protect them against dust, sunlight, heat, extreme cold, excessive moisture, or damaging chemicals. Respirators shall be stored to prevent distortion of rubber or other elastomeric parts. Respirators shall not be stored in such places as lockers and tool boxes unless they are protected from contamination, distortion, and damage. Emergency and rescue-use respirators that are placed in work areas shall be quickly accessible at all times, and the storage cabinet or container in which they are stored shall be clearly marked.

NEW SECTION

WAC 296-62-07119 SPECIAL PROBLEMS. (1) Vision. When a respirator user must wear corrective lenses, a protective spectacle or goggle, a face shield, a welding helmet, or other eye and face protective device, the item shall be fitted to provide good vision and shall be worn in such a manner as not to interfere with the seal of the respirator to the wearer.

(a) Temple bars or straps of a corrective spectacle which pass between the sealing surface of a respirator full facepiece and the respirator wearer's face may prevent a good seal of the facepiece to the face and therefore such a spectacle shall not be used when a respirator equipped with a full facepiece must be worn. As a temporary measure, a corrective spectacle with short temple bars that do not protrude between the sealing surface of a full facepiece and the respirator wearer's face may be taped to the respirator wearer's head. Special corrective lenses which are made to be mounted inside a full facepiece are available and should be used by a person who needs corrective lenses.

(b) The wearing of contact lenses by persons who must wear a respirator equipped with a full facepiece, helmet, hood, or suit shall not be permitted.

(2) Communications. Speech transmission while wearing a respirator is often necessary to perform specific tasks. Although a respirator facepiece distorts the human voice to some extent, the respirator's exhalation valve usually provides a pathway for some speech transmission over short distances in relatively quiet areas. However, talking while wearing a respirator equipped with a facepiece may adversely affect the seal of the facepiece, especially a quarter-mask or half-mask facepiece, to the wearer's face.

A mechanical speech-transmission device, called a speaking diaphragm, is an integral part of the facepiece in some respirators. It usually consists of a resonant cavity and diaphragm which transmit sound. The diaphragm also acts as a barrier to the ambient atmosphere and thus should be handled carefully to prevent possible puncture which would permit leakage of an air contaminant into the respirator. Various methods of electronically transmitting and amplifying speech through the respirator are available. These utilize a microphone connected to a speaker, telephone, or radio transmitter. Usually, the microphone is mounted inside the respiratory-inlet covering, while the amplifier, power pack, and speaker or transmitter are attached to the exterior of the respiratory-inlet covering, carried on the body, or remotely located. Respirators with electronic speech-transmission devices having a battery power supply should be used with caution in explosive atmospheres. When an electronic speech-transmission device is used in underground mining, it shall be certified as complying with the Mine Safety and Health Administration's requirements for permissibility and intrinsic safety which are set forth in a document entitled Electric Motor-Driven Mine Equipment and Accessories, Code of Federal Regulations, Part 18, Chapter 1, Subchapter D, Title 30 (formerly Bureau of Mines Schedule 2G). Sealed power sources shall be checked for integrity of the seals. Connecting cables from microphones inside the respiratory-inlet covering shall have gas-tight seals where they pass through the covering. When the speaker diaphragm is part of the barrier between the respirator wearer and the ambient atmosphere, it shall be frequently inspected for leakage and should be adequately protected from puncture or rupture. A microphone mounted on the respirator wearer's throat or head or a microphone/speaker worn in the respirator wearer's ear does not require penetration of a respirator facepiece by a cable.

(3) Use of respirators for entry into atmospheres immediately dangerous to life or health. When respirators are required for entry into atmospheres immediately dangerous to life or health, at least one standby person shall be present in a safe area. The standby person

shall have the proper equipment available to assist the respirator wearer's in case of emergency. Communications (visual, voice, signal-line, telephone, radio, or other suitable means) shall be maintained between the standby person and the respirator wearers. Respirator wearers in atmospheres immediately dangerous to life or health shall be equipped with safety harnesses and safety lines to permit them to be removed from the dangerous atmospheres to safe areas, if necessary; otherwise, equivalent provisions for the rescue of the respirator wearers from the dangerous atmospheres shall be used.

(4) Respirator use in confined spaces. All confined spaces shall be considered to be immediately dangerous to life or health unless proven otherwise. Before a person is allowed to enter a confined space, tests shall be carried out to determine the concentration of any known or expected flammable or toxic contaminant present and to determine the concentration of oxygen. A person shall not be allowed to enter a confined space without wearing the proper type of respirator. Even if the concentrations of air contaminants in a confined space are found to be below the established limits and sufficient oxygen is present (see "Oxygen Deficiency" in Table 1), the safest procedure is to continuously ventilate the enclosed space and to continuously monitor the concentration of air contaminants and of oxygen if persons are to work in the confined space.

(a) An air-purifying respirator may be worn by a person in a confined space only if tests show that the atmosphere is not legally oxygen deficient (see Table 1 for minimum legal oxygen requirement) and only if tests show that the concentrations of air contaminants are not immediately dangerous to life or health. While a person is wearing an air-purifying respirator in a confined space, the level of respiratory hazards in the atmosphere of the confined space shall be monitored.

(b) An air-line-type or hose-mask-type supplied-air respirator may be worn by a person in a confined space only if tests show that the atmosphere is not deficient in oxygen to a degree that would be immediately dangerous to life or health (see definitions in WAC 296-62-07105) for "oxygen deficiency - immediately dangerous to life or health" and "oxygen deficiency - not immediately dangerous to life or health" and only if tests show that concentrations of air contaminants are not immediately dangerous to life or health. While a person is wearing an air-line-type or hose-mask-type supplied-air respirator in a confined space, the level of respiratory hazards in the atmosphere of the confined space shall be monitored.

(c) When the results of monitoring the atmosphere in a confined space, prior to entry of a person into the space, shows that the atmosphere is immediately dangerous to life or health (oxygen deficient or excessive concentration(s) of a contaminant(s) including concentration(s) of a substance(s) above the lower flammable limits), then a person who is required to enter the confined space shall wear either a positive-pressure self-contained breathing apparatus or a combination positive-pressure-air-line respirator with an auxiliary self-contained air supply. An oxygen-type open-circuit self-contained breathing apparatus shall not be worn in a confined space where the possibility of fire or explosion hazard is increased.

(d) When respirators are used in a confined space, the provisions for a standby person given in subsection (3) of this section shall be carried out.

(5) Respirator use in low-temperature environments. A low-temperature environment may cause fogging of the lens in a respiratory-inlet covering and freezing or improper sealing, or both, of the exhalation valve. Coating the inside surface of the lens may prevent fogging at low atmospheric temperatures approaching 0°C (32°F), but severe fogging of the lens may occur at temperatures below -18°C (0°F). Full facepieces are available with nose cups that direct the warm and moist exhaled air through the exhalation valve without contacting the lens, and these facepieces should provide satisfactory vision at temperatures as low as -32°C (-25°F). At very low atmospheric temperatures, the exhalation valve of a respirator may freeze open or closed due to the presence of moisture. Dry respirable air should be used with an air-line respirator and with the type of self-contained breathing apparatus that employs a cylinder of air when these devices are used in a low-temperature atmosphere. The dew point of this breathing air should be appropriate to the temperature of the atmospheric air. High-pressure connections on self-contained breathing apparatus may leak because of metal contraction at low atmospheric temperature. These connections should not be overtightened, since they may break when the apparatus is returned to an atmosphere at normal room temperature. Some air-line-type supplied-air respirators may be equipped with a device called a vortex tube to warm the air supplied to the respirator-inlet covering of the respirator. Emergency-use respirators

that are stored in low-temperature environments may require special elastomeric components that will retain their elasticity at low temperatures (regulator diaphragms, gaskets, and breathing tubes). Facepieces stored in low-temperature environments can become stiff and distorted to a degree that may prevent an adequate seal of the face to the facepiece. Special care shall be used to prevent distortion of facepieces stored at low temperatures. Some self-contained breathing apparatus models have cold-temperature accessories that may be utilized to help overcome these problems. The manufacturer's instructions shall be followed when utilizing these cold-temperature accessories.

(6) Respirator use in high-temperature environments. A person working in an atmosphere having a high temperature is under stress. Wearing a respirator in such an environment applies additional stress on the person. The additional stress due to the wearing of a respirator in a high-temperature environment should be minimized by using a respirator having a low weight and offering a low resistance to breathing. The air-line type supplied-air respirator is recommended for use in a high-temperature environment. Air-line-type supplied-air respirators equipped with a vortex tube to cool the air supplied to the respiratory-inlet covering will substantially reduce the temperature of the air supplied to the respirator. Elastomeric components of respirators stored in high-temperature environments may deteriorate at an accelerated rate and the facepiece may become permanently distorted. Special care shall be used to prevent facepiece distortion. All such respirators shall be inspected and maintained at a frequency rate that will prevent the use of respirators with deteriorated elastomeric components.

NEW SECTION

WAC 296-62-07121 EVALUATION OF RESPIRATOR PROGRAM EFFECTIVENESS. (1) General. Periodic evaluation of the effectiveness of the respirator program is essential to ensure that persons are being provided with adequate respiratory protection. Improvement of the program and elimination of any deficiencies in the program cannot be carried out unless the program is appraised for effectiveness at periodic intervals. The effectiveness of the respirator program shall be evaluated at least annually and corrective action shall be taken to correct defects found in the program.

(2) Wearer acceptance. Wearer acceptance of respirators is an important matter to consider in evaluating the effectiveness of the respirator program. Respirator wearers shall be consulted periodically about their acceptance of wearing respirators. Numerous factors affect the acceptance of respirators. These factors include: Comfort, resistance to breathing, fatigue, interference with vision, interference with communications, restriction of movement, interference with job performance, and confidence in the effectiveness of the respirator to provide adequate protection.

(3) Inspection of respirator program operation. Frequent inspection of the operation of the respirator program shall be conducted to ensure that proper types of respirators are selected, that respirator wearers are trained properly, that the correct respirators are issued and used, that respirators are worn properly, that respirators being used are in good operating condition, that respirators are inspected and maintained properly, that respirator storage is satisfactory, that respiratory hazards are monitored, and that medical and, when necessary, bioassay surveillance of respirator wearers is carried out.

(4) Appraisal of protection afforded. Medical and when necessary, bioassay surveillance of respirator wearers shall be conducted periodically to determine if respirator wearers are being provided with adequate respiratory protection. These data, when considered with the results of monitoring respiratory hazards, can serve as an indication of the degree of protection provided by the respirators and the effectiveness of the respirator program.

(5) Evaluation. The results of investigating wearer acceptance of respirators, inspecting respirator program operation, and appraising protection provided by respirators shall be utilized to evaluate the effectiveness of the respirator program. Evidence of excessive exposure of respirator wearers to respiratory hazards shall be followed up by investigation to determine why inadequate respiratory protection was provided. Action shall be taken to correct any defects found in the respirator program. The findings of the respirator program evaluation shall be documented, and this documentation shall list plans to correct faults in the program and target dates for the implementation of the plans.

NEW SECTION

WAC 296-62-07123 EFFECTIVE DATE. This standard shall become effective thirty days after filing with the Code Reviser.

NEW SECTION

WAC 296-62-07125 APPENDIX—RESPIRATORY PROTECTION. (1) Approval agencies.

(a) Bureau of Mines (BM). The Bureau of Mines (BM) United States Department of Interior, tested and approved respirators from 1919 until 1972. Approvals were issued under the provisions of various schedules until May 25, 1972, the effective date of Title 30, Code of Federal Regulations (CFR), Part 11, "Respiratory Protective Devices; Tests for Permissibility; Fees." Title 30, CFR, part 11 superseded and revoked the previous respirator approval schedules.

(b) National Institute for Occupational Safety and Health (NIOSH). Title 30, CFR, Part 11 gave jurisdiction for joint approval of respirators to the National Institute for Occupational Safety and Health (NIOSH), United States Department of Health, Education, and Welfare, and to the Bureau of Mines (BM), United States Department of the Interior.

(c) Mining Enforcement and Safety Administration (MESA). In 1974, a reorganization of the United States Department of the Interior resulted in the formation of the Mining Enforcement and Safety Administration (MESA), which assumed the health and safety activities of the Bureau of Mines (BM), including the respirator testing and approving functions. Subsequent respirator approvals were issued jointly by the National Institute for Occupational Safety and Health (NIOSH) and the Mining Enforcement and Safety Administration (MESA).

(d) Mine Safety and Health Administration (MSHA). The Federal Mine Safety and Health Amendment Act of 1977 transferred in March, 1978, the authority for enforcement of mining safety and health from the United States Department of Interior to the United States Department of Labor. The act created in the United States Department of Labor, the Mine Safety and Health Administration (MSHA) which replaced the Mining Enforcement and Safety Administration (MESA) of the United States Department of Interior. The Mine Safety and Health Administration (MSHA) has assumed the respirator testing and approving functions of the Mining Enforcement and Safety Administration (MESA). Respirator approvals are now issued jointly by the National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA).

(2) Status of approved respirators. The status of respirators approved under the provision of BM Schedules is different from the status of respirators approved under provisions of Title 30, CFR, Part 11. Amendments to Title 30, CFR, Part 11 published in the Federal Register on November 22, 1974, provide that:

(a) After June 30, 1975, respirators are approved for purchase and use if they have been approved jointly by MSHA (formerly BM and MESA) and NIOSH under provisions of Title 30, CFR, Part 11. However, gas masks which have been approved by the BM under provisions of BM Schedule 14F continue to be approved for purchase and use until further notice.

(b) Respirators, other than gas masks, which have been approved by the BM under provisions of certain BM Schedules, if purchased on or before June 30, 1975, and which are maintained in approved condition, shall be approved for use until the following dates; March 31, 1979, for self-contained breathing apparatus approved under provisions of BM schedules 13-13E; March 31, 1980, for supplied-air respirators approved under provisions of BM schedule 19B; March 31, 1976, for particulate-removing respirators approved under provisions of BM schedule 21B; March 31, 1976, for chemical-cartridge-type vapor- and gas-removing respirators approved under provisions of BM schedule 23B.

(3) Lists of approved respirators. Respirators approved by the BM under provisions of BM schedules were listed periodically through the years in BM information circulars. The last BM information circular listing approved respirators is IC-8559, "Respirators Approved by the Bureau of Mines as of May 24, 1972." Respirators approved jointly by NIOSH and MSHA under provisions of Title 30, CFR, Part 11 are listed in "NIOSH Certified Personal Protective Equipment." Supplements are issued periodically. Copies are available from:

Publications Dissemination, DTS

National Institute for Occupational Safety and Health
United States Department of Health, Education, and Welfare

4676 Columbia Parkway
Cincinnati, Ohio 45226

(4) Physiological and psychological limitations for respirator wearers. It is recommended that a physician determine if a person should or should not wear a respirator if the person has any of the following:

- (a) Emphysema
- (b) Chronic obstructive pulmonary disease
- (c) Bronchial asthma
- (d) X-ray evidence of pneumoconiosis
- (e) Evidence of reduced pulmonary function
- (f) Coronary artery disease or cerebral blood vessel disease
- (g) Severe or progressive hypertension
- (h) Epilepsy, grand mal or petit mal
- (i) Anemia, pernicious
- (j) Diabetes, insipidus or mellitus
- (k) Punctured eardrum
- (l) Pneumomediastinum gap
- (m) Communication of sinus through upper jaw to oral cavity
- (n) Breathing difficulty when wearing a respirator
- (o) Claustrophobia or anxiety when wearing a respirator.

(5) Suggested procedures for carrying out qualitative respirator-fitting tests. (a) Irritant smoke test. The irritant smoke test can be used for both air-purifying respirators and atmosphere-supplying respirators. When an air-purifying respirator is tested, it should be equipped with a high-efficiency filter. The irritant smoke is produced by air flowing through a commercially available smoke tube normally used to check the performance of ventilation systems. Ventilation should be provided when carrying out a test to prevent contaminating the room where the test is carried out with smoke. The respirator wearer should keep his eyes closed during the test, even if the respirator offers eye protection. If the respirator wearer detects the penetration of the smoke into the respirator during the test, the wearer should be permitted to readjust the seal of the respirator. The test operator operates the smoke tube to direct smoke over the respirator, keeping the smoke tube about two feet from the respirator, and watches the reactions of the respirator wearer. If the respirator wearer does not detect penetration of smoke into the respirator, the test operator moves the smoke tube closer to the respirator and observes the reactions of the respirator wearer. When the smoke tube has been moved to within six inches of the respirator and the respirator wearer still has not detected penetration of smoke into the respirator, the smoke may be directed at potential points of leakage in the seal of the respirator to the wearer. If the respirator wearer still does not detect penetration of the smoke into the respirator, the wearer should carry out a series of exercises such as deep breathing, turning head from side to side, nodding head up and down, and talking while smoke is directed at the respirator. If the respirator wearer is unable to detect the penetration of smoke into the respirator, the wearer has achieved a satisfactory fit with the respirator.

(b) Odorous vapor test. The odorous vapor test can be used for both air-purifying respirators and atmosphere-supplying respirators. When an air-purifying respirator is tested, it should be equipped with a cartridge or canister which removes the test vapor from the air. An odorous material commonly used in the test is isoamyl acetate. If isoamyl acetate is employed as the test agent, an air-purifying respirator should be equipped with an organic vapor cartridge or canister. The simplest means of carrying out the test is to saturate a piece of fabric or sponge with liquid isoamyl acetate or to fill a stencil brush with liquid isoamyl acetate and then move the fabric, sponge, or stencil brush around the respirator worn by a person. The fabric, sponge, or stencil brush should be passed close to the potential points of leakage in the seal of the respirator while the wearer carries out exercises such as normal breathing, deep breathing, turning head from side to side, nodding head up and down, and talking. If the respirator wearer detects the odor of isoamyl acetate vapor during the test, the wearer should be permitted to readjust the seal of the respirator. If the respirator wearer is unable to detect the odor of isoamyl acetate vapor, the wearer has achieved a satisfactory fit with the respirator.

(i) An improved qualitative respirator-fitting test using isoamyl acetate vapor as the test agent may be carried out using a hood, chamber, or room containing a known concentration of isoamyl acetate in the air. The concentration of isoamyl acetate vapor in air commonly used is 100 parts per million by volume. The respirator wearer enters the enclosure containing the test atmosphere and carries out a series of exercises such as normal breathing, deep breathing, turning head from side to side, nodding head up and down, and talking. If the respirator wearer detects the odor of isoamyl acetate vapor during the test, the

wearer should be permitted to readjust the seal of the respirator. If the respirator wearer is unable to detect the odor of isoamyl acetate vapor, the wearer has achieved a satisfactory fit with the respirator.

(ii) The use of isoamyl acetate vapor as a test agent has the following two major drawbacks: The odor threshold varies widely among persons, although most persons can detect by odor a concentration of isoamyl acetate vapor in air as low as 0.1 parts per million by volume; and olfactory fatigue may cause a person to fail to detect the odor of a low concentration of isoamyl acetate vapor in air. Before performing this test, all persons should be tested to determine their ability to sense the odor of isoamyl acetate vapor in air. Since the odorous vapor test is subjective, the validity of the test result depends on honest indication by the respirator wearer as to whether or not an odor was detected during the test.

(c) Other qualitative respirator fitting tests. A stream of coal dust or talcum powder may be directed at the interface of a respirator facepiece with the wearer's face while the wearer carries out a series of exercises such as normal breathing, deep breathing, turning head from side to side, nodding head up and down, and talking. After removing the respirator facepiece from the wearer's face, any observation of coal dust or talcum powder on areas of the wearer's face which had been covered by the facepiece will indicate that the wearer did not obtain a satisfactory fit with the facepiece. A spray of fluorescein liquid particles may be directed at the interface of a respirator facepiece with the wearer's face while the wearer carries out a series of exercises such as normal breathing, deep breathing, turning head from side to side, nodding head up and down, and talking. After removing the respirator facepiece from the wearer's face, and with the wearer's eyes closed, ultraviolet light is directed at the wearer's face; any observation of fluorescein on areas of the wearer's face which had been covered by the facepiece will indicate that the wearer did not obtain a satisfactory fit with the facepiece. Negative-pressure and positive-pressure respirator sealing tests are not considered to be qualitative-type respirator-fitting tests, and these sealing tests should not be used for selecting specific makes and models of respirators for use by respirator wearers.

(6) Suggested procedures for carrying out quantitative respirator-fitting tests. All quantitative respirator-fitting tests involve exposing the respirator wearer to a test atmosphere containing an easily detectable, relatively nontoxic aerosol, vapor, or gas as the test agent and then measuring the penetration of the test agent into the respirator. While wearing the respirator in the test atmosphere, the respirator wearer carries out a series of exercises simulating work movements. The respirator is equipped with a sampling probe which is connected by means of flexible tubing to an instrument which measures the penetration of the test agent into the respirator. Quantitative respirator-fitting tests can be used for both air-purifying respirators and atmosphere-supplying respirators. When carrying out a quantitative respirator-fitting test which uses an aerosol as the test agent, it is an acceptable procedure to equip an air-purifying respirator with a high-efficiency filter. When carrying out a quantitative respirator-fitting test which uses a vapor or gas as the test agent, it is an acceptable procedure to equip an air-purifying respirator with an appropriate cartridge or canister which removes the vapor or gas from the air.

(a) Exercises carried out by respirator wearers. A respirator wearer should carry out a series of exercises which stimulate work movements. The kinds of exercises carried out depend on the type of respirators. Each exercise should be carried out for at least two minutes.

(b) The series of exercises for testing a respirator equipped with a facepiece should include but not be limited to the following:

- (i) Normal breathing
- (ii) Deep breathing
- (iii) Turning head from side to side
- (iv) Nodding head up and down
- (v) Talking
- (vi) Normal breathing

(c) The series of exercises for testing a respirator equipped with a helmet, hood, or suit should include but not be limited to the following:

- (i) Standing still, arms hanging downward along sides of body, normal breathing
- (ii) Bending forward and touching toes
- (iii) Raising arms above head and looking upward
- (iv) Bending knees and squatting
- (v) Standing while holding a tubular rod about 76 centimeters in length with hands approximately 30 centimeters apart, twisting torso from side to side in an 180° arc, and slowly raising the arms from a downward direction to an upward direction having an angle of 45° with the horizontal plane

Table A1
Test Agents Suitable for
Carrying out Quantitative Respirator-Fitting Tests

Test Agent	Concentration of Test Agent in Test Atmosphere	Particle Size if Test Agent is an Aerosol
Polydisperse sodium chloride aerosol	10-20 milligrams particulate matter per cubic meter of air	Mass median aerodynamic diameter of 0.5 to 0.7 micrometer with standard deviation of 2.0 to 2.4
Polydisperse DOP (dioctyl phthalate) aerosol	20-30 milligrams particulate matter per cubic meter of air	Mass median aerodynamic diameter of 0.5 to 0.7 micrometer with standard deviation of 2.0 to 2.4
Dichlorodi-fluoromethane (Freon 12) gas	250-1000 parts per million by volume	Not applicable

(vi) Running in place

(vii) Standing still, arms hanging downward along sides of body, normal breathing.

(d) Test atmospheres. Test atmospheres containing the test agents specified in Table A1 are suitable for carrying out quantitative respirator-fitting tests.

(e) Test chambers. It is recommended that test chambers used to carry out quantitative respirator-fitting tests have the following characteristics:

(i) The design of the chamber and equipment used to generate the test atmosphere should ensure that the concentration of the test agent in the test atmosphere inside the chamber does not vary more than $\pm 5\%$ during a test.

(ii) The design of the chamber and equipment used to disperse the test atmosphere in the chamber should ensure that the test agent is uniformly distributed in the test atmosphere throughout the chamber.

(iii) The size of the chamber must permit a respirator wearer to carry out all of the designated exercises.

(iv) The chamber should contain provisions to permit the test operator to visually observe the respirator wearer inside the chamber.

(f) Protection factor determination. The instrument which measures the penetration of the test agent into the respirator worn by a person in the test atmosphere should be connected to a fast-response recorder which records the penetration values. The average of the peaks of the penetration of the test agent into the respirator for each type of exercise carried out by the respirator wearer should be determined. The protection factor for a given make and model of respirator worn by a person in a test should be calculated by using the following equation:

$$\text{Protection factor} = \frac{100}{S/N}$$

where

S = The sum of average peak penetrations for all exercises (in percent)

N = The number of exercises

(7) Recommended procedures for field testing the seal of the respirator to the wearer. The seal of a respirator to a wearer can be tested in the field by procedures recommended by respirator manufacturers or by any of the following tests:

(a) Irritant or odorous test agent. The person wearing a respirator is exposed to an irritant smoke, odorous isoamyl acetate vapor, or other suitable test agent easily detectable by irritation, odor, or taste (an air-purifying respirator must be equipped with the appropriate air-purifying element). If the respirator wearer is unable to detect the penetration of the test agent into the respirator, it can be reasonably assumed that the seal of the respirator to the wearer is satisfactory.

(b) Negative-pressure sealing test. A negative-air-pressure respirator sealing test can be used on air-purifying respirators equipped with tight-fitting respiratory-inlet coverings and on atmosphere-supplying respirators equipped with tight-fitting respiratory-inlet coverings and breathing tubes which can be squeezed or blocked at the inlet to prevent the passage of air. This test may be difficult or impossible to carry out on valveless respirators. The inlet opening of the respirator's canister(s), cartridge(s), or filter(s) is closed off by covering with the

palm of the hand(s), by replacing the inlet seal on a canister(s), or by squeezing a breathing tube or blocking its inlet so that it will not allow the passage of air. Then the wearer inhales gently and holds his breath for at least ten seconds. If a facepiece collapses slightly and no inward leakage of air into the facepiece is detected, it can be reasonably assumed that the fit of the respirator to the wearer is satisfactory. For a respirator equipped with a mouthpiece and nose clamp, if leakage of air into the nose or the mouth cannot be detected, then it can be reasonably assumed that the fit of the respirator to the wearer is satisfactory.

(c) Positive-pressure sealing test. A positive-air-pressure test can be used on respirators equipped with tight-fitting respiratory-inlet coverings which contain both inhalation and exhalation valves. This test may be difficult or impossible to carry out on valveless respirators. The exhalation valve or breathing tube, or both, is closed off and then the wearer exhales gently. The fit of a respirator equipped with a facepiece is considered to be satisfactory if a slight positive pressure can be built up inside the facepiece without the detection of any outward leakage of air between the sealing surface of the facepiece and the respirator wearer's face. The fit of a respirator equipped with a mouthpiece and nose clamp is considered satisfactory if the respirator wearer senses a buildup of positive pressure and is unable to detect any outward leakage of air through the nose and in the area between the mouth and the mouthpiece. For some respirators, this test method requires that the respirator wearer first remove an exhalation cover from the respirator and then replace it after completion of the test. These tasks often are difficult to carry out without disturbing the fit of the respirator to the wearer.

(d) Warning concerning negative-pressure or positive-pressure sealing tests. Care must be taken in carrying out a negative-pressure or positive-pressure sealing test; otherwise, the results of the sealing test may be unreliable. Thorough training in carrying out these tests should be given to respirator wearers.

(e) Monitoring of respiratory hazards. The intensity of potential exposures and actual exposure of respirator wearers to respiratory hazards is determined by using instruments to measure the concentrations of air contaminants or oxygen in the breathing zone of the respirator wearers. Adequate air sampling and analysis or appropriate calculations should be carried out to determine both the time-weighted average concentration and the peak concentration of the respiratory hazard to which a respirator wearer may be potentially exposed or is actually exposed. Concentrations of a substance causing a respiratory hazard should be determined during the work shift in order to accurately define both the time-weighted average concentration and the peak concentration of the substance. The concentrations of a substance in air may be affected by changes in process operation, changes in rate and direction of air movement, changes in movement from day to night operation, and changes in seasons; these factors should be taken into account in carrying out a program of monitoring respiratory hazards.

It is essential that the volume of air sampled during a sampling test contain a sufficient quantity of the hazardous substance for accurate determination of the concentration of the substance in the workplace atmosphere. The volume of air to be sampled or the duration of the air-sampling period depends upon the following factors:

(i) Estimated concentration of the substance in air

- (ii) Sensitivity of the sampling instrument and sampling procedures
- (iii) Established permitted time-weighted average concentration and established permitted peak concentration for the substance in air.

Although it is recognized that the concentration of a hazardous substance which occurs during an emergency cannot always be measured or calculated, every reasonable effort should be made to estimate what this concentration would be.

Consideration should be given to the use of a continuously operating air monitor and alarm to alert respirator wearers when a high concentration of a hazardous substance suddenly occurs.

(f) Recommended procedures for cleaning and sanitizing respirators. Recommended procedures for cleaning and sanitizing respirators are as follows:

(i) Remove, when necessary, the following components of respiratory-inlet covering assemblies before cleaning and sanitizing:

- (A) Filters, cartridges, canisters
- (B) Speaking diaphragms
- (C) Demand and pressure-demand valve assemblies
- (D) Any components recommended by the respirator manufacturers

(ii) Wash respiratory-inlet covering assemblies in warm (49°C or 120°F maximum temperature) cleaner-sanitizer solution. A stiff bristle (not wire) brush may be used to facilitate removal of dirt or other foreign material.

(iii) Rinse respiratory-inlet covering assemblies in clean, warm (49°C or 120°F maximum temperature) water.

(iv) Drain all water and air-dry the respiratory-inlet covering assemblies.

(v) Clean and sanitize all parts removed from respiratory-inlet covering as recommended by the manufacturers.

(vi) Hand wipe respiratory-inlet covering assemblies, all parts, and all gasket and valve sealing surfaces with damp, lint-free cloth as needed to remove water residues and all foreign materials.

(vii) Inspect parts and replace any which are defective.

(viii) Reassemble parts on respiratory-inlet covering assemblies.

(ix) Attach new filters, cartridges, and canisters to respiratory-inlet coverings.

(x) Visually inspect and, where possible, test parts and respirator assemblies for proper function.

(xi) Place assembled respirators in appropriate containers for storage.

Machines may be used to expedite the cleaning, sanitizing, rinsing, and drying of large numbers of respirators. Extreme care must be taken to ensure against tumbling, agitation, or exposure to temperatures above those recommended by the manufacturer (normally 49°C or 12°F maximum), as these conditions are likely to result in damage to the respirators. Ultrasonic cleaners, clothes-washing machines, dishwashers, and clothes dryers have been specially adapted and successfully used for cleaning and drying respirators.

Cleaner-sanitizers that effectively clean the respirator and contain a bactericidal agent are commercially available. The bactericidal agent frequently used is a quaternary ammonium compound.

Strong cleaning and sanitizing agents and many solvents can damage rubber or elastomeric respirator parts. These materials must be used with caution.

Alternatively, respirators may be washed in a detergent solution and then sanitized by immersion in a sanitizing solution. Some sanitizing solutions which have proven effective are: (1) A hypochlorite solution (50 parts per million chlorine), 2-minute immersion; (2) an aqueous iodine solution (50 parts per million of iodine), 2-minute immersion; or (3) a quaternary ammonium solution (200 parts per million of quaternary ammonium compounds in water with less than 500 parts per million total hardness), 2-minute immersion.

Different concentrations of quaternary ammonium salts are required to achieve a sanitizing solution with waters of varying hardness. Inflammation of the skin of the respirator user (dermatitis) may occur if the quaternary ammonium compounds are not completely rinsed from the respirator. The hypochlorite and iodine solutions are unstable and break down as time progresses; they may cause deterioration of rubber or other elastomeric parts and may be corrosive to metallic parts. Immersion times should not be extended beyond the mentioned periods, and the sanitizers must be thoroughly rinsed from the respirator parts.

Respirators may be come contaminated with toxic materials. If the contamination is light, normal cleaning procedures should provide satisfactory decontamination; otherwise separate decontamination steps may be required before cleaning.

(8) Oxygen deficiency—Immediately dangerous to life or health.

(a) An atmosphere which causes an oxygen partial pressure of 100 millimeters of mercury column or less in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor is classified as "oxygen deficiency – immediately dangerous to life or health." The rationale for this classification is that an oxygen partial pressure of 100 millimeters of mercury column in the freshly inspired air in the upper portion of the lungs, which is saturated with water vapor, corresponds to an oxygen partial pressure of 60 millimeters of mercury column in the alveoli of the lungs with a carbon dioxide partial pressure of 40 millimeters of mercury column is present in the alveoli of the lungs, and at these alveolar conditions the hemoglobin of the alveolar blood is 90% saturated with oxygen. When the oxygen content of the hemoglobin of the alveolar blood drops below 90% saturation, oxygen-deficiency symptoms become noticeable. Further details concerning oxygen deficiency will be found on pages 16 to 18 of "A Guide to Industrial Respiratory Protection," LA-6677-M, published by the Los Alamos Scientific Laboratory; on pages 140-148 of Volume I of "Patty's Industrial Hygiene and Toxicology," published by John Wiley and Sons, Incorporated, 1978; and in "Physiology of Respiration," published by Yearbook Medical Publishers Incorporated, 1965.

(b) The oxygen partial pressure in the freshly inspired air in the upper portion of the lungs which is saturated with water vapor is calculated using the following equation:

Partial pressure of oxygen in freshly inspired air in upper portion of lungs in units of millimeters of = mercury column

(Atmospheric air pressure in units of millimeters of mercury column – 47.0 millimeters of mercury column) x Decimal fraction by volume of oxygen in atmospheric air in workplace

NOTE: 47.0 millimeters of mercury column is the partial pressure of water vapor in the air in the upper portion of the lungs which is saturated with water vapor. The concentration of oxygen in normal atmospheric air is 20.95% by volume.

(c) Examples of calculations:

(i) Determine the partial pressure of oxygen in the upper portion of the lungs of a person in a workplace at sea level when the atmospheric air in the workplace has a normal oxygen concentration.

The atmospheric air pressure at sea level is 760.0 millimeters of mercury column.

The concentration of oxygen in normal atmospheric air is 20.95% by volume.

Partial pressure of oxygen in freshly inspired air in upper portion of lungs =

$(760.0 - 47.0) \times 0.2095 = 149.37$ millimeters of mercury column

(ii) Determine the partial pressure of oxygen in the upper portion of the lungs of a person in a workplace at an altitude of 5000 feet above sea level when the atmospheric air has a normal oxygen concentration.

The atmospheric air pressure at an altitude of 5000 feet above sea level is 632.7 millimeters of mercury column.

The concentration of oxygen in normal atmospheric air is 20.95% by volume.

Partial pressure of oxygen in freshly inspired air in upper portion of lungs =

$(632.7 - 47.0) \times 0.2095 = 122.7$ millimeters of mercury column

(iii) Determine the partial pressure of oxygen in the upper portion of the lungs of a person in a workplace at an altitude of 10,000 feet above sea level when the atmospheric air has a normal oxygen concentration.

The atmospheric air pressure at an altitude of 10,000 feet above sea level is 522.7 millimeters of mercury column.

The concentration of oxygen in normal atmospheric air is 20.95% by volume.

Partial pressure of oxygen in freshly inspired air in upper portion of lungs =

$(522.7 - 47.0) \times 0.2095 = 99.66$ millimeters of mercury column

(iv) Determine the partial pressure of oxygen in the upper portion of the lungs of a person in a workplace at sea level when the concentration of oxygen in the atmospheric air in the workplace is 14.0% by volume.

The atmospheric air pressure at sea level is 760.0 millimeters of mercury column.

The concentration of oxygen in the atmospheric air in the workplace is 14.0% by volume.

Partial pressure of oxygen in freshly inspired air in upper portion of lungs =

$$(760.0-47.0) \times 0.14 = 99.82 \text{ millimeters of mercury column}$$

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-09011 OCCUPATIONAL NOISE EXPOSURE.

(1) Workers shall be protected against the effects of exposure to noise which exceeds the permissible noise exposure shown in Table 7 of this section.

(2) Permissible exposure limits. These permissible exposure limits refer to sound pressure levels that represent conditions under which it is believed that nearly all workers may be repeatedly exposed without adverse effect on their ability to hear and understand normal speech. The medical profession has defined hearing impairment as an average hearing threshold level in excess of 25 decibels (ANSI S3.6-1969) at 500, 1000, and 2000 Hz, and the limits which are given have been established to prevent a hearing loss in excess of this value. These values shall be used as a standard in the control of noise exposure.

TABLE 7
Permissible Noise Exposures

Duration per day Hours	Sound Level dBA
16	85
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
3/4	107
1/2	110
1/4	115*

*Ceiling Value: No exposure in excess of 115 dBA.

(3) Continuous or intermittent. The sound level shall be measured with a sound level meter, conforming as a minimum to the requirements of the American National Standards Institute ANSI A1.4 1971 (R1976), Type 2, and set to an A-weighted slow meter response or with an audiodosimeter of equivalent accuracy and precision. The unit of measurement shall be decibels Re 20 micropascals A-weighted. Duration of exposure shall not exceed that shown in Table 7.

These values apply to total time of exposure per working day regardless of whether this is one continuous exposure or a number of short-term exposures but does not apply to impact or impulsive type of noises.

(4) Intermittent exposure. When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect shall be considered, rather than the individual effect of each. If the sum of the following fractions:

$$\frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_n}{T_n}$$

exceeds unity, then, the mixed exposure shall be considered to exceed the permissible exposure limits, C₁ indicates the total time of exposure at a specified noise level, and T₁ indicates the total time of exposure permitted at that level. Noise exposures shall be established according to the criteria of Table 7.

(5) Impulsive or impact noise. Impulsive or impact noise shall be those variations in noise levels which involve maxima at intervals greater than one second. Where the intervals are less than (1) second, it shall be considered continuous. All impact and impulsive noise measurements should be made on the C-weighting network of a sound level meter in conjunction with an impact noise analyzer or oscilloscope. Exposure to impulsive or impact noise should not exceed 140 decibels peak sound pressure level (ceiling value).

(6) Methods of compliance. (a) When employees are subjected to sound levels exceeding those listed in Table 7, feasible administrative or engineering controls shall be utilized.

(b) 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 296-62-09011(6)(a) and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to the department.

(c) Personal hearing protective equipment shall be provided at no cost to the employee and shall be used whenever the sound levels prescribed in subsections (3), (4), or (5) of this section are exceeded.

~~((i) The employer shall assure that personal protective equipment is worn by each affected employee.~~

~~(ii) Insert-type protectors, other than self-fitted malleable plugs, shall be individually fitted by a trained person.~~

~~(iii) Employees shall be instructed in the care and use of personal protective equipment.~~

~~(7) In all cases where the sound levels exceed the values shown in Table 7 of this section, it is recommended that workmen whose duties may subject them to these potentially harmful noise levels be provided with an audiometric examination at the time of employment and at reasonable intervals thereafter not exceeding an 18-month period.~~

~~(8) Workmen employed in areas where the sound level is above the level deemed to be safe should cooperate in an audiometric testing program. Workmen shall be informed of the test results by an authorized person.)~~

(d) A hearing conservation program shall be required in accordance with WAC 296-62-09015 through 296-62-09063.

NEW SECTION

WAC 296-62-09015 HEARING CONSERVATION. The employer shall administer a continuing effective hearing conservation program, as described in WAC 296-62-09015 through 296-62-09063 whenever employee noise exposures equal or exceed an eight-hour time-weighted average (TWA) sound level of 85 decibels (dB) measured on the A-scale or, equivalently, a noise dose of fifty percent. For purposes of the hearing conservation program, employee noise exposures shall be computed in accordance with WAC 296-62-09049 and Table I, and without regard to any attenuation provided by the use of personal protective equipment.

NEW SECTION

WAC 296-62-09017 INITIAL DETERMINATION. (1) Each employer shall determine if any employee's exposure may equal or exceed an eight-hour time-weighted average of 85 dBA. This determination shall be based on all information, observations, or calculations which indicate that employee noise exposures may be at or above that level, including the following:

- (a) Any employee exposure measurements which have been taken;
- (b) Any employee complaints which may be attributable to noise exposure;

(c) Any difficulties in understanding normal conversation in the workplace when the speaker and the listener face each other at a distance of two feet.

(2) This initial determination shall be repeated at least every two years and within sixty days of a change in production, processes, equipment, controls, or personnel which may result in new noise exposures at or above a time-weighted average of 85 dBA.

NEW SECTION

WAC 296-62-09019 MONITORING. (1) When any information in the initial determination conducted pursuant to WAC 296-62-09017 indicates that any employee's exposure may equal or exceed an eight-hour time-weighted average of 85 dBA, the employer shall within sixty days obtain individual or representative exposure measurements for all employees who may be exposed at or above that level.

(2) In cases where a group of employees is engaged in a similar kind of work and has approximately the same noise exposure the employer may, in lieu of measuring the exposure of each employee, measure only one member of the group. In these cases, the employer shall select for monitoring the employee who is reasonably believed to have the greatest exposure and shall attribute the selected employee's exposure measurement to all employees in the group.

(3) Monitoring of employee noise exposures shall be repeated:

- (a) Every two years unless an initial determination conducted pursuant to WAC 296-62-09017(2) or actual exposure measurements indicate that employees are not exposed to a time-weighted average of 85 dBA or greater; and

(b) Within sixty days of a change in production, processes, equipment, controls, or personnel which may render the attenuation provided by hearing protectors in use inadequate to meet the requirements of WAC 296-62-09035.

(4) Whenever an employer assumes that affected employees are in noncompliance with the time-weighted average criterion of 85 dBA and implements the hearing conservation requirements of WAC 296-62-09015 through 296-62-09063, the monitoring requirements of subsections (1), (2) and (3) of this section shall be waived.

NEW SECTION

WAC 296-62-09021 EMPLOYEE NOTIFICATION. (1) Within twenty-one days of monitoring, the employer shall notify, in writing, each employee exposed at or above a time-weighted average of 85 dBA of the results of the monitoring.

(2) Each employee shall be notified of that employee's measured exposure or the representative exposure that is attributed to that employee.

(3) New employees shall be notified of their measured exposure or the exposure attributed to them within sixty days of their first exposure at or above a time-weighted average of 85 dBA.

NEW SECTION

WAC 296-62-09023 METHOD OF MEASUREMENT. (1) All employee exposure measurements required by WAC 296-62-09019 shall be obtained by the use of noise dosimeters which comply with the provisions of subdivision (1)(a) of this section or sound level meters which comply with the provisions of subdivision (1)(b) of this section.

(a) Dosimeters. Dosimeters shall meet the Class 2A-90/85-5 requirements of the American National Standard Specification for Personal Noise Dosimeters, S1.25-1978.

(b) Sound level meters. Sound level meters shall meet the Type 2 requirements of the American National Standard Specification for Sound Level Meters, S1.4-1971 (R1976).

(2) Exposure measurements shall accurately reflect employee exposures and shall be conducted in the following manner:

(a) Dosimeters. The microphone of the dosimeter shall be placed on the employee's shoulder or head.

(b) Sound level meters.

(i) Sound level meters shall be set to the A-scale slow response.

(ii) All continuous, intermittent and impulsive sound levels shall be integrated into the computation of time-weighted average.

(iii) The employer shall use an appropriate sampling strategy to ensure that accurate results are obtained.

(iv) The microphone of a sound level meter shall be positioned not less than two inches nor more than two feet from the worker's ear.

NEW SECTION

WAC 296-62-09025 CALIBRATION OF MONITORING EQUIPMENT. Dosimeters and sound level meters used to monitor employee noise exposure shall be calibrated as follows:

(1) Before and after each day's measurements, an acoustical calibrator shall be used to verify the accuracy of the measuring equipment.

(2) Whenever acoustical calibration and manual adjustments of the measuring equipment cannot verify the accuracy of the measuring instrument, laboratory calibration shall be performed to ensure conformance with the requirements of ANSI S1.25-1978 or S1.4-1971, (R1976) as appropriate.

NEW SECTION

WAC 296-62-09027 OBSERVATION OF MONITORING. (1) The employer shall provide affected employees or their representatives with an opportunity to observe any measurements of employee noise exposure which are conducted pursuant to WAC 296-62-09019.

(2) Without interfering with the monitoring procedures, the observer shall be entitled to:

(a) Receive an explanation of the measurement procedures;

(b) Observe all steps related to the noise exposure measurements performed at the place of exposure; and

(c) Record the results obtained.

NEW SECTION

WAC 296-62-09029 AUDIOMETRIC TESTING PROGRAM.

(1) The employer shall establish and maintain an audiometric testing program as provided in this section by making audiometric testing available to all employees whose exposures equal or exceed an eight-hour time-weighted average of 85 dBA.

(2) The program shall be provided at no cost to employees.

(3) Audiometric tests shall be performed by a licensed or certified audiologist, otolaryngologist, or other qualified physician, or by a person who is certified by the Council of Accreditation in Occupational Hearing Conservation, or by an audiometric technician who has satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and calibrating audiometers. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or qualified physician.

(4) All audiograms obtained pursuant to this section shall meet the requirements of WAC 296-62-09051, Appendix B—Audiometric Measuring Instruments.

(5) Baseline audiogram.

(a) Within four months of an employee's first exposure to noise at or above a time-weighted average of 85 dBA, the employer shall establish for each employee so exposed a valid baseline audiogram against which subsequent audiograms can be compared.

(b) Testing to establish a baseline audiogram shall be preceded by at least fourteen hours without exposure to workplace noise.

(i) Hearing protectors shall not be used as a substitute for the requirement that baseline audiograms be preceded by fourteen hours without exposure to workplace noise.

(ii) The employer shall notify employees of the need to avoid high levels of nonoccupational noise exposure during this fourteen-hour period.

(6) Annual audiogram.

(a) At least annually after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee exposed at or above a time-weighted average of 85 dBA.

(b) Annual audiometric testing may be conducted at any time during the workshift.

(7) Evaluation of audiogram.

(a) Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a significant threshold shift, as defined in WAC 296-62-09029(10) has occurred.

(b) Such evaluation shall be performed by an audiologist, otolaryngologist, or qualified physician.

The employer shall provide to the person performing this evaluation the following information:

(i) A copy of the requirements for hearing conservation as set forth in WAC 296-62-09015 through 296-62-09063;

(ii) The baseline audiogram and most recent audiogram of the employee to be evaluated;

(iii) Measurements of background sound pressure levels in the audiometer test room as required in WAC 296-62-09053, Appendix C—Audiometric Test Rooms;

(iv) Records of audiometer calibrations required by WAC 296-62-09031(5).

(c) The audiologist, otolaryngologist, or qualified physician shall also review the audiograms to determine whether any significant threshold shift is work related or whether there is need for further evaluation.

(d) If the comparison of the audiograms reveals a significant threshold shift as defined in WAC 296-62-09029(10), a retest to obtain a new audiogram shall be performed within sixty days to determine if the shift is permanent.

(i) Retesting shall be preceded by at least fourteen hours without exposure to workplace noise.

(ii) Hearing protectors shall not be used as a substitute for the requirement that retesting be preceded by at least fourteen hours without exposure to workplace noise.

(iii) Retesting is not required if the annual audiogram was obtained after fourteen hours without exposure to workplace noise. In this case the significant threshold shift revealed by the annual audiogram shall be considered permanent.

(iv) If retesting also reveals a significant threshold shift as defined in WAC 296-62-09029(10), the significant threshold shift shall be considered permanent.

(e) A responsible management representative of a firm which provides audiometric services for the purposes of enabling a client to comply with the requirements of WAC 296-62-09015 through 296-62-09063, shall certify to each client that all audiometric activities and reports provided shall meet all applicable requirements of WAC 296-62-09015 through 296-62-09063.

(8) Follow-up procedures. If a comparison of the annual audiogram to the baseline audiogram indicates a significant threshold shift as defined in WAC 296-62-09029(10), the employer shall ensure that the following steps are taken:

(a) Employees not using hearing protectors shall be fitted with hearing protectors, trained in their use and care, and required to use them.

(b) Employees already using hearing protectors shall be refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary.

(c) If retesting of an employee reveals that the significant threshold shift is not permanent, the use of hearing protectors by that employee may be discontinued, unless the employee is required to wear hearing protectors pursuant to WAC 296-62-09011(6)(c).

(d) If a significant threshold shift has been determined to be permanent on the basis of a retest audiogram or an annual audiogram conducted after fourteen hours without exposure to workplace noise, the employer shall:

(i) Inform the employee in writing, within twenty-one days of the determination, of the existence of a permanent significant threshold shift;

(ii) Refer the employee for a clinical audiological evaluation or an otological examination, as appropriate, if additional testing is necessary to determine the cause of the permanent significant threshold shift, or if the employer suspects that a medical pathology of the ear (as defined in WAC 296-62-09063, Appendix H) is caused or aggravated by the wearing of hearing protectors;

(iii) Inform the employee of the need for an otological examination if a medical pathology of the ear which is unrelated to the use of hearing protectors is suspected; and

(iv) Record the existence of the permanent significant threshold shift on the OSHA Form 200 when the audiologist, otolaryngologist or qualified physician who reviews the audiogram determines that the shift is work related.

(9) Revised baseline. An annual or retest audiogram shall be substituted for the baseline audiogram under the following circumstances:

(a) Where the annual or retest audiogram reveals a permanent significant threshold shift as defined in WAC 296-62-09029(10); or

(b) Where the annual or retest audiogram reveals improved hearing thresholds with respect to the baseline at two or more test frequencies.

(10) Significant threshold shift. As used in this section, a significant threshold shift is:

(a) A change in hearing threshold relative to the baseline audiogram of 20 dB or greater at any test frequency other than 500 Hz in either ear, if no previous audiograms have thresholds that exceed 25 dB with reference to audiometric zero as specified by American National Standard S3.6-1969; or

(b) A change in hearing threshold relative to the baseline audiogram of 10 dB or greater at 1000 or 2000 Hz, 15 dB at 3000 or 4000 Hz, or 20 dB at 6000 Hz, in either ear, if any previous audiogram has one or more thresholds that exceed 25 dB with reference to audiometric zero; or

(c) A change in hearing threshold relative to the baseline audiogram of 10 dB or greater at any test frequency other than 500 Hz in either ear, if any previous audiogram has thresholds exceeding an average of 25 dB with reference to audiometric zero at the frequencies 1000, 2000, and 3000 Hz; or

(d) A change in hearing threshold relative to the baseline audiogram of 10 dB or greater at any test frequency other than 500 Hz in either ear, if the employee has previously suffered one or more permanent significant threshold shifts.

(e) In determining whether a significant threshold shift has occurred, allowance may be made for the contribution of aging (presbycusis) to the change in hearing level by correcting the annual or retest audiogram according to the procedure described in WAC 296-62-09057, Appendix E—Calculation and Application of Age Correction to Audiograms.

NEW SECTION

WAC 296-62-09031 **AUDIOMETRIC TEST REQUIREMENTS.** (1) Audiometric tests shall be pure tone, air conduction,

hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz. Tests at each frequency shall be taken separately for each ear.

(2) Audiometric tests shall be conducted with equipment that meets the specifications of, and is maintained and used in accordance with, American National Standard Specification for Audiometers, S3.6-1969.

(3) Pulsed-tone and self-recording audiometers, if used, shall meet the requirements specified in WAC 296-62-09051, Appendix B—Audiometric Measuring Instruments.

(4) Audiometric examinations shall be administered in a room meeting the requirements listed in WAC 296-62-09053, Appendix C—Audiometric Test Rooms.

(5) Audiometer calibration.

(a) The functional operation of the audiometer shall be checked before each day's use by testing a person with known, stable hearing thresholds, and by listening to the audiometer's output to make sure that the output is free from distorted or unwanted sounds. Deviations of more than 5 dB shall require an acoustic calibration.

(b) Audiometer calibration shall be checked acoustically at least annually in accordance with WAC 296-62-09055, Appendix D—Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check. Deviations of more than 10 dB necessitate an exhaustive calibration.

(c) An exhaustive calibration shall be performed at least every two years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz may be omitted from the calibration.

NEW SECTION

WAC 296-62-09033 **HEARING PROTECTORS.** (1) Employers shall make hearing protectors available to all employees exposed to a time-weighted average of 85 dBA or greater at no cost to the employees. Hearing protectors shall be replaced as necessary.

(2) Employers shall ensure that hearing protectors are worn by all employees:

(a) Who are exposed to a time-weighted average of 85 dBA or greater and who have experienced a permanent significant threshold shift; or

(b) Who are required by WAC 296-62-09011(6)(c) to wear personal protective equipment.

(3) Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer.

(4) The employer shall provide training in the use and care of all hearing protectors provided to employees.

(5) The employer shall ensure proper initial fitting and supervise the correct use of all hearing protectors.

NEW SECTION

WAC 296-62-09035 **HEARING PROTECTOR ATTENUATION.** (1) The employer shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used by one of the methods described in WAC 296-62-09059, Appendix F—Methods for Estimating the Adequacy of Hearing Protector Attenuation.

(2) Hearing protectors must attenuate employee exposure at least to a time-weighted average of 90 decibels as required by WAC 296-62-09011(6)(c).

(3) For employees who have experienced a significant threshold shift, hearing protectors must attenuate employee exposures to a time-weighted average of 85 dBA or below.

(4) The adequacy of hearing protector attenuation shall be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. The employer shall provide more effective hearing protectors where necessary.

NEW SECTION

WAC 296-62-09037 **TRAINING PROGRAM.** (1) The employer shall institute a training program for all employees who are exposed to noise at or above a TWA of 85 dBA, and shall ensure employee participation in such program.

(2) The training program shall be repeated annually for each employee included in the hearing conservation program. Information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.

(3) The employer shall ensure that each employee is informed of the following:

- (a) The contents of the noise standard including the hearing conservation program;
- (b) The effects of noise on hearing;
- (c) Specific machinery at the jobsite that could produce hazardous noise exposures;
- (d) The role of engineering and administrative controls in the reduction of noise exposure;
- (e) The contents of any noise control compliance plan in effect;
- (f) The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use, and care; and
- (g) The purpose of audiometric testing, and an explanation of the test procedures.

NEW SECTION

WAC 296-62-09039 ACCESS TO INFORMATION AND TRAINING MATERIALS. (1) The employer shall make available to affected employees or their representatives copies of this standard and shall also post a copy in the workplace.

(2) The employer shall provide to affected employees any informational materials pertaining to this standard that are supplied to the employer by the director.

(3) The employer shall provide, upon request, all materials related to the employer's training and education program pertaining to this standard to the director.

NEW SECTION

WAC 296-62-09041 WARNING SIGNS. (1) Signs shall be posted at entrances to or on the periphery of all well-defined work areas in which employees may be exposed at or above a TWA of 85 dBA.

(2) Warning signs shall clearly indicate that the area is a high noise area and shall indicate that hearing protectors may be required.

NEW SECTION

WAC 296-62-09043 RECORDKEEPING. (1) Exposure measurements.

(a) The employer shall maintain an accurate record of all employee exposure measurements required by WAC 296-62-09019.

(b) This exposure record shall include:

- (i) Name and job classification of the employee measured and of all other employees whose exposure the measurement represents;
- (ii) The date, location and result of each measurement taken, and the number of measurements where sound level meters are used;
- (iii) A description of the noise measurement equipment used and the date of its last laboratory calibration.

(2) Audiometric tests.

(a) The employer shall retain all employee audiograms obtained pursuant to WAC 296-62-09029.

(b) This record shall include:

- (i) Name and job classification of the employer;
- (ii) Date of the audiogram;
- (iii) The examiner's name and qualifications;
- (iv) Manufacturer and model of the audiometer;
- (v) Date of the last acoustic or exhaustive calibration of the audiometer;
- (vi) Employee's most recent noise exposure assessment;
- (vii) Statement of whether the sound pressure levels in the test room in which the audiogram was taken meet the levels specified in Table D-1 or Table D-2 of WAC 296-62-09053, Appendix C—Audiometric Test Rooms.

(3) Audiometric test rooms.

(a) The employer shall maintain accurate records of the measurements of the background sound pressure levels in audiometric test rooms.

(b) This record shall include:

- (i) Background sound pressure level measurements at each of the following octave bands: 500, 1000, 2000, 4000, and 8000 Hz; and
- (ii) Date of measurement.

(4) Calibration of audiometers.

(a) The employer shall maintain accurate records of all acoustical and exhaustive calibrations of audiometers required to be made pursuant to WAC 296-62-09031.

(b) This record shall include:

- (i) Type of calibration;
- (ii) Date performed; and
- (iii) Numerical results of the acoustical calibration.

(5) Record retention. The employer shall retain records required in this section for at least the following periods:

(a) Noise exposure measurement records shall be retained for two years.

(b) Audiometric test records shall be retained for the duration of the affected employee's employment plus five years.

(c) Records of background sound pressure levels in audiometric test rooms shall be retained for a period of five years.

(d) Records of audiometer calibrations shall be retained for a period of five years.

(6) Access to records. All records require by this section shall be provided upon request to employees, former employees, representatives designated by the individual employee and the director.

(7) Transfer of records. If the employer ceases to do business, the employer shall transfer to the successor employer all records required to be maintained by this section, and the successor employer shall retain them for the remainder of the period prescribed in WAC 296-62-09043(5).

NEW SECTION

WAC 296-62-09045 APPENDICES. (1) WAC 296-62-09049, 296-62-09051, 296-62-09053, 296-62-09055, 296-62-09059 and 296-62-09063. Appendices A, B, C, D, F, and H are incorporated as part of this section and the contents of the Appendices are mandatory.

(2) WAC 296-62-09059 and 296-62-09063, Appendices F and H are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

NEW SECTION

WAC 296-62-09047 EFFECTIVE DATES. (1) WAC 296-62-09015 through 296-62-09063 shall become effective thirty days after filing with the Code Reviser, unless otherwise noted below.

(2) Initial determinations and subsequent monitoring conducted pursuant to WAC 296-62-09017 and 296-62-09019 shall be completed no later than six months from the effective date of the standard.

(3) Baseline audiograms required by WAC 296-62-09029 shall be completed no later than one year from the effective date of this standard.

(4) Two years from the effective date of this standard the background sound pressure levels in audiometric test rooms shall comply with WAC 296-62-09055 Table D-1 of Appendix D. Until that time Table D-2 of Appendix D shall apply.

NEW SECTION

WAC 296-62-09049 APPENDIX A—NOISE EXPOSURE COMPUTATION. (1) Computation of employee noise exposure.

(a) Noise dose is computed using Table I as follows:

(i) When the sound level, L, is constant over the entire work shift, the noise dose, D, in percent, is given by: $D=100C/T$ where C is the total length of the work day, in hours, and T is the reference duration corresponding to the measured sound level, L, as given in Table I or by the formula shown as a footnote to that table.

(ii) When the workshift noise exposure is composed of two or more periods of noise at different levels, the total noise dose over the work day is given by: $D=100(C_1/T_1+C_2/T_2+\dots+C_n/T_n)$, where C_n indicates the total time of exposure at a specific noise level, and T_n indicates the reference duration for that level as given by Table I.

(b) The eight-hour time-weighted average sound level (TWA), in decibels, may be computed from the dose, in percent, by means of the formula: $TWA = 16.61 \log_{10}(D/100)+90$. For an eight-hour workshift with the noise level constant over the entire shift, the TWA is equal to the measured sound level.

(c) A table relating dose and TWA is given in subsection (2).

TABLE I

A-weighted sound level, L (decibel)	Reference duration, T (hour)
80	32
81	27.9
82	24.3
83	21.1
84	18.4
85	16
86	13.9
87	12.1
88	10.6
89	9.2
90	8
91	7.0
92	6.2
93	5.3
94	4.6
95	4
96	3.5
97	3.0
98	2.6
99	2.3
100	2
101	1.7
102	1.5
103	1.4
104	1.3
105	1
106	0.87
107	0.76
108	0.66
109	0.57
110	0.5
111	0.44
112	0.38
113	0.33
114	0.29
115	0.25
116	0.22
117	0.19
118	0.16
119	0.14
120	0.125
121	0.11
122	0.095
123	0.082
124	0.072
125	0.063
126	0.054
127	0.047
128	0.041
129	0.036
130	0.031

Table A-1 - Conversion From "Percent Noise Exposure" or "Dose" to "Eight-Hour Time-Weighted Average Sound Level" (TWA)

Dose or percent noise exposure	TWA (dBA)
10	73.4
15	76.3
20	78.4
25	80.0
30	81.3
35	82.4
40	83.4
45	84.2
50	85.0
55	85.7
60	86.3
65	86.9
70	87.4
75	87.9
80	88.4
81	88.5
82	88.6
83	88.7
84	88.7
85	88.8
86	88.9
87	89.0
88	89.1
89	89.2
90	89.2
91	89.3
92	89.4
93	89.5
94	89.6
95	89.6
96	89.7
97	89.8
98	89.9
99	89.9
100	90.0
101	90.1
102	90.1
103	90.2
104	90.3
105	90.4
106	90.4
107	90.5
108	90.6
109	90.6
110	90.7
111	90.8
112	90.8
113	90.9
114	90.9
115	91.1
116	91.1
117	91.1
118	91.2
119	91.3
120	91.3
125	91.6
130	91.9
135	92.2
140	92.4
145	92.7
150	92.9
155	93.2
160	93.4
165	93.6
170	93.8
175	94.0
180	94.2
185	94.4
190	94.6
195	94.8
200	95.0
210	95.4
220	95.7
230	96.0
240	96.3
250	96.6
260	96.9
270	97.2
280	97.4
290	97.7

In the above table the reference duration T, is computed by

$$T = \frac{8}{2(L-90)/5}$$

where L is the measured A-weighted sound level.

(2) Conversion between "dose" and "eight-hour time-weighted average" sound level.

(a) Compliance with WAC 296-62-09015 through 296-62-09063 is determined by the amount of exposure to noise in the workplace. The amount of such exposure is usually measured with an audiodosimeter which gives a readout in terms of "dose." In order to better understand the requirements of these standards, dosimeter readings can be converted to an "eight-hour time-weighted average (TWA) sound level."

(b) In order to convert the reading of a dosimeter into TWA, see Table A-1. This table applies to dosimeters that are set by the manufacturer to calculate dose or percent exposure according to the relationships in Table I. So, for example, a dose of ninety-one percent over an eight-hour day results in a TWA of 89.3 dBA, and a dose of fifty percent corresponds to a TWA of 85 dBA.

(c) If the dose as read on the dosimeter is less than or greater than the values found in Table A-1, the TWA may be calculated by using the formula: $TWA = 16.61 \log_{10} (D/100) + 90$ where TWA = eight-hour time-weighted average sound level and D= accumulated dose in percent exposure.

(dBA)	Dose or percent noise exposure	TWA
300	97.9
310	98.2
320	98.4
330	98.6
340	98.8
350	99.0
360	99.2
370	99.4
380	99.6
390	99.8
400	100.0
410	100.2
420	100.4
430	100.5
440	100.7
450	100.8
460	101.0
470	101.2
480	101.3
490	101.5
500	101.6
510	101.8
520	101.9
530	102.0
540	102.2
550	102.3
560	102.4
570	102.6
580	102.7
590	102.8
600	102.9
610	103.0
620	103.2
630	103.3
640	103.4
650	103.5
660	103.6
670	103.7
680	103.8
690	103.9
700	104.0
710	104.1
720	104.2
730	104.3
740	104.4
750	104.5
760	104.6
770	104.7
780	104.8
790	104.9
800	105.0
810	105.1
820	105.2
830	105.3
840	105.4
850	105.4
860	105.5
870	105.6
880	105.7
890	105.8
900	105.8
910	105.9
920	106.0
930	106.1
940	106.2
950	106.2
960	106.3
970	106.4
980	106.5
990	106.5
999	106.6

NEW SECTION

WAC 296-62-09051 APPENDIX B—AUDIOMETRIC MEASURING INSTRUMENTS. (1) In the event that pulsed-tone audiometers are used, they shall have a tone on-time of at least 200 milliseconds.

(2) Self-recording audiometers shall comply with the following requirements:

(a) The chart upon which the audiogram is traced shall have lines at positions corresponding to all multiples of 10 dB hearing level within the intensity range spanned by the audiometer. The lines shall be equally spaced and shall be separated by at least one-fourth inch. Additional increments are optional. The audiogram pen tracings shall not exceed 2 dB in width.

(b) It shall be possible to set the stylus manually at the 10 dB increment lines for calibration purposes.

(c) The slewing rate for the audiometer attenuator shall not be more than 6 dB/sec except that an initial slewing rate greater than 6 dB/sec is permitted at the beginning of each new test frequency, but only until the second subject response.

(d) The audiometer shall remain at each required test frequency for thirty seconds (±3 seconds). The audiogram shall be clearly marked at each change of frequency and the actual frequency change of the audiometer shall not deviate from the frequency boundaries marked on the audiogram by more than ±3 seconds.

(e) It must be possible at each test frequency to place a horizontal line segment parallel to the time axis on the audiogram, such that the audiometric tracing crosses the line segment at least six times at that test frequency. At each test frequency the threshold shall be the average of the midpoints of the tracing excursions.

NEW SECTION

WAC 296-62-09053 APPENDIX C—AUDIOMETRIC TEST ROOMS. After April 15, 1983, rooms used for audiometric testing shall not have background sound pressure levels exceeding those in Table C-1 when measured by equipment conforming at least to the Type 2 requirements of American National Standard Specification for Sound Level Meters, S1.4-1971 (R1976), and to the Class II requirements of American National Standard Specification for Octave, Half-Octave, and Third-Octave Band Filter Sets, S1.11-1971 (R1976). Table C-2 may be used until April 15, 1983.

TABLE C-1—Maximum Allowable Octave-Band Sound Pressure Levels for Audiometric Test Rooms

Octave-band center frequency (Hz)	500	1000	2000	4000	8000
Sound pressure level (dB)	27	30	35	42	41

TABLE C-2. —Maximum Allowable Octave-Band Sound Pressure Levels for Audiometric Test Rooms (May be used in lieu of Table D-1 until April 15, 1983)

Octave-band center frequency (Hz)	500	1000	2000	4000	8000
Sound pressure level (dB)	40	40	47	57	62

NEW SECTION

WAC 296-62-09055 APPENDIX D—ACOUSTIC CALIBRATION OF AUDIOMETERS. Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerance permitted by American National Standard Specification for Audiometers, S3.6-1969.

(1) Sound pressure output check.

(a) Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

(b) Set the audiometer's hearing threshold level (HTL) dial to 70 dB.

(c) Measure the sound pressure level of the tones at each test frequency from 500 Hz through 6000 Hz for each earphone.

(d) At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

(2) Linearity check.

(a) With the earphone in place, set the frequency to 1000 Hz and the HTL dial on the audiometer to 70 dB.

(b) Measure the sound levels in the coupler at each 10 dB decrement from 70 dB to 10 dB, noting the sound level meter reading at each setting.

(c) For each 10 dB decrement on the audiometer the sound level meter should indicate a corresponding 10 dB decrease.

(d) This measurement may be made electrically with a voltmeter connected to the earphone terminals.

(3) Tolerances.

When any of the measured sound levels deviate from the levels in Table D-1 or Table D-2 by ± 3 dB at any test frequency between 500 and 3000 Hz, 4 dB at 4000 Hz, or 5 dB at 6000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than 10 dB at any test frequency.

TABLE D-1—Reference Threshold Levels for Telephonics - TDH-39 Earphones

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading, dB
500	11.5	81.5
1000	7	77
2000	9	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5

TABLE D-2—Reference Threshold Levels for Telephonics - TDH-49 Earphones

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading, dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5

NEW SECTION

WAC 296-62-09057 APPENDIX E—CALCULATIONS AND APPLICATION OF AGE CORRECTIONS TO AUDIOGRAMS.

(1) In determining whether a significant threshold shift has occurred, allowance may be made for the contribution of aging to the change in hearing level by adjusting the most recent audiogram. If the employer chooses to adjust the audiogram, the employer shall follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard Occupational Exposure to Noise," HSM 73-11001.

(2) For each audiometric test frequency:

(a) Determine from Table E-1 or E-2 the age correction values for the employee by:

(i) Finding the age at which the most recent audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz;

(ii) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz.

(b) Subtract the values found in subdivision (2)(a) from the value found in subdivision (2)(b).

(c) The differences calculated in subdivision (2)(b) represented that portion of the change in hearing that may be due to aging.

Example: Employee is a thirty-two year-old male. The audiometric history for his right ear is shown in decibels below.

Employee's age	Audiometric test frequency (Hz)				
	1000	2000	3000	4000	6000
26	10	5	5	10	5
*27	0	0	0	5	5
28	0	0	0	10	5
29	5	0	5	15	5
30	0	5	10	20	10
31	5	10	20	15	15
*32	5	10	10	25	20

(3) The audiogram at age twenty-seven is considered the baseline since it shows the best hearing threshold levels. Asterisks have been used to identify the baseline and most recent audiogram. A threshold shift of 20 dB exists at 4000 Hz between the audiograms taken at ages twenty-seven and thirty-two. (The threshold shift is computed by subtracting the hearing threshold at age twenty-seven, which was 5, from the hearing threshold at age thirty-two, which is twenty-five.) A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to Table E-1 and find the age correction values (in dB) for 4000 Hz at age twenty-seven and age thirty-two.

	Frequency (Hz)				
	1000	2000	3000	4000	6000
Age 32	6	5	7	10	14
Age 27	5	4	6	7	11
Difference	1	1	1	3	3

(4) The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the most recent audiogram. In this example, the difference at 4000 Hz is 3 dB. This value is subtracted from the hearing level at 4000 Hz, which in the most recent audiogram is 25, yielding 22 after adjustment. Then the hearing threshold in the baseline audiogram at 4000 Hz (5) is subtracted from the adjusted annual audiogram hearing threshold at 4000 Hz (22). Thus the age-corrected threshold shift would be 17 dB (as opposed to a threshold shift of 20 dB without age correction).

TABLE E-1—Age Correction Values in Decibels for Males

Years	Audiometric Test Frequencies(Hz)				
	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8
21	5	3	4	5	8
22	5	3	4	5	8
23	5	3	4	6	9
24	5	3	5	6	9
25	5	3	5	7	10
26	5	4	5	7	10
27	5	4	6	7	11
28	6	4	6	8	11
29	6	4	6	8	12
30	6	4	6	9	12
31	6	4	7	9	13
32	6	5	7	10	14
33	6	5	7	10	14
34	6	5	8	11	15
35	7	5	8	11	15
36	7	5	9	12	16
37	7	6	9	12	17
38	7	6	9	13	17
39	7	6	10	14	18
40	7	6	10	14	19
41	7	6	10	14	20
42	8	7	11	16	20
43	8	7	12	16	21
44	8	7	12	17	22
45	8	7	13	18	23
46	8	8	13	19	24
47	8	8	14	19	24

TABLE E-1—Age Correction Values in Decibels for Males

Years	Audiometric Test Frequencies(Hz)				
	1000	2000	3000	4000	6000
48	9	8	14	20	25
49	9	9	15	21	26
50	9	9	16	22	27
51	9	9	16	23	28
52	9	10	17	24	29
53	9	10	18	25	30
54	10	10	18	26	31
55	10	11	19	27	32
56	10	11	20	28	34
57	10	11	21	29	35
58	10	12	22	31	36
59	11	12	22	32	37
60 or older	11	13	23	33	38

TABLE E-2—Age Correction Values in Decibels for Females

Years	Audiometric test frequencies (Hz)				
	1000	2000	3000	4000	6000
20 or younger	7	4	3	3	6
21	7	4	4	3	6
22	7	4	4	4	6
23	7	5	4	4	7
24	7	5	4	4	7
25	8	5	4	4	7
26	8	5	5	4	8
27	8	5	5	5	8
28	8	5	5	5	8
29	8	5	5	5	9
30	8	6	5	5	9
31	8	6	6	5	9
32	9	6	6	6	10
33	9	6	6	6	10
34	9	6	6	6	10
35	9	6	7	7	11
36	9	7	7	7	11
37	9	7	7	7	12
38	10	7	7	7	12
39	10	7	8	8	12
40	10	7	8	8	13
41	10	8	8	8	13
42	10	8	9	9	13
43	11	8	9	9	14
44	11	8	9	9	14
45	11	8	10	10	15
46	11	9	10	10	15
47	11	9	10	11	16
48	12	9	11	11	16
49	12	9	11	11	16
50	12	10	11	12	17
51	12	10	12	12	17
52	12	10	12	13	18
53	13	10	13	13	18
54	13	11	13	14	19
55	13	11	14	14	19
56	13	11	14	15	20
57	13	11	15	15	20
58	14	12	15	16	21
59	14	12	16	16	21
60 or older	14	12	16	17	22

NEW SECTION

WAC 296-62-09059 APPENDIX F—METHODS FOR ESTIMATING THE ADEQUACY OF HEARING PROTECTOR ATTENUATION. (1) For employees who have experienced a significant threshold shift, hearing protector attenuation must be sufficient to reduce employee exposure to a TWA of 85 dBA. Employers must select one of the following methods by which to estimate the adequacy of hearing protector attenuation.

(2) The most convenient method is the Noise Reduction Rating (NRR) developed by the Environmental Protection Agency (EPA).

According to EPA regulation, the NRR must be shown on the hearing protector package. The NRR is then related to an individual worker's noise environment in order to assess the adequacy of the attenuation of a given hearing protector. This Appendix describes four methods of using the NRR to determine whether a particular hearing protector provides adequate protection within a given exposure environment. Selection among the four procedures is dependent upon the employer's noise measuring instruments.

(3) Instead of using the NRR, employers may evaluate the adequacy of hearing protector attenuation by using one of the three methods developed by the National Institute for Occupational Safety and Health (NIOSH), which are described in the "List of Personal Hearing Protectors and Attenuation Data," HEW Publication No. 76-120, 1975, pages 21-37. These methods are known as NIOSH methods No. 1, No. 2 and No. 3. The NRR described below is a simplification of NIOSH method No. 2. The most complex method is NIOSH method No. 1, which is probably the most accurate method since it uses the largest amount of spectral information from the individual employee's noise environment. As in the case of the NRR method described below, if one of the NIOSH methods is used, the selected method must be applied to an individual's noise environment to assess the adequacy of the attenuation. Employers should be careful to take a sufficient number of measurements in order to achieve a representative sample for each time segment.

NOTE: The employer must remember that calculated attenuation values reflect realistic values only to the extent that the protectors are properly fitted and worn.

(4) When using the NRR to assess hearing protector adequacy, one of the following methods must be used:

(a) When using a dosimeter that is capable of C-weighted measurements:

(i) Obtain the employee's C-weighted dose for the entire workshift, and convert to TWA (see WAC 296-62-09049(2)).

(ii) Subtract the NRR from the C-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(b) When using a dosimeter that is not capable of C-weighted measurements, the following method may be used:

(i) Convert the A-weighted dose to TWA (see WAC 296-62-09049).

(ii) Subtract 7 dB from the NRR.

(iii) Subtract the remainder from the A-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(c) When using a sound level meter set to the A-weighting network: Subtract 7 dB from the NRR, and subtract the remainder from the A-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(d) When using a sound level meter set on the C-weighting network: (i) Obtain a representative sample of the C-weighted sound levels in the employee's environment for each identified time segment.

(ii) If there is more than one identified time segment, compute the eight-hour time-weighted average of the C-weighted sound levels using Table I or an equivalent method.

(iii) Subtract the NRR from the C-weighted average sound level to obtain the estimated A-weighted TWA under the ear protector.

NEW SECTION

WAC 296-62-09061 APPENDIX G—AVAILABILITY OF REFERENCED DOCUMENTS. WAC 296-62-09015 through 296-62-09063 contain provisions which incorporate publications by reference. Generally, the publications provide criteria for instruments to be used in monitoring and audiometric testing. It should be noted that WISHA does not require that employers purchase a copy of the referenced publications. Employers, however, may desire to obtain a copy of the referenced publications for their own information. The designation of the section of the standard in which the referenced publications appear, the titles of the publications, and the availability of the publications are as follows:

Section designation	Reference publication	Available from-
WAC 296-62-09023(1)(a)	Specification for Personal Noise Dosimeters ANSI S1.25-1978, (ASA 25-1978).	Back Numbers Department, Dept. STD, American Institute of Physics 333 E. 45th St., New York, NY 10017, American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
WAC 296-62-09023(1)(b)	Specification for Sound Level Meters," S1.4-1971 (R1976).	American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
WAC 296-62-09031 and WAC 296-62-09055 Appendix D	"Specifications for Audiometers." S3.6-1969.	American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
WAC 296-62-09053 Appendix C	"Specification for Octave, Half-Octave and Third-Octave Band Filter Sets," S1.11-1971 (R1976).	Back Numbers Department, Dept. STD, American Institute of Physics, 333 E. 45th St., New York, NY 10017; American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
WAC 296-62-09059 Appendix F	"List of Personal Hearing Protectors and Attenuation Data." HEW Pub. No. 76-120, 1975.	Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20404.

The referenced publications (or a microfiche of the publications) are available for review at many universities and public libraries throughout the state.

NEW SECTION

WAC 296-62-09063 APPENDIX H—DEFINITIONS. These definitions apply to the following terms as used in WAC 296-62-09015 through 296-62-09063.

- (1) Audiogram - A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.
- (2) Audiologist - A professional, specializing in the study and habilitation of hearing, who is certified by the American Speech, Hearing, and Language Association or licensed by a state board of examiners.
- (3) Baseline audiogram - The audiogram against which future audiograms are compared.
- (4) Crest factor - Absolute value of the ratio of the peak value and the root-mean-square value measured over a specified time interval where both values are measured in reference to the arithmetic mean value of the wave.
- (5) Criterion sound level - A sound level of 90 decibels.
- (6) Decibel (dB) - Unit of measurement of sound level.
- (7) Hertz (Hz) - Unit of measurement of frequency, numerically equal to cycles per second.
- (8) Medical pathology - A disorder or disease. For purposes of this regulation, a condition or disease affecting the ear, which should be treated by a physician specialist.
- (9) Noise dose - The ratio, expressed as a percentage, of (a) the time integral, over a stated time or event, of the 0.6 power of the measured SLOW exponential time-averaged, squared A-weighted sound pressure and (b) the product of the criterion duration (8-hours) and the 0.6 power of the criterion sound pressure corresponding to the criterion sound level (90 dB).
- (10) Noise dosimeter - An instrument that integrates a function of sound pressure over a period of time in such a manner that it directly indicates a noise dose.
- (11) Otolaryngologist - A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat.

(12) Representative exposure - Measurements of an employee's noise dose or eight-hour time-weighted average sound level that the employer deems to be representative of the exposure of other employees in the workplace.

(13) Sound level - Ten times the common logarithm of the ratio of the square of the measured A-weighted sound pressure to the square of the standard reference pressure of 20 micropascals. Unit: Decibels (dB). For use with this regulation, SLOW time response, in accordance with ANSI S1.4-1971 (R1976), is required.

(14) Sound level meter - An instrument for the measurement of sound level.

(15) Time-weighted average sound level - That sound level, which if constant over an eight-hour exposure, would result in the same noise dose as if measured.

**WSR 81-07-028
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1623—Filed March 13, 1981]

I, David A. Hogan, Director, Client and Community Relations of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Standards for additional requirements under specified circumstances—Child care expenses for AFDC recipients in approved training plans, repealing WAC 388-29-158.

I, David A. Hogan, find that an emergency exists and that the foregoing 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 such emergency is:

WHEREAS, legislation known as SHB 206 and SHB 245 (chapter 8, Laws of 1981) was recently enacted by the Legislature and signed into law by the Governor; and,

WHEREAS, that legislation provided for a supplemental budget appropriation for the Department of Social and Health Services and made certain changes in the programs administered by that department; and

WHEREAS, RCW 43.88.290 expressly forbids the department from over-expending or over-encumbering any appropriation made by law, or expending funds contrary to the terms, limits, or conditions of any appropriation made by law,

NOW, THEREFORE, I, David A. Hogan, Director, Client and Community Relations Division of the department and by virtue of the authority vested in and required by the secretary of the department by chapters 43.88 and 43.20A RCW, do hereby find that emergency adoption of these rules is necessary under RCW 34.04.030.

Such rules are therefore adopted as emergency rules to take effect on March 15, 1981.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 13, 1981.

By David A. Hogan
 Director, Client and
 Community Relations Division

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-29-158 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR AFDC RECIPIENTS IN APPROVED TRAINING PLANS.

WSR 81-07-029

**NOTICE OF PUBLIC MEETINGS
 WHATCOM COMMUNITY COLLEGE**

[Memorandum—March 11, 1981]

A decision to change their schedule of board meeting dates to facilitate spring quarter activities was made by board members at their March 10, 1981 board meeting. The revised schedule is as follows:

April 9	10:00 a.m.	Special Meeting
April 28	3:00 p.m.	
May 14	10:00 a.m.	
May 26	3:00 p.m.	
June 11	10:00 a.m.	
June 23	3:00 p.m.	

All meetings will be held in the Board Room, Northwest 2, 5217 Northwest Road, Bellingham, WA.

WSR 81-07-030

**ADOPTED RULES
 DEPARTMENT OF PERSONNEL
 (Personnel Board)**

[Order 152—Filed March 13, 1981]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to Vacation leave—Allowance, amending WAC 356-18-110.

This action is taken pursuant to Notice No. WSR 81-03-019 filed with the code reviser on January 12, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 12, 1981.

By Leonard Nord
 Secretary, State Personnel Board

AMENDATORY SECTION (Amending Order 84, filed 10/20/75)

WAC 356-18-110 VACATION LEAVE—ALLOWANCE. (1) Full time ((E))employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service ((in one or more agencies)). Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve months of regularly scheduled service with state government.

(2) All requests for vacation leave shall be in writing and must be approved in advance of the effective date unless used in lieu of sick leave or for emergency child care, or the supervisor chooses to approve the vacation leave on a retrospective basis.

(3) In granting requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency.

WSR 81-07-031

**PROPOSED RULES
 DEPARTMENT OF PERSONNEL
 (Personnel Board)**

[Filed March 13, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board, intends to adopt, amend, or repeal rules concerning the amending of chapter 356-34 WAC; that such agency will at 10:00 a.m., Thursday, April 9, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 9, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 7, 1981, and/or orally at 10:00 a.m., Thursday, April 9, 1981, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-03-018 filed with the code reviser's office on January 12, 1981.

Dated: March 12, 1981

By: Leonard Nord
 Secretary

WSR 81-07-032
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed March 13, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-18-150 Leave—Newborn or adoptive child care—Provision.
 Amd WAC 356-34-180 Subpoenas—Issuance—Consent—Service.
 Amd WAC 356-34-220 ((Orders for)) Discovery;

that such agency will at 10:00 a.m., Thursday, April 9, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 9, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 7, 1981, and/or orally at 10:00 a.m., Thursday, April 9, 1981, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-03-019 filed with the code reviser's office on January 12, 1981.

Dated: March 12, 1981
 By: Leonard Nord
 Secretary

WSR 81-07-033
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
 [Filed March 13, 1981]

Reviser's Note: The notice filed under this document number has been rejected for failure to meet the twenty-day notice requirement of RCW 28B.19.030(2).

WSR 81-07-034
ADOPTED RULES
BELLEVUE COMMUNITY COLLEGE
 [Order 71, Resolution 135—Filed March 13, 1981]

Be it resolved by the board of trustees, of the Bellevue Community College, Community College District VIII, acting at Bellevue Campus, 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to the adoption of a permanent amendment to the Student Code of Community College District VIII, WAC 132H-120-200, pertaining to student responsibilities.

This action is taken pursuant to Notice No. WSR 81-03-077 filed with the code reviser on January 21, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Bellevue Community College, Community College District VIII as authorized in RCW 28B.50.140.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 10, 1981.

By Thomas E. O'Connell
 Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order 71, filed 11/6/80)

WAC 132H-120-200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action who either as a principal actor or aide or abettor: (1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited:

(a) Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college President or his designee.

(b) Procedural guidelines for liquor policy implementation are as follows:

(i) When approved by the President or his designee, alcoholic beverages may be served by a recognized student organization, college administrative unit or a community organization. Such groups must adhere to the stipulation of building use policies (WAC 132H-140) and fully meet all laws, rules and regulations as set forth in the Washington State Liquor Control Board regulations RCW 66.20.010, which permits consumption of spirits.

(ii) Approval for the serving of alcoholic beverages must be requested at least seven (7) calendar days prior to the date of use. A student organization request (Form 010-116 6-78) must be filed with the Office of the Dean for Student Services and Development. If, in the judgment of the Dean for Student Services and Development, the request is congruent with the best interests of the student group and the college, the Dean will forward the request to the President for final approval. All other requests (Form 010-116 6-78) shall be filed with the Office of the President. The request shall be approved or denied at least three (3) calendar days prior to the proposed event. The application for utilization of alcoholic beverages must be completed by an authorized representative who accepts responsibility for compliance with the college and other governmental rules and regulations,

where applicable, and agrees to be present at the function. The Association Dean for Student Programs and Activities or designee shall be available at all student functions involving alcoholic beverages and is empowered to make decisions that might arise covering college policies or procedures.

(iii) Upon approval for the use of alcoholic beverages at Bellevue Community College, it shall be the responsibility of the sponsor to obtain all necessary licenses from the Washington State Liquor Control Board and to display such licenses at the time of the event.

(iv) Banquet events (sit-down dinners) are recognized as different in nature from student program events. At student program events, permission to serve alcoholic beverages shall be restricted to beer and light wine and food appropriate for the event must be available. Banquet events shall be approved in accordance with Washington State Liquor Control Board regulations RCW 66.20.010 which permits the consumption of spirits.

(v) The matrix shall be set aside as the only location for the sale and/or consumption of beer and wine at student program-sponsored events.

(vi) A driver's license with picture or a Washington State Liquor Control Board identification card are the only acceptable identification sources in determining legal age.

(vii) The policing of identification cards shall be the responsibility of campus security if the function is a student program sponsored event.

(viii) No person who is under the influence of alcohol or dangerous substances or who is disorderly in conduct shall be allowed to serve, consume or dispense alcoholic beverages.

(ix) All sales and use of alcoholic beverages shall be governed by the Washington State Law as interpreted by the Washington State Liquor Control Board. The regulation shall be posted outside of the room where alcoholic beverages are consumed.

(x) No alcoholic beverages may be consumed outside the approved area for the event (building, room, etc.).

(xi) Non-alcoholic beverages shall be available to persons under the legal age at all events where alcoholic beverages are permitted.

(xii) No state monies shall be used to purchase any alcoholic beverages or to pay any license fees or related expense. All revenues generated by the sale of alcoholic beverages shall be processed in accordance with normal college policy and procedures.

(xiii) To insure variety in programming, the use of alcoholic beverages shall be approved for only a limited number of major collegewide activities.

(c) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 now law or hereafter amended, or any dangerous drug as defined in RCW 69.50.308 as now law or hereafter amended, except when the use of possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 29.04.005 as now law or hereafter amended.

(d) Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Forgery, as defined in RCW 9.44.010 of any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his official capacity as such.

(f) Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearing, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(g) Intentionally destroying or damaging any college facility or other public or private real or personal property.

(h) Failure to comply with directions of properly identified college officials acting in performance of their duties.

(i) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(j) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(k) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers unless written approval has been obtained from the Dean for Student Services and Development; or any other person designated by the President.

(l) Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

(n) Being under the influence of liquor or alcoholic beverages or narcotic drugs while on college property or while participating in any college program, class or event or while in attendance in any class or college-sponsored or supervised activity.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's Note: RCW 28B.19.077 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 81-07-035
ADOPTED RULES
BOARD OF HEALTH
[Order 211—Filed March 13, 1981]

Be it resolved by the Washington State Board of Health, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

Rep WAC 248-22-060 Housing requirements for patients.
 Rep WAC 248-22-070 Therapy.
 Rep WAC 248-22-080 Restraint.
 Rep WAC 248-22-090 Records.

This action is taken pursuant to Notice No. WSR 81-04-012 filed with the code reviser on January 28, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 11, 1981.

By John B. Conway

Chairman

Irma Goertzen

Ronald L. Jacobus

John A. Beare, MD

Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 248-22-060 HOUSING REQUIREMENTS FOR PATIENTS
- (2) WAC 248-22-070 THERAPY
- (3) WAC 248-22-080 RESTRAINT
- (4) WAC 248-22-090 RECORDS

**WSR 81-07-036
 EMERGENCY RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)**

[Order 1624—Filed March 13, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Eligibility—Chore services, amending WAC 388-15-020.

I, David A. Hogan, find that an emergency exists and that the foregoing 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 such emergency is these rules modify Order

#1617, filed on March 2, 1981. They are necessary to: (1) Clarify WAC 388-15-020(1)(e)(iv), which concerns reductions and terminations (2) remove chore services from the protective services program to conform to chapter 8, Laws of 1981.

Such 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 secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he 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).

APPROVED AND ADOPTED March 13, 1981.

By David A. Hogan
 Director, Client and
 Community Relations Division

AMENDATORY SECTION (Amending Order 1581, filed 12/19/80)

WAC 388-15-020 ELIGIBLE PERSONS. (1) Individuals eligible for services are:

- (a) Recipients of aid to families with dependent children (AFDC recipients).
- (b) Individuals whose needs were taken into account in determining the needs of AFDC recipients.
- (c) Recipients of supplemental security income or state supplementary payments related to age, blindness or permanent and total disability.
- (d) Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not exceed 80% of the state median gross income for a family of four, adjusted for family size.
- (e) Any individual or family regardless of age, blindness or disability, whose gross family income does not exceed 80% of the state median income for a family of four, adjusted for family size, except that:
 - (i) No individual or family is eligible for (~~chore services~~) family planning or alcoholism services whose gross family income is in excess of 50% of the state median income for a family of four, adjusted for family size (~~except that a single individual may receive chore services if his median gross income does not exceed 57% of the state's median gross income for a family of four adjusted for family size~~).
 - (ii) No individual or family is eligible on a group basis for developmental disabilities, case services, developmental disabilities home-aid resources, developmental disabilities developmental centers or extended sheltered employment unless at least 75% of persons given these services are members of families whose gross monthly income do not exceed 90% of the state median income, adjusted for family size.
 - (iii) Information and referral services, services to children in their own home or protective service may be given to any individual regardless of the level of gross family income. Child protective services are provided without charge. Where ancillary services such as (~~chore~~

~~services or~~) homemaker services are an integral but subordinate part of a protective service plan for children or adults, they may be provided without regard to the level of gross family income.

(iv) No individual or family is eligible for chore services who is not an adult recipient of supplemental security income and/or state supplementation or who has income above the state standards for supplemental security income and state supplementation.

Clients receiving chore services (income eligibility determined, client review questionnaire administered, and hours authorized) as of February 28, 1981, but who are not recipients of supplemental security income and/or state supplementation and have gross income, adjusted for family size, above the state standards for supplemental security income and state supplementation will have their services terminated or reduced as follows:

(A) Those clients who received nine or less hours during January, 1981, will be terminated.

(B) Those clients who received more than nine hours will be provided five less hours in March, 1981, than what was provided in January, 1981; and nine less hours in April, 1981, than what was provided in January, 1981. The reduced April, 1981, level will be continued for a length of time determined by the department.

(C) Those clients who received no hours or fewer hours in January, 1981, than would have regularly been provided because of hospitalization, temporarily in a nursing home, no chore provider available, authorized after the beginning of the month, started receiving service after the beginning of the month, authorized an increase or decrease in hours after the beginning of the month, will have their hours reduced or be terminated by reducing hours from the service provided in February, 1981, or be determined by the department.

Clients receiving chore services as of February 28, 1981, whose gross family income is in excess of fifty percent of the state median income for a family of four, adjusted for family size, or fifty-seven percent of the state median income adjusted for family size for a single person, are not eligible to receive chore services.

Clients receiving attendant care services from the bureau of community and residential care as of February 28, 1981, (income eligibility determined, client review questionnaire administered, and monthly rate authorized) will continue to receive service through June 30, 1981, or until such time as gross family income is in excess of fifty percent of the state median income for a family of four, adjusted for family size or fifty-seven percent of the state median income adjusted for family size for a single person.

(2) Gross median income for a family of four in the state of Washington effective October 1, 1980 is \$21,494. 80% = \$17,195.

(a) Income tables for 80% gross median income:

Number in Family	Monthly Income	Annual Income
1	745	8,942
2	974	11,693
3	1,204	14,444
4	1,433	17,195
5	1,662	19,946

Number in Family	Monthly Income	Annual Income
6	1,892	22,698

(b) Income tables for 57% gross median income, one-person family only.

Family Size	Monthly Income	Annual Income
1	531	6,370

(c) Income table for 52% gross median income:

Family Size	Monthly Income	Annual Income
2	633	7,600
3	782	9,389
4	931	11,177
5	1,080	12,965
6	1,229	14,753

(d) Income tables for 50% gross median income:

Family Size	Monthly Income	Annual Income
1	466	5,588
2	609	7,308
3	752	9,027
4	896	10,747
5	1,039	12,467
6	1,182	14,186

(e) Income tables for 38% gross median income:

Family Size	Monthly Income	Annual Income
1	354	4,247
2	463	5,554
3	572	6,861
4	681	8,168
5	790	9,475
6	898	10,781

(f) See WAC 388-29-100 for grant standards.

(3) Family means two or more persons related by blood, marriage or adoption, residing in the same household, and may include a dependent residing in a separate household for whom support is paid.

(a) Husband and wife are considered a two-person family.

(b) Related adults residing together, other than spouses, are each considered a separate family.

(c) An individual living alone or only with unrelated persons is considered a one-person family. An individual living alone or with unrelated persons may include in his/her application a dependent living in a separate household for whom support is paid.

(d) A child living with legally nonresponsible relatives, a minor living independently and a child living under the care of unrelated persons are also considered one-person families.

(e) A school age parent residing in parent's home with child is considered a separate family unit for purpose of determining family income.

(4) Persons applying to provide day care or foster care facilities or a person or persons applying to adopt a child are resources to our primary client, the child. Financial eligibility for these individuals is not required.

(5) Child welfare services may also be provided under Title IV-B of the social security act.

WSR 81-07-037
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 81-5—Filed March 13, 1981]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to determination of rate, amending WAC 173-164-050.

This action is taken pursuant to Notice No. WSR 81-04-067 filed with the code reviser on February 4, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.83B-.345 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 10, 1981.

By John F. Spencer
 Deputy Director

AMENDATORY SECTION (Amending Order DE 80-28, filed 7/14/80)

WAC 173-164-050 DETERMINATION OF RATE. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of acpital costs, type of crop, and ability to repay. For the ((remaining 1980)) 1981 irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be ((forty)) forty-five dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

Discharge Head from Pump (feet)	Price per Acre-foot
0 to 10	((50.65) \$.70
10 to 20	((1.30) 1.51
20 to 30	((1.95) 2.18
30 to 40	((2.60) 2.95
40 to 50	((3.25) 3.67
50 to 60	((3.95) 4.90
60 to 70	((4.65) 5.15
70 to 80	((5.35) 5.93
80 to 90	((6.05) 6.63
90 to 100	((6.75) 7.35
100 to 110	((7.50) 8.10
110 to 120	((8.25) 8.84
120 to 130	((9.00) 9.58
130 to 140	((9.75) 10.32
140 to 150	((10.50) 11.06

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: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 81-07-038
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 352—Filed March 13, 1981]

I, Ralph A. Beswick, Supervisor, do promulgate and adopt the annexed rules relating to the adoption of an emergency rule extending winter burning rules through April 14, 1981 in western Washington only.

I, Ralph A. Beswick, find that an emergency exists and that the foregoing 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 such emergency is extending winter burning rules through April 14, 1981 in western Washington only, due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.150 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 13, 1981.

By Ralph A. Beswick
 Supervisor

AMENDATORY SECTION (Amending Order 169, filed 8/7/73)

WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL - REQUIREMENTS - FAILURE TO COMPLY
 (1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.

(2) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(3) A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period ((March 15)) April 15 October 15 in Western Washington and April 15 through June 30 in Eastern Washington.

(4) No fires are to be within fifty (50) feet of structures.

(5) For the period (~~March 15~~) April 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.

(6) For the period October 16 through (~~March 15~~) April 14 in Western Washington and October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.

A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.

Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.

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 81-07-039

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

(Noxious Weed Control Board)

[Order 12, Resolution 12—Filed March 13, 1981]

Be it resolved by the State Noxious Weed Control Board, acting at the General Administration Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to a proposed noxious weed list comprising the names of those plants which are found to be injurious to crops, livestock, or other property, amending WAC 16-750-010.

This action is taken pursuant to Notice No. WSR 81-02-041 filed with the code reviser on January 7, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 17.10 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B:19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 9, 1981.

By Martin O. Copenhefer
Chairman

AMENDATORY SECTION (Amending Order 11, Resolution 11, filed 2/29/80)

WAC 16-750-010 PROPOSED NOXIOUS WEED LIST. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the Noxious Weed Control Board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

ENGLISH OR COMMON NAME BOTANICAL OR SCIENTIFIC NAME

Perennial weeds

Baby's Breath	Gypsophila paniculata
Bindweed, field	Convolvulus arvensis
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western	Pteridium aquilinum
Canada Thistle	Cirsium arvense
Dalmation Toadflax	Linaria dalmatica
Gorse	Ulex europaeus
Hoary Cress or White Top	Cardaria draba
Johnsongrass	Sorghum halepense
Knapweed, diffuse	Centaurea diffusa
Knapweed, Russian	Centaurea repens
Leafy Spurge	Euphorbia esula
<u>Lupine</u>	<u>Lupinus spp.</u>
Nightshade, bitter	Solanum dulcamara
Nutsedge, yellow	Cyperus esculentus
Oxeye Daisy	Chrysanthemum leucanthemum
Pepperweed, perennial	Lepidium latifolium
<u>Rush Skeletonweed</u>	<u>Chondrilla juncea</u>
St. Johnswort	Hypericum perforatum
Scotch Broom	Cytisus scoparius
Sowthistle, perennial	Sonchus arvensis
Tansy, common	Tanacetum vulgare
Waterhemlock, western	Cicuta douglasii
Watermilfoil, Eurasian	Myriophyllum spicatum
<u>Wormwood, Absinthie</u>	<u>Artemisia absinthium</u>
Yellow Toadflax	Linaria vulgaris

Biennial Weeds

<u>Bull Thistle</u>	<u>Cirsium vulgare</u>
Houndstongue	Cynoglossum officinale
Knapweed, spotted	Centaurea maculosa
<u>Musk Thistle</u>	<u>Carduus nutans L.</u>
Plumeless Thistle	Carduus acanthoides
Poison Hemlock	Conium maculatum
(Rush skeletonweed)	(Chondrilla juncea)
Scotch Thistle	Onopordum acanthium
Tansy Ragwort	Senecio jacobaea

Annual Weeds

Cocklebur	Xanthium spp.
Dodder	Cuscuta spp.
Goatgrass, jointed	Aegilops cylindrica
Hemp (Marijuana)	Cannabis sativa
Kochia	Kochia scoparia
Medusahead	Taeniatherum asperum
Puncturevine	Tribulus terrestris
Sandbur, longspine	Cenchrus longispinus
Yellow Starthistle	Centaurea solstitialis

WSR 81-07-040
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1721—Filed March 13, 1981]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted use herbicides in Walla Walla county, amending WAC 16-232-010 and adopting WAC 16-232-045.

I, M. Keith Ellis, find that an emergency exists and that the foregoing 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 such emergency is in order to protect susceptible crops in Walla Walla county of eastern Washington from the application of phenoxy herbicides, the department promulgated Order No. 1724, effective April 12, 1981. However, since the application season in eastern Washington has already begun, I feel it necessary to issue an order effective immediately to further protect such crops.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 13, 1981.

By M. Keith Ellis
 Director

AMENDATORY SECTION (Amending Order 1665, filed February 20, 1980)

WAC 16-232-010 AREA 1. (1) Area 1 description. (Columbia River Buffer Area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, Section 15, T6N, R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through (~~October 31~~) April 30, aerial applications of restricted use herbicides shall be made using the (~~Caution~~) Danger Area Restrictions (see WAC 16-230-675).

(d) On and after May 1 through October 31, aerial applications shall be prohibited except by written permit issued 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.

NEW SECTION

WAC 16-232-045 RESTRICTIONS ON AIRCRAFT APPLICATION. Height of discharge requirements by aircraft of restricted use herbicides: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

WSR 81-07-041
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1724—Filed March 13, 1981]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted use herbicides in Walla Walla county, amending WAC 16-230-010.

This action is taken pursuant to Notice No. WSR 81-03-069 filed with the code reviser on January 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 13, 1981.

By M. Keith Ellis
 Director

AMENDATORY SECTION (Amending Order 1665, filed February 20, 1980)

WAC 16-232-010 AREA 1. (1) Area 1 description. (Columbia River Buffer Area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, Section 15, T6N, R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through ~~((October 31))~~ April 30, aerial applications of restricted use herbicides shall be made using the ~~((Caution))~~ Danger Area Restrictions (see WAC 16-230-675).

(d) On and after May 1 through October 31, aerial applications shall be prohibited except by written permit issued 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.

WSR 81-07-042
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1723—Filed March 13, 1981]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted use herbicides in Franklin county, amending WAC 16-231-115, 16-231-120, 16-231-125 and 16-231-140.

I, M. Keith Ellis, find that an emergency exists and that the foregoing 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 such emergency is in order to protect susceptible crops in Franklin county of eastern Washington from the application of phenoxy herbicides, the department promulgated Order No., effective April 12, 1981. However, since the application season in eastern Washington has already begun, I feel it necessary to issue an order effective immediately to further protect such crops.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 13, 1981.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-115 AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin Irrigation Project.) This area includes all lands lying within

a boundary line starting at the Columbia River and the ~~((east boundary line of Section 25, T9N, R30E, thence north fifteen miles more or less to the northeast corner of Section 12, T11N, R30E, thence west one mile))~~ south section line of Section 24, T13N, R27E; thence east along the section lines and the Basin Hill Road seventeen miles more or less to State Highway 17; thence northerly along State Highway 17, ((fourteen)) five miles more or less to State Highway 260; thence east along State Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the ((Adams Grant)) Adams county line to the northwest corner of Section 6, T14N, R28E; thence south four miles along the Grant County line to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River, thence southerly and easterly along the Columbia River six miles more or less to the south section line of Section 24, T13N, R27E ((to the Snake River, thence northeasterly along the Snake River to the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River, and thence northerly and easterly along the Snake River to the east boundary line of Section 25, T9N, R30E)).

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: **PROVIDED**, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: **PROVIDED**, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675). On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be allowed using the Danger Area Restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: **PROVIDED**, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: **PROVIDED FURTHER**, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-120 AREA 1A. (1) Area 1A description. This area includes all lands lying within a boundary line starting at the ~~((Columbia River and the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence down to the Snake River to the confluence of the Snake River and the Columbia River; thence northerly and westerly along the Columbia River to the point of beginning))~~ Snake River and the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence north along State Highway 17 nine miles more or less to the Basin Hill Road; thence west seventeen miles more or less along the Basin Hill Road and the section lines to the south section of Section 24, T13N, R27E and the Columbia River; thence south and southeasterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the east section line of Section 25, T9N, R30 E.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: **PROVIDED**, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: **PROVIDED**, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: **PROVIDED**, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-125 AREA 2. (1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northwest corner of Section 36, T14N, R30E; thence east along the Hendricks Road five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the

Snake River; thence southwesterly along the Snake River to the east ~~((boundary line of Area 1))~~ section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence northerly along State Highway 17 fourteen miles more or less to the northwest corner of Section 36, T14N, R30E ~~((; thence northerly along the east boundary line of Area 1A to the point of beginning))~~.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: **PROVIDED**, That ~~((aerial))~~ ground applications of low volatile formulations of restricted use herbicides may be made ~~((using the Warning Area Restrictions (see WAC 16-230-675)))~~ from April 5 through April 30 using nozzles having a minimum orifice diameter of 0.036 inches.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after ~~((May 1))~~ April 5 through October 31, aircraft applications of restricted use herbicides shall be made using the ~~((Warning))~~ Danger Area Restrictions (see WAC 16-230-675).

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 No. 1676, filed 2/20/80)

WAC 16-231-140 RESTRICTIONS ON AIRCRAFT APPLICATION. (1) The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

(2) Height of discharge requirements by aircraft of restricted use herbicides: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

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 81-07-043

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1722—Filed March 13, 1981]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted use herbicides in Benton county, adopting WAC 16-231-040.

I, M. Keith Ellis, find that an emergency exists and that the foregoing 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 such emergency is in order to protect susceptible crops in Benton county of eastern Washington from the application of phenoxy herbicides, the department promulgated Order No. 1725, effective April 12, 1981. However, since the application season in eastern Washington has already begun, I feel it necessary to issue an order effective immediately to further protect such crops.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 13, 1981.

By M. Keith Ellis
Director

NEW SECTION

WAC 16-231-040 RESTRICTIONS ON AIRCRAFT APPLICATION. *Height of discharge requirements by aircraft of restricted use herbicides: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.*

WSR 81-07-044

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1726—Filed March 16, 1981]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted use herbicides in Franklin county, amending WAC 16-231-115, 16-231-120 and 16-231-125.

This action is taken pursuant to Notice No. WSR 81-03-068 filed with the code reviser on January 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 13, 1981.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-115 AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin Irrigation Project.) This area includes all lands lying within a boundary line starting at the Columbia River and the ~~((east boundary line of Section 25, T9N, R30E, thence north fifteen miles more or less to the northeast corner of Section 12, T11N, R30E, thence west one mile))~~ south section line of Section 24, T13N, R27E; thence east along the section lines and the Basin Hill Road seven miles more or less to State Highway 17; thence northerly along State Highway 17, ~~((fourteen))~~ five miles more or less to State Highway 260; thence east along State Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the ~~((Adams Grant))~~ Adams county line to the northwest corner of Section 6, T14N, R28E; thence south four miles along the Grant County line to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River six miles more or less to the south section line of Section 24, T13N, R27E ~~((to the Snake River, thence northeasterly along the Snake River to the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence northerly and easterly along the Snake River to the east boundary line of Section 25, T9N, R30E)).~~

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675). On and after April 5 through October 31, aircraft applications of restricted

use herbicides shall be allowed using the Danger Area Restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-120 AREA 1A. (1) Area 1A description. This area includes all lands lying within a boundary line starting at the ~~((Columbia River and the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence down to the Snake River to the confluence of the Snake River and the Columbia River, thence northerly and westerly along the Columbia River to the point of beginning))~~ Snake River and the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence north along State Highway 17 nine miles more or less to the Basin Hill Road; thence west seventeen miles more or less along the Basin Hill Road and the section lines to the south section of Section 24, T13N, R27E and the Columbia River; thence south and southeasterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the east section line of Section 25, T9N, R30 E.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: PROVIDED, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-125 AREA 2. (1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northwest corner of Section 36, T14N, R30E; thence east along the Hendricks Road five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east ~~((boundary line of Area 1))~~ section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence northerly along State Highway 17 fourteen miles more or less to the northwest corner of Section 36, T14N, R30E ~~((; thence northerly along the east boundary line of Area 1A to the point of beginning))~~.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: PROVIDED, That ~~((aerial))~~ ground applications of low volatile formulations of restricted use herbicides may be made ~~((using the Warning Area Restrictions (see WAC 16-230-675)))~~ from April 5 through April 30 using nozzles having a minimum orifice diameter of 0.036 inches.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after ~~((May 1))~~ April 5 through October 31, aircraft applications of restricted use herbicides shall be made using the ~~((Warning))~~ Danger Area Restrictions (see WAC 16-230-675).

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.

WSR 81-07-045

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order DOL 622—Filed March 16, 1981]

I, John Gonzalez, director of Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Appointment of director—Agency documents, pertaining to the use and effectiveness of agency documents printed with the former director's name, adding new section WAC 308-04-001.

This action is taken pursuant to Notice No. WSR 81-04-071 filed with the code reviser on February 4, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.17.060 and is intended to administratively implement that statute, (see also, RCW 43.24.040 and 46.01.160).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 12, 1981.

By John Gonzalez
Director

NEW SECTION

WAC 308-04-001 APPOINTMENT OF DIRECTOR - AGENCY DOCUMENTS. John Gonzalez was appointed Director of the Department of Licensing on January 14, 1981. All documents issued after that date in the name of the director in the disposition and performance of the official business of the Department of Licensing shall be considered to have been issued by him or at his direction whether his name, or the name of the former director, appears on the document.

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the name of the former director's name, the replacement of which would result in the unnecessary expenditure of state funds.

WSR 81-07-046
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
[Filed March 16, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning conversion of Planning and Community Affairs Agency, chapter 365-42 WAC to Washington State Department of Transportation, chapter 468-87 WAC and amending WAC 468-87-100, 468-87-200, 468-87-230, 468-87-350 and 468-87-710, administrative rules and regulations for UMTA, Section 16(b)(2) capital assistance for private non-profit organizations to assist in elderly or handicapped transportation;

that such agency will at 10:00 a.m., Monday, April 20, 1981, in the Board Room, 1D9, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, April 20, 1981, in the Board Room, 1D9, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.01.101(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 20, 1981, and/or orally at 10:00 a.m., Monday, April 20, 1981, Board Room, 1D9,

Highway Administration Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-03-050 filed with the code reviser's office on January 19, 1981.

Dated: March 16, 1981
By: V. W. Korf
Deputy Secretary

WSR 81-07-047
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
[Order 59—Filed March 16, 1981]

I, W. A. Bulley, Secretary of the Department of Transportation, do promulgate and adopt at Room 1D-9, Highway Administration Building, Olympia, Washington, the annexed rules relating to chapter 468-95 WAC, "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD). Adoption of Revision No. 1 to the 1978 MUTCD as an amendment to chapter 468-95 WAC.

This action is taken pursuant to Notice No. WSR 81-04-029 filed with the code reviser on February 2, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.36.030 (Traffic Control Devices) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 16, 1981.

By V. W. Korf
Deputy Secretary

AMENDATORY SECTION (Amending Order 51)
filed 3/21/80)

Chapter 468-95 WAC
**MANUAL ON UNIFORM TRAFFIC CONTROL
DEVICES FOR STREETS AND HIGHWAYS**

.....
The "Manual on Uniform Traffic Control Devices for Streets and Highways" 1978 edition (MUTCD), approved by the Federal Highway Administrator as the national standard for all highways open to public travel; published by the U. S. Department of Transportation, Federal Highway Administration, was duly adopted by Administrative Order No. 51 of the Secretary of Transportation dated March 17, 1980. Revision No. 1 of the 1978 edition was duly adopted by Administrative Order No. of the Secretary of Transportation dated The manual includes in part many illustrations, some of which depend on color for proper interpretation. The reviser has deemed it inexpedient to

convert these regulations and illustrations to the prescribed form and style of WAC and therefore excludes them from publication. Copies of the MUTCD, incorporating Revision No. 1, may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402, Price \$18.00. The document is available for public inspection at the headquarters office and all district offices of the Washington State Department of Transportation. Further, each city, town, and county engineering office in the state will have a copy of the MUTCD in its possession.

The following modifications to the MUTCD have also been adopted by Administrative Order No. 51 of the Secretary of Transportation on March 17, 1980:

The second paragraph of Section 2C-3, "Placement of Warning Signs," of the MUTCD is amended to read as follows:

Since warning signs are primarily for the protection of the vehicle operator who is unacquainted with the road, it is very important that care is given to their location. Warning signs should normally be placed in a range of 250 feet to 750 feet in advance of the hazard or conditions. On high speed roads, and particularly on freeways, advance warning distances may have to be as great as 1500 feet or more.

The first paragraph of Section 3B-3, "No-Passing Zone Markings," of the MUTCD is amended to read as follows:

Where center lines are installed, no-passing zone markings shall be established at vertical curves on two- and three-lane highways where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions.

Effective December 31, 1982, where center lines are installed, no-passing zone markings shall be established at horizontal curves on two- and three-lane highways where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions except: Along highway sections of almost continuous horizontal curvatures such as in mountainous terrain no-passing zone markings shall not be established at horizontal curves. Such highway sections would otherwise require almost continuous no-passing zone markings which could restrict motorists from exercising judgment that it is safe to pass a slow moving vehicle and still be in compliance with chapter 46.61 RCW.

The first sentence of Paragraph 3, Item (c), of Section 4B-5, "Meaning of Signal Indications," of the MUTCD is amended to read as follows:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left

from a one-way or two-way street into a one-way street, after stopping as required by (a) and (b) above.

Paragraph 2 of Section 4E-9, "Meaning of Lane-use Control Indications," of the MUTCD is amended to read as follows:

A steady YELLOW X or a flashing RED X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady RED X is displayed.

The second sentence of paragraph 3, Section 6B-3, "Position of Signs," of the MUTCD states:

Signs mounted on barricades, or temporary supports, may be at lower heights, but the bottom of the sign shall not be less than one foot above the pavement elevation.

A compliance date of December 31, 1983 is hereby established.

The following supplemental paragraph is hereby added to Section 7B-12, "School Speed Limit Signs (S4-1, S4-2, S4-3, S4-4)," of the MUTCD:

**DEFINITION OF
SCHOOL SPEED LIMIT SIGN SUPPLEMENT
"WHEN CHILDREN ARE PRESENT"**

The supplemental or lower panel of a "SCHOOL SPEED LIMIT 20" sign which reads "WHEN CHILDREN ARE PRESENT" shall indicate to the motorist that the 20 mile per hour school speed limit is in force under the following conditions:

- (1) School children are occupying or walking within the marked crosswalk.
- (2) School children are waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.
- (3) School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone which extends 300 feet in either direction from the marked crosswalk.

The first sentence of Paragraph 3 applicable only to CIRCULAR RED or RED ARROW, of Section 7D-5, "Meaning of Signal Indications," of the MUTCD is amended to read as follows:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way or two-way street into a one-way street, after stopping as required by (1) and (2) above.

Paragraph 2 of Section 8A-1, "Functions," of the MUTCD is amended to read as follows:

With due regard for safety and for the integrity of operations by highway and railroad users, the highway agency and the railroad company are entitled to jointly occupy the right of way in the conduct of their assigned duties. This requires joint responsibility in the traffic control function between the public agency and the railroad.

There is added to the MUTCD, the following regulation pertaining to signing of county roads:

In accordance with section 1, chapter 45, Laws of 1980, the legislative authority of each county may by resolution classify and designate portions of the county roads as primitive roads where the designated road portion:

- (1) Is not classified as part of the county primary road system, as provided for in RCW 36.86.070;
- (2) Has a gravel or earth driving surface; and
- (3) Has an average annual daily traffic of one hundred or fewer vehicles.

Any road designated as a primitive road shall be marked with a "PRIMITIVE ROAD" sign at all places where the primitive road portion begins or connects with a highway other than a primitive road.

A sign with the caption "CAUTION - NO WARNING SIGNS" may be installed on the same post with the "PRIMITIVE ROAD" sign, and may be individually erected at intermediate points along the road section if conditions warrant. In addition, a sign with the caption "NEXT.....MILES" may be installed on the same post below the "CAUTION - NO WARNING SIGNS" sign.

The designs of the "PRIMITIVE ROAD, CAUTION - NO WARNING SIGNS, and NEXT.....MILES" signs are available for public inspection at the headquarters office and all district offices of the Washington state department of transportation.

Existing signing placed in accordance with the requirements for I 7-7 of the June 1978 Supplement to the MUTCD (1971 edition) is hereby authorized, on an optional basis, until December 31, 1980.

WSR 81-07-048
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 81-4—Filed March 17, 1981]

I, Sam Kinville, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to the amending of chapter 296-37 WAC, commercial diving operations, is amended to comply with federal regulations regarding line tending of divers; and the amending of chapter 296-52 WAC, possession, handling and use of explosives, is

amended to reflect federal regulations and to correct errors in numbering, misspelling and punctuation; and the amending of chapter 296-62 WAC, occupational health, amendments correcting wrong references and misspelling in the sections regarding carcinogens.

This action is taken pursuant to Notice No. WSR 80-18-040 filed with the code reviser on December 3, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 17, 1981.

By Sam Kinville
 Director

AMENDATORY SECTION (Amending Order 78-18, filed 10/2/78)

WAC 296-37-510 SCOPE AND APPLICATION.

(1) The requirements included in this vertical chapter shall apply throughout the state wherever commercial diving takes place within the jurisdiction of the Department of Labor and Industries. These requirements shall also be applicable to those diving related and supportive work activities not at the diving site but which have a direct effect on the safety of the diving operations. Examples may include but are not limited to: The supply of breathing air or gas; the supply of materials, equipment or supplies required by this chapter; the maintenance of diving equipment.

(2) This standard applies to diving and related support operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring. However, this standard does not apply to any diving operation:

(a) Performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits; or

(b) Performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or

(c) Performed by noncommercial divers whose exposures may be of an entirely different type and whose operations are approved by the Department of Labor and Industries;

(d) Governed by 45 CFR Part 46 (Protection of Human Subjects, United States Department of Health and Human Services) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects.

(3) This chapter shall augment the requirements of the General Safety and Health Standard, chapter 296-

24 WAC and the General Occupational Health Standard, chapter 296-62 WAC. In instances where this chapter is in direct conflict with the requirements of any general horizontal standard, the requirements of this chapter shall apply.

(4) Hoisting gear used in diving operations shall be inspected and certified as required by chapter 296-56 WAC, Safety Standards for Longshore, Stevedore and Related Waterfront Operations.

(5) Application in emergencies. ~~((†))~~ An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

~~((††))~~ (a) Notifies the Assistant Director of the Department of Labor and Industries in Olympia or the Chief Safety Inspector for the Region within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

~~((††))~~ (b) Upon request from the authority notified, submits such information in writing.

(6) Employer obligation. ~~((†))~~ The employer shall be responsible for compliance with:

~~((††))~~ (a) All provisions of this standard of general applicability; and

~~((††))~~ (b) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

AMENDATORY SECTION (Amending Order 78-18, filed 10/2/78)

WAC 296-37-550 SCUBA DIVING. (1) General. Employers engaged in SCUBA diving shall comply with the following requirements, unless otherwise specified.

(2) Limits. SCUBA diving shall not be conducted:

(a) At depths deeper than 130 fsw;

(b) At depths deeper than 100 fsw or outside the no-decompression limits unless a decompression chamber is ready for use;

(c) Against currents exceeding one knot unless line-tended (this requirement does not preclude work swimming with, rather than against, the current); or

(d) In enclosed or physically confining spaces unless line-tended.

(3) Procedures. (a) A standby diver shall be available while a diver is in the water.

(b) A diver shall be line-tended from the surface, or accompanied by another diver in the water in continuous visual contact during the diving operation.

(c) A diver shall be stationed at the underwater point of entry when diving is conducted in enclosed or physically confining spaces and shall have positive means of communication with the diver or divers within the space.

(d) A diver-carried reserve breathing gas supply shall be provided for each diver consisting of:

(i) A manual reserve (J valve); or

(ii) An independent reserve cylinder with a separate regulator or connected to the underwater breathing apparatus.

(e) The valve of the reserve breathing gas supply shall be in the closed position prior to the dive.

AMENDATORY SECTION (Amending Order 75-41, filed 12/19/75)

WAC 296-52-030 DEFINITIONS. Definitions as used in this chapter, unless a different meaning is plainly required by the context:

(1) "Attend" shall mean the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert and not engaged in activities which may divert his attention so that in case of an emergency he can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

(2) "Authorized," "approved" or "approval" shall be held to mean authorized, approved, or approval by the Department of Labor and Industries or other approving agency or individual as specified by the provisions of this chapter.

(3) "Blaster" shall be held to mean that qualified person in charge of and responsible for the loading and firing of a blast.

(4) "Blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

(5) "Day box" shall denote a box which is not approved as a magazine for unattended storage of explosives. Such box may be used for storage of explosives during working hours on a job site, provided that it shall always be guarded against theft, particularly in inhabited areas, and shall either be attended, locked or secured against outright lifting, as the risk demands. Caps shall be safely separated from other explosives. Such day boxes shall be marked with the word "Explosives".

(6) "Dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

(7) "Department" shall denote the Department of Labor and Industries.

(8) "Detonating cord" (fuse) shall mean a round, flexible cord containing ~~((an explosive))~~ a center core ~~((which can be initiated with a blasting cap))~~ of high explosive.

(9) "Detonator" shall mean a blasting cap, an electric blasting cap or a delay electric blasting cap.

(10) "Director" shall denote the Director of the Department of Labor and Industries, or his designated representative.

(11) "Division" shall denote the Division of Industrial Safety and Health of the department.

(12) "Efficient artificial barricade" shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet

or such other artificial barricade as approved by the Department of Labor and Industries.

(13) "Explosive" or "explosives" whenever used in this chapter shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as class A, class B, and class C explosives by the federal Department of Transportation(;;): PROVIDED, That for the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives: PROVIDED, That such black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. Classification of explosives shall include but not be limited to the following:

NOTE: Classification of explosives is described by the U.S. Department of Transportation as follows (see 49 CFR Chapter I):

- ((i)) (a) Class A Explosives: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.
- ((ii)) (b) Class B Explosives: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.
- ((iii)) (c) Class C Explosives: (Including certain types of manufactured articles which contain class A or class B explosives, or both, as components but in restricted quantities) blasting caps in quantities of 1000 or less.

(14) "Explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

(15) "Explosives manufacturing building" shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(16) "Explosives manufacturing plant" shall be held to mean and include all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives

are used as a component part or ingredient in the manufacture of any article or device.

(17) "Factory building" shall denote the same as "Manufacturing Building".

(18) "Forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal Department of Transportation.

(19) "Fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

(20) "Handling" shall denote any one or more of manufacturing, buying, selling, transporting, storing or using of explosives.

(21) "Handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

(22) "Handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

(23) "Highway" shall be held to mean and include any public street, public alley, or public road.

(24) "Inhabited building" shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

(25) "Magazine" shall be held to mean and include any building or other structure, other than a factory building, used for the storage of explosives.

(26) "Motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

(27) "Mudcap" shall be held to mean covering the required number of cartridges that have been laid on top of a boulder with a three or four inch layer of mud (free from rocks or other material which might constitute a missile hazard). Mudcapping is also commonly known as "bulldozing" and "dobyng".

(28) "Natural barricade" shall be held to mean and include any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

(29) "Oxidizer" shall be held to mean a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

(30) "Permanent magazines" shall denote magazines that are permanently fastened to a foundation and that are left unattended. The capacity of said permanent magazines shall not exceed the limits stated in RCW

70.74.040. Permanent magazines shall be approved and licensed.

(31) "Person" shall be held to mean and include any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(32) "Person responsible", for an explosives magazine, shall mean the legal person who actually operates the magazine and who is responsible for the proper storage, protection and removal of the explosives. The responsible person may be the owner or the lessee or the authorized operator of the magazine.

(33) "Portable magazines" also called "Field" magazines shall denote magazines that are designed to be unattended and that are not permanently fastened to a foundation. Said magazines shall be so constructed or secured that they can not be readily lifted and carried away by unauthorized persons. The capacity of said portable magazines shall be limited to the amount of explosives required for efficient operation. Portable magazines shall be approved and licensed.

(34) "Possess" shall denote in this code the physical possession of explosives in one's hand, vehicle, magazine or building.

(35) "Primer" shall be held to mean a cartridge or container of explosives into which a detonator or detonating cord is inserted or attached and whose purpose is to initiate the main explosive charge.

(36) "Propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

(37) "Public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(38) "Public utility transmission system" shall mean power transmission lines over 10 KV, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

(39) "Purchaser" shall be held to mean any person who buys, accepts, or receives any explosives or blasting agents.

(40) "Pyrotechnics" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(41) "Railroad" shall be held to mean and include any steam, electric, or other railroad which carries passengers for hire.

(42) "Railroad freight car" shall denote cars that are built for and loaded with explosives and operated in accordance with DOT rules.

(43) "Semiconductive hose" means a hose with an electrical resistance high enough to limit flow of stray

electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

(44) "Shall" means that the rule establishes a minimum standard which is mandatory. The Department welcomes better or higher standards than the minimums. If extenuating circumstances make even the minimum standard impractical, supporting evidence shall be submitted in writing to the Department for review and granting of a variance in accordance with WAC 296-52-025.

(45) "Small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(46) "Small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

(47) "Smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

(48) "Special industrial explosive devices" means explosive-actuated power devices and propellant-actuated power devices.

(49) "Special industrial explosives materials" means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include dynamite, (~~trinitrotoluene~~) trinitrotoluene (TNT), pentaerythritol tetranitrate (PETN), hexahydro-1, 3, 5-trinitro-s-triazine (RDX), and other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(50) "Sprung holes" shall mean to spring or chamber the bottom of the drilled hole to allow room for additional explosives as a bottom load.

(51) "Trailer" shall denote semi-trailers or full trailers as defined by DOT, that are built for and loaded with explosives and operated in accordance with DOT rules.

((51)) (52) "Unclassified explosives" shall be held to mean any two components which, when mixed become capable of detonation by a No. 6 test blasting cap.

((52)) (53) "User" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

((53)) (54) "Water gels or slurry explosives" comprise a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are:

((††)) (a) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder,

((††)) (b) Those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

((54)) (55) "DOT specification" are regulations of the Department of Transportation published in 49 CFR Chapter I.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-52-043 USE OF EXPLOSIVES AND BLASTING AGENTS. (1) General provisions.

(a) While explosives are being handled or used, smoking (~~shall not be permitted and no one near the explosives shall carry matches, open light or flame producing devices~~), matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast area. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or Class II magazines shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat (~~constructed so~~) or material that ((††)) is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags(;) and barricades(~~, or woven wire mats to insure the safety of the general public and workmen~~).

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended item of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the American National Standards Institute D6.1-1971, Manual on

Uniform Traffic Control Devices for Streets and Highways, as amended by Washington State Department of Highways Manual M24-01 (HT), (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked;

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 Radio Pilot Lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

((††)) Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5-25	100
25-50	150
50-100	220
100-250	350
250-500	450
500-1,000	650
1,000-2,500	1,000
2,500-5,000	1,500
5,000-10,000	2,200
10,000-25,000	3,500
25,000-50,000	5,000
50,000-100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1-10	5
10-30	10
30-60	15
60-250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) All loading and firing shall be directed and supervised by a licensed blaster thoroughly experienced in this field. The employer shall permit only ~~((authorized and qualified))~~ licensed persons to ~~((handle and use explosives))~~ prepare explosives at the blasting site.

(i) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(j) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(k) Electric detonators shall be ~~((short-circuited in holes which have been primed and))~~ shunted until wired into the blasting circuit.

(l) Explosives shall not be handled near open flames, uncontrolled sparks or open electric circuits.

(m) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(n) All loading and firing shall be directed and supervised by licensed persons thoroughly experienced in this field.

(o) User (blaster) qualifications:

(i) A user (blaster) shall be able to understand given written and oral orders.

(ii) A user (blaster) shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(iii) A user (blaster) shall be qualified by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local laws and regulations which pertain to explosives.

(iv) User (blaster) shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(v) The user (blaster) shall be knowledgeable and competent in the use of each type of blasting method used.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) Containers of explosives shall not be opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the Department shall be notified. Such explosives must be carefully set aside and must not be used.

(3) Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two ~~((2))~~ hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

NOTE: Where it is necessary to clear obstacles for the moving of equipment there may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended at the blast site, unless properly stored.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than ~~((ten))~~ fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden or mats.

~~((k))~~ ~~((No activity of any nature other than that which is required for loading holes with explosives shall be permitted in the blast area.~~

~~((t))~~ Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out.

~~((m))~~ (l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

~~((n))~~ ~~When loading a long line of holes with more than one loading crew, the crews shall be separated by practical distance consistent with efficient operation and supervision of crews.~~

~~((t))~~ (m) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

~~((p))~~ (n) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

~~((q))~~ (o) A bore hole shall never be sprung when it is adjacent to or near a hole ~~((that is))~~ which has been loaded. ~~((Flashlight batteries shall not be used for springing holes.~~

~~((r))~~ ~~Drill holes which have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.~~

~~((s))~~ (p) No loaded holes shall be left unattended.

~~((t))~~ (q) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

~~((u))~~ (r) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges – electric blasting:

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same ~~((style or function, and of the same))~~ manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with ~~((a blasting galvanometer equipped with a silver chloride cell or other approved systems, especially designed for this purpose, before being connected to firing line))~~ an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with ~~((a blasting galvanometer equipped with a silver chloride cell or other approved systems, especially designed for this purpose;))~~ an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity,

and shall not be less than twenty ~~((20))~~ gauge (American Wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen ~~((14))~~ gauge (American Wire gauge) solid core insulated wire. Bus wires – depends on the size of the blast, fourteen ~~((14))~~ gauge (American Wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "Off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "Off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "Off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting ~~((galvanometers equipped with a silver chloride cell or other approved systems;))~~ testers especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or properly stored.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred (~~((+00))~~) feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three (~~((+3))~~) feet (~~(long except that a fuse not less than eighteen (+18) inches long may be used for choker holes where not more than one (+1) stick or cartridge of explosives is used)~~). When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot (~~((+1))~~) in (~~(thirty)~~) ~~forty~~ seconds or slower than one foot (~~((+1))~~) in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossties between loops at intervals of not over two hundred feet (~~((+200))~~).

(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL — A 1-minute series of long blasts 5 minutes prior to blast signal.

BLAST SIGNAL — A series of short blasts 1 minute prior to the shot.

ALL CLEAR SIGNAL — A prolonged blast following the inspection of blast area.

(8) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(9) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(10) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-043(9).

(11) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round

shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No ~~((other))~~ material, supplies, or equipment shall be ~~((locked))~~ brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) Vibration and damage control. ~~((a))~~ Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty ~~((50))~~ feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty ~~((50))~~ feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

AMENDATORY SECTION (Amending Order 75-41, filed 12/19/75)

WAC 296-52-050 TRANSPORTATION. (1) ~~((This section covers the transportation of explosives or blasting agents on vehicles not exempted under RCW 70.74.19+))~~ The transportation of explosives by vehicle on public highways shall be administered by the United States Department of Transportation, CFR 49-1978, Parts 100 through 199, and the Washington state patrol under RCW 46.48.170. The following sections cover the transportation of explosives on the job site.

(a) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) ~~((Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers.))~~ Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two ~~((2))~~ persons.

(c) ~~((Explosives shall not be transferred from one vehicle to another within the confines of any jurisdiction (city, county, State, or other area) without informing the fire and police departments thereof. In the event of breakdown or collision the local fire and police departments shall be promptly notified to help safeguard such emergencies.))~~ Explosives shall be transferred from the disabled vehicle to another, only when proper and qualified supervision is provided.

~~((d) Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives.))~~

(2) Transportation vehicles. ~~((a))~~ Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

~~((b) Every vehicle used for transporting explosives and oxidizing materials listed in (i) of this subdivision shall be marked as follows:~~

~~((i) Exterior markings or placards required on applicable vehicles shall be as follows for the various classes of commodities:~~

Commodity	Type of marking or placard
Explosives, Class A, any quantity or a combination of Class A and Class B explosives.	Explosives A (Red letters on white background).
Explosives, Class B, any quantity.	Explosives B (Red letters on white background).
Oxidizing material (blasting agents, ammonium nitrate, etc.), 1,000 pounds or more gross weight.	Oxidizers (Yellow letters on black background).

(ii) Each marking or placard shall consist of letters not less than 4 inches high, in the color specified, using approximately a 5/8-inch stroke. The placard must be larger than the lettering required thereon by at least one inch at the top and bottom sides. Such marking or placard described in subdivision (i) shall be contained in an area on the vehicle which has no other marking, lettering, or graphic display, for at least 3 inches in each direction.

(iii) Such markings or placards shall be displayed at the front, rear, and on each side of the motor vehicle or trailer, or other cargo-carrying body while it contains explosives or other dangerous articles of such type and in such quantity as specified in (i) of this subdivision. The front marking or placard may be displayed on the front of either the truck, truck body, truck tractor or the trailer.

(iv) Any motor vehicle, trailer, or other cargo-carrying body containing more than one kind of explosive as well as an oxidizing material requiring a placard under the provisions of subdivision (i), the aggregate gross weight of which totals 1,000 pounds or more, shall be marked or placarded "Dangerous" as well as "Explosive A" or "Explosive B" as appropriate. If explosives Class A and explosives Class B are loaded on the same vehicle, the "Explosives B" marking need not be displayed.

(v) In any combination of two or more vehicles containing explosives or other dangerous articles each vehicle shall be marked or placarded as to its contents and in accordance with (i) and (iii) of this subdivision.

(c) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10-BC.

(i) Only extinguishers listed or approved by Underwriters Laboratories, Inc., or the Factory Mutual Engineering Corp. shall be deemed suitable for use on explosives-carrying vehicles.

(ii) Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguishers shall be examined periodically by a competent person.

(d) A motor vehicle used for transporting explosives shall be given the following inspection to determine that

it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.))

(3) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1978, Parts 100 through 199.

(4) (a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 20-BC.

(i) Only extinguishers listed or approved by Underwriters Laboratories, Inc., or the Factor Mutual Engineering Corp. shall be deemed suitable for use on explosives-carrying vehicles.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined daily when being used by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(5) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a driver who is not less than 21 years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended((, on any public

~~street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble).~~

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle (~~(, except for necessary communication with public officers, or representatives of the carrier, shipper, or consignee, or except for necessary absence from the vehicle to obtain food or to provide for their physical comfort)~~).

(ii) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area properly barricaded with all gates or entrances locked where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic. (~~Where routes through congested areas have been designated by local authorities such routes shall be followed.~~)

(f) Delivery shall only be made to authorized persons and into authorized magazines of authorized temporary storage or handling area.

~~((4) Explosives at piers, railway stations, and cars or vessels not otherwise specified in this standard. (a) Railway Cars. Except in an emergency and with permission of the local authority, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the U.S. Department of Transportation Regulations for the Transportation of Explosives, 49 CFR Chapter I.~~

~~(b) Packing and Marking. No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the U.S. Department of Transportation Regulations for the Transportation of Explosives.~~

~~(c) Marking Cars. Every railway car containing explosives which has reached its destination, or is stopped~~

~~in transit so as no longer to be in interstate commerce, shall have attached to both sides and ends of the car, cards with the words "Explosives—Handle Carefully—Keep Fire Away" in red letters at least 1-1/2 inches high on a white background.~~

~~(d) Storage. Any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination, shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.~~

~~(e) Hours of Transfer. Explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal between the hours of sunset and sunrise.)~~

(6) Transporting of explosives and blasting caps or electric blasting caps in the same vehicle. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps may be transported in the same vehicle with other explosives, provided the following condition is complied with:

The top, lid or door, sides and bottom of each container must be of laminate construction consisting of A/C grade or better exterior plywood, solid hardwood, asbestos board or sheetrock and sheet metal. In order of arrangement, from inside to outside, the laminate must consist of the following with the minimum thickness of each lamination as indicated: 1/4-inch plywood, 1-inch solid hardwood, 1/2-inch plywood, 1/2-inch sheetrock or 1/4-inch asbestos board, and 22-gauge sheet metal constructed inside to outside in that order.

(7) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for one day's usage.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Only a state approved powder car or vehicle shall be used underground.

(e) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

(f) Wires on electric caps shall be kept shunted until wired to the bus wires.

(g) The powder car or vehicle shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be checked weekly to detect any failures that may constitute an electrical hazard and a written record of such inspection shall be kept on file for the duration of the job.

(h) Before diesel equipment is taken underground, written permission shall be obtained from the Division of Industrial Safety and Health or its duly authorized representative. A satisfactory test on the surface, to show

that the exhaust gases do not exceed the maximum percentage of allowable limits.

(i) Air measurements shall be made at least weekly in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book.

(8) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing. (RCW 70.74.020, 70.74.160, 70.74.191, 70.74.320, 70.74.340 and 70.74.350 apply.)

AMENDATORY SECTION (Amending Order 75-41, filed 12/19/75)

WAC 296-52-090 CONSTRUCTION OF MAGAZINES. (1) Construction of permanent storage facilities.

(a) Definition. A Class 1 storage facility shall be a permanent structure; a building, an igloo or army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated.

(b) Buildings. All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

(c) Masonry wall construction. Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 6 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior wall shall be covered with a nonsparking material.

(d) Fabricated metal wall construction. Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches in thickness or material of equivalent strength, or shall have at least a 6 inch sand fill between interior and exterior walls. Interior walls shall be constructed of or covered with a nonsparking material.

(e) Wood frame wall construction. The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of nonsparking materials shall be constructed so as to provide a space of not less than 6 inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.

(f) Floors. Floors shall be constructed of a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.

(g) Foundations. Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If

piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

(h) Roof. (i) Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to a 7/8 inch sheathing.

(ii) Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities shall be protected by one of the following methods:

(A) A sand tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than 4 inches of coarse dry sand.

(B) A fabricated metal roof shall be constructed of 3/16 inch plate steel lined with 4 inches of hardwood or material of equivalent strength (For each additional 1/16 inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch).

(i) Doors. All doors shall be constructed of 1/4 inch plate steel and lined with 2 inches of hardwood or material of equivalent strength. Hinges and hasps shall be attached to the doors by welding, riveting or bolting (nuts on inside of door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(j) Locks. Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock, or with a mortise lock that requires two keys to open; or a three-point lock. Locks shall be five-tumbler proof. All padlocks shall be protected with 1/4 inch steel caps constructed so as to prevent sawing or lever action on the locks or hasps.

(k) Ventilation. Except at doorways, a 2 inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof, or gables shall be screened and offset.

(l) Exposed metal. No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed or countersunk.

(m) Igloos, army-type structures, tunnels and dugouts. Storage facilities shall be constructed of reinforced concrete, masonry, metal or a combination of these materials. They shall have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors shall be covered with a nonsparking material. Storage facilities of this type shall also be constructed in conformity with the requirements of subsection (1), subdivisions (a), (b), (f), (i), (j), (k) and (l) of this section.

(2) Construction of portable (field) storage facilities.

(a) Definition. A Class 2 storage facility shall be a box, a trailer, a semitrailer or other mobile facility. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Except as provided in subsection (3) of this section, hinges and hasps shall be attached to the covers or doors in the manner

prescribed in subsection (1), subdivision (i) and the locking system shall be that prescribed in subsection (1) subdivision (j).

(b) Outdoor storage facilities. Outdoor storage facilities shall be at least ((†)) one cubic yard in size and supported in such a manner so as to prevent direct contact with the ground. The sides, bottoms, tops and covers or doors shall be constructed of 1/4 inch steel and shall be lined with ((‡)) two inches of hardwood or material of equivalent strength. Edges of metal covers shall overlap sides at least one inch. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Division of Industrial Safety and Health.

NOTE: The following alternatives may be used. (All steel and wood dimensions indicated are actual thicknesses. To meet the concrete block and brick dimensions indicated, the manufacturer's represented thicknesses may be used.)

(i) Exterior of 5/8-inch steel, lined with an interior of any type of nonsparking material.

(ii) Exterior of 1/2-inch steel, lined with an interior of not less than 3/8-inch plywood.

(iii) Exterior of 3/8-inch steel, lined with an interior of two inches of hardwood.

(iv) Exterior of 3/8-inch steel, lined with an interior of three inches of softwood or 2-1/4-inches of plywood.

(v) Exterior of 1/4-inch steel, lined with an interior of five inches of softwood or 5-1/4-inches of plywood.

(vi) Exterior of 3/16-inch steel, lined with an interior of four inches of hardwood.

(vii) Exterior of 3/16-inch steel, lined with an interior of seven inches of softwood or 6-3/4-inches of plywood.

(viii) Exterior of 3/16-inch steel, lined with an intermediate layer of three inches of hardwood and an interior lining of 3/4-inch plywood.

(ix) Exterior of 1/8-inch steel, lined with an interior of five inches of hardwood.

(x) Exterior of 1/8-inch steel, lined with an interior of nine inches of softwood.

(xi) Exterior of 1/8-inch steel, lined with an intermediate layer of four inches of hardwood and an interior lining of 3/4-inch plywood.

(xii) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate layer of four inches solid concrete block or four inches solid brick or four inches of solid concrete, and an interior lining of 1/2-inch plywood placed securely against the masonry lining.

(xiii) Standard eight-inch concrete block with voids filled with well-tamped sand/cement mixture.

(xiv) Standard eight-inch solid brick.

(xv) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate six-inch space filled with well-tamped dry sand or well-tamped sand/cement mixture.

(xvi) Exterior of 1/8-inch steel, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8 inches well-tamped dry sand or

sand/cement mixture and an interior lining of 3/4-inch plywood.

(xvii) Exterior of any type of fire-resistant material, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8-inch well-tamped dry sand or sand/cement mixture, a third intermediate layer of 3/4-inch plywood, and a fourth intermediate layer of two inches of hardwood or 14-gauge steel and an interior lining of 3/4-inch plywood.

(xviii) Eight-inch thick solid concrete.

(3) Class 3 storage for 1,000 or less blasting caps in a locked uninhabited building. Storage facilities for blasting caps in quantities of 1,000 or less shall have sides, bottoms, and covers constructed of number 12 gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumble proof lock shall be sufficient for locking purposes.

(4) Construction of blasting agent storage facilities.

(a) A Class 4 storage facility may be a building, an igloo, or army-type structure, a tunnel, a dugout, a box, a trailer, or a semi-trailer or other mobile facility and shall be fire-resistant, weather-resistant, theft-resistant, and ventilated. They shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of such storage facilities shall be lined with a nonsparking material. The doors or covers shall be metal or solid wood covered with metal. The foundations, locks, lock protection, hinges, hasps, and interior shall be in conformity with the requirements of subsection (1), subdivisions (g), (i), (j), (k), and (l).

(b) Outdoor storage facilities. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Division of Industrial Safety and Health.

(5) Smoking and open flames.

((†)) Smoking, matches, open flames, and spark-producing devices shall not be permitted in, or within 50 feet of, any outdoor storage facility.

(6) Quantity and storage restrictions.

((†)) General. Explosive materials in excess of 300,000 pounds and blasting caps in excess of 20 million shall not be stored in one storage facility. Blasting caps shall not be stored with other explosive materials in the same storage facility.

(7) Construction of day box storage facilities.

(a) A temporary storage facility shall be a "day-box" or other portable facility. It shall be constructed in the same manner prescribed for Class 2 outdoor storage facilities in subsection (2), except that it may be less than one cubic yard in size, and shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Hinges, hasps, locks, and lock protection shall be in conformity with the requirements of subsection (1), subdivisions (i) and (j) of this section.

(b) The ground around such storage facilities shall slope away for drainage.

(c) No explosive materials shall be left in such facilities if unattended. The explosive materials contained

therein must be removed to licensed storage facilities for unattended storage.

(d) When used for temporary storage at a site for blasting operations, magazines shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty (~~(+150)~~) feet shall be maintained between magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds, or less.

(8) Cap day box.

(a) Temporary storage facilities for blasting caps in quantities of 100 or less shall have sides, bottoms and covers constructed of number 12 gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumbler proof lock shall be sufficient for locking purposes.

(b) No explosive materials shall be left in such facilities if unattended. The explosive materials contained therein must be removed to licensed storage facilities for unattended storage.

(9) Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(b) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives. Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that metal slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(c) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(d) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(e) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to

destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(f) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(g) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines. The land surrounding a magazine shall be kept clear of all combustible materials for a distance of at least 25 feet. Combustible materials shall not be stored within 50 feet of magazines.

(h) Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

(i) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel has determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(10) Magazine heating systems requirements, NFPA Code No. 495, "Manufacture, Transportation, Storage and Use of Explosive Materials, 1973". The following will apply:

(a) Magazines requiring heat shall be heated by either hot water radiant heating within the magazine building; or air directed into the magazine building over either hot water or low pressure steam (15 psig) coils located outside the magazine building.

(b) The magazine heating systems shall meet the following requirements:

(i) The radiant heating coils within the building shall be installed in such a manner that the explosive materials or their containers cannot contact the coils and air is free to circulate between the coils and the explosive materials or their containers.

(ii) The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the explosive materials or their containers.

(iii) The heating device used in connection with a magazine shall have controls which prevent the ambient building temperature from exceeding 130°F.

(iv) The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine and shall be grounded.

(v) The electric fan motor and the controls for electrical heating devices used in heating water or steam shall have overloads and disconnects, which comply with the National Electrical Code, (National Fire Protection

Association, NFPA No. 70-1971). All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

(vi) The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electrical and 50 feet when fuel-fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

(vii) The storage of explosive materials and their containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the explosive materials.

(11) Lighting. No lighting shall be placed or used in a storage facility of Class 1, 2, 3 or 4 except battery-activated safety lanterns.

(12) Underground storage.

(a) Explosives and related materials shall be stored in approved facilities required under the applicable provisions of WAC 296-61-280(7), (8), Safety Standard Metal and Nonmetallic Mines, Quarries, Pits, and Crushing Operations.

(b) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been developed.

(c) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(d) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

(e) Upon the approach of an electrical storm, unless a greater hazard would be created thereby, explosives at the adit or the top of any shaft leading to where persons are working shall be moved away from such location a distance equal to that required for inhabited buildings, as listed in the American table of distances for storage of explosive materials.

AMENDATORY SECTION (Amending Order 75-41, filed 12/19/75)

WAC 296-52-095 STORAGE OF EXPLOSIVES.
~~((†))~~ General provisions. ~~((†))~~ (1) All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements of this section as defined in RCW 70.74.030, 70.74.040, 70.74.050, 70.74.061, 70.74.100 and the following shall apply.

NOTE: 70.74.297 Separate storage of components capable of detonation when mixed. Any two components which, when mixed, become capable of detonation by a number 6 cap must be stored in separate locked containers or in a licensed, approved magazine. [1972 1st ex.s. c 88 § 4.]

~~((b))~~ (2) Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

~~((c))~~ (3) Ground around magazines shall slope away for drainage. The land surrounding magazines shall be

kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

~~((d))~~ (4) Magazines as required by this chapter shall be of four classes as defined in WAC 296-52-090.

~~((e))~~ (5) All explosive manufacturing buildings and magazines in which explosives or blasting agents, except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, highways, and public utility transmission systems in conformity with the following quantity and distance tables, and these tables shall be the basis on which applications for license for storage shall be made and license for storage issued, as provided in RCW 70.74.110 and 70.74.120. All distances prescribed in the following quantity and distance tables are unbaricaded, and, if there is an efficient artificial barricade or natural barricade between the explosives manufacturing building or magazine and another explosives manufacturing building or magazine, building, railroad, highway, or public utility transmission system, the distance prescribed in the following quantity and distance tables may be reduced by one-half. Blasting and electric blasting caps in strength through number 8 should be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than number 8 should be computed on the combined weight of explosives.

~~((f))~~ (6) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways.

(7) Magazine locations and access roads shall be posted with signs reading "Explosives — Keep Off" — so placed that a bullet passing through any sign will not strike the magazine.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07302 LIST OF CARCINOGENS.

(1) The following substances are deemed to be carcinogens for the purposes of WAC 296-62-073 through ~~((296-62-07314))~~ 296-62-07316.

(2) Any reference to carcinogens in WAC 296-62-07304 through ~~((296-62-07314))~~ 296-62-07316 shall mean only those carcinogens listed in WAC 296-62-07302.

(a) 4-Nitrobiphenyl - Chemical Abstracts Registry Number 92933.

- (b) Alpha-Naphthylamine – Chemical Abstracts Registry Number 134327.
- (c) 4,4' Methylene bis – Chemical Abstract Service Registry Number 101144.
- (d) Methyl chlorohethyl ether – Chemical Abstracts Service Registry Number 107302.
- (e) 3,3'-Dichlorobenzidine (and its salts) – Chemical Abstracts Service Registry Number 91941.
- (f) Bis-Chloromethyl ether – Chemical Abstracts Service Registry Number 542881.
- (g) Beta-((Naphthylamine))Naphthylamine – Chemical Abstracts Service Registry Number 91598.
- (h) Benzidine – Chemical Abstracts Service Registry Number 92875.
- (i) 4-Aminodiphenyl – Chemical Abstracts Service Registry Number 92671.
- (j) Ethyleneimine – Chemical Abstracts Service Registry Number 151564.
- (k) Beta-Propiolactone – Chemical Abstracts Service Registry Number 57578.
- (l) 2-Acetylaminofluorene – Chemical Abstracts Service Registry Number 53963.
- (m) 4-Dimethylaminoazobenzene – Chemical Abstract Service Registry Number 60117.
- (n) N-Nitrosodimethylamine – Chemical Abstracts Service Registry Number 62759.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07304 DEFINITIONS. (1) The definitions set forth in this section apply throughout WAC 296-62-073 through ((296-62-07314)) 296-62-07316.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of the carcinogens listed in WAC 296-62-07302.

(a) Absolute filter – is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 ((m)) micron size particles.

(b) Authorized employee – an employee whose duties require him to be in the regulated area and who has been specifically assigned to those duties by the employer.

(c) Clean change room – a room where employees put on clean clothing and/or protective equipment in an environment free of carcinogens listed in WAC 296-62-07302. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) Closed system – an operation involving carcinogens listed in WAC 296-62-07302 where containment prevents the release of carcinogens into regulated areas, or the external environment.

(e) Decontamination – the inactivation of a carcinogen listed in WAC 296-62-07302 or its safe disposal.

(f) Disposal – the safe removal of a carcinogen listed in WAC 296-62-07302 from the work environment.

(g) Emergency – an unforeseen circumstance or set of circumstances resulting in the release of a carcinogen which may result in exposure to or contact with any carcinogen listed in WAC 296-62-07302.

(h) External environment – any environment external to regulated and nonregulated areas.

(i) Isolated system – a fully enclosed structure other than the vessel of containment of a listed carcinogen which is impervious to the passage of listed carcinogens and which would prevent the entry of carcinogens into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) Laboratory-type hood – a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute, designed, constructed and maintained such that an operation involving a listed carcinogen within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) Nonregulated area – any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) Open-vessel system – an operation involving listed carcinogens in an open vessel, which is not in an isolated system, a laboratory-type hood, nor in any other system affording equivalent protection against the entry of carcinogens into regulated areas, nonregulated areas, or the external environment.

(m) Protective clothing – clothing designed to protect an employee against contact with or exposure to listed carcinogens.

(n) Regulated area – an area where entry and exit is restricted and controlled.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07310 SIGNS, INFORMATION AND TRAINING. (1) Signs. (a) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(b) Entrances to regulated areas containing operations covered in WAC ((296-62-07306(5))) 296-62-07306(2)(e) shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(c) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) Container contents, identification. (a) Containers of carcinogens named in WAC 296-62-07302 and containers required in WAC ((296-62-07306(4)(v))) 296-62-07306(2)(d)(v) and ((296-62-07306(6)(vii)(B))) 296-62-07306(2)(f)(vii)(B) and ((296-62-

~~07306(6)(viii)(B))~~ 296-62-07306(2)(f)(viii)(B) which are accessible only to, and handled only by authorized employees, or by other employees training in accordance with WAC 296-62-07310(5), may have contents identification limited to a generic or proprietary name, or other proprietary identification of the carcinogen and percent.

(b) Containers of carcinogens and containers required under WAC ~~((296-62-07306(4)(v)))~~ 296-62-07306(2)(d)(v) and ~~((296-62-07306(6)(vii)(B)))~~ 296-62-07306(2)(f)(vii)(B) and ~~((296-62-07306(6)(viii)(B)))~~ 296-62-07306(2)(f)(viii)(B) which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with WAC 296-62-07310(5) shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in WAC 296-62-07302.

(c) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(d) Containers which have carcinogenic contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) Lettering. Lettering on signs and instructions required by WAC 296-62-07310(1) shall be a minimum letter height of two inches. Labels on containers required under this section shall not be less than one-half the size of the largest lettering on the package, and not less than eight point type in any instance: Provided, that no such required lettering need be more than one inch in height.

(4) Prohibited statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) Training and indoctrination. (a) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

- (i) The nature of the carcinogenic hazards of listed carcinogens, including local and systemic toxicity;
- (ii) The specific nature of the operation involving carcinogens which could result in exposure;
- (iii) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;
- (iv) The purpose for and application of decontamination practices and purposes;
- (v) The purpose for and significance of emergency practices and procedures;
- (vi) The employee's specific role in emergency procedures;
- (vii) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of listed carcinogens;
- (viii) The purpose for an application of specific first-aid procedures and practices.

(b) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(c) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(d) All materials relating to the program shall be provided upon request to the director.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07312 REPORTS. (1) Operations. Not later than October 30, 1974, the information required in WAC ~~((296-62-07312(1),(2),(3) and (4)))~~ 296-62-07312(1)(a), (b), (c) and (d) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(a) A brief description and in plant location of the area(s) regulated and the address of each regulated area;

(b) The name(s) and other identifying information as to the presence of listed carcinogens in each regulated area;

(c) The number of employees in each regulated area, during normal operations including maintenance activities; and

(d) The manner in which a carcinogen is present in each regulated area; e.g., whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) Incidents. Incidents which result in the release of a listed carcinogen into any area where employees may be potentially exposed shall be reported in accordance with ~~((WAC 296-62-07312))~~ this subsection.

(a) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(b) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(i) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(ii) A description of the area involved, and the extent of known and possible employee exposure and area contamination;

(iii) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(iv) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

CARCINOGEN STANDARD
REPORT

Company: Prepared By:
Plant Address: Title:
Date:

Compound and Other Identifying Information	Description of Inplant Location of Regulated Area*	Number of	Manner** in
		Employees in each Regulated Area* Normally Maintained	Which Compound is Present in each Regulated Area*

* See WAC 296-62-07308 for definition of "Regulated Area".

** Indicated whether Manufactured, Processed, Used, Repackaged, Released, Stored, or if otherwise handled (describe).

WSR 81-07-049
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 81-6—Filed March 17, 1981]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to:

- New WAC 296-45-660 Tree trimming.
- New WAC 296-45-66001 Electrical hazards.
- New WAC 296-45-66003 Tools and protective equipment.
- New WAC 296-45-66005 Hot line tools.
- New WAC 296-45-66007 Aerial manlift equipment.
- New WAC 296-45-66009 All motor vehicle and trailer operations.
- New WAC 296-45-66011 Working in proximity to electrical hazards.

I, Sam Kinville, find that an emergency exists and that the foregoing 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 such emergency is the Electrical Workers Safety Rules, chapter 296-45 WAC, does not address tree trimming. These rules are necessary to ensure the safety of persons engaged in tree trimming operations near energized power lines on utility property, governmental and privately owned systems.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 49.17.040, 49.17.050 and 49.17.240.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 17, 1981.

By Sam Kinville
 Director

NEW SECTION

WAC 296-45-660 TREE TRIMMING. The purpose of this chapter is to make the workplace free from hazard. All sections of this chapter which include WAC 296-45-660 in the section number will apply.

NEW SECTION

WAC 296-45-66001 ELECTRICAL HAZARDS.
 (1) This section applies to tree trimming by contractors under WAC 296-17-506 (Class 1-6), tree trimming near energized power lines on utility property, governmental and privately owned systems.

(2) Definitions applicable to this section.

(a) "Aerial manlift equipment" - all types of equipment such as extended towers, boom-mounted cages or baskets and truck-mounted ladders. This equipment is primarily designed to place personnel and equipment aloft for working.

(b) "Qualified line-clearing tree trimmer" - a tree worker who through related training and on-the-job experience is familiar with the special techniques and hazards involved in line clearing.

(c) "Qualified line-clearing tree-trimmer trainee" - any worker regularly assigned to a line-clearing tree-trimming crew and undergoing related training and on-the-job training who, in the course of such training, has demonstrated his ability to perform his duties safely at his level of training.

(d) "Tree trimming groundman" - a member of crew working on the ground under the direction of foreman or tree trimmer.

(3) First aid. In addition to complying with the first aid provision as found in WAC 296-24-060 through WAC 296-24-073, all employees whose duties require them to work near energized wires, or climb trees shall take an approved course in controlling bleeding and cardiopulmonary resuscitation, and be capable of aerial or tree rescue and remain proficient in its application.

NEW SECTION

WAC 296-45-66003 TOOLS AND PROTECTIVE EQUIPMENT. All protective hats shall be in accordance with the specifications of ANSI Z89.2-1971 Edition Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to overhead or electrical hazards.

(1) Defective ropes shall not be used and shall be replaced.

(2) Body belts with straps, saddles or lanyards shall be worn by employees working at an elevated position. Body belts, saddles and straps shall be inspected each

day for defects before use. Defective body belts, saddles and straps shall not be used.

(3) Body belts, safety straps and saddles shall not be stored with any sharp-edged tools or near sharp objects. When a body belt, saddle, safety strap and climbers are kept in the same container, they shall be stored in such a manner as to avoid cutting or puncturing the material of the body belt, saddle or safety strap with the gaffs or climbers.

NEW SECTION

WAC 296-45-66005 HOT LINE TOOLS. (1) Only hot line tools having manufacturer's certification of withstanding the following minimum tests shall be used:

(a) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass; or

(b) 75,000 volts per foot of length for 3 minutes when the tool is made of wood; or

(c) Other tests which equal or exceed (a) and (b) of this subsection.

(2) All ho line tools shall be visually inspected each day before used. All hot line tools shall be wiped clean before being used.

(3) Defective hot line tools shall not be used and shall be marked as defective and turned in for repair or replacement.

(4) Hand Tools.

(a) All hydraulic tools which are used near energized lines or equipment shall use nonconductive hoses having approved strength for the normal operating pressures. The provisions of WAC 296-155-360(4)(a) and (b) are mandatory.

(b) All pneumatic tools which are used near energized lines or equipment shall:

(i) Have nonconducting hoses having approved strength for the normal operating pressures, and

(ii) Have an accumulator on the compressor to collect moisture.

(5) All tools shall be kept in good working condition and shall be properly stored. Defective tools shall be taken out of service.

(6) Wearing apparel. Goggles, hearing protection, respirators, and other such personal protective devices shall not be interchanged among employees unless they have been sanitized.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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.

NEW SECTION

WAC 296-45-66007 AERIAL MANLIFT EQUIPMENT. This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) Stability Test. All such equipment shall meet or exceed a safety factor of one and one-half to one (1 and 1/2 to 1) in all working positions, based upon the posted working load.

(b) Structural and Mechanical Tests. All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

(c) The Division of Industrial Safety and Health will accept, in lieu of subdivision (b) of this section, the safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the Division may require that such testing be performed on such equipment before it can be used. If the Division in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met. (An obstructed view exists even though the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

(a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

(b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) Hydraulic Fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline. If the aerial manlift equipment has outriggers, the outriggers shall be used in accordance with manufacturer's specifications.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be removed until the boom or ladder is cradled and/or fastened down, the outrigger

retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment as set forth in Table 1 unless protective equipment is installed by a qualified person.

(14) While working in aerial equipment employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(15) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(16) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(17) Operating levers or controls shall be kept clear of tools, materials or obstruction.

(18) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(19) Employees shall not climb into or out of the basket or platform while it is elevated or change from one basket to another on dual basket equipment, except in case of emergency or when the employees involved agree that this is the safest way to perform the work. This exception shall not be used to circumvent safety rules.

(20) Employees shall not belt to trees, structures, or equipment while performing work from aerial devices.

(21) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to ensure the safety of the operation and the employees.

(22) Power tools not in use shall be disconnected from external power sources.

(23) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(24) The basket shall be kept clean and all tools not in use shall be secured or removed.

(25) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(26) A braking system, independent of the drive-line braking system, shall be installed on all aerial manlift equipment where, from the engineering standpoint, it is feasible.

(27) Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.

(28) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure; Provided, that no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

(29) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(30) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

(31) The manufacturer's operator's instruction manual shall be kept on the vehicle.

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.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-45-66009 ALL MOTOR VEHICLE AND TRAILER OPERATIONS. When motor vehicles and trailers are operated on public right-of-way, highways or similar areas, the equipment shall be operated and maintained in conformance with the Motor Vehicle Code of the State of Washington, chapters 46.04 through 46.61 RCW.

(1) Whenever and wherever such motor vehicle is operated, such equipment shall have a safe functioning brake and an emergency brake. In addition, all motor vehicles and trailers shall have such equipment as is necessary for the safe operation of the vehicle(s).

(2) When traveling, employees must ride inside the vehicle and shall not ride on the sides or on the top, nor

shall employees ascend or descend a motor vehicle when such vehicle is in motion.

(3) Warning signs, flares and other protective devices shall be used which shall conform with the requirements for road construction or maintenance as set forth in chapter 46.37 RCW.

NEW SECTION

WAC 296-45-66011 WORKING IN PROXIMITY TO ELECTRICAL HAZARDS. (1) Contractors shall ensure that a close inspection is made by the employee and by the foreman or supervisor in charge before climbing, entering, or working around any tree, to determine whether an electrical power conductor passes through the tree, or passes within reaching distance of an employee working in the tree.

(2) Employees engaged in trimming, removing, or clearing trees from lines shall be required to consider all overhead and underground electrical power conductors to be energized until such energized lines have been de-energized and grounded in accordance with the system policy.

(3) Only qualified line-clearing tree trimmer or tree trimming trainee familiar with the special techniques and hazards involved in line clearing, shall be permitted to perform the work if it is found that an electrical hazard exists.

(4) During all tree working operations aloft where an electrical hazard of more than 750 volts exists, there shall be a second employee or trainee qualified in line clearance tree trimming within normal voice communication.

(5) Where tree work is performed by employees qualified in line-clearing tree trimming and trainees qualified in line-clearing tree trimming, the clearances from energized conductors given in Table 1 shall apply.

TABLE 1

Minimum Working Distances From Energized Conductors For Line-Clearing Tree Trimmers and Line-Clearing Tree Trimmer Trainees

Voltage Range (Phase to Phase) (kilovolts)	Minimum Working Distance
2.1 to 15.0	2 ft. 0 in.
15.1 to 35.0	2 ft. 4 in.
35.1 to 46.0	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121.0	3 ft. 4 in.
138.0 to 145.0	3 ft. 6 in.
161.0 to 169.0	3 ft. 8 in.
230.0 to 242.0	5 ft. 0 in.
345.0 to 362.0	7 ft. 0 in.
500.0 to 552.0	11 ft. 0 in.
700.0 to 765.0	15 ft. 0 in.

(6) Branches hanging on an energized conductor may only be removed using approved insulated tools by a qualified line-clearing tree trimmer.

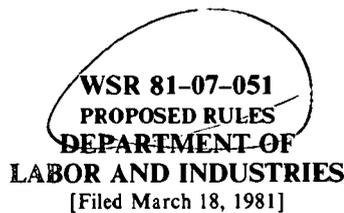
WSR 81-07-050
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGE DISTRICT TWELVE
 [Memorandum—March 13, 1981]

In your published listing of meetings of state agencies, would you please make the following change for Community College District 12 Board of Trustees:

Regular Meeting

June 9, 1981, 7:30 p.m., Recreation Room,
 Garrett Heyns Education Center.

This change is from Thursday, June 11, 1981, previously scheduled at Centralia College.



Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 49.17 RCW, that the Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning:

- Amd ch. 296-24 WAC General safety and health standard, Part A, first-aid requirements are amended for clarification; references in chapter 296-24 WAC to the respirator standard are corrected.
- Amd ch. 296-45 WAC Electrical workers safety standard is amended to include tree trimming.
- Amd ch. 296-62 WAC Occupational health, is amended to correct references and for housekeeping purposes; and add a new section on Thiram.
- Amd ch. 296-79 WAC Pulp, paper and paperboard, is amended for housekeeping purposes.
- Amd ch. 296-155 WAC Construction workers safety standards, is amended to reflect federal regulation 29 CFR 1926.500 and for housekeeping purposes.

The following sections of the Washington Administrative Code are each repealed: WAC 296-24-081 Respiratory protection, 296-24-08101 Permissible practice, 296-24-08103 Requirements for a minimal acceptable program, 296-24-08105 Selection of respirators, 296-24-08107 Air quality, 296-24-08109 Use of respirators, 296-24-08111 Maintenance and care of respirators and 296-24-08113 Identification of gas mask canisters.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

Correspondence relating to this notice and the proposed rules should be addressed to:

The Division of Industrial Safety and Health
 Technical Services Section
 P. O. Box 207
 Olympia, Washington 98504;

that such agency will at 9:30 a.m., Thursday, April 23, 1981, in the Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, May 21, 1981, in the Director's office, Labor and Industries, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.17.040, 49.17.050 and 49.17.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1981, and/or orally at 9:30 a.m., Thursday, April 23, 1981, Conference Room, General Administration Building, Olympia, Washington.

Dated: March 13, 1981

By: Sam Kinville
Director

STATEMENT OF PURPOSE

Title and number of rule(s) or chapter: Chapter 296-24 WAC General safety and health, chapter 296-45 WAC Electrical workers safety standards, chapter 296-62 WAC General occupational health, chapter 296-79 WAC Pulp, paper and paperboard and chapter 296-155 WAC Construction.

Statutory authority: RCW 49.17.040, 49.17.050 and 49.17.240.

Summary of rule(s): Sections of the following standards are to be amended: Chapters 296-24, 296-45, 296-62, 296-79 and 296-155 WAC. New sections are proposed for: Chapter 296-45 WAC. The respirator sections in chapter 296-24 WAC, are to be repealed.

Description of the rule(s): Amendments to Part A, chapter 296-24 WAC are to clarify the requirements regarding first-aid certifications and first-aid rooms. Sections of the pulp and paper standard are to be amended for clarification and housekeeping purposes. The electrical workers safety standard is being amended to address tree trimming near energized power lines on utility property, governmental and privately owned systems. The new section WAC 296-62-07519 includes the requirements for control of worker exposure to Thiram. This proposal is state initiated and is compatible with Oregon's regulation. Amendments are proposed to WAC 296-155-500 through 296-155-50501, safety standards for construction, and are identical to federal regulation 29 CFR 1926.500, relating to guarding of low pitched roof perimeters during the performance of built-up roofing work. Additional amendments to Part N, chapter 296-155 WAC, are for clarification and housekeeping purposes. The respiratory section in WAC 296-24-081 through 296-24-08113 is repealed. Sections in chapter 296-24 and 296-

62 WAC referencing this standard are amended to reflect the new respiratory section in chapter 296-62 WAC.

Reasons supporting the proposed rule(s): To ensure safe and healthful working conditions for every man and woman working in the state of Washington, and to be in compliance with federal regulations.

The agency personnel responsible for drafting: Richard E. Martin, Technical Services Chief, Department of Labor and Industries, P. O. Box 207, Olympia, Washington 98504, 753-6381; Implementation and Enforcement: James P. Sullivan, Assistant Director, Department of Labor and Industries, P. O. Box 207, Olympia, Washington 98504, 753-6500.

Name of the person or organization, whether private, public or governmental, that is proposing the rule: Department of Labor and Industries, Division of Industrial Safety and Health.

Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement and fiscal matters pertaining to the rule: None.

The rule is necessary to comply with a federal law, 29 U.S.C. Sec. 667(c)(2).

Any other information that may be of assistance in identifying the rule or its purpose: None.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-67515 PERSONAL PROTECTIVE EQUIPMENT. (1) Abrasive-blasting respirators. Abrasive-blasting respirators shall be worn by all abrasive-blasting operators (a) when working inside of blast cleaning rooms, or (b) when using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or (c) where concentrations of toxic dusts dispersed by the abrasive blasting may exceed the limits set in chapter 296-62 WAC.

(2) Particulate-filter respirators. Particulate-filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as clean-up, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved for protection against the specific type of dust encountered.

(a) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(3) Personal protective clothing. Operators shall be equipped with heavy canvas or leather gloves and aprons or equivalent protection to protect them from the impact of abrasives. Safety shoes shall be worn where there is a hazard of foot injury.

(4) Personal protective clothing, equipment and their use shall comply with the provisions of WAC 296-24-07501, 296-24-07801, ((296-24-08101 through 296-24-08113;)) 296-24-084, ((and)) 296-24-088, and 296-62-071.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-060 FIRST-AID TRAINING AND CERTIFICATION. The purpose of this section is to assure that all employees of this state can be afforded quick and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this

purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) In addition to RCW 51.36.030, every employer shall comply with the department's requirements for first-aid training and certification.

(2) There shall be present or available at all times, a person or persons holding a valid certificate of first-aid training. (A valid first-aid certificate is one which is less than three years old.)

(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:

(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate; provided: That if the duties or work of the foreman, supervisor or person in direct charge of ~~((a crew, is absent))~~ the crew requires an absence from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place such as occurs in construction, logging, etc. If there is no foreman, supervisor or person in direct charge assigned to the crew, at least one employee shall have a valid first-aid certificate.

In emergencies, foremen, supervisors and persons in direct charge of a crew will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(b) In fixed establishments, all foremen, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate; provided: That in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the group.

NOTE: Foremen, supervisors or persons in direct charge of a group or groups of employees will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding a valid first-aid certificate shall be present or available at all times employees are working within that department or organizational unit.

(d) In small businesses, offices or similar types of fixed workplaces, compliance may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.

A plan for combining a number of small businesses etc., into such a group shall be submitted to the Division of Industrial Safety and Health, Safety Education Section, for approval. That section is also available to assist employers who wish to develop such a plan. Criteria for approval by the division shall include:

(i) The businesses within the group must not be widely dispersed;

(ii) The name(s) of the person or persons holding the first-aid certificates, their usual places of work, their phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;

(iii) First-aid kits must be available as required by WAC 296-24-065.

(e) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter.

- Bleeding control and bandaging.
- Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.
- Closed chest heart massage.
- Poisons.
- Shock, unconsciousness, stroke.
- Burns, scalds.
- Sunstroke, heat exhaustion.
- Frostbite, freezing, hypothermia.
- Strains, sprains, hernias.
- Fractures, dislocations.
- Proper transportation of the injured.

Bites, stings.

Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

(4) In physically dispersed operations, at least one member of each crew shall have a valid first-aid certificate. A crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed workplace such as occurs in construction, logging, etc.

(5) Industrial first-aid course instructors will, upon request, be furnished by the Division of Industrial Safety and Health, Department of Labor and Industries, either directly or through a program with the Community Colleges or vocational education.

(6) Employers of employees working in fixed establishments, meeting the following criteria, are exempt from the requirements of this section; provided:

(a) They can submit written evidence to the department, upon request, that the worksite of their employees is within a two-minute time frame of response by an aid car, medic unit or established ambulance service with first-aid trained attendants.

(b) There is a back-up aid car, medic unit or established ambulance service within the two-minute response time; or that a first-aid trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event the primary unit is not available.

(c) There are no traffic impediments, such as draw bridges, railroad track; etc., along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the required two minute time frame.

(d) Emergency telephone numbers are posted on all first-aid kits and at all telephones on the worksite.

(e) The above services are available or exist at all times when more than one employee is on the worksite.

NOTE: A construction site that will be of more than six months duration, such as a large building, shall be considered a fixed establishment for the purposes of this section. Doctor's offices and clinics are not to be considered as alternates due to the fact that very often doctor's schedules require them to be away from their offices.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-070 FIRST-AID ROOM. (1) ~~((Every fixed establishment employing more than 200 persons shall have a first-aid room plainly designated as such, located as close as possible to the heaviest concentrated work area.))~~ A first-aid room meeting the requirements of this section shall be required when:

(a) A fixed establishment employs more than 200 employees at one central location,

EXCEPTION: The department may permit the employer to follow the requirements of WAC 296-24-060, 296-24-065 and 296-24-067 as appropriate when employees would be better served for first-aid purposes and the following conditions are present:

(i) In low hazard occupations such as retail clothing stores, banks, or general office work where exposure to manufacturing processes or heavy materials handling does not exist, and

(ii) Where the 200 or more employees have physically dispersed normal work stations which would result in excessive travel to the first-aid room. (Excessive travel shall mean travel of one quarter mile or more, or three or more floors of vertical travel.)

(b) At construction sites which are expected to remain construction sites for six or more months.

(2) First-aid rooms shall be located as close as possible to the heaviest concentrated work area. They shall be identified in such a manner as to be easily recognizable as first-aid rooms.

(3) The first-aid room shall be well lighted and ventilated, kept clean and orderly, provided with hot and cold running water, and maintained in a fully-equipped condition.

~~((3))~~ (4) The first-aid room shall be manned and maintained by:

- (a) A licensed physician, or
- (b) A licensed or registered nurse, or
- (c) An employee who:

(i) Holds a valid advanced first-aid certificate as recognized by the department,

(ii) works in the vicinity of the first-aid room, and

(iii) does not perform other work of the nature that is likely to affect adversely her/his ability to administer first-aid.

((4)) (5) First-aid rooms shall be equipped with items recommended by the consulting physician or plant medical officer and, as a minimum, should contain an adequate supply of the following:

- Antiseptic soap
- 3/4" or 1" adhesive compresses
- Adhesive knuckle bands
- 2" Bandage compresses
- 4" Bandage compresses
- 3" x 3" gauze pads
- Assorted sizes of large gauze pads
- 2" roller bandages
- 3" roller bandages
- 4" roller bandages
- Assorted adhesive tape rolls
- Eye dressings
- Ammonia inhalants
- Burn ointment
- Triangular bandages
- Scissors, forceps, razor and blades, medicine droppers
- Safety pins
- Drinking cups
- Rubbing alcohol
- Absorbent cotton
- Arm and leg splints
- Antidotes for specific industrial poisons
- Pressure points chart
- Stretcher
- Wool blankets and clean linen
- Hot water bottles
- Quick colds or ice bag
- Emergency first-aid kit
- A method of sterilizing instruments

((5)) (6) A poster shall be maintained on, or in the cover of, each first-aid cabinet and near each first-aid room phone. Such poster will state phone numbers of available doctors, hospitals, and ambulance services within the employer's district.

NEW SECTION

WAC 296-45-660 **TREE TRIMMING.** The purpose of this chapter is to make the workplace free from hazard. All sections of this chapter which include WAC 296-45-660 in the section number will apply.

NEW SECTION

WAC 296-45-66001 **ELECTRICAL HAZARDS.** (1) This section applies to tree trimming by contractors under WAC 296-17-506 (Class 1-6), tree trimming near energized power lines on utility property, governmental and privately owned systems.

(2) Definitions applicable to this section.

(a) "Aerial manlift equipment" - all types of equipment such as extended towers, boom-mounted cages or baskets and truck-mounted ladders. This equipment is primarily designed to place personnel and equipment aloft for working.

(b) "Qualified line-clearing tree trimmer" - a tree worker who through related training and on-the-job experience is familiar with the special techniques and hazards involved in line clearing.

(c) "Qualified line-clearing tree-trimmer trainee" - any worker regularly assigned to a line-clearing tree-trimming crew and undergoing related training and on-the-job training who, in the course of such training, has demonstrated his ability to perform his duties safely at his level of training.

(d) "Tree trimming groundman" - a member of crew working on the ground under the direction of foreman or tree trimmer.

(3) First aid. In addition to complying with the first aid provisions as found in WAC 296-24-060 through WAC 296-24-073, all employees whose duties require them to work near energized wires, or climb trees shall take an approved course in controlling bleeding and cardiopulmonary resuscitation, and be capable of aerial or tree rescue and remain proficient in its application.

NEW SECTION

WAC 296-45-66003 **TOOLS AND PROTECTIVE EQUIPMENT.** All protective hats shall be in accordance with the specifications of ANSI Z89.2-1971 Edition Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to overhead or electrical hazards.

(1) Defective ropes shall not be used and shall be replaced.

(2) Body belts with straps, saddles or lanyards shall be worn by employees working at an elevated position. Body belts, saddles and straps shall be inspected each day for defects before use. Defective body belts, saddles and straps shall not be used.

(3) Body belts, safety straps and saddles shall not be stored with any sharp-edged tools or near sharp objects. When a body belt, saddle, safety strap and climbers are kept in the same container, they shall be stored in such a manner as to avoid cutting or puncturing the material of the body belt, saddle or safety strap with the gaffs or climbers.

NEW SECTION

WAC 296-45-66005 **HOT LINE TOOLS.** (1) Only hot line tools having manufacturer's certification of withstanding the following minimum tests shall be used:

(a) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass; or

(b) 75,000 volts per foot of length for 3 minutes when the tool is made of wood; or

(c) Other tests which equal or exceed (a) and (b) of this subsection.

(2) All hot line tools shall be visually inspected each day before use. All hot line tools shall be wiped clean before being used.

(3) Defective hot line tools shall not be used and shall be marked as defective and turned in for repair or replacement.

(4) Hand Tools.

(a) All hydraulic tools which are used near energized lines or equipment shall use nonconductive hoses having approved strength for the normal operating pressures. The provisions of WAC 296-155-360(4)(a) and (b) are mandatory.

(b) All pneumatic tools which are used near energized lines or equipment shall:

(i) Having nonconducting hoses having approved strength for the normal operating pressures, and

(ii) Have an accumulator on the compressor to collect moisture.

(5) All tools shall be kept in good working condition and shall be properly stored. Defective tools shall be taken out of service.

(6) Wearing apparel. Goggles, hearing protection, respirators, and other such personal protective devices shall not be interchanged among employees unless they have been sanitized.

NEW SECTION

WAC 296-45-66007 **AERIAL MANLIFT EQUIPMENT.** This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) Stability Test. All such equipment shall meet or exceed a safety factor of one and one-half to one (1 and 1/2 to 1) in all working positions, based upon the posted working load.

(b) Structural and Mechanical Tests. All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

(c) The Division of Industrial Safety and Health will accept, in lieu of subdivision (b) of this section, the safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the Division may require that such testing be performed on such equipment before it can be used. If the Division in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met. (An obstructed view exists even through the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

(a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

(b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) Hydraulic Fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline. If the aerial manlift equipment has outriggers, the outriggers shall be used in accordance with manufacturer's specifications.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment as set forth in Table 1 unless protective equipment is installed by a qualified person.

(14) While working in aerial equipment employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(15) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(16) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(17) Operating levers or controls shall be kept clear of tools, materials or obstruction.

(18) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(19) Employees shall not climb into or out of the basket or platform while it is elevated or change from one basket to another on dual basket equipment, except in case of emergency or when the employees involved agree that this is the safest way to perform the work. This exception shall not be used to circumvent safety rules.

(20) Employees shall not be on trees, structures, or equipment while performing work from aerial devices.

(21) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to ensure the safety of the operation and the employees.

(22) Power tools not in use shall be disconnected from external power sources.

(23) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(24) The basket shall be kept clean and all tools not in use shall be secured or removed.

(25) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(26) A braking system, independent of the drive-line braking system, shall be installed on all aerial manlift equipment where, from the engineering standpoint, it is feasible.

(27) Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.

(28) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure; Provided, that no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

(29) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(30) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

(31) The manufacturer's operator's instruction manual shall be kept on the vehicle.

NEW SECTION

WAC 296-45-66009 ALL MOTOR VEHICLE AND TRAILER OPERATIONS. When motor vehicles and trailers are operated on public right-of-way, highways or similar areas, the equipment shall be operated and maintained in conformance with the Motor Vehicle Code of the State of Washington, chapters 46.04 through 46.61 RCW.

(1) Whenever and wherever such motor vehicle is operated, such equipment shall have a safe functioning brake and an emergency brake. In addition, all motor vehicles and trailers shall have such equipment as is necessary for the safe operation of the vehicle(s).

(2) When traveling, employees must ride inside the vehicle and shall not ride on the sides or on the top, nor shall employees ascend or descend a motor vehicle when such vehicle is in motion.

(3) Warning signs, flares and other protective devices shall be used which shall conform with the requirements for road construction or maintenance as set forth in chapter 46.37 RCW.

NEW SECTION

WAC 296-45-66011 WORKING IN PROXIMITY TO ELECTRICAL HAZARDS. (1) Contractors shall ensure that a close inspection is made by the employee and by the foreman or supervisor in charge before climbing, entering, or working around any tree, to determine whether an electrical power conductor passes through the tree, or passes within reaching distance of an employee working in the tree.

(2) Employees engaged in trimming, removing, or clearing trees from lines shall be required to consider all overhead and underground electrical power conductors to be energized until such energized lines have been deenergized and grounded in accordance with the system policy.

(3) Only qualified line-clearing tree trimmer or tree trimming trainee familiar with the special techniques and hazards involved in line clearing, shall be permitted to perform the work if it is found that an electrical hazard exists.

(4) During all tree working operations aloft where an electrical hazard of more than 750 volts exists, there shall be a second employee or trainee qualified in line clearance tree trimming within normal voice communication.

(5) Where tree work is performed by employees qualified in line-clearing tree trimming and trainees qualified in line-clearing tree

trimming, the clearances from energized conductors given in Table 1 shall apply.

TABLE 1

Minimum Working Distances From Energized Conductors For Line-Clearing Tree Trimmers and Line-Clearing Tree Trimmer Trainees

Voltage Range (Phase to Phase) (kilovolts)	Minimum Working Distance
2.1 to 15.0	2 ft. 0 in.
15.1 to 35.0	2 ft. 4 in.
35.1 to 46.0	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121.0	3 ft. 4 in.
138.0 to 145.0	3 ft. 6 in.
161.0 to 169.0	3 ft. 8 in.
230.0 to 242.0	5 ft. 0 in.
345.0 to 362.0	7 ft. 0 in.
500.0 to 552.0	11 ft. 0 in.
700.0 to 765.0	15 ft. 0 in.

(6) Branches hanging on an energized conductor may only be removed using approved insulated tools by a qualified line-clearing tree trimmer.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07306 REQUIREMENTS FOR AREAS CONTAINING CARCINOGENS LISTED IN WAC 296-62-07302. (1) A regulated area shall be established by an employer where listed carcinogens are manufactured, processed, used, re-packaged, released, handled or stored.

(2) All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. Employees working with carcinogens within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where carcinogens are stored in sealed containers, or contained in a closed system including piping systems with any sample ports or openings closed while carcinogens are contained within:

- (i) Access shall be restricted to authorized employees only;
- (ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in WAC 296-62-07304(2)(1) are prohibited.

(d) Transfer from a closed system. Charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory-type hoods," or in locations where a carcinogen is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this section shall apply.

- (i) Access shall be restricted to authorized employees only;
- (ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in a carcinogen handling operation shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter ((296-24)) 296-62 WAC, of the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of

decontamination or disposal. The contents of such impervious containers shall be identified, as required under WAC 296-62-07310(2), (3) and (4).

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In clean up of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with carcinogens could result, each authorized employee entering the area shall:

- (i) Be provided with and required to wear, clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards;
- (ii) Be decontaminated before removing the protective garments and hood;
- (iii) Be required to shower upon removing the protective garments and hood.

(f) Laboratory activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of carcinogens listed in WAC 296-62-07302.

- (i) Mechanical pipetting aids shall be used for all pipetting procedures.
- (ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.
- (iii) Surfaces on which carcinogens are handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of listed carcinogens shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be:

- (A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and
- (B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310(2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be:

- (A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.
- (B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310(2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where carcinogens are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

- (xi) A current inventory of the carcinogens shall be maintained.
- (xii) Ventilated apparatus such as laboratory-type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

AMENDATORY SECTION (Amending Order 75-41, filed 12/19/75)

WAC 296-62-07329 VINYL CHLORIDE. (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, re-packaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the Department of Transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means Chief, Industrial Hygiene Section, Department of Labor and Industries.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under paragraph (4)(a) of this section shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be

exposed in excess of the action level, a determination of employee exposure under subsection (4)(a) of this section shall be performed

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this subdivision.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, re-packaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons. A daily roster shall be made of authorized persons who enter.

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection (6) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection. Where respiratory protection is required under this section:

(a) The employer shall provide a respirator which meets the requirements of this subdivision and shall assure that the employee uses such respirator, except that until December 31, 1975, wearing of respirators shall be at the discretion of each employee for exposures not in excess of 25 ppm, measured over any 15-minute period. Until December 31, 1975, each employee who chooses not to wear an appropriate respirator shall be informed at least quarterly of the hazards of vinyl chloride and the purpose, proper use, and limitations of respiratory devices.

(b) Respirators shall be selected from among those jointly approved by the Mining Enforcement and Safety Administration, Department of the Interior, and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(c) A respiratory protection program meeting the requirements of chapter ((296-24)) 296-62 WAC shall be established and maintained.

(d) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	(A) Combination type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply; or (B) Combination type C, supplied air respirator continuous flow type, with full or half facepiece, and auxiliary self-contained air supply.
(iii) Not over 1,000 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	(A) Combination type C supplied air respirator demand type, with full facepiece, and auxiliary self-contained air supply; or

Atmospheric
concentration of
Vinyl Chloride

Required Apparatus

- (v) Not over 25 ppm — (B) Open-circuit self-contained breathing apparatus with full facepiece, in demand mode; or (C) Type C supplied air respirator, demand type, with full facepiece.
- (vi) Not over 10 ppm — (A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front or back-mounted canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm.

- (e)(i) Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and
- (ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, fire-fighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride.
- (f) Where air-purifying respirators are used:
 - (i) Air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and
 - (ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.
- (g) Apparatus prescribed for higher concentrations may be used for any lower concentration.
- (8) Hazardous operations. (a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use:
 - (i) Respiratory protection in accordance with subsections (3) and (6) of this section; and
 - (ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.
- (b) Protective garments shall be provided clean and dry for each use.
 - (i) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:
 - (A) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in subsection (8) of this section;
 - (B) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.
 - (9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

- (a) The program shall include:
 - (i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;
 - (ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;
 - (iii) The purpose for, proper use, and limitations of respiratory protective devices;
 - (iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;
 - (v) The purpose for and a description of the monitoring program;
 - (vi) The purpose for and a description of, the medical surveillance program;
 - (vii) Emergency procedures:
 - (A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and
 - (B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.
- (b) All materials relating to the program shall be provided upon request to the director.
- (10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.
 - (a) At the time of initial assignment, or upon institution of medical surveillance:
 - (i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (See Appendix A).
 - (ii) A medical history shall be taken, including the following topics:
 - (A) Alcohol intake,
 - (B) Past history of hepatitis,
 - (C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,
 - (D) Past history of blood transfusions, and
 - (E) Past history of hospitalizations.
 - (iii) A serum specimen shall be obtained and determinations made of:
 - (A) Total bilirubin,
 - (B) Alkaline phosphatase,
 - (C) Serum glutamic oxalacetic transaminase (SGOT),
 - (D) Serum glutamic pyruvic transaminase (SGPT), and
 - (E) Gamma glutamyl transpeptidase.
 - (b) Examinations provided in accordance with this subdivision shall be performed at least:
 - (i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and
 - (ii) Annually for all other employees.
 - (c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.
 - (d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.
 - (e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.
 - (f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.
 - (g) If the examining physician determines that alternative medical examinations to those required by subsection (10)(a) of this section will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of subsection (10)(a) of this section, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT AREA AUTHORIZED
PERSONNEL ONLY**

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT IN THIS AREA PROTECTIVE
EQUIPMENT REQUIRED AUTHORIZED PERSONNEL ONLY**

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

**CONTAMINATED WITH VINYL CHLORIDE CANCER-
SUSPECT AGENT**

(d) Containers of polyvinyl chloride shall be legibly labeled:

**POLYVINYL CHLORIDE (OR TRADE NAME) CONTAINS
VINYL
CHLORIDE VINYL CHLORIDE IS A CANCER-SUSPECT
AGENT**

(e) Containers of vinyl chloride shall be legibly labeled either:

**VINYL CHLORIDE EXTREMELY FLAMMABLE GAS UNDER
PRESSURE CANCER-SUSPECT AGENT (or)**

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

CANCER-SUSPECT AGENT

applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records. (a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring, medical records and authorized personnel rosters, shall be made and shall be available upon request for examination and copying to the director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) Authorized personnel rosters shall be maintained for not less than 30 years.

(iii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(c) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer.

(d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports. (a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon request of the director, the employer shall submit additional information in writing relevant to

the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(i) Effective January 1, 1975, the provisions set forth in WAC 296-62-07329 shall apply.

APPENDIX A SUPPLEMENTARY MEDICAL INFORMATION

When required tests under paragraph (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: hepatitis B antigen, and liver scanning.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-07341 ACRYLONITRILE. (1) Scope and application.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in subsection (1)(b) and (c) of this section.

(b) This section does not apply to exposures which result solely from the processing, use, and handling of the following materials:

(i) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

(ii) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) Solid materials made from and/or containing AN which will not be heated above 170° F during handling, use, or processing.

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" - acrylonitrile monomer, chemical formula CH₂=CHCN.

(b) "Action level" - a concentration of AN of 1 ppm as an eight-hour time-weighted average.

(c) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Director" - the Director of Labor and Industries, or his authorized representative.

(e) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(f) "Polyacrylonitrile" or "PAN" - polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits. (a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of two parts acrylonitrile per million parts of air (2 ppm), as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of (10) ppm as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies. (a) Use. Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring. (a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infrared gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas. (a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance. (a) Engineering and work practice controls. (i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, or any affected employee or representative.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection. (a) General. The employer shall assure that respirators are used where required pursuant to this section to reduce employee exposure to within the permissible exposure limits and in emergencies. Compliance with the permissible exposure limits may not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement feasible engineering and work practice controls; or

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate type of respirator from Table I and shall assure that the employee wears the respirator provided.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use	Respirator Type
(a) Less than or equal to 10 x permissible exposure limits.	(1) Any chemical cartridge respirator with organic vapor cartridge(s) and half-mask; or (2) Any supplied air respirator with half-mask.
(b) Less than or equal to 50 x permissible exposure limits.	(1) Any organic vapor gas mask; or (2) Any supplied air respirator with full facepiece; or (3) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 2,000 x permissible exposure limits.	(1) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d) Less than or equal to 10,000 x permissible exposure limits.	(1) Supplied air respirator and auxiliary self-contained full facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e) Emergency entry into unknown concentration of firefighting.	(1) Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape.	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(ii) The employer shall select respirators from those approved for use with AN by the National Institute for Occupational Safety and Health under the provisions of WAC ((296-24-081)) 296-62-071.

(c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC ((296-24-081)) 296-62-071.

(ii) Where air-purifying respirators (chemical cartridge or canister-type gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or at the beginning of each shift, whichever occurs first. A label shall be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

(iii) The employer shall allow each employee who uses a filter respirator (cartridge or canister) to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of the filter elements necessary for this purpose.

(iv) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces to prevent potential skin irritation associated with respirator use.

(9) Emergency situations. (a) Written plans. (i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees. (i) Alarms. Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Evacuation. Employees not engaged in correcting the emergency shall be restricted from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment. (a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required

by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a work shift and that an employee whose protective clothing becomes wet with liquid AN or PAN removes that clothing promptly to avoid skin contact with the liquid AN or PAN. Protective clothing shall be removed only in change rooms as required by subsection (14)(a) of this section.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(v) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vi) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) Housekeeping. (a) Surfaces. (i) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where liquid AN and PAN are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-24-12009 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) Change rooms. The employer shall provide clean change rooms in accordance with WAC 296-24-12011.

(b) Showers. (i) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(c) Lunchrooms. (i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) Medical surveillance. (a) General. (i) The employer shall institute a program of medical surveillance for each employee who is or

will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those non-specific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest x-ray.

(iv) Further tests of the intestinal tract, including fecal occult blood and proctosigmoidoscopy, on all workers 40 years of age or older, and to any other affected employees for whom, in the opinion of the physician, such testing would be appropriate.

(c) Periodic examinations. (i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for pre-placement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training. (a) Training program. (i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C⁽¹⁾;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(17) Recordkeeping. (a) Objective data for exempted operations. (i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The results of testing and analysis of the material being processed;

(D) A description of the operation exempted; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records, as required by this section, be made available, upon request, for examination and copying to the affected employee, former employee, or designated representative.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the director.

(18) Observation of monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Effective date. This standard will become effective 30 days after it is filed with the Code Reviser.

* (1) Appendices printed in addition to this section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-07345 1,2-DIBROMO-3-CHLOROPROPANE.

(1) Scope and application. This section applies to all occupational exposures to 1,2-dibromo-3-chloropropane (DBCP), Chemical Abstracts Service Registry Number 96-12-8, except that this section does not apply to exposure to DBCP which results solely from the application and use of DBCP as a pesticide.

(2) Definitions applicable to this section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane.

(c) "Director" - the Director of Labor and Industries, or his authorized representative.

(3) Permissible exposure limits. (a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of 1 part DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 50 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Exposure monitoring. (a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor, within thirty days of the effective date of this section, each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (5) shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(6) Methods of compliance. The employer shall control employee exposures to airborne concentrations of DBCP to within the permissible exposure limit, and shall protect against employee exposure to eye or skin contact with DBCP by engineering controls, work practices and personal protective equipment.

(a) Engineering controls. The employer shall develop and implement, as soon as possible, feasible engineering controls to reduce the airborne concentrations of DBCP to within the permissible exposure limits.

(b) Work practices. The employer shall examine each work area in which DBCP is present and shall institute, as soon as possible, work practices to reduce employee exposure to DBCP. The work practices shall be described in writing and shall include, among other things, the following mandatory work practices:

- (i) Limiting access to work areas where DBCP is present to authorized personnel only;
- (ii) Prohibiting smoking and the consumption of food and beverages in work areas where DBCP is present; and
- (iii) Establishing good maintenance and housekeeping practices including the prompt cleanup of spills, repair of leaks, and the practices required in subsection (9) of this section.
- (c) Respiratory protection. Where engineering and work practice controls are not sufficient to reduce employee exposures to airborne concentrations of DBCP to within the permissible exposure limits, the employer shall provide at no cost to the employee, and assure that employees wear respirators in accordance with subsection (7) of this section.
- (d) Engineering and work practice control plan. (i) Within ninety days of the effective date of this section, the employer shall develop a written plan describing proposed means to reduce employee exposures to DBCP to the lowest feasible level solely by means of engineering and work practice controls. (ii) Written plans required under subsection (6)(d) shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or designated representative of employees.
- (7) Respirators. (a) Required use. The employer shall assure that respirators are used where required under this section to reduce employee exposure to within the permissible exposure limits, and in emergencies. (b) Respirator selection. (i) Where respirators are used to reduce employee exposures to within the permissible exposure limit and in emergencies, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee wears the respirator provided. (ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of WAC ((296-24-081)) 296-62-071.

**TABLE I
RESPIRATORY PROTECTION FOR DBCP
RESPIRATORY PROTECTION**

- Concentration not greater than:
- 100 ppb:
 - Any chemical cartridge respirator with pesticide cartridge(s).
 - Any supplied-air respirator.
 - Any self-contained cartridge breathing apparatus.
 - 500 ppb:
 - A chemical cartridge respirator with full facepiece and pesticide cartridge(s).
 - A gas mask with full facepiece and pesticide canister.
 - Any supplied-air respirator with full facepiece, helmet or hood.
 - Any self-contained breathing apparatus with full facepiece.
 - 5,000 ppb:
 - A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.
 - 20,000 ppb:
 - A Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode, or with full facepiece, hood or helmet operated in continuous flow mode.
 - Greater than 20,000 ppb or entry and escape from unknown concentrations:
 - A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or positive pressure mode.
 - A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.
 - Firefighting:
 - A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

- (c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC ((296-24-081)) 296-62-071. (ii) Where air-purifying respirators (chemical cartridge or gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or the beginning of each shift, whichever occurs first. (iii) Employees who wear respirators shall be allowed to wash their face and respirator facepiece to prevent potential skin irritation associated with respirator use.
- (8) Protective clothing and equipment. (a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect the area of the body which may come in contact with DBCP. (b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee. (ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a workshift. (iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container. (iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP. (v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (13)(c) of this section. (vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.
- (9) Housekeeping. (a) Surfaces. (i) All surfaces shall be maintained free of accumulations of DBCP. (ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited. (iii) Where vacuuming methods are selected, either portable units or a permanent system may be used. (A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and (B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (13)(c) of this section. (iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down. (b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use. (c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.
- (10) Hygiene facilities and practices. Hygiene facilities shall be provided and practices implemented in accordance with the requirements of WAC 296-24-12009.
- (11) Medical surveillance. (a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee. (b) Frequency and content. Within 30 days of the effective date of this section or time of initial assignment, and whenever exposure to DBCP, the employer shall provide a medical examination including at least the following: (i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genitourinary tract, testicle size, and body habitus including the following tests:

- (A) Sperm count;
 - (B) Complete urinalysis (U/A);
 - (C) Complete blood count; and
 - (D) Thyroid profile.
- (iii) A serum specimen shall be obtained and the following determinations made:
- (A) Serum multiphasic analysis (SMA 12);
 - (B) Serum testosterone;
 - (C) Serum follicle stimulating hormone (FSH);
 - (D) Serum luteinizing hormone (LH).
- (c) Information provided to the physician. The employer shall provide the following information to the examining physician:
- (i) A copy of this standard and its appendices;
 - (ii) A description of the affected employee's duties as they relate to the employee's exposure;
 - (iii) The level of DBCP to which the employee is exposed; and
 - (iv) A description of any personal protective equipment used or to be used.

(d) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

- (A) The results of the medical tests performed;
- (B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;
- (C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and
- (D) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(12) Employee information and training. (a) Training program. (i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

- (A) The information contained in Appendices A, B and C⁽¹⁾;
- (B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;
- (C) The purpose, proper use, and limitations of respirators;
- (D) The purpose and description of the medical surveillance program required by subsection (11) of this section; and
- (E) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(13) Signs and labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(14) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

- (A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;
- (B) A description of the sampling and analytical methods used;
- (C) Type of respiratory worn, if any; and
- (D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for the effective period of this standard.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (11) of this section.

(ii) This record shall include:

- (A) A copy of the physician's written opinion.
- (B) Any employee medical complaints related to exposure to DBCP;
- (C) A copy of the information provided the physician as required by subsection (11)(c) of this section; and
- (D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for the effective period of this standard.

(c) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) The employer shall assure that employee exposure monitoring records required by this section be made available upon request, for examination and copying to the affected employee or former employee, and their designated representatives.

(iii) The employer shall assure that employee medical records required to be maintained by this section be made available, upon request, for examination and copying to the affected employee or former employee, or to a physician designated by the affected employee or former employee or designated representative.

(15) Observation of monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

- (A) Receive an explanation of the measurement procedures;
- (B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and
- (C) Record the results obtained.

(16) Effective date. This standard will become effective 30 days after it is filed with the Code Reviser.

- ⁽¹⁾ Appendices printed in addition to this section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-62-07347 INORGANIC ARSENIC. (1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions. (a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the Director of the Department of Labor and Industries, or his designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$), averaged over any eight-hour period.

(4) Notification of use. (a) By October 1, 1978, or within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his workplaces shall report in writing to the Department of Labor and Industries for each such workplace:

- (i) The address of each such workplace;
- (ii) The approximate number of employees who will be working in regulated areas; and
- (iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within sixty days to the Department of Labor and Industries.

(5) Exposure monitoring. (a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial Monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency. (i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement. (i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to $10 \mu\text{g}/\text{m}^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than $5 \mu\text{g}/\text{m}^3$ but less than $10 \mu\text{g}/\text{m}^3$.

(6) Regulated area. (a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(b) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance. (a) Controls. (i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adoption and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to

minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.
 (iii) Written plans for such a program shall be submitted upon request to the Director, and shall be available at the worksite for examination and copying by the Director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection. (a) General. The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I for inorganic arsenic compounds without significant vapor pressure, or Table II for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use.	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece self-contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. (B) Any half-mask supplied air respirator.

¹High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE² AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Front or back mounted gas mask equipped with high-efficiency filter ¹ and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask ² air-purifying respirator equipped with high-efficiency filter ¹ and acid gas cartridge. (B) Any half-mask supplied air respirator.

¹High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

²Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage. (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than twenty employees wearing respirators shall perform a quantitative face fit test at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC ((296-24-08103; 296-24-08107, 296-24-08109 and 296-24-08111)) 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(e) Commencement of respirator use. (i) The employer's obligation to provide respirators commences on August 1, 1978, for employees exposed over 500 $\mu\text{g}/\text{m}^3$ of inorganic arsenic, as soon as possible but not later than October 1, 1978, for employees exposed to over 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic, and as soon as possible but not later than December 1, 1978, for employees exposed between 10 and 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic.

(ii) Employees with exposures below 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978, any employee required to wear air purifying respirators may choose, and if so chosen the employer must

provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times where exposures to gases are over the relevant exposure limits.

(9) RESERVED.

(10) Protective work clothing and equipment. (a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, and shoes or coverlets;
- (iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-24-07801(1) - (6).
- (iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement. (i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over $100 \mu\text{g}/\text{m}^3$ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful effects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

CAUTION: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or Federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping. (a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the Director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) RESERVED.

(13) Hygiene facilities and practices. (a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) Showers. (i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) Lunchrooms. (i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds $100 \mu\text{g}/\text{m}^3$ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical surveillance. (a) General. (i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest X-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination;

(C) A sputum cytology examination; and

(D) Other examinations which the physician believes appropriate because of the employee's exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations. (i) The employer shall provide the examinations specified in subsections (14)(b)(i) and (14)(b)(ii)(A), (B) and (D) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsections (14)(b)(i) and (ii) of this section at least semi-annually for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

- (i) A copy of this standard and its appendices;
- (ii) A description of the affected employee's duties as they relate to the employee's exposure;
- (iii) The employee's representative exposure level or anticipated exposure level;
- (iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

- (A) The results of the medical examination and tests performed;
- (B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training. (a) Training program. (i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978 for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

- (A) The information contained in Appendix A;
- (B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;
- (C) The purpose, proper use, and limitation of respirators;
- (D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;
- (E) The engineering controls and work practices associated with the employee's job assignment; and
- (F) A review of this standard.

(b) Access to training materials. (i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Director.

(16) Signs and labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs. (i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
INORGANIC ARSENIC
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
NO SMOKING OR EATING
RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
CONTAINS INORGANIC ARSENIC
CANCER HAZARD
HARMFUL IF INHALED OR
SWALLOWED
USE ONLY WITH ADEQUATE
VENTILATION
OR RESPIRATORY PROTECTION

(17) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial X-ray;

(D) The X-rays for the most recent five years;

(E) Any X-rays with a demonstrated abnormality and all subsequent X-rays;

(F) The initial cytologic examination slide and written description;

(G) The cytologic examination slide and written description for the most recent five years; and

(H) Any cytologic examination slides with demonstrated atypia, if such atypia persists for three years, and all subsequent slides and written descriptions.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the Director for examination and copying.

(ii) The employer shall make available upon request records of employee exposure monitoring required by subsection (17)(a) of this section for inspection and copying to affected employees, former employees and their designated representatives.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least three months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(18) Observation of monitoring. (a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to;

- (A) Receive an explanation of the measurement procedures;
- (B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and
- (C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Effective date. This standard shall become effective thirty days after filing with the Code Reviser.

(20) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(21) Startup dates. (a) General. The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for, either in other subsections of this section or in this subsection.

(b) Monitoring. Initial monitoring shall be commenced by August 1, 1978, and shall be completed by September 15, 1978.

(c) Regulated areas. Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(d) Compliance program. The written program required by subsection (7)(b) as a result of initial monitoring shall be made available for inspection and copying as soon as possible and no later than December 1, 1978.

(e) Hygiene and lunchroom facilities. Construction plans for change-rooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(f) Summary of startup dates set forth elsewhere in this standard.

STARTUP DATES

August 1, 1978 – Respirator use over 500 $\mu\text{g}/\text{m}^3$.

AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978 – Completion of initial monitoring.

October 1, 1978 – Complete establishment of regulated areas. Respirator use for employees exposed above 50 $\mu\text{g}/\text{m}^3$. Completion of initial training. Notification of use.

December 1, 1978 – Respirator use over 10 $\mu\text{g}/\text{m}^3$. Completion of initial medical. Completion of compliance plan. Optional use of powered air-purifying respirators.

July 1, 1979 – Completion of lunch rooms and hygiene facilities.

December 31, 1979 – Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

AMENDATORY SECTION (Amending Order 80-16, filed 8/8/80)

WAC 296-62-07349 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" – employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 $\mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" – the director of the department of labor and industries.

(c) "Lead" – metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 $\mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g}/\text{m}^3$.

(5) Method of compliance.

(a) Engineering and work practice controls. The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(3)	3	10
Secondary lead production	(3)	3	5
Lead-acid battery manufacturing	(3)	2	5
Nonferrous foundries	(3)	1	5
Lead pigment manufacturing	(3)	3	5
All other industries	(3)	Not	1
		Applicable	

¹Includes ancillary activities located on the same worksite.

²Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved.

³On effective date. This continues an obligation from WAC 296-62-07515 Table I which had been in effect since 1973.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 $\mu\text{g}/\text{m}^3$ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be

made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

- (i) Name or identification number of each affected employee;
- (ii) Duration and exposure levels at each job or work station where each affected employee is located; and
- (iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II

RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

¹Respirators specified for high concentrations can be used at lower concentrations of lead.

²Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

- (A) An employee chooses to use this type of respirator; and
- (B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform quantitative face fit tests at the time of initial fitting and at least semiannually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC ((~~296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111~~) 296-62-071).

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, hats, and shoes or disposable shoe coverlets; and
- (iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall

have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100\text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all appendices;

(bb) A description of the affected employee's duties as they relate to the employee's exposure;

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(dd) A description of any personal protective equipment used or to be used;

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(aa) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with

thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $80 \mu\text{g}/100 \text{ g}$ of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $70 \mu\text{g}/100 \text{ g}$ of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $60 \mu\text{g}/100 \text{ g}$ of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above $50 \mu\text{g}/100 \text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below $40 \mu\text{g}/100 \text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(aa) For an employee removed due to a blood lead level at or above $80 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $60 \mu\text{g}/100 \text{ g}$ of whole blood;

(bb) For an employee removed due to a blood lead level at or above $70 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $50 \mu\text{g}/100 \text{ g}$ of whole blood;

(cc) For an employee removed due to a blood lead level at or above $60 \mu\text{g}/100 \text{ g}$, or due to an average blood lead level at or above $50 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $40 \mu\text{g}/100 \text{ g}$ of whole blood;

(dd) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(aa) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(bb) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

**WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING**

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Upon request, the employer shall make environmental monitoring, biological monitoring, and medical removal records available to affected employees, former employees or their authorized employee representatives for inspection and copying.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206)753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing, lead pigment manufacturing and nonferrous foundry industries - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

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.

The 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 limit in Table 1, 2 or 3 for the material involved.

(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) Whenever full compliance cannot be achieved by the use of feasible administrative or engineering controls, approved respiratory protection shall be provided at no cost to the employee and shall be used in accordance with WAC ((296-24-081 through 296-24-081+3) 296-62-071.

(d) 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.

(e) 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 1 and 3, the name of which is not preceded by a "C," shall not exceed the excursion level limit which is computed by multiplying the appropriate factor below times eight-hour time-weighted average for the substance in the applicable table.

- PEL > 0-1 (ppm or mg/M³), Excursion Factor = 3
- PEL > 1-10 (ppm or mg/M³), Excursion Factor = 2
- PEL > 10-100 (ppm or mg/M³), Excursion Factor = 1.5
- PEL > 100-1000 (ppm or mg/M³), Excursion Factor = 1.25
- PEL > 1000 (ppm or mg/M³), Excursion Factor = 1

(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 296-62-07515 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	—	10
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
Alundum (Al ₂ O ₃)	—	10
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
Ammonia	50	35
Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin	—	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	—	0.5
Arsine	0.05	0.2
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
p-Benzoquinone, see Quinone		
Benzoyl peroxide	—	5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cello-solve)—Skin	50	240

TABLE I
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO ₃)— Skin	—	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	0.5	1.5
p-tert-Butyl-toluene	10	60
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	10
Calcium arsenate See WAC 296- 62-07347	—	—
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin [®])	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Cellulose (paper fiber)	—	10
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 Chloroacet((-))aldehyde	1	3
α-Chloroaceto(=)phenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (Monochlorobenzene)	75	350
o-Chlorobenzylidene malonitrile (OCBM)—Skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodiphenyl (42% Chlorine)— Skin	—	1
Chlorodiphenyl (54% Chlorine)— Skin	—	0.5
1-Chloro,2,3-epoxy propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
Chloroform (Tri-chloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-bu- tadiene)—Skin	25	90
Chromium, sol. chromic, chromous salts as Cr.	—	0.5
Chromium Metal & insol. salts	—	1
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—	0.2
Colbalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
Corundum (Al ₂ O ₃)	—	10
Cotton Dust (raw)	—	1
Crag [®] herbicide	—	10
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane—Skin	0.05	0.3
Demeton [®] —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4- methyl-2-pentanone)	50	240

TABLE I
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
1,2-Diaminoethane, see Ethylendiamine	—	—
Diazinon—skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom [®]	—	3
2-N Dibutylamino-ethanol—Skin	2	14
Dibutyl phosphate	1	5
Dibutylphthalate	—	5
C Dichloroacetylene	0.1	0.4
C 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-Dichloro-ethylene	200	790
C Dichloroethyl ether—Skin	15	90
Dichloromethane, see Methyl- ene-chloride	—	—
Dichloromonofluoro-methane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin	—	1
Dieldrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
Diisobutyl ketone	50	290
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (N-Dimethylan- iline)—Skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl,1,2-dibromo-2,2-di- chloroethyl phosphate, see DiBrom	—	—
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
Dimethylsulfate—Skin	1	5
Dinitrobenzene (all isomers)— Skin	—	1
Dinitro-o-cresol—Skin	—	0.2
Dinitrotoluene—Skin	—	1.5
Dioxane (Diethylene dioxide)— Skin	100	360
Diphenyl	0.2	1
Diphenyl amine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether— Skin	100	600
Di-sec.octyl phthalate (Di-2- ethylhexyl-phthalate)	—	5
Emery	—	10
Endosulfan (Thiodan [®])—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5
1,2-Epoxypropane, see Propylene- oxide	—	—
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	Simple	Asphyxiant
Ethanethiol, see Ethylmercaptan	—	—
Ethanolamine	3	6
2-Ethoxyethanol—Skin	200	740

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amylyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	Simple	Asphyxiant
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2 (See note d)	—
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1-Dichloroethane	—	—
n-Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
Furfuryl alcohol	50	200
Glass, fibrous or dust (See note e)	—	10
Glycerin mist	—	10
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol	—	—
Graphite (Synthetic)	—	10
Guthion ^(R) , see Azinphosmethyl	—	—
Gypsum	—	10
Hafnium	—	0.5
Helium	Simple	Asphyxiant
Heptachlor—Skin	—	0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin	—	0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
156 sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	Simple	Asphyxiant
Hydrogen bromide	3	10
Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
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	100	300
Isophorone	10	55
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
Isopropylether	250	1,050

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	10
Ketene	0.5	0.9
Lead and its inorganic compounds which are exempt from WAC 296-62-07349	—	0.2
Lead arsenate -See WAC 296-62-07347	—	0.15
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
Maleic anhydride	0.25	1
C Manganese and compounds, as	—	—
Mn	—	5
Marble	—	10
Mesityl oxide	25	100
Methane	Simple	Asphyxiant
Methanethiol, see Methyl mercaptan	—	—
Methoxychlor	—	10
2-Methoxyethanol-skin (Methyl cellosolve)	25	80
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
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—	—
Methyl 2-cyano-acrylate	2	8
Methyl isoamyl ketone	100	475
Methyl (n-amylyl) ketone (2-Heptanone)	100	465
Methyl bromide—Skin	15	60
Methyl butyl ketone, see 2-Hexanone	—	—
Methyl cellosolve-skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate—Skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclo-hexanone—Skin	100	460
Methylcyclopentadienyl manganese tricarbonyl (as Mn)—skin	0.1	0.2
Methyl demeton-skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone	—	—
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone	—	—
Methyl isocyanate—Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion-skin	—	0.2
Methyl propyl ketone, see 2-Pentanone	—	—
C Methyl silicate	5	30
C α-Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	10
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
Neon	Simple	Asphyxiant

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Nickel carbonyl	0.001	0.007 (See note a)
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine—Skin	—	0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin	—	1
Nitroethane	100	310
Nitrogen	Simple	Asphyxiant
C Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
C Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin	—	—
Nitrous Oxide	Simple	Asphyxiant
Octachloronaphthalene—Skin	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5 (See note f)
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin	—	0.5
Parathion—Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentaerythritol	—	10
Pentane	500	1,500
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Phenol—Skin	5	19
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)	10	60
Phenyldiazine—Skin	5	22
Phenothiazine—skin	—	5
Phosdrin (Mevinphos ^[R])—Skin	—	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin	—	0.1
Pival ^[R] (2-Pivalyl-1,3-indandione)	—	0.1
Plaster of Paris	—	10
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls	—	—
Propane	Simple	Asphyxiant
Propargyl alcohol—Skin	1	—
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2-Dichloropropane)	75	350
Propylene glycol monomethyl ether	100	360
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene	—	—
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin	—	1.5

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Rhodium, Metal fume and dusts, as Rh	—	0.1
Soluble salts	—	0.001
Ronnel	—	10
Rosin Core Solder, pyrolysis products (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	10
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	10
Silver, metal and soluble compounds	—	0.01
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	10
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
Sucrose	—	10
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ^[R]	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP—Skin	—	0.2
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
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	5	35
Tetrachloromethane, see Carbon tetrachloride	—	—
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin (as Tl)	—	0.1
((Thiram ^[R] — 5))	—	—
Tin (inorganic compounds, except SnH ₄ and SnO ₂) as Sn	—	2
Tin (organic compounds)—skin (as Sn)	—	0.1
Tin oxide	—	10
Titanium dioxide	—	10
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene	—	—
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform	—	—
1,1,2-Trichloroethane—Skin	10	45
Trichloromethane, see Chloroform	—	—
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromono-bromomethane	1,000	6,100
Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid	—	—
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl	—	—
Trinitrotoluene—Skin	—	1.5

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Tungsten & Compounds, as W	—	1
Soluble	—	5
Insoluble	100	560
Turpentine	—	—
Uranium (natural) sol. & insol. compounds as U	—	0.2
Vanadium (V ₂ O ₅), as V Dust	—	0.5
Vinyl acetate	10	30
Vinyl bromide	250	1,100
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

- 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.
- d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.
- e) <5-7 μm in diameter.
- f) As sampled by method that does not collect vapor.
- g) According to analytically determined composition.
- h) For control of general room air, biologic monitoring is essential for personnel control.

+ TABLE 2
(See note ^a)

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Mercury (Z37.8-1971)	0.05 mg/M ³	0.1 mg/M ³		exposure occurs.
Chromic acid and chromates (Z37.7-1973)	0.1 mg/M ³	0.3 mg/M ³		

NOTE: ^a Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

+ TABLE 3
PARTICULATES

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Benzene (Z37.4-1969)	10 ppm	25 ppm	50 ppm	10 minutes.
Beryllium and beryllium compounds (Z37.29-1970)	2 μg/M ³	5 μg/M ³	25 μg/M ³	30 minutes.
Cadmium dust (Z37.5-1970)	0.2 mg/M ³	0.6 mg/M ³		
Carbon disulfide (Z37.3-1968)	20 ppm	30 ppm	100 ppm	30 minutes.
Carbon Tetrachloride (Z37.17-1967)	10 ppm	25 ppm	200 ppm	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31-1970)	20 ppm	30 ppm	50 ppm	5 minutes.
Ethylene dichloride (Z37.21-1969)	50 ppm	100 ppm	200 ppm	5 minutes in any 3 hours.
Methylene Chloride (Z37.3-1969)	500 ppm	1,000 ppm	2,000 ppm	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg/M ³	0.04 mg/M ³		
Styrene (Z37.15-1969)	100 ppm	200 ppm	600 ppm	5 minutes in any 3 hours.
Trichloroethylene (Z37.19-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 ppm	300 ppm	500 ppm	10 minutes.
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable

Substance	Mppcf (See note c)	mg/M ³
Silica:		
Crystalline: (See note f)		
Quartz (respirable)		10mg/M ³ m
		%SiO ₂ +2
Quartz (total dust)		30mg/M ³
		%SiO ₂ +3
Cristobalite: Use 1/2 the value calculated from the mass formulae for quartz.		
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	80mg/M ³
		%SiO ₂
Silicates (less than 1% crystalline silica):		
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction less than 5% SiO ₂)		2.4mg/M ³
For more than 5% SiO ₂		10mg/M ³
		%SiO ₂ +2
Inert or Nuisance Dust:		
Respirable fraction		5mg/M ³
Total dust		10mg/M ³
Total Particulates (less than 1% SiO ₂)		
Respirable fraction		10mg/M ³
		5mg/M ³

NOTE: Conversion factors—
mppcf X 35.3 = million particles per cubic meter
= particles per c.c.

c Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f 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.

m 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

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M³ in the table for coal dust is 4.5 mg/M³.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-07517 ASBESTOS. (1) Definitions. For the purpose of this section, (a) "Asbestos" means chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(b) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(2) Permissible exposure to airborne concentrations of asbestos fibers. (a) The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

(b) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

(3) Methods of compliance. (a) Engineering methods. (i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in (2) of this section.

(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(iii) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in (2) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (3)(a)(ii) of this section.

(b) Work practices. (i) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in (2) of this section, unless the usefulness of the product would be diminished thereby.

(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in (2) of this section.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with (4)(b)(iii) of this section and with special clothing in accordance with (4)(c) of this section.

(4) Personal protective equipment. (a) Compliance with the exposure limits prescribed by (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by (3) of this section.

(ii) In work situations in which the methods prescribed in (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by (2) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by (4)(a)(i), (ii), or (iii) of this section, and both are practicable, personnel rotation shall be preferred and used.

(b) Where a respirator is permitted by (4)(a)(i), (ii), or (iii) of this section, it shall comply with the applicable provisions of ((chapter 296-24)) 296-62-071 WAC.

(i) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in (4)(b)(ii) or (iii) of this section shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in (4)(b)(iii) of this section, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) Establishment of a respirator program. (A) The employer shall establish a respirator program in accordance with the requirements of chapter ((296-24)) 296-62 WAC.

(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(c) Special clothing: The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in (2)(b) of this section.

(d) Change rooms: (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in (2) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering: (A) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(B) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (4)(d) of this section to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with (7)(b) of this section.

(5) Method of measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) with phase contrast illumination.

(6) Monitoring. (a) Initial determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with (3) of this section.

(b) Personal monitoring. (i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall

be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by (2) of this section.

(c) Environmental monitoring. (i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in (2) of this section.

(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(7) Caution signs and labels. (a) Caution signs. (i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers are reasonably expected to be released or where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing airborne asbestos fibers.

(ii) Sign specifications. The warning signs required by (7)(a)(i) of this section shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Asbestos _____	1" Sans Serif, Gothic or Block.
Dust Hazard _____	3/4" Sans Serif, Gothic or Block.
Avoid Breathing Dust _____	1/4" Gothic.
Wear Assigned Protective Equipment _____	1/4" Gothic.
Do Not Remain In Area Unless Your Work Requires It _____	1/4" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health _____	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(b) Caution labels. (i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers will be released.

(ii) Label specifications. The caution labels required by (7)(b)(i) of this section shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION
 Contains Asbestos Fibers
 Avoid Creating Dust
 Breathing Asbestos Dust May Cause
 Serious Bodily Harm

(8) Housekeeping. (a) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers.

(b) Waste disposal. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(c) Deterioration. Friable asbestos or friable asbestos containing material which has become damaged or deteriorated shall be contained, treated, or replaced.

(9) Recordkeeping. (a) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by (6) of this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Director of the Department of Labor and Industries.

(b) Employee access. Every employee and former employee shall have reasonable access to any record required to be maintained by (9)(a) of this section, which indicates the employee's own exposure to asbestos fibers.

(c) Employee notification. Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in (2) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(10) Medical examinations. (a) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this section.

(b) Preplacement. The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(c) Annual examinations. Every employer shall provide or make available on an annual basis, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(d) Termination of employment. The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(e) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past 1-year period.

(f) Medical records. (i) Maintenance. Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) Access. The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the director of the Department of Labor and Industries, the Assistant Secretary of Labor for Occupational Safety and Health, the director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection and any other medical information related to occupational exposure to asbestos fibers.

NEW SECTION

WAC 296-62-07519 THIRAM. (1) Scope and application. This section includes the requirements for control of worker exposure to thiram (tetramethyl thiuram disulfide), during manufacture, storage, packaging, tree application, treated seedling handling, or thiram treated seedlings. The transportation of thiram or thiram treated trees is included except to the extent the United States Department of Agriculture may regulate the hazards covered by this section.

(2) Definitions. The following definitions are applicable to this section:

(a) Clean – the absence of dirt or materials which may be harmful to a worker's health.

(b) Large seedlings – those seedlings of such size, either by length or breadth, that during normal planting operations it is difficult to avoid contact of the thiram treated plant with the mouth or face.

(3) General requirements.

(a) Permissible exposure limits.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to thiram in excess of 0.15 milligrams per cubic meter of air (0.15 mg/M^3), as an eight-hour time weighted average; and

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of thiram in excess of 0.30 mg/M^3 as averaged over any fifteen-minute period during the working day.

(iii) Workers shall not be allowed to work more than five days in any seven day period with or around thiram or thiram treated seedlings.

(iv) Item (iii) is not applicable if a specific thiram control program approved by the assistant director or his/her designee has been implemented.

(b) Washing and worker hygiene.

(i) Workers shall wash their hands prior to eating or smoking and at the close of work.

(ii) Warm (at least 85°F , 29.4°C) wash water and single use hand wiping materials shall be provided for washing.

(iii) The warm water and hand wiping materials shall be at fixed work locations or at the planting unit.

(iv) Where warm water is not available within fifteen minutes travel time, nonalcoholic based waterless hand cleaner shall also be provided.

(v) Every planter or nursery worker shall be advised to bathe or shower daily.

(vi) The inside of worker carrying vehicles shall be washed or vacuumed and wiped down at least weekly during the period of thiram use.

(c) Personal protective measures.

(i) Clothing shall be worn by workers to reduce skin contact with thiram to the legs, arms and torso.

(ii) For those workers who have thiram skin irritations, exposed areas of the body shall be protected by a suitable barrier cream.

(iii) Clothing worn by workers shall be washed or changed at least every other day.

(iv) Only impervious gloves may be worn by workers.

(v) Workers hands should be clean of thiram before placing them into gloves.

(vi) Nursery applicators shall be provided with and use respiratory protection in accordance with WAC 296-62-071, disposable coveralls or rubber slickers or other impervious clothing, rubberized boots, head covers and rubberized gloves.

(vii) Nursery workers, other than applicators, who may be exposed to thiram shall be provided with and use disposable coveralls or rubber slickers or other impervious clothing, impervious footwear and gloves, and head covers in accordance with WAC 296-24-075, unless showers have been provided and are used.

(viii) Eye protection according to WAC 296-24-078, shall be provided and worn by workers who may be exposed to splashes of thiram during spraying, plug bundling, belt line grading and plugging or other operations where workers desire it.

(ix) Item (viii) of this subdivision need not be complied with where pressurized emergency eye wash fountains are within ten seconds travel time of the work location.

(d) Methods of compliance.

(i) The employer shall determine and implement feasible engineering or administrative controls to reduce and maintain employee exposure to thiram to within the permissible exposure limits.

(ii) Whenever full compliance with the permissible exposure limits for thiram cannot be achieved by the use of feasible administrative or engineering controls, approved respiratory protection shall be provided at no cost to the employee and shall be used in accordance with WAC 296-62-071.

(iii) Respirators shall be worn, when planting large seedlings, to avoid mouth and face contact with the thiram treated plant unless equally effective measures or planting practices have been taken.

(e) Food handling.

(i) Food snacks, beverages, smoking materials, or any other item which is consumed shall not be stored or consumed in the packing area of the nursery.

(ii) Worker carrying vehicles shall have a clean area for carrying lunches.

(iii) The clean area of the vehicle shall be elevated from the floor and not used to carry other than food or other consumable items.

(iv) The carrying of lunches, food or other consumable items in tree planting bags is prohibited.

(v) Care shall be taken to insure that worker exposure to thiram spray, including downwind driftings, is minimized or eliminated.

(vi) Workers shall stand upwind when bags that contained thiram or thiram treated seedlings are burned.

(f) Thiram use and handling.

(i) Nurseries shall develop a quality control program approved by the assistant director or his/her designee to insure that only the minimum amount of thiram necessary to achieve the desired anti-browsing results is applied to the tree seedlings.

(ii) Thiram treated seedlings shall be allowed to set between the time of spraying and packing.

(iii) Seedlings shall be kept moist during packing and whenever possible during planting operations.

(iv) Floors, where thiram is used, shall not be dry swept but instead vacuumed, washed or otherwise cleaned at least daily.

(v) Silica chips used to cover seedling plugs shall be removed at the nursery.

(g) Labeling.

(i) In the event the Washington State Department of Agriculture has promulgated and maintained administrative rules relative to the labeling of thiram treated seedlings, such rules shall apply.

(ii) In the event the Washington State Department of Agriculture has not promulgated or maintained thiram labeling rules, there shall be attached to each container, bundle or wrapping or thiram treated seedlings, a clearly legible and visible tag or label, of waterproof material and printing, on which there is stated in English and Spanish the following:

CAUTION

These seedlings have been treated with an animal repellent containing Thiram (tetramethyl thiuram disulfide) which may flake off the seedlings during handling. Consumption of alcoholic beverages or use of alcohol-base creams or lotions during a time span from twelve hours before to seven days after exposure to Thiram may result in nausea, headache, vomiting, fatigue, or flushness. Exposure to Thiram may also cause irritation of the eyes, nose, throat, or skin.

Thiram may interfere with or render ineffective medications taken by epileptics or heart patients with blood-clotting difficulties. Animal studies at very high concentrations (more than 250 mg/kg) indicate that Thiram may cause birth defects.

SAFETY PRECAUTIONS

(1) Keep treated seedlings moist at all times.

(2) Clothing shall be worn by workers to reduce skin contact with Thiram to the legs, arms and torso.

(3) A fiber or cloth face mask (respirator) may be worn at the planter's discretion, except that when planting large seedlings respirators shall be required to avoid mouth and face contact with Thiram treated plant unless equally effective measures have been taken.

(4) Wash exposed skin areas thoroughly after handling treated seedling and before smoking, drinking, eating or going to the bathroom.

(5) If Thiram flakes come in contact with eyes, immediately flush eyes freely with water.

(6) Bathe daily and change work clothes at least every other day.

PRECAUCION

Estas plantas han sido tratadas con un repelente contra animales que tiene la substancia Thiram (tetramethyl thiuram disulfide) que puede desaparecer en manoseo. La consuncion de bebidas alcoholicas o el uso de cremas o lociones con base de alcohol dentro de 12 horas antes de ser expuesto or hasta 7 dias despues de ser expuesto a Thiram puede resultar en sintomas de nausea, dolor de cabeza, vomito, faiga or rubor. Contacto con Thiram puede causar irritacion de los ojos, nariz, garganta o piel.

Thiram puede interferir o desvalidar en completa las medicinas de los epilepticos o personas con condiciones de la corazon con dificultades de coagulacion de la sangre. Estudios con animales en concentraciones muy altas (mas que 250 mg/kg) indican que Thiram puede causar deformaciones fetales. Sinque cuando se sembra plantas de simillas

grandes macaras estaran requerido a evitar contacto con la boca y la cara con plantas tratado con Thiram excepto cuando otros metodos igualmente efecac estarah usados.

MEDIAS DE PRECACUCION

- (1) Guardar mojados las platas siempre.
 - (2) El trabajador necesita usar ropa para reducir el contacto de Thiram con las piernas, brazos, y el torso.
 - (3) Una mascara de fibre o garra (mascara) se puede usar a la discrecion del plantador.
 - (4) Lavese bien los parten expuestos cuando trate los semillos antes de fumar, tomar, comer e ir al bano.
 - (5) Si acaso el Thiram cae en sus ojos, inmediatamente lavese los ojos libremente con agua.
 - (6) Banese todos los dias y cambiese de ropa de trabajo por lo menos cada otro dia.
- (iii) Other containers or thiram handling areas shall be signed and labeled in accordance with WAC 296-24-140.
 - (h) Training.
 - (i) Each worker engaged in operations where exposure to thiram may occur shall be provided training, relating to the hazards of thiram, and precautions for its safe use and handling.
 - (ii) The training shall include instruction in:
 - (A) The nature of the health hazard(s) from chronic exposure to thiram including specifically the potential for birth defects, alcohol intolerance, and drug interaction;
 - (B) The specific nature of operations which could result in exposure to thiram and the necessary protective steps;
 - (C) The purpose for, proper use, and limitations of protective devices including respirators and clothing;
 - (D) The acute toxicity and skin irritation effects of thiram, and the necessary protective steps;
 - (E) The necessity for and requirements of excellent personal hygiene; and
 - (F) A review of the thiram rules at the worker's first training and indoctrination, and annually thereafter.
 - (iii) A copy of these thiram rules shall be provided to each worker who may be exposed to thiram.
 - (i) Effective date. This standard shall become effective thirty days after being filed with the Code Reviser.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-100 OXYGEN DEFICIENT ATMOSPHERES.

- (1) Definition. A lack of sufficient oxygen is deemed to exist if the atmosphere at sea level has less than 18% oxygen by volume or has a partial pressure of oxygen of 135 millimeters of mercury (mm. Hg) or less. This may deviate when working at higher elevations and should be determined for an individual location. Factors such as acclimatization, physical conditions of the persons involved, etc., must be considered for such circumstances and conditions.
- (2) Entering areas with possible oxygen deficient atmospheres. Workmen entering any area where a lack of sufficient oxygen is probable shall be supplied with and shall use approved equipment (for specific requirements see applicable provisions of chapter ((296-24)) 296-62 WAC) capable of providing safe respirable air, or prior to entry and at all times when workmen are in such areas a sufficient supply of safe, respirable air shall be provided. All workers so exposed shall be under constant observation. If the oxygen content is unknown or may change during occupation, tests shall be required prior to and during occupation of questionable areas.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-11015 ABRASIVE BLASTING. (1) Definitions.

- (a) "Abrasive" means a solid substance used in an abrasive blasting operation.
- (b) "Abrasive-blasting respirator" means a continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.
- (c) "Blast cleaning barrel" means a complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts to the action of an automatic blast spray.
- (d) "Blast cleaning room" means a complete enclosure in which blasting operations are performed and where the operator works inside

of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(e) "Blasting cabinet" means an enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(f) "Clean air" means air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(g) "Dust collector" means a device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(h) "Exhaust ventilation system" means a system for removing contaminated air from a space, comprising two or more of the following elements (i) enclosure or hood, (ii) duct work, (iii) dust collecting equipment, (iv) exhauster, and (v) discharge stack.

(i) "Particulate-filter respirator" means an air purifying respirator, commonly referred to as a dust or a fume respirator, which removes most of the dust or fume from the air passing through the device.

(j) "Respirable dust" means airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(k) "Rotary blast cleaning table" means an enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(l) "Abrasive blasting" means the forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(2) Dust hazards from abrasive blasting. (a) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. The composition and toxicity of the dust from these sources shall be considered in making an evaluation of the potential health hazards.

(b) The concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker shall be kept below the levels specified in WAC 296-62-075 through 296-62-07515.

(c) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1-1961 (NFPA 91-1961), and American National Standard Electrical Code, C1-1968 (NFPA 70-1968). The blast nozzle shall be bonded and grounded to prevent the build-up of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide, NFPA 68-1954.

(3) Blast-cleaning enclosures. (a) Blast-cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air will be maintained at all openings in the enclosure, during the blasting operation.

(i) All air inlets and access openings shall be baffled or so arranged that by the combination of inward air flow and baffling the escape of abrasive or dust particles into an adjacent work area will be minimized and visible spurts of dust will not be observed.

(ii) The rate of exhaust shall be sufficient to provide prompt clearance of the dust-laden air within the enclosure after the cessation of blasting.

(iii) Before the enclosure is opened, the blast shall be turned off and the exhaust system shall be run for a sufficient period of time to remove the dusty air within the enclosure.

(iv) Safety glass protected by screening shall be used in observation windows, where hard deep-cutting abrasives are used.

(v) Slit abrasive-resistant baffles shall be installed in multiple sets at all small access openings where dust might escape, and shall be inspected regularly and replaced when needed.

(A) Doors shall be flanged and tight when closed.

(B) Doors on blast-cleaning rooms shall be operable from both inside and outside, except that where there is a small operator access door, the large work access door may be closed or opened from the outside only.

(4) Exhaust ventilation systems. (a) The construction, installation, inspection, and maintenance of exhaust systems shall conform to the

principles and requirements set forth in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, and ANSI Z33.1-1961.

(i) When dust leaks are noted, repairs shall be made as soon as possible.

(ii) The static pressure drop at the exhaust ducts leading from the equipment shall be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation. Whenever an appreciable change in the pressure drop indicates a partial blockage, the system shall be cleaned and returned to normal operating condition.

(b) In installations where the abrasive is recirculated, the exhaust ventilation system for the blasting enclosure shall not be relied upon for the removal of fines from the spent abrasive instead of an abrasive separator. An abrasive separator shall be provided for the purpose.

(c) The air exhausted from blast-cleaning equipment shall be discharged through dust collecting equipment. Dust collectors shall be set up so that the accumulated dust can be emptied and removed without contaminating other working areas.

(5) Personal protective equipment. See applicable provisions of chapters 296-24 and 296-62 WAC.

(a) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators:

(i) When working inside of blast-cleaning rooms, or

(ii) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or

(iii) Where concentrations of toxic dust dispersed by the abrasive-blasting may exceed the limits set in WAC 296-62-075 through 296-62-07515 and the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(b) Particulate filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as cleanup, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved for protection against the specific type of dust encountered.

(i) Dust-filter respirators may be used to protect the operator of outside abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicities.

(ii) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(c) A respiratory protection program as defined and described in applicable provisions of chapters 296-24 and 296-62 WAC, shall be established wherever it is necessary to use respiratory protective equipment.

(d) Refer to applicable provisions of chapter 296-24 WAC for operators personal protective equipment.

(6) Operational procedures and general safety. Dust shall not be permitted to accumulate on the floor or on ledges outside of an abrasive-blasting enclosure, and dust spills shall be cleaned up promptly. Aisles and walkways shall be kept clear of steel shot or similar abrasive which may create a slipping hazard.

(7) Scope. This paragraph applies to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. It does not apply to steam blasting, or steam cleaning, or hydraulic cleaning methods where work is done without the aid of abrasives.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11019 SPRAY-FINISHING OPERATIONS. (1)

Definitions. (a) "Spray-finishing operations" means employment of methods wherein organic or inorganic materials are utilized in dispersed form from deposit on surfaces to be coated, treated or cleaned. Such methods of deposit may involve either automatic, manual, or electrostatic deposition but do not include metal spraying or metallizing, dipping, flow coating, roller coating, tumbling, centrifuging, or spray washing and degreasing as conducted in self-contained washing and degreasing machines or systems.

(b) "Spray booth" spray booths are defined and described in WAC 296-24-370 through 296-24-37007. (See sections 103, 104, and 105 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.)

(c) "Spray room" means a room in which spray-finishing operations not conducted in a spray booth are performed separately from other areas.

(d) "Minimum maintained velocity" means the velocity of air movement which must be maintained in order to meet minimum specified requirements for health and safety.

(2) Location and application. Spray booths or spray rooms are to be used to enclose or confine all operations. Spray-finishing operations shall be located as provided in sections 201 through 206 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.

(3) Design and construction of spray booths. (a) Spray booths shall be designed and constructed in accordance with WAC 296-24-370 through 296-24-37007 (see sections 301-304 and 306-310 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969), for general construction specifications.

NOTE: For a more detailed discussion of fundamentals relating to this subject, see ANSI Z9.2-1960.

(i) Lights, motors, electrical equipment and other sources of ignition shall conform to the requirements of WAC 296-24-370. (See section 310 and chapter 4 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.)

(ii) In no case shall combustible material be used in the construction of a spray booth and supply or exhaust duct connected to it.

(b) Unobstructed walkways shall not be less than 6 1/2 feet high and shall be maintained clear of obstruction from any work location in the booth to a booth exit or open booth front. In booths where the open front is the only exit, such exits shall be not less than 3 feet wide. In booths having multiple exits, such exits shall not be less than 2 feet wide, provided that the maximum distance from the work location to the exit is 25 feet or less. Where booth exits are provided with doors, such doors shall open outward from the booth.

(c) Baffles, distribution plates, and dry-type overspray collectors shall conform to the requirements of WAC 296-24-370. (See sections 304 and 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.)

(i) Overspray filters shall be installed and maintained in accordance with the requirements of WAC 296-24-370. (See section 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969), and shall only be in a location easily accessible for inspection, cleaning, or replacement.

(ii) Where effective means, independent of the overspray filters are installed which will result in design air distribution across the booth cross section, it is permissible to operate the booth without the filters in place.

(d)(i) For wet or water-wash spray booths, the water-chamber enclosure, within which intimate contact of contaminated air and cleaning water or other cleaning medium is maintained, if made of steel, shall be 18 gauge or heavier and adequately protected against corrosion.

(ii) Chambers may include scrubber spray nozzles, headers, troughs, or other devices. Chambers shall be provided with adequate means for creating and maintaining scrubbing action for removal of particulate matter from the exhaust air stream.

(e) Collecting tanks shall be of welded steel construction or other suitable noncombustible material. If pits are used as collecting tanks, they shall be concrete, masonry, or other material having similar properties.

(i) Tanks shall be provided with weirs, skimmer plates, or screens to prevent sludge and floating paint from entering the pump suction box. Means for automatically maintaining the proper water level shall also be provided. Fresh water inlets shall not be submerged. They shall terminate at least one pipe diameter above the safety overflow level of the tank.

(ii) Tanks shall be so constructed as to discourage accumulation of hazardous deposits.

(f) Pump manifolds, risers, and headers shall be adequately sized to insure sufficient water flow to provide efficient operation of the water chamber.

(4) Design and construction of spray rooms. (a) Spray rooms, including floors, shall be constructed of masonry, concrete, or other noncombustible material.

(b) Spray rooms shall have noncombustible fire doors and shutters.

(c) Spray rooms shall be adequately ventilated so that the atmosphere in the breathing zone of the operator shall be maintained in accordance with the requirements of (6)(b) of this section.

(d) Spray rooms used for production spray-finishing operations shall conform to the requirements of spray booths.

(5) Ventilation. (a) Ventilation shall be provided in accordance with provisions of WAC 296-24-370, (See chapter 5 of the Standard for Spray Finishing Using Flammable or Combustible Materials, NFPA No. 33-1969), and in accordance with the following:

(i) Where a fan plenum is used to equalize or control the distribution of exhaust air movement through the booth, it shall be of sufficient strength or rigidity to withstand the differential air pressure or other superficially imposed loads for which the equipment is designed and also to facilitate cleaning. Construction specifications shall be at least equivalent to those of (5)(c) of this section.

(ii) All fan ratings shall be in accordance with Air Moving and Conditioning Association Standard Test Code for Testing Air Moving Devices, Bulletin 210, April 1962.

(b) Inlet or supply ductwork used to transport makeup air to spray booths or surrounding areas shall be constructed of noncombustible materials.

(i) If negative pressure exists within inlet ductwork, all seams and joints shall be sealed if there is a possibility of infiltration of harmful quantities of noxious gases, fumes, or mists from areas through which ductwork passes.

(ii) Inlet ductwork shall be sized in accordance with volume flow requirements and provide design air requirements at the spray booth.

(iii) Inlet ductwork shall be so supported throughout its length to sustain at least its own weight plus any negative pressure which is exerted upon it under normal operating conditions.

(c) Ducts shall be so constructed as to provide structural strength and stability at least equivalent to sheet steel of not less than the following thickness:

DIAMETER OR GREATER DIMENSION

(U.S. gauge)

Up to 8 inches inclusive	No. 24
Over 8 inches to 18 inches inclusive	No. 22
Over 18 inches to 30 inches inclusive	No. 20
Over 30 inches	No. 18

(i) Exhaust ductwork shall be adequately supported throughout its length to sustain its weight plus any normal accumulation in interior during normal operating conditions and any negative pressure exerted upon it.

(ii) Exhaust ductwork shall be sized in accordance with good design practice which shall include consideration of fan capacity, length of duct, number of turns and elbows, variation in size, volume, and character of materials being exhausted. See American National Standard Z9.2-1960 for further details and explanation concerning elements of design.

(iii) Longitudinal joints in sheet steel ductwork shall be either lock-seamed, riveted, or welded. For other than steel construction, equivalent securing of joints shall be provided.

(iv) Circumferential joints in ductwork shall be substantially fastened together and lapped in the direction of airflow. At least every fourth joint shall be provided with connecting flanges, bolted together or of equivalent fastening security.

(v) Inspection or clean-out doors shall be provided for every 9 to 12 feet of running length for ducts up to 12 inches in diameter, but the distance between clean-out doors may be greater for larger pipes. (See 8.3.21 of American National Standard Z9.1-1960.) A clean-out door or doors shall be provided for servicing the fan, and where necessary, a drain shall be provided.

(vi) Where ductwork passes through a combustible roof or wall, the roof or wall shall be protected at the point of penetration by open space or fire-resistive material between the duct and the roof or wall. When ducts pass through fire-walls, they shall be provided with automatic fire dampers on both sides of the wall, except that three-eighth-inch steel plates may be used in lieu of automatic fire dampers for ducts not exceeding 18 inches in diameter.

(vii) Ductwork used for ventilating any process covered in this standard shall not be connected to ducts ventilating any other process or any chimney or flue used for conveying any products of combustion.

(6) Velocity and air flow requirements. (a) Except where a spray booth has an adequate air replacement system, the velocity of air into all openings of a spray booth shall be not less than that specified in

Table 14 for the operating conditions specified. An adequate air replacement system is one which introduces replacement air upstream or above the object being sprayed and is so designed that the velocity of air in the booth cross section is not less than that specified in Table 14 when measured upstream or above the object being sprayed.

**TABLE 14
MINIMUM MAINTAINED VELOCITIES
INTO SPRAY BOOTHS**

Operating conditions for object completely inside booth	Crossdraft f.p.m.	Airflow Velocities, f.p.m.	
		Design	Range
Electrostatic and automatic airless operation contained in booth without operator.	Negligible	50 large booth	50-75
		100 small booth	75-125
Air-operated guns, manual or automatic	Up to 50	100 large booth	75-125
		150 small booth	125-175
Air-operated guns, manual or automatic	Up to 100	150 large booth	125-175
		200 small booth	150-250

NOTES:

(1) Attention is invited to the fact that the effectiveness of the spray booth is dependent upon the relationship of the depth of the booth to its height and width.

(2) Crossdrafts can be eliminated through proper design and such design should be sought. Crossdrafts in excess of 100 fpm (feet per minute) should not be permitted.

(3) Excessive air pressures result in loss of both efficiency and material waste in addition to creating a backlash that may carry overspray and fumes into adjacent work areas.

(4) Booths should be designed with velocity shown in the column headed "Design." However, booths operating with velocities shown in the column headed "Range" are in compliance with this standard.

(b) In addition to the requirements in (6)(a) of this section the total air volume exhausted through a spray booth shall be such as to dilute solvent vapor to at least 25 percent of the lower explosive limit of the solvent being sprayed. An example of the method of calculating this volume is given below.

Example: To determine the lower explosive limits of the most common solvents used in spray finishing, see Table 15. Column 1 gives the number of cubic feet of vapor per gallon of solvent and column 2 gives the lower explosive limit (LEL) in percentage by volume of air. Note that the quantity of solvent will be diminished by the quantity of solids and nonflammable contained in the finish.

To determine the volume of air in cubic feet necessary to dilute the vapor from 1 gallon of solvent to 25 percent of the lower explosive limit, apply the following formula:

$$\text{Dilution volume required per gallon of solvent} = \frac{4 (100 - \text{LEL}) (\text{cubic feet of vapor per gallon})}{\text{LEL}}$$

Using toluene as the solvent.

(1) LEL of toluene from Table 15, column 2, is 1.4 percent.

(2) Cubic feet of vapor per gallon from Table 15, column 1, is 30.4 cubic feet per gallon.

$$\text{Dilution volume required} = \frac{4 (100 - 1.4) 30.4}{1.4} = 8,564 \text{ cubic feet.}$$

(4) To convert to cubic feet per minute of required ventilation, multiply the dilution volume required per gallon of solvent by the number of gallons of solvent evaporated per minute.

TABLE 15
LOWER EXPLOSIVE LIMIT OF SOME
COMMONLY USED SOLVENTS

Solvent	Cubic feet of vapor per gallon of liquid at 70°F.	Lower explosive limit in percent by volume of air at 70°F.
	Column 1	Column 2
Acetone	44.0	2.6
Amyl Acetate (iso)	21.6	1.0 ¹
Amyl Alcohol (n)	29.6	1.2
Amyl Alcohol (iso)	29.6	1.2
Benzene	36.8	1.4 ¹
Butyl Acetate (n)	24.8	1.7
Butyl Alcohol (n)	35.2	1.4
Butyl Cellosolve	24.8	1.1
Cellosolve	33.6	1.8
Cellosolve Acetate	23.2	1.7 ¹
Cyclohexanone	31.2	1.1 ¹
1,1 Dichloroethylene	42.4	5.6
1,2 Dichloroethylene	42.4	9.7
Ethyl Acetate	32.8	2.5
Ethyl Alcohol	55.2	4.3
Ethyl Lactate	28.0	1.5 ¹
Methyl Acetate	40.0	3.1
Methyl Alcohol	80.8	7.3
Methyl Cellosolve	40.8	2.5
Methyl Ethyl Ketone	36.0	1.8
Methyl n-Propyl Ketone	30.4	1.5
Naphtha (VM&P) (76° Naphtha)	22.4	0.9
Naphtha (100° Flash) Safety Solvent— Stoddard Solvent	23.2	1.1
Propyl Acetate (n)	27.2	2.0
Propyl Acetate (iso)	28.0	1.8
Propyl Alcohol (n)	44.8	2.1
Propyl Alcohol (iso)	44.0	2.0
Toluene	30.4	1.4
Turpentine	20.8	0.8
Xylene (o)	26.4	1.0

¹At 212°F.

(c)(i) When an operator must position himself in a booth downstream of the object being sprayed, an air supplied respirator or other type of respirator listed in the applicable provisions of chapter ((296-24)) 296-62 WAC ((or specified in ANSI Z88.2-1969)) for the material being sprayed should be used by the operator.

(ii) Where downdraft booths are provided with doors, such doors shall be closed when spray painting.

(7) Make-up air. (a) Clean fresh air, free of contamination from adjacent industrial exhaust systems, chimneys, stacks, or vents, shall be supplied to a spray booth or room in quantities equal to the volume of air exhausted through the spray booth.

(b) Where a spray booth or room receives make-up air through self-closing doors, dampers, or louvers, they shall be fully open at all times when the booth or room is in use for spraying. The velocity of air through such doors, dampers, or louvers shall not exceed 200 feet per minute. If the fan characteristics are such that the required air flow through the booth will be provided, higher velocities through the doors, dampers, or louvers may be used.

(c)(i) Where the air supply to a spray booth or room is filtered, the fan static pressure shall be calculated on the assumption that the filters are dirty to the extent that they require cleaning or replacement.

(ii) The rating of filters shall be governed by test data supplied by the manufacturer of the filter. A pressure gauge shall be installed to show the pressure drop across the filters. This gauge shall be marked to show the pressure drop at which the filters require cleaning or replacement. Filters shall be replaced or cleaned whenever the pressure drop across them becomes excessive or whenever the air flow through the face of the booth falls below that specified in Table 14.

(d)(i) Means of heating make-up air to any spray booth or room, before or at the time spraying is normally performed, shall be provided in all places where the outdoor temperature may be expected to remain below 55°F. for appreciable periods of time during the operation of the booth except where adequate and safe means of radiant heating for all

operating personnel affected is provided. The replacement air during the heating seasons shall be maintained at not less than 65°F. at the point of entry into the spray booth or spray room. When otherwise unheated make-up air would be at a temperature of more than 10°F. below room temperature, its temperature shall be regulated as provided in section 3.6 of ANSI Z9.2-1960.

(ii) As an alternative to an air replacement system complying with the preceding section, general heating of the building in which the spray room or booth is located may be employed provided that all occupied parts of the building are maintained at not less than 65°F. when the exhaust system is in operation or the general heating system supplemented by other sources of heat may be employed to meet this requirement.

(iii) No means of heating make-up air shall be located in a spray booth.

(iv) Where make-up air is heated by coal or oil, the products of combustion shall not be allowed to mix with the make-up air, and the products of combustion shall be conducted outside the building through a flue terminating at a point remote from all points where make-up air enters the building.

(v) Where make-up air is heated by gas, and the products of combustion are not mixed with the make-up air but are conducted through an independent flue to a point outside the building remote from all points where make-up air enters the building, it is not necessary to comply with (7)(d)(vi) of this section.

(vi) Where make-up air to any manually operated spray booth or room is heated by gas and the products of combustion are allowed to mix with the supply air, the following precautions must be taken:

(A) The gas must have a distinctive and strong enough odor to warn workmen in a spray booth or room of its presence if in an unburned state in the make-up air.

(B) The maximum rate of gas supply to the make-up air heater burners must not exceed that which would yield in excess of 200 p.p.m. (parts per million) of carbon monoxide or 2,000 p.p.m. of total combustible gases in the mixture if the unburned gas upon the occurrence of flame failure were mixed with all of the makeup air supplied.

(C) A fan must be provided to deliver the mixture of heated air and products of combustion from the plenum chamber housing the gas burners to the spray booth or room.

(8) Scope. Spray booths or spray rooms are to be used to enclose or confine all spray finishing operations covered by this paragraph. This paragraph does not apply to the spraying of the exteriors of buildings, fixed tanks, or similar structures, nor to small portable spraying apparatus not used repeatedly in the same location.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-11021 OPEN SURFACE TANKS. (1) General.

(a) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(b) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(2) Classification of open-surface tank operations. (a) Open-surface tank operations shall be classified into 16 classes, numbered A-1 to D-4, inclusive.

(b) Determination of Class. Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(c) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (ppm), or in

milligrams of mist per cubic meter of air (mg/m³), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in WAC 296-62-075 through 296-62-07515.

(d) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34-1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest ppm or mg/m³) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A of (2)(e) of this section.)

(e) Hazard potential shall be determined from Table 16, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a permissible exposure limit in ppm or a mist with a TLV in mg/m³, the TLV indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

NOTE A:

$$\frac{c_1}{PEL} + \frac{c_2}{PEL} + \frac{c_3}{PEL} + \dots + \frac{c_N}{PEL} > 1$$

where:

c = Concentration measured at the operation in ppm.

TABLE 16
DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group		
	Gas or vapor (ppm)	Mist (mg/m ³)	Flash point (in degrees F.)
A.....	0-10	0-0.1
B.....	11-100	0.11-1.0	Under 100
C.....	101-500	1.1-10	100-200
D.....	Over 500	Over 10	Over 200

(f) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of;

- (i) The temperature of the liquid in the tank in degrees Fahrenheit;
- (ii) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;
- (iii) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and
- (iv) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table 17, Note 2.) Gassing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (See Table 17, Note 3).

(g) Rate of evolution shall be determined from Table 17. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

TABLE 17
DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION¹

Rate	Liquid temperature, °F	Degrees below boiling point	evaporation ²	Relative Gassing ³
1	Over 200	0-20	Fast	High
2	150-200	21-50	Medium	Medium

TABLE 17
DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION¹

Rate	Liquid temperature, °F	Degrees below boiling point	evaporation ²	Relative Gassing ³
3	94-149	51-100	Slow	Low
4	Under 94	Over 100	Nil	Nil

NOTE 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carry out of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedures are average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

NOTE 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in Industrial and Engineering Chemistry, vol. 27, p. 1169, (3) where time for 100— percent evaporation is as follows: Fast: 0-3 hours; Medium: 3-12 hours; Slow: 12-50 hours; Nil: more than 50 hours.

NOTE 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) Ventilation. Where ventilation is used to control potential exposures to workers as defined in (2)(c) of this section, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(4) Control requirements. (a) Control velocities shall conform to Table 18 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

- (b) All tanks exhausted by means of hoods which;
 - (i) Project over the entire tank;
 - (ii) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and
 - (iii) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.
 - (iv) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE 18
CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ Paragraph (4)(iii)	Canopy hood ² (See Sub-paragraph (4)(iv)) (See Sub-	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2	100	150	150	Do not use	Do not use
A-3 (Note 2), B-1, B-2, and C-1	75	100	100	125	175

TABLE 18
CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.)
FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ Paragraph (4)(iii)	Canopy hood ² (See Sub-paragraph (4)(iv)) (See Sub-paragraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
B-3, C-2, and D-1 (Note 3)	65	90	75	100	150
A-4 (Note 2), C-3, and D-2 (Note 3)	50	75	50	75	125
B-4, C-4, D-3 (Note 3), and D-4	General room ventilation required.				

¹See Table 19 for computation of ventilation rate.

²Do not use canopy hood for Hazard Potential A processes.

³Where complete control of hot water is desired, design as next highest class.

(c) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table 19 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table 19.

(i) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(A) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(B) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

(C) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(D) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a manner as to significantly interfere with the performance of the exhaust hood.

TABLE 19
MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR
PER MINUTE PER SQUARE FOOT OF TANK AREA FOR
LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ^{1,3}				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0

Hood along one side or two parallel sides of tank when one hood is against a wall or baffle.²
Also for a manifold along tank centerline.³

50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200

TABLE 19
MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR
PER MINUTE PER SQUARE FOOT OF TANK AREA FOR
LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ^{1,3}				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0
150	150	190	225	260	300
Hood along one side or two parallel sides of free standing tank not against wall or baffle.					
50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

¹It is not practicable to ventilate across the long dimension of a tank whose ratio W/L exceeds 2.0.

It is understandable to do so when W/L exceeds 1.0. For circular tanks with lateral exhaust along up the circumference use W/L = 1.0 for over one-half the circumference use W/L = 0.5.

²Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

³Use W/L as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.

Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is not back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyerized systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(E) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(d) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(e) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 percent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) Spray cleaning and degreasing. Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered in WAC 296-62-11019.

(6) Control means other than ventilation. Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with (2) of this section.

(7) System design. (a) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(b) The capacity required in (7)(a) of this section shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

- (i) Entrance losses into the hood.
 - (ii) Resistance to airflow in branch pipe including bends and transformations.
 - (iii) Entrance loss into the main pipe.
 - (iv) Resistance to airflow in main pipe including bends and transformations.
 - (v) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.
 - (vi) Resistance in outlet duct and discharge stack.
- (c) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(d) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) Operation. (a) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the airflow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(b) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(c) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) Personal protection. (a) All employees working in and around open surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(b) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(c) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(d) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton

clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(e) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. (See WAC 296-24-078.)

(f) When, during emergencies as described in (11)(e) of this section, workers must be in areas where concentrations of air contaminants are greater than the limit set by (2)(c) of this section, or oxygen concentrations are less than 18 percent, they shall be required to wear respirators adequate to reduce their exposure to a level below these limits, or to provide adequate oxygen. Such respirators shall also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators shall meet the applicable provisions of chapter ((296-24)) 296-62 WAC and shall be selected by a competent industrial hygienist or other technically qualified source. Respirators shall be used in accordance with the applicable provisions of chapter ((296-24)) 296-62 WAC, and persons who may require them shall be trained in their use.

(g) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(h) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chance of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(i) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. (See WAC 296-24-12009.)

(j) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(k) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) Special precautions for cyanide. Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) Inspection, maintenance, and installation. (a) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(b) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(c) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by (2)(c) of this section are exceeded, or if the oxygen concentration is less than 18 percent.

(d) If the tests made in accordance with (11)(c) of this section indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(e) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators,

such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with (9)(f) of this section, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(f) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with (9)(f) of this section. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) Vapor degreasing tanks. (a) In any vapor degreasing tank equipped with a condenser and vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(b) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

(c) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(d) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) Scope. (a) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(b) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(c) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-14507 TOXIC ATMOSPHERES. (1) Atmospheres where contamination is below permissible exposure limits as defined in chapter 296-62 WAC ((296-62-075 through 296-62-07517)) may be entered without respiratory protection.

(2) Atmospheres where contamination is above the permissible exposure limits but below values immediately hazardous to life or health may be entered when respiratory protective equipment as defined in the applicable provisions of chapter ((296-24)) 296-62 WAC is properly worn.

(3) Atmospheres immediately hazardous to life may be entered only in the event of emergency and then only when employees are protected by equipment approved for such exposures.

(4) Atmospheres where the toxicity is not known shall require full protection.

(5) Entry into spaces which contain or could contain corrosive chemicals or chemicals which are toxic through skin absorption shall require equipment to prevent skin and/or eye contact.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-14531 EXPOSURE TO COTTON DUST IN COTTON GINS. (1) Scope and application. This section applies to the control of employee exposure to cotton dust in cotton gins.

(2) Definitions. For the purposes of this section:

(a) "Blow down" - the cleaning of equipment and surface with compressed air.

(b) "Cotton dust" - dust present in the air during the handling or processing of cotton which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, noncotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods.

(c) "Director" - The Director of the Department of Labor and Industries, or his designated representative.

(3) Work practices. Each employer shall immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the written work practices program:

(a) General. (i) All surfaces shall be maintained as free as practicable of accumulations of cotton dust.

(ii) The employer shall inspect, clean, maintain and repair, all engineering control equipment, production equipment and ventilation systems including power sources, ducts, and filtration units of the equipment, and at a minimum, tape or cover leaks in valves, flashing, elbows, and bands on air lines.

(iii) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which most effectively reduces exposure to the lowest level feasible.

(b) Specific. (i) Floors and other accessible surfaces contaminated with cotton dust may not be cleaned by the use of compressed air.

(ii) Cleaning of clothing with compressed air is prohibited.

(iii) Floor sweeping shall be performed by a vacuum or with methods designed to minimize dispersal of dust.

(iv) Compressed air "blow-down" cleaning shall be prohibited, except where alternative means are not feasible. Where compressed air "blow-down" is done, respirators shall be worn by the employees performing the "blow-down," and employees in the area whose presence is not required to perform the "blow-down" shall be required to leave the area during this cleaning operation.

(c) Work practice plan. A written work place plan shall be kept which shall list appropriate schedules for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be made available for inspection by the Director.

(4) Use of respirators. (a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection.

(b) Use of respirators. Respirators shall be used in the following circumstances:

(i) By workers identified by medical surveillance under subitem (5)(f)(i)(D) of this subsection; or

(ii) During operations such as maintenance and repair activities in which work practice controls are not feasible; or

(iii) In operations specified under subitem (3)(b)(iv) of this subsection.

(c) Availability upon request. Respirators shall be made available upon request, to any employee exposed to cotton dust.

(d) Respirator selection. (i) Where respirators are required under this section, the employer shall select, provide and assure the use of any respirator tested and approved for protection against dust by the National Institute Of Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) Where respirators are required by this subsection, the employer shall provide either any NIOSH approved respirator or at the option of each affected worker, a NIOSH approved powered air purifying respirator with a high efficiency filter.

(e) Respirator program. The employer shall institute a respirator program in accordance with WAC ((~~296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111~~) 296-62-071).

(f) Respirator usage. (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected by the employee, and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator facepieces to prevent skin irritation associated with respirator use.

(5) Medical surveillance. (a) General. (i) Each employer who has an operating gin in which cotton dust is present shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a NIOSH approved training course in spirometry.

(b) Initial examinations. For each ginning season, at the time of initial assignment, the employer shall provide each employee who is or may be exposed to cotton dust, with an opportunity for medical surveillance that shall include:

(i) A medical history;

(ii) The standardized questionnaire in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV₁), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in Appendix C. The predicted FEV, and FVC for blacks shall be multiplied by 0.85 to adjust for racial differences.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Mid-season retest. The determinations required under subsection (5)(b) of this section shall be made again for each employee after at least 14 days of employment and before the termination of employment for the season. The determinations shall be made following at least 24 hours or one working day after previous exposure to cotton dust. The pulmonary function tests shall be repeated during the shift, no sooner than four and no more than 10 hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure.

(d) Periodic examinations. (i) The employer shall provide the medical surveillance under this subsection (5) annually.

(ii) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(iii) An employee whose FEV₁ is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its Appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) A description of any personal protective equipment used or to be used; and

(iv) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain and furnish the employee with a copy of the written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests, including any determinations made under subitem (5)(d)(ii) of this section.

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators;

(D) The physician's recommendations for the employee's use of a respirator where dust effects could be suppressed by respirator use;

(E) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnosis unrelated to occupational exposure.

(g) Spanish speaking employees. An employer whose workforce consists of a significant percentage of Spanish speaking workers who cannot communicate effectively in English, shall provide bilingual administration of the medical surveillance requirements, including use of the Spanish questionnaire provided in Appendix B.

(h) Nonduplication of medical surveillance. (i) During any one ginning season, an employer is not required to provide medical surveillance as described in subsection (5) of this section for any employee who can demonstrate that both the background medical surveillance and the mid-season retest required by subsection (5) of this section were administered during that ginning season while in the employment of another gin employer.

(ii) If an employee can demonstrate that the background medical surveillance has been administered but not the mid-season retest, the employer shall provide the mid-season medical retest of subdivision (5)(c) of this section, and comply with provisions of subdivision (5)(d)-(5)(f) of this section. Where the employer is administering only the mid-season retest, the employer shall provide the mid-season retest after at least 14 days of employment in his gin and before termination of employment for the season.

(iii) For purposes of this section, where the employer does not administer any medical surveillance, the employer shall be satisfied that an employee has undergone the medical surveillance required under subdivisions (5)(a) to (5)(c) of this section upon receipt of written notification from the employer who administered the test, or upon receipt by the physician supervising the program, of a copy of the results of medical surveillance.

(6) Employee education and training. (a) Training program. (i) Each employer who operates an active gin shall institute a training program for all his employees, prior to initial assignment, and shall assure that each employee is informed of the following:

(A) The specific nature of the operations which could result in exposure to cotton dust;

(B) The measures, including work practices, required by subsection (3) of this section, necessary to protect the employee from excess exposures;

(C) The purpose, proper use and limitations of respirators required by subsection (4) of this section;

(D) The purpose for and a description of the medical surveillance program required by subsection (5) of this section; and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(E) The contents of this standard and its appendices.

(b) Access to training materials. (i) Each employer shall post a copy of this section with its Appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the Director upon request.

(iii) An employer whose workforce consists of a significant percentage of Spanish speaking employees who cannot communicate effectively in English shall provide bilingual administration of the provisions of this section.

(iv) In addition to the information required by subdivision (6)(a), the employer shall include as part of his training program and distribute to employees any materials pertaining to the Washington Industrial Safety and Health Act, the regulations issued pursuant to that Act, and to this cotton dust standard which are made available by the Director.

(7) Signs. (a) The employer shall post the following warning sign in each work area where there is potential exposure to cotton dust:

WARNING

**COTTON DUST WORK AREA
MAY CAUSE ACUTE OR DELAYED
LUNG INJURY (BYSSINOSIS)**

(b) An employer whose workforce consists of a significant percentage of Spanish-speaking employees who cannot communicate effectively in English shall provide bilingual versions of the sign required by subdivision (7)(a) of this section.

(8) Recordkeeping. (a) Medical surveillance. (i) The employer shall establish and maintain an accurate medical record for each employee

subject to medical surveillance required by subsection (5) of this section.

- (ii) The record shall include:
 - (A) The name, social security number and description of the duties of the employee;
 - (B) A copy of the medical surveillance results including the medical history, questionnaire responses, results of all tests and the physician's recommendation;
 - (C) A copy of the physician's written opinion;
 - (D) Any employee medical complaints related to exposure to cotton dust;
 - (E) The type of protective devices worn, and length of time worn;
 - (F) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees: provided that he references the standard in the medical surveillance records of each employee.
- (iii) The employer shall maintain this record for at least 10 years.
- (b) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (8) of this section to the Director for examination and copying.
- (ii) The employer shall make available an employee's medical records required by this section, for examination and copying, to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employee.
- (c) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (8) of this section.
- (ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.
- (iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least three months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.
- (9) Effective date. This emergency rule shall become effective immediately upon filing with the Code Reviser.
- (10) Appendices. Appendices to this section are found in the Federal Register, Vol. 43, No. 122, dated 6-23-78, and the corrections in Vol. 43, No. 153, dated 8-8-78; the contents of these appendices are mandatory. Appendices are available from:

The Technical Services Section
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 P.O. Box 207
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AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-14533 COTTON DUST. (1) Scope and application. (a) This section applies to the control of employee exposure to cotton dust in all workplaces, except as provided in subsection (1)(b) of this section.

- (b) This section does not apply to:
 - (i) The harvesting of cotton;
 - (ii) The ginning of cotton (exposure to cotton dust in cotton ginning is covered by WAC 296-62-14531);
 - (iii) Maritime operations are covered by chapters 296-56 and 296-304 WAC;
 - (iv) The handling or processing of woven or knitted materials; and
 - (v) The handling or processing of washed cotton.
- (c) This section provides mandatory requirements for the control of employee exposure to cotton dust. The mandatory nature of these requirements is not intended, however, to discourage or inhibit the development of different, equally effective means of providing the required protection. The variance and procedure section, WAC 296-24-010, provides a mechanism for employers to obtain variances from the provisions of this section where the employer has developed alternative procedures which are "as safe and healthful as" those required by this section. As implemented by the procedural regulations in WAC 296-24-010, the variance provisions permit the flexibility which contributes to efficient compliance with the standard. To aid in the expeditious processing of variance applications, the procedures allow, where appropriate, for the grant of interim orders pending a decision on the merits of the variance as well as for the consideration of variances applicable to groups of employers. We encourage interested employers to

utilize the variance provisions where equally safe and healthful protective means are available.

- (2) Definitions applicable to this section:
 - (a) "Blow down" - the cleaning of equipment and surfaces with compressed air.
 - (b) "Cotton dust" - dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, noncotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving or knitting of fabrics, and dust present in other operations or manufacturing processes using new or waste cotton fibers or cotton fiber byproducts from textile mills are considered cotton dust.
 - (c) "Director" - the director of labor and industries or his authorized representative.
 - (d) "Lint-free respirable cotton dust" - particles of cotton dust of approximately 15 microns or less aerodynamic equivalent diameter.
 - (e) "Vertical elutriator cotton dust sampler" - a dust sampler which has a particle size cut-off at approximately 15 microns aerodynamic equivalent diameter when operating at the flow rate of 7.4 ± 0.2 liters per minute.
 - (f) "Yarn manufacturing" - all textile mill operations from opening to, but not including, slashing and weaving.
 - (g) "Washed cotton" - cotton which has been thoroughly washed in hot water and is known in the cotton textile trade as purified or dyed. Washed cotton does not include steamed, autoclaved cotton or cotton washed solely in solvents.
- (3) Permissible exposure limits. (a) The employer shall assure that no employee who is exposed to cotton dust in yarn manufacturing is exposed to airborne concentrations of lint-free respirable cotton dust greater than $200 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.
- (b) The employer shall assure that no employee who is exposed to cotton dust in the textile processes known as slashing and weaving is exposed to airborne concentrations of lint-free respirable cotton dust greater than $750 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.
- (c) The employer shall assure that no employee who is exposed to cotton dust (except for exposures in yarn manufacturing and slashing and weaving covered by subsection (3)(a) and (b) of this section is exposed to airborne concentrations of lint-free respirable cotton dust greater than $500 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.
- (4) Exposure monitoring and measurement. (a) General. (i) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.
- (ii) The sampling device to be used shall be either the vertical elutriator cotton dust sampler or a method of equivalent accuracy and precision.
- (iii) If an alternative to the vertical elutriator cotton dust sampler is used, the employer shall establish equivalency by demonstrating that the alternative sampling devices:
 - (A) Collect respirable particulates in the same range as the vertical elutriator (approximately 15 microns);
 - (B) Replicate exposure data in side-by-side field comparisons; and
 - (C) Are equivalent within an accuracy and precision range of plus or minus twenty-five percent for ninety-five percent of the samples over the range of 0.5 to 2 times the permissible exposure limit.
- (b) Initial monitoring. Each employer who has a place of employment in which cotton dust is present, shall conduct monitoring by obtaining measurements which are representative of the exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. The sampling program shall include at least one determination during each shift for each work area.
- (c) Periodic monitoring. (i) The employer shall repeat the measurements required by subsection (4)(b) of this section at least every six months.
- (ii) Whenever there has been a production, process, or control change which may result in new or additional exposure to cotton dust, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and

measurements required by subsection (4)(b) of this section for those employees affected by the change or increase.

(d) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Whenever the results indicate that the employee's exposure exceeds the applicable permissible exposure limit specified in subsection (3) of this section, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure below the permissible exposure limit.

(5) Methods of compliance. (a) Engineering and work practice controls. The employer shall institute engineering and work practice controls to reduce and maintain employee exposure to cotton dust at or below the permissible exposure limit specified in subsection (3) of this section, except to the extent that the employer establishes that such controls are not feasible.

(b) Whenever feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless institute these controls to immediately reduce exposure to the lowest feasible level, and shall supplement these controls with the use of respirators which shall comply with the provisions of subsection (6) of this section.

(c) Compliance program. (i) Each employer shall establish and implement a written program sufficient to reduce exposures to or below the permissible exposure limit solely by means of engineering controls and work practices as required by subsection (5)(a) of this section.

(ii) The written program shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to cotton dust;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data obtained in accordance with subsection (4) of this section;

(E) A detailed schedule for development and implementation of engineering and work practice controls, including exposure levels projected to be achieved by such controls;

(F) Work practice program; and

(G) Other relevant information.

(iii) The employer's schedule as set forth in the compliance program, shall project completion no later than March 27, 1984.

(iv) The employer shall complete the steps set forth in his program by the dates in the schedule.

(v) Written programs shall be submitted, upon request, to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or their designated representatives.

(vi) The written programs required under subsection (5)(c) of this section shall be revised and updated at least every six months to reflect the current status of the program and current exposure levels.

(d) Mechanical ventilation. When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every six months. Measurements of the system's effectiveness to control exposures shall also be made within five days of any change in production, process or control which may result in any increase in airborne concentrations of cotton dust.

(6) Use of respirators. (a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection (6). Respirators shall be used in the following circumstances:

(i) During the time periods necessary to install or implement feasible engineering controls and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit;

(iv) In operations specified under subsection (7)(a) of this section; and

(v) Whenever an employee requests a respirator.

(b) Respirator selection. (i) Where respirators are required under this section, the employer shall select the appropriate respirator from Table I and shall assure that the employee uses the respirator provided.

TABLE I

Cotton dust concentration	Required respirator
Not greater than—	
(a) 5 x the applicable permissible exposure limit.	1. Any dust respirator, including single use.
(b) 10 x the applicable permissible exposure limit.	1. Any dust respirator, except single use or quarter mask; or 2. Any supplied air respirator; or 3. Any self-contained breathing apparatus.
(c) 100 x the applicable permissible exposure limit.	1. High efficiency particulate filter respirator with a full facepiece; or 2. Any supplied air respirator with full facepiece, helmet or hood; or 3. Any self-contained breathing apparatus with full facepiece.
(d) Greater than 100 x the applicable permissible exposure limit.	1. A powered air-purifying respirator with high efficiency particulate filter; or 2. A self-contained breathing apparatus with a full facepiece operated in pressure demand or other positive pressure mode; or 3. A type "C" supplied air respirator operated in pressure demand or other positive pressure mode; or 4. A combination respirator which includes a type "C" supplied-air respirator with a full facepiece operated in pressure or continuous-flow mode and an auxiliary self-contained breathing apparatus operated in pressure demand or other positive pressure mode.

(ii) The employer shall select respirators from those tested and approved for protection against dust by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(iii) Whenever respirators are required by this section for concentrations not greater than 5 x the applicable permissible exposure limit, the employer shall provide and permit the employee to use, at the employee's option, single use dust respirator in preference to any respirator specified in paragraph (a) of Table I.

(iv) Whenever respirators are required by this section for concentrations not greater than 100 x the applicable permissible exposure limit, the employer shall, upon the request of the employee, provide a powered air purifying respirator with a high efficiency particulate filter in lieu of the respirator specified in paragraphs (a), (b), or (c) of Table I.

(v) Whenever a physician determines that an employee is unable to wear any form of respirator, including a power air purifying respirator, the employee shall be given the opportunity to transfer to another position which is available or which later becomes available having a dust level at or below the PEL. The employer shall assure that an employee who is transferred due to an inability to wear a respirator suffers no loss of earnings or other employment rights or benefits as a result of the transfer.

(vi) Until September 27, 1980, the employer shall provide any dust respirator, including single use, to all employees exposed to cotton dust, unless the employer has conducted the monitoring required by subsection (4)(b) of this section or otherwise has monitored employee exposure. As soon as monitoring has been conducted, the employer shall select the appropriate respirator from Table I.

(c) Respirator program. The employer shall institute a respirator program in accordance with WAC ((~~296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111~~) 296-62-071.

(d) Respirator usage. (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator, to change the filter elements whenever an increase in breathing resistance is detected by the employee. The employer shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator facepieces to prevent skin irritation associated with respirator use.

(7) Work practices. Each employer shall, regardless of the level of employee exposure, immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the work practices program:

(a) Compressed air "blow down" cleaning shall be prohibited, where alternative means are feasible. Where compressed air "blow down" is done, respirators shall be worn by the employees performing the "blow down", and employees in the area whose presence is not required to perform the "blow down" shall be required to leave the area during this cleaning operation.

(b) Cleaning of clothing or floors with compressed air shall be prohibited.

(c) Floor sweeping shall be performed with a vacuum or with methods designed to minimize dispersal of dust.

(d) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means, except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which reduces exposure to the lowest level feasible.

(e) The employer shall inspect, clean, maintain, and repair, all engineering control equipment and ventilation systems including power sources, ducts, and filtration units of the equipment.

(8) Medical surveillance. (a) General. (i) Each employer who has a place of employment in which cotton dust is present shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section shall complete a NIOSH approved training course in spirometry.

(b) Initial examinations. The employer shall provide each employee who is or may be exposed to cotton dust with an opportunity for medical surveillance. For new employees this examination shall be provided prior to initial assignment. The medical surveillance shall include at least the following:

(i) A medical history;

(ii) The standardized questionnaire contained in WAC 296-62-14537; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in one second (FEV₁), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in WAC 296-62-14539. The predicted FEV₁ and FVC for blacks shall be multiplied by 0.85 to adjust for racial differences.

These determinations shall be made for each employee before the employee enters the workplace on the first day of the work week, following at least thirty-five hours after previous exposure to cotton dust. The tests shall be repeated during the shift, no sooner than four and no more than ten hours after the beginning of the work shift, and, in any event, no more than one hour after cessation of exposure.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Periodic examinations. (i) The employer shall provide annual medical surveillance for all employees exposed to cotton dust which shall include at least an update of the medical history and standardized questionnaire (the abbreviated questionnaire, App. B-III) and the pulmonary function measurements in subsection (8)(b) of this section.

(ii) Medical surveillance as required in subsection (8)(c)(i) of this section shall be provided every six months for all employees in the following categories:

(A) An FEV₁ of greater than eighty percent of the predicted value, but with an FEV₁ decrement of five percent or 200 ml. on a first working day;

(B) An FEV₁ of less than eighty percent of the predicted value; or

(C) Where, in the opinion of the physician, any significant change in questionnaire findings, pulmonary function results, or other diagnostic tests has occurred.

(iii) An employee whose FEV₁ is less than sixty percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(iv) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(e) Physician's written opinion. (i) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators including a determination of whether an employee can wear a negative pressure respirator, and where the employee cannot, a determination of the employee's ability to wear a powered air purifying respirator; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(9) employee education and training. (a) Training program.

(i) The employer shall provide a training program for all employees in all workplaces where cotton dust is present, and shall assure that each employee in these workplaces is informed of the following:

(A) The specific nature of the operations which could result in exposure to cotton dust at or above the permissible exposure limit;

(B) The measures, including work practices required by subsection (7) of this section, necessary to protect the employee from exposures in excess of the permissible exposure limit;

(C) The purpose, proper use and limitations of respirators required by subsection (6) of this section;

(D) The purpose for and a description of the medical surveillance program required by subsection (8) of this section and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(E) The contents of this standard and its appendices.

(ii) The training program shall be provided prior to initial assignment and shall be repeated at least annually.

(b) Access to training materials. (i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the director upon request.

(iii) In addition to the information required by subsection (9)(a) of this section, the employer shall include as part of the training program, and shall distribute to employees, any materials, pertaining to the Washington Industrial Safety and Health Act, the regulations issued pursuant to that act, and this cotton dust standard, which are made available to the employer by the director.

(10) Signs. The employer shall post the following warning sign in each work area where the permissible exposure limit for cotton dust is exceeded:

WARNING

COTTON DUST WORK AREA

May Cause Acute or Delayed Lung Injury

(Byssinosis)

RESPIRATORS REQUIRED IN THIS AREA

(11) Recordkeeping. (a) Exposure measurements. (i) The employer shall establish and maintain an accurate record of all measurements required by subsection (4) of this section.

(ii) The record shall include:

(A) A log containing the items listed in WAC 296-62-14535(4)(a), and the dates, number, duration, and results of each of the samples

taken, including a description of the procedure used to determine representative employee exposures;

(B) The type of protective devices worn, if any, and length of time worn; and

(C) The names, social security number, job classifications, and exposure levels of employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least twenty years.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by subsection (8) of this section.

(ii) The record shall include:

(A) The name and social security number and description of the duties of the employee;

(B) A copy of the medical examination results including the medical history, questionnaire responses, results of all tests, and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and the appendices for all employees, provided that he references the standard and appendices in the medical surveillance record of each employee; and

(F) A copy of the information provided to the physician as required by subsection (8)(d) of this section.

(iii) The employer shall maintain this record for at least twenty years.

(c) Availability. (i) The employer shall make all records required to be maintained by subsection (11) of this section available to the director for examination and copying.

(ii) The employer shall make employee exposure measurement records required by this section available to affected employees or their designated representatives for examination and copying.

(iii) The employer shall make all records indicating a former employee's own exposure to cotton dust available to the former employee or his designated representative for examination and copying.

(iv) The employer shall make an employee's medical records required to be maintained by this section, available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees, for examination and copying.

(d) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (11) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(12) Observation of monitoring. (a) The employer shall provide affected employees or their designated representatives an opportunity to observe any measuring or monitoring of employee exposure to cotton dust conducted pursuant to subsection (4) of this section.

(b) Whenever observation of the measuring or monitoring of employee exposure to cotton dust requires entry into an area where the use of personal protective equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(c) Without interfering with the measurement, observers shall be entitled to:

(i) An explanation of the measurement procedures;

(ii) An opportunity to observe all steps related to the measurement of airborne concentrations of cotton dust performed at the place of exposure; and

(iii) An opportunity to record the results obtained.

(13) Effective date. (a) General. This emergency rule is effective upon filing with the code reviser, except as otherwise provided below.

(b) Startup dates. (i) Initial monitoring. The initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible but no later than September 27, 1980.

(ii) Methods of compliance; engineering and work practice controls. Engineering and work practice controls required by subsection (5) of this section shall be implemented no later than March 27, 1984.

(iii) Compliance program. The compliance program required by subsection (5)(c) of this section shall be established no later than March 27, 1981.

(iv) Respirators. The respirators required by subsection (6) of this section shall be provided no later than April 27, 1980. Until September 27, 1980, the provisions of subsection (6)(b)(vi) of this section apply.

(v) Work practices. The work practices required by subsection (7) of this section shall be implemented no later than June 27, 1980.

(vi) Medical surveillance. The initial medical surveillance required by subsection (8) of this section shall be completed no later than March 27, 1981.

(vii) Employee education and training. The initial education and training required by subsection (9) of this section shall be completed as soon as possible but no later than June 27, 1980.

(14) Appendices. (a) Appendix B, WAC 296-62-14537, Appendix C, WAC 296-62-14539 and Appendix D, WAC 296-62-14541 are incorporated as part of this chapter and the contents of these appendices are mandatory.

(b) Appendix A, WAC 296-62-14535 contains information which is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending Order 77-14, filed 7/25/77)

WAC 296-62-20011 RESPIRATORY PROTECTION. (1) General.

(a) Where respiratory protection is required under this section, the employer shall provide and assure the use of respirators which comply with the requirements of this section. Compliance with the permissible limit exposure may not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement feasible engineering and work practice controls; or

(ii) In work operations such as maintenance and repair activity in which engineering and work practice controls are technologically not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Notwithstanding any other requirement of this section, until January 20, 1978, the wearing of respirators shall be at the discretion of each employee where the employee is not in the vicinity of visible emissions.

(2) Selection. (a) Where respirators are required under this section, the employer shall select, provide and assure the use of the appropriate respirator or combination of respirators from Table I below.

TABLE I
RESPIRATORY PROTECTION FOR COKE
OVEN EMISSIONS

Airborne concentration of coke oven emissions	Required respirator
(i) Any concentration.	(A) A Type C supplied air respirator operated in pressure demand or other positive pressure or continuous flow mode; or (B) A powered air-purifying particulate filter respirator for dust, mist, and fume; or (C) A powered air-purifying particulate filter respirator combination chemical cartridge and particulate filter respirator for coke oven emissions.
(ii) Concentrations not greater than 1500 Hg/m ³ .	(A) Any particulate filter respirator for dust, mist and fume, except single-use respirator; or (B) Any particulate filter respirator or combination chemical cartridge and particulate filter respirator for coke oven emissions; or (C) Any respirator listed in subsection (2)(a)(i) of this section.

(b) Not later than January 20, 1978, whenever respirators are required by this section for concentrations not greater than 1500 Hg/m³, the employer shall provide, at the option of each affected employee, either a particulate filter respirator as provided in subsection (2)(a)(ii) of this section, or a powered air purifying respirator as provided in subsection (2)(a)(i) of this section.

(c) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11, except that not later than January 20, 1979, the employer shall select respirators from among those approved by NIOSH for protection against coke oven emissions.

(3) Respirator program. The employer shall institute a respiratory protection program in accordance with WAC ((296-24-0810) through 296-24-0813)) 296-62-071.

(4) Respirator usage. (a) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly. The employer shall perform quantitative fit tests annually for each employee who uses a nonpowered, particulate filter respirator.

(b) The employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) The employer shall allow employees who wear respirators to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

AMENDATORY SECTION (Amending Order 80-31, filed 1/8/81)

WAC 296-79-140 INSTALLATION, INSPECTION, AND MAINTENANCE OF PIPES, PIPING SYSTEMS, AND HOSES.

(1) Definitions applicable to this section.

(a) Hazardous material system - any system within the following classifications:

(i) Flammable or explosive - any system containing materials which are hazardous because they are easily ignited and create a fire or explosion hazard, defined by NFPA as Class I liquids;

(ii) Chemically active or toxic - any system containing material which offers corrosion or toxic hazard in itself or can be productive of harmful gases upon release, defined by NFPA 704M as Class 3 and 4 materials;

(iii) Thermally hazardous - any system above 130°F which exposes persons to potential thermal burns.

(iv) Pressurized - any gaseous system above 200 psig or liquid system above 500 psig.

(b) Piping system - any fixed piping, either rigid pipe or flexible hose, including all fittings and valves, in either permanent or temporary application.

(2) Design and installation. All new piping systems intended to be used in hazardous material service shall be designed and installed in accordance with applicable provisions of the ASME Code for Pressure Piping or in accordance with applicable provisions of ANSI B31.1 through B31.8. The referenced edition in effect at the time of installation shall be utilized.

NOTE: Both referenced standards have identical requirements.

(3) Inspection and maintenance.

(a) Management shall develop a formal program of inspections for all hazardous material piping systems. The program shall be based on sound maintenance engineering principle and shall demonstrate due consideration for the manufacturing specifications of the pipe, hose, valves and fittings, the ambient environment of the installation and the corrosive or abrasive effect of the material handled within the system.

(b) Type and frequency of tests and/or inspections and selection of inspection sites shall be adequate to give indications that minimum safe design operating tolerances are maintained. The tests may include visual or nondestructive methods.

(c) All companies shall submit their formal program of initial and ongoing inspections to the department for approval within one year after the effective date of this requirement.

(d) All existing hazardous material systems shall be inspected to the criteria of this section prior to two years after effective date, or in accordance with a schedule approved by the department.

(4) Inspection records.

(a) Results of inspections and/or tests shall be maintained as a record for each system.

(b) Past records may be discarded provided the current inspection report and the immediately preceding two reports are maintained.

(c) When a system is replaced, a new record shall be established and all past records may be discarded.

(d) The records for each system shall be made available for review by the department upon request.

(e) Portions of systems that are buried or enclosed in permanent structures in such a manner as to prevent exposure to employees even in the event of a failure, may be exempted from the inspection requirements only.

(5) Systems or sections of systems found to be below the minimum ((safety-factor)) design criteria requirements for the current service shall be repaired or replaced with component parts and methods which equal the requirements for new installations.

(6) Identification of piping systems.

(a) Pipes containing hazardous materials shall be identified. It is recommended that USAS A13.1 "Scheme for Identification of Piping Systems" be followed.

(b) Positive identification of a piping system content shall be lettered legend giving the name of the content in full or abbreviated form, or a commonly used identification system. Such identification shall be made and maintained at suitable intervals and at valves, fittings, and on both sides of walls or floors as needed. Arrows may be used to indicate the direction of flow. Where it is desirable or necessary to give supplementary information such as hazard of use of the piping system content, this may be done by additional legend or by color applied to the entire piping system or as colored bands. Legends may be placed on colored bands.

Examples of legend which may give both positive identification and supplementary information regarding hazards or use are:

Ammonia	Hazardous liquid or gas
Chlorine	Hazardous liquid or gas
Chlorine Dioxide	Hazardous liquid or gas
Sulphur Dioxide	Hazardous gas
Liquid Caustic	Hazardous liquid
Liquid Sulphur	Hazardous liquid
Sulphuric Acid	Hazardous liquid
Sodium Chlorate	When dry, danger of fire or explosion

NOTE: Manual L-1, published by Chemical Manufacturers Association, Inc., is a valuable guide in respect to supplementary legend.

(c) When color, applied to the entire piping system or as colored bands, is used to give supplementary information it should conform to the following:

CLASSIFICATION	PREDOMINANT COLOR
F—Fire-Protection Equipment	Red
D—Dangerous Materials	Yellow (or orange)
S—Safe Materials	Green (or the achromatic colors, white, black, gray or aluminum)
and, when required, P—Protective Materials	Bright blue

(d) Legend boards showing the color and identification scheme in use shall be prominently displayed at each plant. They shall be located so that employees who may be exposed to hazardous material piping systems will have a frequent reminder of the identification program.

(e) All employees who work in the area of hazardous material piping systems shall be given training in the color and identification scheme in use.

(7) Test holes not to be covered. Test holes in blow lines of piping systems shall not be covered with insulation or other materials.

(8) Steam hoses. Steam hoses shall be specifically designed to safely carry steam at any pressures to which they may be subjected.

AMENDATORY SECTION (Amending Order 80-31, filed 1/8/81)

WAC 296-79-170 REQUIREMENTS FOR CRAWLER AND TRUCK CRANES. (1) Rated capacity chart. A chart indicating the manufacturer's rated capacity at all operating radii for all permissible boom lengths and jib lengths with alternate ratings for optional equipment affecting such ratings shall be posted in all mobile type cranes and shall be readily visible to the operator in his normal operating position.

(2) Boom length indicated. The length shall be plainly marked on each boom section of a mobile crane having a sectioned boom.

(3) Radius or boom angle indicator. A radius or boom angle indicator shall be installed where it is readily visible to the operator in his normal operating position on all cranes having a movable working boom.

(4) Safety device for light fixtures. Any light fixtures attached to crane boom or machinery house shall have a safety strap or other device attached which will prevent the fixture from falling.

(5) Boom stops. Boom stops shall be installed to govern the upward travel of the boom to a safe limit. Boom stops shall be of adequate strength to prevent the boom from traveling past the vertical position.

(6) Controls marked. Crane operating controls shall be marked or an explanation of the controls' functions shall be posted in full view of the operator.

(7) Locking hydraulic outriggers. Hydraulic outriggers shall be equipped with a pilot operated check valve or a mechanical lock shall be installed which will prevent outriggers from retracting in case of failure of the hydraulic system.

(8) Top of boom painted. The top six feet of the boom or jib shall be painted bright yellow or other bright contrasting color if the boom is yellow.

(Several makes of cranes are already "all yellow." Users say they want to retain the contrasting color theme to call attention to the boomtop.)

(9) Warning devices. All cranes shall be equipped with a suitable warning device such as a horn or whistle.

(10) Hook safety device. All hooks shall be equipped with a safety device or other effective means shall be used to prevent accidental unhooking of the load.

(11) Counterweight limited. The amount of crane counterweight shall not exceed the maximum amount specified by the crane manufacturer.

(12) Use proper size wire rope for sheaves. The size and diameter of sheaves and wire rope shall be compatible and follow the recommendations published by the Wire Rope Institute or other acceptable engineering practices.

(13) Loading or unloading gear. Unloading gear such as grapples, tongs, and buckets, shall not be left suspended when not in use.

(a) Where grapples, trip tongs or similar device is used for loading, the log holding device shall be lowered to the ground whenever the machine is unattended.

(14) No one under load. Personnel shall not position themselves under crane loads and such loads shall not be carried over workers.

(15) Operating clearance from stationary objects. A distance of 30' shall be maintained between the outermost part of a revolving crane and any stationary object within the swing radius of the crane where the area is accessible to workers or the hazardous area must be temporarily guarded or barricaded.

(16) Clearance requirements from unprotected electrical transmission and distribution lines. (a) Except as provided in item (b), all parts of cranes and loads being handled shall maintain the following specified clearances:

(i) For lines rated 50 kv or below, minimum clearance between the lines and any part of the crane or load shall be ten feet;

(ii) For lines rated over 50 kv, minimum, clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(iii) In transit with no load and boom lowered the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kv, and 10 feet for voltages over 50 kv up to and including 345 kv, and 16 feet for voltages up to and including 750 kv.

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means.

(v) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded.

(b) Cranes may be operated within the clearances specified in item (a) only when the following precautions are taken:

(i) Lines may be deenergized and visibly grounded at the point of work; or

(ii) Lines owned or under the control of the employer may be deenergized, grounded and locked out on the employer's premises; or

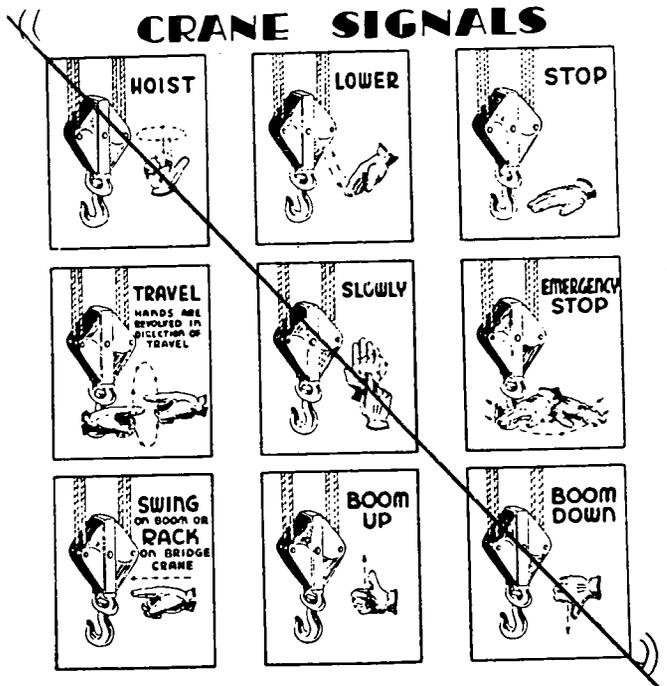
(iii) On N.E.C. approved ((~~metallic sheath~~)) installation of insulated aerial cable, insulating barriers, not a part of or an attachment to the equipment or machinery, may be erected to prevent physical contact with the line.

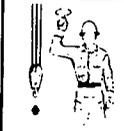
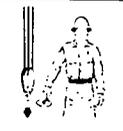
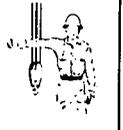
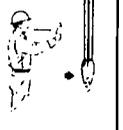
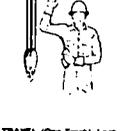
(17) Operators shall avoid contacting overhead obstructions which may damage the boom or adversely affect stability. In instances where the operator may have difficulty in observing clearances, a signal person shall be stationed where they can observe clearances and signal the operator.

(18) Safe travel across thoroughfares or railroad tracks. When moving across thoroughfares or railroad tracks with cranes, shovels or similar types of equipment, which by its design does not allow the operator clear vision of approaching traffic, a flagperson shall be stationed where he/she can control other traffic and signal the equipment operator.

(19) One crew member to give signals. Only a designated member of the crew shall give signals to the crane operator except that anyone may give an emergency stop signal.

(20) Standard hand signals. When visual signals are used standard hand signals, as illustrated in the General Safety and Health Standards, shall be used for directing crane operators.



 <p>HOIST With forearm vertical, forefinger pointing up, move hand in small horizontal circle.</p>	 <p>LOWER With arm extended downward, forefinger pointing down, move hand in small horizontal circle.</p>	 <p>USE MAIN HOIST Tap hat on head, then use regular signals.</p>	 <p>USE WHIRLINE (Auxiliary Hoist) Tap thumb up with one hand, then use regular signals.</p>	 <p>RAISE BOOM Arm extended, fingers closed, thumb pointing upward.</p>
 <p>LOWER BOOM Arm extended, fingers closed, thumb pointing downward.</p>	 <p>MOVE SLOWLY Use one hand to give any motion signal and place other hand palmwise in front of hand giving the motion signal (fingers slowly shown as example).</p>	 <p>RAISE THE BOOM AND LOWER THE LOAD With arm extended, thumb pointing up, flat fingers in and out as long as load movement is desired.</p>	 <p>LOWER THE BOOM AND RAISE THE LOAD With arm extended, thumb pointing down, flat fingers in and out as long as load movement is desired.</p>	 <p>SWING Arm extended, point with finger in direction of swing of boom.</p>
 <p>STOP Arm extended, palm down, hold position rigidly.</p>	 <p>EMERGENCY STOP Arm extended, palm down, move hand rapidly right and left.</p>	 <p>TRAVEL Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.</p>	 <p>DOG EVERYTHING Clasp hands in front of body.</p>	 <p>TRAVEL (Both Tracks) Use both feet in front of body, making a circular motion about each other, indicating direction of travel: forward or backward (for crawler cranes only).</p>
 <p>TRAVEL (One Track) Lean the back on side indicated by raised hat. Travel opposite track in direction indicated by circular motion of other hat, rotated vertically in front of body (for crawler cranes only).</p>	 <p>EXTEND BOOM (Telescoping Booms) Both hats in front of body with thumbs pointing outward.</p>	 <p>RETRACT BOOM (Telescoping Booms) Both hats in front of body with thumbs pointing toward each other.</p>	 <p>EXTEND BOOM (Telescoping Booms) One Hand Signal: One hat in front of chest, thumb tapping chest.</p>	 <p>RETRACT BOOM (Telescoping Booms) One Hand Signal: One hat in front of chest, thumb pointing outward and heel of hat tapping chest.</p>

EXCEPTION: In instances where any machine must be in motion for proper adjustment, for removal or replacement of materials from the machine, for machine clothing changes or for roping up, the following precautions shall be observed:

- (a) The machine shall be operated at slow or jog speed;
- (b) Extension tools which minimize personnel exposure shall be used where possible;
- (c) The operating controls shall at all times be under the control of a qualified operator or craftsman;
- (d) All personnel shall remain in view of the operator or other means of communications shall be established whenever possible;
- (e) All personnel must be beyond the reach of other machine section(s) or element(s) which offer potential exposure. In any instance where such potential exposure exists, such other section(s) or element(s) shall be separately locked out.

(3) Equipment requirements.

(a) The employer shall provide and each employee shall use as many padlocks, tags, chains, or devices as required to implement these requirements.

(b) Provisions shall be made whereby the source of power or exposure can be locked out in accordance with the requirements of this section.

(c) On electrically powered equipment, "stop/start" control switches shall not be used as lockout switches. Lockout switches must be circuit disconnects and must adequately separate the power source from the prime mover so that accidental startup of the equipment being locked out is precluded.

(4) Training requirements.

(a) Each person who will be given authority to implement these requirements shall first be thoroughly trained in the requirements and procedures.

(b) Before being given authority to deactivate and lockout a particular system or piece of equipment, authorized personnel shall be made fully aware of all power sources and/or material entry sources which may offer exposure.

(c) On complex systems or equipment which contain multiple lockout points not at the immediate work location, a complete checklist of all lockout points necessary for isolation is recommended to help eliminate the chance of human error.

(5) Control procedure.

(a) Each person who would be exposed to the hazard shall apply a personal padlock on the control mechanism. Padlocks shall be applied in such a manner as to physically block the control from being moved into the operating position. Each lock shall be personally identified or an information tag identifying the owner shall be attached to the lock.

(b) Padlocks used in lockout procedures may only be removed by the person identified on the lock, except, when it is positively determined that the owner/user of the lock has left the premises without removing a lock, the job supervisor may remove the lock in accordance with a specific procedure formulated by the local plant Labor-Management Safety Committee or approved by the department.

(6) Testing after lockout or tagout. After tagging or locking out equipment, a test shall be conducted to ascertain that the equipment has been made inoperative or the flow of material has been positively stopped. Precautions shall be taken to ascertain that persons will not be subjected to hazard while conducting test if power source or flow of material is not shut off.

(7) Alternate lock-out procedure. Before an alternate procedure can be utilized, a specific written procedure shall be reviewed by the local plant Labor/Management Safety Committee and approved by the Department of Labor and Industries.

(8) Temporary or alternate power to be avoided. Whenever possible, temporary or alternate sources of power to the equipment being worked on shall be avoided. If the use of such power is necessary, all affected employees shall be informed and the source of temporary or alternate power shall be identified.

(9) Where tags are required to implement these lockout and control procedures, the tag and attachment device shall be constructed of such material that it will not be likely to deteriorate in the environment that it will be subjected to.

(10) Provisional exception. Electrical lighting and instrument circuits of 240 volts or less on single phase systems or 277 volts on three-phase systems may be exempted from the lockout requirements of (5)(a) of this section provided that:

(a) An information tag meeting the requirements of (9) of this section is used in lieu of a padlock;

(21) Signals by use of radio frequencies. Class "D" citizen's band radio frequencies shall not be used for signalling crane operators.

AMENDATORY SECTION (Amending Order 80-31, filed 1/8/81)

WAC 296-79-220 DEACTIVATING AND LOCK-OUT REQUIREMENTS. (1) Tagout or other alternative security procedures shall be phased out by (1 year after effective date). In the one year interim, all requirements and procedures of this section shall apply except:

- (a) Physical restraint devices other than padlocks may be used.
 - (b) Whenever devices other than identified padlocks are used, a warning information tag shall be required.
 - (c) Whenever the operating control cannot be physically blocked by the restraining device, a warning information tag shall be required.
- (2) Control requirement. Whenever the unexpected startup of machinery, the energizing of electrical circuits, the flow of material in piping systems or the removal of guards would endanger workers, such exposure shall be prevented by deactivating and locking out the controls as required by this section.

(b) The information tag shall be placed on the switch or switch cover handle in such a manner as to easily identify the deactivated switchgear.

(11) Deactivating piping systems.

(a) Hazardous material systems are defined as: Gaseous systems that are operated at more than 200 psig; systems containing any liquid at more than 500 psig; systems containing any material at more than 130°F; systems containing material which is chemically hazardous as defined by NFPA 704 M Class 3 and 4; systems containing material classified as flammable or explosive as defined in NFPA Class 1.

NOTE: See Ap. I for referenced NFPA material.

(b) Lockout of piping systems shall provide isolation to the worksite, including backflow where such potential exists and the system is classified as a hazardous material system. The required method shall be applied based on the content of the system as specified below:

(i) Nonhazardous systems shall be deactivated by locking out either the pump or a single valve.

(ii) Hazardous material systems shall be deactivated by one of the following methods:

(A) Locking out both the pump and one valve between the pump and the worksite;

(B) Locking out two valves between the hazard source and the worksite;

(C) Installing and locking out a blank flange between the hazard source and worksite;

(D) On hazardous chemical systems where methods (A), (B) or (C) are not available, ~~(and)~~ or where methods (A), (B) or (C) ~~(in itself)~~ by themselves create a hazard, single valve closure isolation may be used provided that potentially exposed employees are adequately protected by other means such as personal protective equipment.

(E) On all steam systems where methods (A), (B) or (C) are not available, single valve closure isolation may be used provided that the system is equipped with valves meeting all requirements of ANSI B16.5 and ANSI B16.34. Where single valve isolation is used, the steamline must also be equipped with a bleed valve downstream from the valve closure to prove isolation of the worksite.

(12) Reactivating separated hazardous material systems. When a blank flange (blind) is used to separate off portions of hazardous material systems from a portion which is in operation, removal of the blind offers potential exposure to employees. The removal procedure shall be protected by:

(a) Two separate valve closures between the blank flange and the potential exposure, or

(b) A single valve closure with a bleeder valve or weep drain between the blank flange and the valve closure. Employees shall closely check for evidence of escapement from the bleeder valve or weep plug before starting to remove the blank flange.

(c) Where subdivisions (a) or (b) are not possible or, in themselves create a hazard, potentially exposed employees must be adequately protected by personal protective equipment before removing the blank flange.

(d) Bleeder valves are recommended behind all primary valve closures on hazardous material systems. Consideration should be given to the nature of the material in the system when installing bleeder valves. To assist in preventing plugging, bleeder valves should generally be installed in the top one-third of the pipe. Short exhaust pipes should be installed on bleeder valves to direct the flow of possible escapement away from the position where an employee would normally be when using the bleeder valve.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-500 DEFINITIONS APPLICABLE TO THIS PART. (1) "Built-up-roofing" means a weatherproofing cover, applied over roof decks, consisting of either a liquid-applied system, a single-ply system, or a multiple-ply system. Liquid-applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single-ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a layer of adhesive. Multiple-ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate.

(2) "Built-up-roofing work" means the hoisting, storage, application, and removal of built-up roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

(3) "Floor hole" means an opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.

~~((2))~~ (4) "Floor opening" means an opening measuring 12 inches or more in its least dimension in any floor, roof, or platform, through which persons may fall.

~~((3))~~ (5) "Handrail" means a single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(6) "Low-pitched roof" means a roof having a slope less than or equal to four in twelve.

(7) "Mechanical equipment" means all motor or human propelled wheeled equipment except for wheelbarrows and mopcars.

(8) "MSS systems" (motion-stopping-safety systems) means fall protection using the following equipment singly or in combination: Standard railings (guardrails) as described in WAC 296-155-505(6); scaffolds or platforms with guardrails as described in WAC 296-155-485; safety nets as described in WAC 296-155-230; and safety belt systems as described in WAC 296-155-225.

~~((4))~~ (9) "Nose, nosing" means that portion of a tread projecting beyond the face of the riser immediately below.

~~((5))~~ (10) "Platform" means a working space for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

(11) "Rise" means the vertical distance from the top of a tread to the top of the next higher tread.

(12) "Roof" means the exterior surface on the top of a building. This does not include floors which, because a building has not been completely built, temporarily become the top surface of a building.

~~((6))~~ (13) "Runway" means a passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

~~((7))~~ "Rise" means the vertical distance from the top of a tread to the top of the next higher tread.)

(14) "Safety-monitoring system" means a safety system in which a competent person monitors the safety of all employees in a roofing crew, and warns them when it appears to the monitor that they are unaware of the hazard or are acting in an unsafe manner. The competent person must be on the same roof as and within visual sighting distance of the employees, and must be close enough to verbally communicate with the employees.

~~((8))~~ (15) "Stair platform" means an extended step or landing breaking a continuous run of stairs.

~~((9))~~ (16) "Stair railing" means a vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

~~((10))~~ (17) "Stairs, stairways" means a series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this part, a series of steps and landings having three or more rises constitutes stairs or stairway.

~~((11))~~ (18) "Standard railing" means a vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

~~((12))~~ (19) "Standard strength and construction" means any construction of railings, covers, or other guards that meets the requirements of this part.

~~((13))~~ (20) "Toeboard" means a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

~~((14))~~ (21) "Tread width" means the horizontal distance from front to back of tread, including nosing, when used.

(22) "Unprotected side or edge" means any side or edge of a roof perimeter where there is no wall three feet (.9 meters) or more in height.

~~((15))~~ (23) "Wall opening" means an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as an opening for a window, a yard-arm doorway or chute opening.

(24) "Work area" means that portion of a roof where built-up roofing work is being performed.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-505 GUARDRAILS, HANDRAILS, AND COVERS. (1) General provisions. This part shall apply to temporary

or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways or runways.

(2) Guarding of floor openings and floor holes.

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsection (6) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service man is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, it shall be guarded by a fixed standard railing on all exposed sides or a cover capable of sustaining the weight of a 200-pound person.

(e) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(g) Temporary floor openings shall have standard railings.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(i) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

(3) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (6)(g)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have side rails or equivalent guards of standard specifications. One side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of subdivision (a) of this subsection shall apply, except that a toe board is not required.

(4) Guarding of open-sided floors, platforms, and runways.

(a) Every open-sided floor or platform 6 feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in (6)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath

the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (6) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(5) Stairway railings and guards.

(a) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(b) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(6) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2-inch fibre core rope, or the equivalent, with posts spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches;

(B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(b) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface to top rail to surface of tread in line with face of riser at forward edge of tread.

(c) (i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(d) (i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrail. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(e) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) The floor opening cover shall be capable of supporting the maximum intended load and so installed as to prevent accidental displacement.

(f) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (e)(ii) of this subsection.

(g) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

(7) Guarding of low-pitched roof perimeters during the performance of built-up roofing work.

(a) General provisions. During the performance of built-up roofing work on low-pitched roofs with a ground to eave height greater than 16 feet (4.9 meters), employees engaged in such work shall be protected from falling from all unprotected sides and edges of the roof as follows:

(i) By the use of a motion-stopping-safety system (MSS system); or
(ii) By the use of a warning line system erected and maintained as provided in subdivision (7)(c) of this section and supplemented for employees working between the warning line and the roof edge by the use of either an MSS system or, where mechanical equipment is not being used or stored, by the use of a safety monitoring system; or

(iii) By the use of a safety monitoring system on roofs 50 feet (15.25 meters) or less in width (see WAC 296-155-50501 Appendix—Roofs), where mechanical equipment is not being used or stored.

(b) Exception. The provisions of (7)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials

storage areas shall be guarded as provided in subdivision (7)(e) of this section.

(c) Warning lines.

(i) Warning lines shall be erected around all sides of the work area.

(A) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge;

(B) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(ii) The warning line shall consist of a rope, wire, or chain, and supporting stanchions erected as follows:

(A) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meters) intervals with high-visibility material;

(B) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 34 inches (.86 meters) from the roof surface and its highest point is no more than 39 inches (1 meter) from the roof surface;

(C) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge;

(D) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in subitem (7)(c)(ii)(C) of this section; and

(E) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(iii) Access paths shall be erected as follows:

(A) Points of access, materials handling areas and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(B) When the path to a point of access is not in use, a rope, wire, or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

(d) Mechanical equipment. Mechanical equipment may be used or stored only in areas where employees are being protected by either a warning line or an MSS system. Mechanical equipment may not be used or stored between the warning line and the roof edge unless the employees are being protected by an MSS system. Mechanical equipment may not be used or stored where the only protection provided is by a safety monitoring system.

(e) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low-pitched roof with a ground to eave height greater than 16 feet (4.9 meters) shall be protected from falling by the use of an MSS system along all unprotected roof sides and edges of the area.

(i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(iv) When safety belt systems are used, they shall not be attached to the hoist.

(v) When safety belt systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(vi) Materials may not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

(vii) Materials which are piled, grouped, or stacked shall be stable and self-supporting.

(f) Training.

(i) The employer shall provide a training program for all employees engaged in built-up roofing work so that they are able to recognize and deal with the hazards of falling associated with working near a roof perimeter. The employees shall also be trained in the safety procedures to be followed in order to prevent such falls.

(ii) The employer shall assure that employees engaged in built-up roofing work have been trained and instructed in the following areas:

- (A) The nature of fall hazards in the work area near a roof edge;
 - (B) The function, use, and operation of the MSS system, warning line, and safety monitoring systems to be used;
 - (C) The correct procedures for erecting, maintaining, and disassembling the systems to be used;
 - (D) The role of each employee in the safety monitoring system when this system is used;
 - (E) The limitations on the use of mechanical equipment; and
 - (F) The correct procedures for the handling and storage of equipment and materials.
- (iii) Training shall be provided for each newly hired employee, and for all other employees as necessary, to assure that employees maintain proficiency in the areas listed in item (7)(f)(ii) of this section.

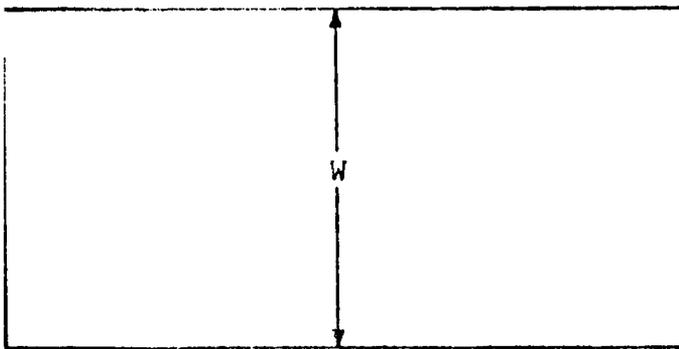
NEW SECTION

WAC 296-155-50501 APPENDIX—ROOFS. This appendix serves as a guideline to assist employers in complying with the appropriate requirements of WAC 296-155-505(7)(a). Each example shows a roof plan or plans and indicates where each roof or roof area is to be measured to determine its width. Section views or elevation views are shown where appropriate. Some examples show "correct" and "incorrect" subdivisions of irregularly shaped roofs into smaller regularly shaped areas. In all examples, the dimension selected to be the width of an area is the lesser of the two primary dimensions of the area. Example A shows that on a simple rectangular roof, width is the lesser of the two primary overall dimensions. This is also the case with roofs which are sloped toward or away from the roof center, as shown in Example B.

Many roofs are not simple rectangles. Such roofs may be broken down into subareas as shown in Example C. The process of dividing a roof area can produce many different configurations. Example C gives the general rule of using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than 50 feet wide. The intent is to minimize the number of roof areas where WAC 296-155-505(7)(a)(iii) can be applied.

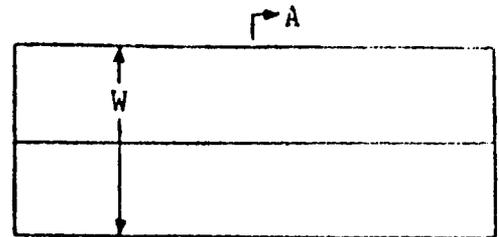
Roofs which are comprised of several separate, noncontinuous roof areas, as in Example D, may be considered as a series of individual roofs. Some roofs have penthouses, additional floors, courtyard openings, or similar architectural features; Example E shows how the rule for dividing roofs into subareas is applied to such configurations. Irregular, nonrectangular roofs must be considered on an individual basis, as shown in Example F.

Example A.
RECTANGULAR SHAPED ROOFS

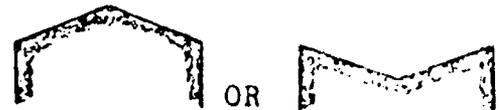


PLAN VIEW

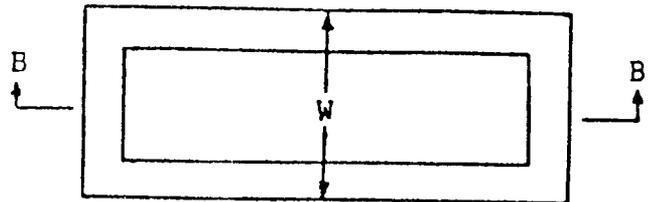
Example B.
SLOPED RECTANGULAR SHAPED ROOFS



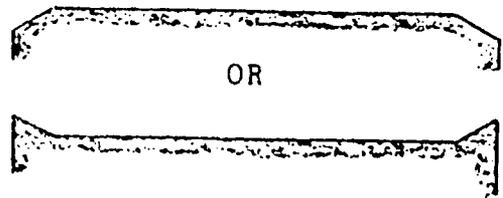
PLAN VIEW



SECTION A-A



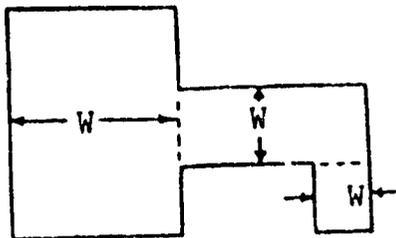
PLAN VIEW



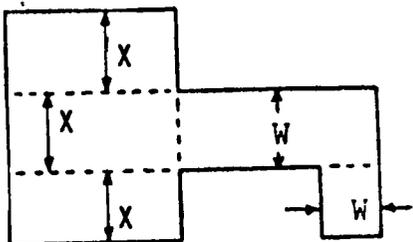
SECTION B-B

Example C.
IRREGULARLY SHAPED ROOFS WITH RECTANGULAR SHAPED SECTIONS

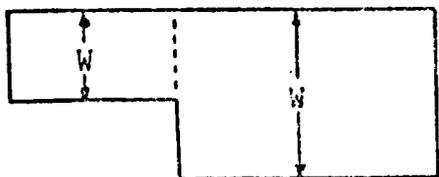
Such roofs are to be divided into subareas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where WAC 296-155-505(7)(a)(iii) can be applied. Dotted lines are used in the examples to show the location of dividing lines. X denotes incorrect measurements of width.



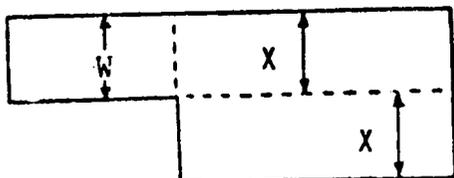
Correct



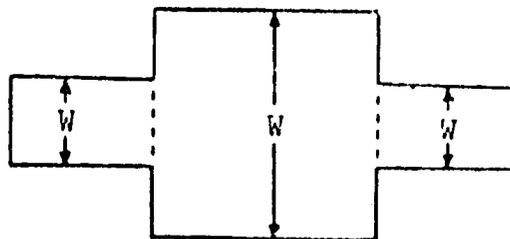
Incorrect



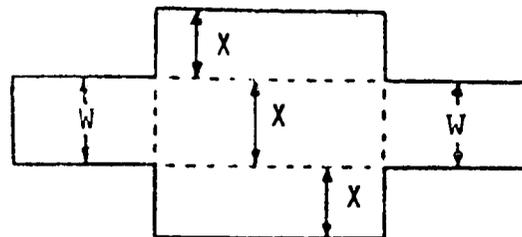
Correct



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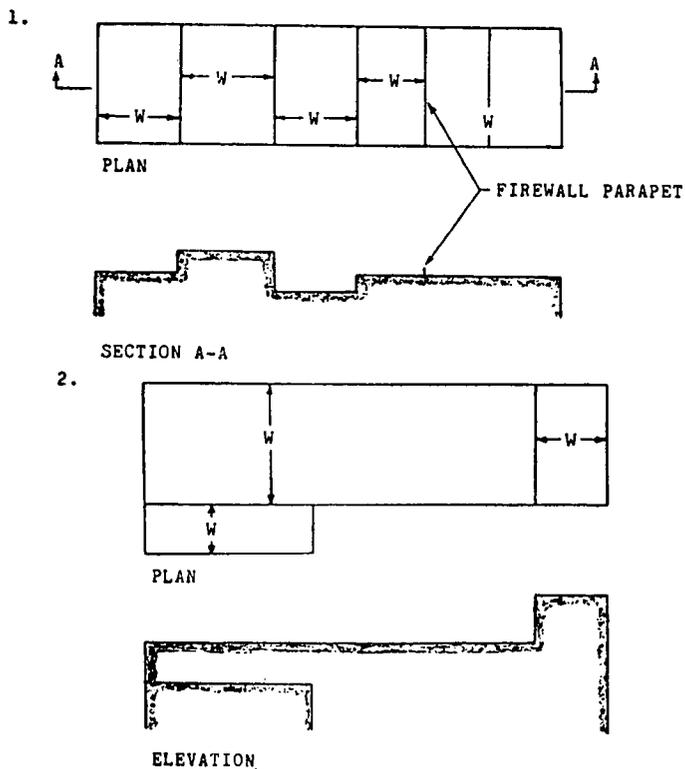


Correct



Incorrect

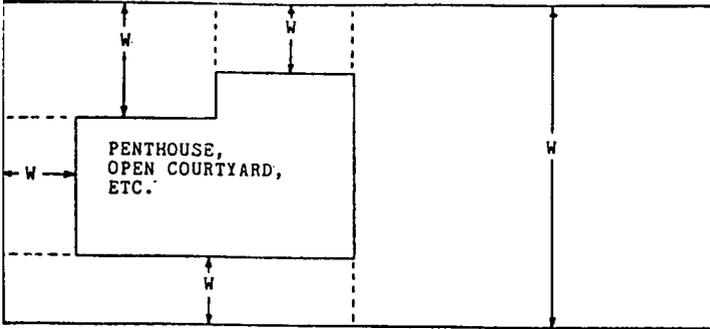
Example D.
SEPARATE, NONCONTIGUOUS ROOF AREAS



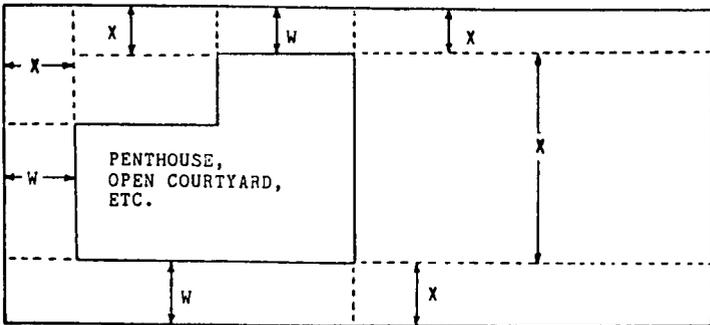
Example E.
ROOFS WITH PENTHOUSES, OPEN COURTYARDS, ADDITIONAL FLOORS, ETC.

Such roofs are to be divided into subareas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where WAC 296-155-505(7)(a)(iii) can be applied. Dotted lines are used in the examples to

show the location of dividing lines. X denotes incorrect measurements of width.

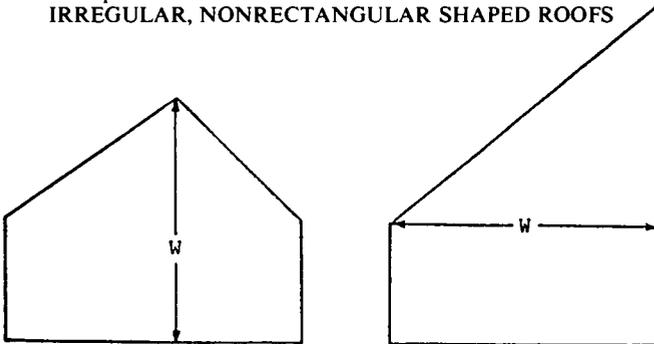


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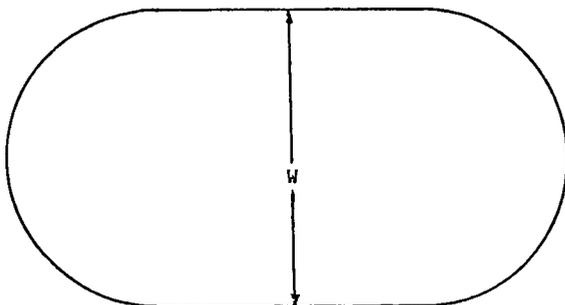
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Example F.
IRREGULAR, NONRECTANGULAR SHAPED ROOFS



PLAN

PLAN



PLAN

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-650 DEFINITIONS APPLICABLE TO THIS PART. (1) "Accepted engineering requirements (or practices)" means those requirements or practices which are compatible with standards required by a registered architect, a registered professional engineer, or

- other duly licensed or recognized authority.
- (2) "Angle of repose" means the greatest angle above the horizontal plane at which a material will lie without sliding or rolling.
- (3) "Bank" means a mass of soil rising above a digging level.
- (4) "Belled excavation" means a part of a shaft or footing excavation, usually near the bottom and bell-shaped; i.e., an enlargement of the cross section above.
- (5) "Braces (trench)" means the horizontal members of the shoring system whose ends bear against the uprights or stringers.
- (6) "Cofferdam" means a watertight chamber used to exclude water or other fluid or semi-fluid material during excavation for foundations and the construction of subsurface structures.
- (7) "Compact shale" means a type of hardened clay that has not yet split into thin layers.
- (8) "Competent person" means one who is capable of identifying hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous.
- (9) "Equipment" means ladders, scaffolds, ramps, runways, railings, barricades, sheet piling, shoring, bracing and any such safeguards, protective construction and devices used in affording protection to the workers engaged in excavating work.
- ((+8)) (10) "Excavation" means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.
- ((+9)) (11) "Faces" See ((+5)) (19) of this section.
- ((+0)) (12) "Hard compact soil" means all earth materials not classified as running or unstable.
- ((+1)) (13) "Kickouts" means accidental release or failure of a shore or brace.
- (14) "Moving ground" means any ground, which for any reason, will not remain in its original location.
- ((+2)) (15) "Ramp" means an inclined runway.
- ((+3)) (16) "Runway" means any plank-over walkway or drive constructed and maintained as a passageway for workers or rolling equipment.
- ((+4)) (17) "Sheet pile" means a pile, or sheeting, that may form one of a continuous interlocking line, or a row of timber, concrete, or steel piles, driven in close contact to provide a tight wall to resist the lateral pressure of water, adjacent earth, or other materials.
- (18) "Shoring system" means any assembly of equipment or material used to prevent the ground or earth from moving.
- ((+5)) (19) "Sides", "Walls"((-)), or "Faces" means the vertical or inclined earth surfaces formed as a result of excavation work.
- ((+6)) (20) "Slope" means the angle with the horizontal at which a particular earth material will stand indefinitely without movement.
- ((+7)) (21) "Stringers" (wales) means the horizontal members of a shoring system whose sides bear against the uprights or earth.
- ((+8)) (22) "Structural construction" means any activity or process required in the actual construction of any type of structure, pipeline or conduit exclusive of the excavation.
- ((+9)) (23) "Trench" means a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.
- ((20)) (24) "Trench jack" means screw or hydraulic type jacks used as cross bracing in a trench shoring system.
- ((21)) (25) "Trench shield" means a shoring system composed of steel plates and bracing, welded or bolted together, which support the walls of a trench from the ground level to the trench bottom and which can be moved along as work progresses.
- ((22)) (26) "Unstable soil" means earth material, other than running that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.
- ((23)) (27) "Uprights" means the vertical members of a shoring system.
- ((24)) (28) "Wales" See subsection ((+7)) (21) of this section.
- ((25)) (29) "Walls" See subsection ((+5)) (19) of this section.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-655 GENERAL PROTECTION REQUIREMENTS. (1) This part on "excavation work" and "trenching" is intended to provide for the protection of all employees during all excavation work or trenching in connection with all construction work relating thereto, such as trenches, underpinning, shoring and bracing, and in connection with the construction of footings, foundations, re-

taining walls and other construction work below ground level.

(2) Any safety device or equipment needed in connection with excavation work or trenching shall be inspected, erected, and maintained in a safe condition, for the duration of the operation, by the owner, contractor, or person in direct charge and authority.

(3) Federal or state codes, rules, regulations and ordinances governing any and all phases of excavation work and trenching shall be observed at all times.

(4) Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred and twenty-five ((+25)) pounds per square foot.

(5) If planks are used for raised walkways, runways, or sidewalks, they shall be laid parallel to the length of the walk and fastened together against displacement.

(6) Planks shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.

(7) Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.

(8) All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Part C of this chapter.

(9) Employees exposed to vehicular traffic shall wear hard hats and warning vests marked with or made of reflectorized or high visibility material.

(10) Employees subjected to hazardous dusts, gases, vapors, fumes, mists, or atmospheres deficient in oxygen, shall be protected with approved respiratory protection as set forth in Part B of this chapter.

(11) No person shall be permitted under loads handled by power shovels, derricks, ((or)) hoists, or front end loaders. To avoid any injury from spillage; employees, including the driver, unless he is protected adequately by the cab, shall be required to stand away from any vehicle being loaded.

(12) Inspections of excavations and trenches shall be made prior to each work shift by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation or trench shall cease until the necessary precautions have been taken to safeguard the employees.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-660 SPECIFIC EXCAVATION REQUIREMENTS. (1) Prior to opening an excavation, effort shall be made to determine whether underground installations; i.e., sewer, telephone, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined, and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation.

(2) Trees, boulders, and other surface encumbrances, located so as to create a hazard to employees involved in excavation work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating is begun or continued.

(3) The walls and faces of all excavations in which employees are exposed to danger from moving ground, falling rocks, sluffing or sliding earth shall be guarded by a shoring system, sloping of the ground, or some other equivalent means. Sloping of the ground or the shoring system shall extend to the bottom of the excavation.

(4) Excavations shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence, and the protection against slides and cave-ins shall be increased if necessary.

(5) The determination of the angle of repose and design of the supporting system shall be based on careful evaluation of pertinent factors such as: Depth of cut; possible variation in water content of the material while the excavation is open; anticipated changes in materials from exposure to air, sun, water, or freezing; loading imposed by structures, equipment, overlying material, or stored material; and vibration from equipment, blasting, traffic or other sources.

(6) Supporting systems; i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements. When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of repose. When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means. Additional stringers, ties, and

bracing shall be provided to allow for any necessary temporary removal of individual supports. Excavation and lagging done in conjunction with soldier piles shall be completed in not more than four foot lifts.

(7) All slopes shall be excavated to at least the angle of repose except for areas where solid rock allows for line drilling or presplitting. (Refer to Tables N-1 and N-5.)

(8) The angle of repose shall be flattened when an excavation has water conditions, silty materials, loose boulders, and areas where erosion, deep frost action, and slide planes appear.

(9)(a) In excavations which employees may be required to enter, excavated or other material shall be effectively stored and retained at least 2-feet or more from the edge of the excavation.

(b) As an alternative to the clearance prescribed in (a) of this subsection, the employer may use effective barriers or other effective retaining devices in lieu thereof in order to prevent excavated or other materials from falling into the excavation.

(10) Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention shall be given to slopes which may be adversely affected by weather or moisture content.

(11) Support systems shall be planned and designed by a qualified person when excavation is in excess of 20 feet in depth, adjacent to structures or improvements, or subject to vibration or ground water.

(12) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free from large or loose knots, and of proper dimensions.

(13) Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention also shall be paid to joints and seams of material comprising a face and the slope of such seams and joints.

(14) The sides of every excavation four (4) feet or more in depth, shall be supported by substantial sheet piling and bracing, or other effective means, or the sides of the excavation sloped to the angle of repose of the material being excavated. (In accordance with Tables N-1, N-2, N-3, N-4 and N-5.)

(15) Temporary sheet piling which has been installed to permit the construction of a retaining wall shall not be removed until such wall has acquired its full strength.

(16) Where workers are employed adjacent to an excavation on work other than that directly connected with the excavation, protection such as standard guardrails or other equivalent protection to prevent their falling into the excavation shall be provided for such workers as well as for the workers in the excavation.

(17) Except in hard rock, excavations below the level of the base of footing of any foundation or retaining wall shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in excavation work or in the vicinity thereof.

(18) If the stability of adjoining buildings or walls is endangered by excavations or trenches, shoring, bracing, or underpinning shall be provided as necessary to insure their safety. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant, by a competent person and the protection effectively maintained.

(19) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation or trench and to provide adequate drainage of the area adjacent to the excavation or trench. If necessary, pumps shall be used to minimize water from accumulating in the excavation or trench.

(20) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation or trench, the side of the excavation or trench shall be sheet-piled, shored, or braced as necessary to resist the extra pressure due to such superimposed loads.

(21) Blasting and the use of explosives shall be performed in accordance with chapter 296-52 WAC.

(22) When mobile equipment is utilized or allowed adjacent to excavations or trenches, substantial stop logs or barricades shall be installed, except excavating and backfill equipment used during actual excavating or backfill operations.

(23) Adequate barrier physical protection shall be provided at all remotely located excavations or trenches. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

(24) Dust conditions shall be kept to a minimum by the use of water, salt, calcium chloride, oil, or other means.

(25)(a) In locations where oxygen deficiency or gaseous conditions are possible, air in the excavation or trench shall be tested. Controls, as set forth in Parts B and C of this chapter, shall be established to assure acceptable atmospheric conditions. When flammable gases are present, adequate ventilation shall be provided and sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety harness and line, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation or trench. During these conditions a competent top person shall be in constant attendance.

(b) During the conditions stated in item (a) above, the top person shall maintain voice or visual contact with the person in the excavation or trench. It shall be the employer's responsibility to ensure that a top person remains in constant attention until such time as the aforementioned condition no longer exists.

(26) Where employees or equipment are required or permitted to cross over excavations or trenches, walkways or bridges with standard guardrails shall be provided.

(27) Where ramps are used for employees or equipment, they shall be designed and constructed by qualified persons in accordance with accepted engineering requirements.

(28) All ladders used on excavation or trenching operations shall be in accordance with the requirements of this chapter.

(29) Ramps or runways used for vehicles shall have a width of not less than four feet wider than the vehicle used and provided with timber guards not less than eight inches by eight inches, placed parallel to and secured to the sides of the runway as a protection to trucks or other equivalent protection shall be provided.

(30) All ramps and runways shall receive frequent inspection, and shall be maintained in a safe and serviceable condition.

(31) Workers shall be instructed to stay off ramps and runways when trucks are passing over them.

(32) When ramps and runways as referenced in subsection (29) of this section, are formed on hard ground without the use of planking, all ruts and holes shall be filled in, humps leveled off and the runway made as smooth as possible.

(33) Blocks used for pulling trucks up ramps shall be well anchored.

AMENDATORY SECTION (Amending Order 77-12, filed 7/11/77)

WAC 296-155-665 SPECIFIC TRENCHING REQUIREMENTS. (1) As trench construction is a hazardous operation, particular attention shall be given to the protection of the worker, the protection to be governed by the nature of the ground.

(2) No one person shall be allowed to work alone in a trench over four feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator.

(3) Except in solid rock and compact shale, the sides of all trenches, including embankments, 4 feet or more in depth and 6 feet or more in length, shall be shored, sheeted, braced, sloped or otherwise supported by means of sufficient strength to protect the employees working within them. (See Tables N-1, N-2, N-3, N-4 and N-5.) Trenches less than 4 feet in depth and 6 feet or more in length, shall also be effectively protected when the ground indicates that hazardous ground movement is possible. (See Tables N-1, N-2, N-3, N-4 and N-5.)

(4) When the sloping to the angle of repose does not extend to the bottom of the trench, shoring shall be required to support the vertical part of the trench. The shoring shall extend above the bottom of the slope a minimum of 12 inches to prevent material from sliding into the trench.

(5) The surface of the slope shall be cleaned of boulders, stumps, or other hard masses of earth (~~on the angle of repose slope~~) on the angle of repose slope to eliminate the danger of ~~their~~ any such materials sliding or rolling into the trench.

(6) In hard or compact soil, when the outside diameter of the pipe to be laid is 6 feet or larger, the sides of the trench can be vertical at the bottom 4 feet of the trench, providing a 4 foot bench is provided immediately above the vertical portion, and the remaining portion of the trench above the bench is sloped to the angle of repose. (See Table N-4.)

(7) Materials used for sheeting and sheet piling, bracing, shoring, and underpinning, shall be in good serviceable condition, and timbers used shall be sound and free from large or loose knots, and shall be designed and installed so as to provide adequate personnel protection to the bottom of the excavation.

(8) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations or trenches, or where excavations or trenches are subjected to vibrations from railroad or highway traffic, the operation of machinery, or any other source.

(9) Where a mechanical digger is used, the bracing shall be placed as close as possible to the lower end of the boom.

(10) When trenches are undercut, they shall be shored as necessary to safely support the overhanging material.

(11) If for any reason prior to, during or subsequent to the placement of the trench bracing system, voids should form in the sides or face of excavation or trench, such voids shall be promptly filled with compacted material or blocking, as required to distribute the load uniformly onto the bracing system.

(12) If a trench is cut alongside an existing structure and the footings of the structure are nearer to the trench than the plane of repose for the soil, they shall be underpinned or the side wall of the trench rigidly supported.

(13) Excavations or trenches made in ledge rock or compact shale shall not require bracing or shoring but shall be inspected by a competent representative of the employer before each shift of work, at which time all loose, shattered or disintegrated rock shall be removed from sides and face of excavation or trench.

(14) Excavated material and superimposed loads shall not be placed nearer than two feet to the sides of the trench, unless bracing has been designed and installed to withstand the load.

(15) Employees entering bell-bottom pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell.

(16) A means of emergency egress shall be decided prior to personnel entering bell-bottom pier holes. Employees expected to enter bell-bottom pier holes shall be instructed as to the hazards of their respective jobs, and in the means of emergency egress.

NOTE: Example of protection: A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, may be worn by each employee entering the shafts. This lifeline could be individually manned and separate from any line used to remove materials excavated from the bell footing.

(17)(a) Minimum requirements for trench timbering shall be in accordance with Table N-3.

(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:

$$s = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:

L = Length, unsupported, in inches.

D = Least side of the timber in inches.

S = Allowable stress in pounds per square inch of cross-section.

(18) When employees are required to be in trenches 4 feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than 25 feet of lateral travel. An earth ramp is acceptable providing: (a) The stability of the earth is adequate for good footing. (b) The total travel distance does not exceed 25 feet. (c) The trench depth does not exceed 15 feet. (d) Adequate shoring or equivalent protection is provided for the entire escape route.

(19) Bracing or shoring of trenches shall be carried along with the excavation.

(20) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kickouts.

(21) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.

(22) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

(23) ((Signalman)) Signalpersons shall be employed to direct ((trucks)) equipment when backfilling.

(24) The construction of temporary shoring work shall be done, or supervised, by a competent person, who shall make frequent inspections and issue instructions for its removal.

(25) Workers shall be instructed to immediately report any signs or indications of weakness of shoring or bracing.

(26) Trenching machines (ladder and rotary type). (a) Trenching machine operators shall not get on or off machine while in operation. (b) Workers shall not work at sloping top of ditch near bucket line.

(c) Excavated material shall be conveyed to pile not closer than within 2 feet of edge of trench.

(d) Trucks hauling excavated material away from trenching machine shall not approach closer to the edge of trench than the trench depth from the surface of ground.

(e) Where side cutters are installed it will be mandatory that persons stay clear of bucket line.

TABLE N-5—Part II

Depth of trench or excavation & Kind or condition of earth	Size and spacing of members						
	Cross braces ¹						
	Width of trench					Maximum spacing	
Feet	Up to 3 ft.	3-6 ft.	6-9 ft.	9-12 ft.	12-15 ft.	Vert. Ft.	Hori. Ft.
10 to 15							
Hard	4x4	4x6	6x6	6x8	8x8	4	6
Likely to crack	4x4	4x6	6x6	6x8	8x8	4	6
Soft, sandy, or filled	4x6	6x6	6x8	8x8	8x10	4	6
Hydrostatic pressure	4x6	6x6	6x8	8x8	8x10	4	6
15 to 20							
All kinds or conditions	4x12	6x8	8x8	8x10	10x10	4	6
Over 20							
All kinds or conditions	4x12	8x8	8x10	10x10	10x12	4	6

¹Trench jacks may be used in lieu of, or in combination with, cross braces. Shoring is not necessarily required in solid rock, hard shale, or hard slag. Where desirable, steel sheet piling and bracing of equal strength may be substituted for wood.

NOTE: In excavations over 15 feet in width, cross bracing shall be designed by a qualified person.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-66505 TABLE N-5.

TABLE N-5

EXCAVATION AND TRENCH SHORING MINIMUM REQUIREMENTS

TABLE N-5—Part I

Depth of trench or excavation & Kind or condition of earth	Size and spacing of members			
	Uprights		Stringers	
	Minimum dimension	Maximum spacing	Min. dim.	Max. sp.
Feet	Inches	Feet	In.	Ft.
4 to 10				
Hard, compact	3x4 or 2x6	6		
Likely to crack	3x4 or 2x6	3	4x6	4
Soft, sandy, or filled	3x4 or 2x6	Close sheeting	4x6	4
Hydrostatic pressure	3x4 or 2x6	Close sheeting	6x8	4
10 to 15				
Hard	3x4 or 2x6	4	4x6	4
Likely to crack	3x4 or 2x6	2	4x6	4
Soft, sandy, or filled	3x4 or 2x6	Close sheeting	4x6	4
Hydrostatic pressure	3x6	Close sheeting	8x10	4
15 to 20				
All kinds or conditions	3x6	Close sheeting	4x12	4
Over 20				
All kinds or conditions	3x6	Close sheeting	6x8	4

TABLE N-5—Part II

Depth of trench or excavation & Kind or condition of earth	Size and spacing of members						
	Cross braces ¹						
	Width of trench					Maximum spacing	
Feet	Up to 3 ft.	3-6 ft.	6-9 ft.	9-12 ft.	12-15 ft.	Vert. Ft.	Hori. Ft.
4 to 10							
Hard, compact	2x6	4x4	4x6	6x6	6x8	4	6
Likely to crack	2x6	4x4	4x6	6x6	6x8	4	6
Soft, sandy, or filled	4x4	4x6	6x6	6x8	8x8	4	6
Hydrostatic pressure	4x4	4x6	6x6	6x8	8x8	4	6

REPEALER

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

- (1) WAC 296-24-081 RESPIRATORY PROTECTION.
- (2) WAC 296-24-08101 PERMISSIBLE PRACTICE.
- (3) WAC 296-24-08103 REQUIREMENTS FOR A MINIMAL ACCEPTABLE PROGRAM.
- (4) WAC 296-24-08105 SELECTION OF RESPIRATORS.
- (5) WAC 296-24-08107 AIR QUALITY.
- (6) WAC 296-24-08109 USE OF RESPIRATORS.
- (7) WAC 296-24-08111 MAINTENANCE AND CARE OF RESPIRATORS.
- (8) WAC 296-24-08113 IDENTIFICATION OF GAS MASK CANISTERS.

WSR 81-07-052

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Filed March 18, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.56.240, that the Washington State Transportation Commission, intends to adopt, amend, or repeal rules concerning the Spokane River Toll Bridge, adopting WAC 468-300-800;

that such agency will at 10:00 a.m., Tuesday, April 21, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, April 21, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.56.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to April 21, 1981, and/or orally at 10:00 a.m., Tuesday, April 21, 1981, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-04-030 filed with the code reviser's office on February 2, 1981.

Dated: March 18, 1981

By: Lue Clarkson
Administrator

WSR 81-07-053
RULES OF COURT
STATE SUPREME COURT

[March 18, 1981]

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO JTIR 3.3(b) NO. 25700-A-317 ORDER

Amendments to JTIR 3.3(b) having been recommended by parties directly affected by the Rule, and the Court having considered the proposed amendments and having determined that the proposed amendments will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That the amendments to JTIR 3.3(b) as attached hereto are adopted;

(b) That the amendments are to be published expeditiously in the Washington Reports and shall become effective on March 20, 1981.

DATED at Olympia, Washington, this 11th day of March, 1981.

	Robert F. Brachtenbach
Hugh J. Rosellini	Floyd V. Hicks
Charles F. Stafford	William H. Williams
Robert F. Utter	Fred H. Dore
James M. Dolliver	Carolyn R. Dimmick

RULE 3.3(b)

(b) Plaintiff Represented by Lawyer. The plaintiff shall be represented at the contested hearing by a lawyer. If the plaintiff's lawyer is not present the court shall dismiss the case with prejudice, unless good cause to the contrary is shown within 3 days after the hearing. At a contested hearing, the plaintiff shall be represented by a lawyer representative of the Prosecuting Attorney or of the City Attorney when prescribed by local court rule.

WSR 81-07-054

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 18, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.36 RCW, that the Department of Agriculture, intends to adopt, amend, or repeal rules concerning Washington cattle sale requirements. Change testing date from 6 to 12 months; vaccination dates to 4-12 months of age, amending WAC 16-86-015 and requirements for authorizing payment to veterinarians for official calthood vaccination. Limits fee to \$1.00 per calf, amending WAC 16-86-095;

that such agency will at 1:30 p.m., Tuesday, April 21, 1981, in the Small Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, April 30, 1981, in the Director's Office, Department of Agriculture, Olympia, Washington.

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 prior to April 21, 1981, and/or orally at 1:30 p.m., Tuesday, April 21, 1981, Small Conference Room, General Administration Building, Olympia, Washington.

Dated: March 18, 1981

By: John J. Doherty
Assistant Director

STATEMENT OF PURPOSE

For the purpose of legislative review of agency rules, the following statement is submitted under statutory authority chapter 16.36 RCW:

These rules relate to the State Department of Agriculture concerning brucellosis testing and vaccination of cattle and reimbursement fees.

WAC 16-86-015 amends required testing age from 6 to 12 months. Amends vaccination age on animals entering dairy herds from 3-6 months to 4-12 months in accordance with reduced dosage calthood vaccination program.

WAC 16-86-095 limits authorized payments to veterinarians for calthood vaccinations to \$1.00 per calf.

Agency personnel to contact: John J. Doherty, DVM, Assistant Director/State Veterinarian, 406 General Administration Building, AX 41, Olympia, Washington 98504 (206-753-5040).

Agency comments: None.

Whether rules are necessary as a result of federal law or federal or state court action: No.

Proponents: Washington State Department of Agriculture.
Opponents: Unknown.

AMENDATORY SECTION (Amending Order 1642, filed 8/30/79)

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) No breeding cattle may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been tested for brucellosis and the result of that test is negative. Except the following classes of cattle are exempt from this test requirement:

- (a) Calves under ~~((six))~~ twelve months of age.
- (b) Cattle sold or consigned to a registered quarantine feed lot.
- (c) Cattle sold or consigned to an official slaughter establishment for slaughter within fourteen days.
- (d) Steers and spayed heifers.
- (e) Officially calffood vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age from herds not under quarantine.
- (f) The department shall review operation of this section (WAC 16-86-015(1)) in February 1980, August 1980, and February 1981 to determine the results of the testing program in terms of the numbers of suspects and reactors discovered and the status of the brucellosis situation in the state. The purpose of the review is to assess the need for changes.

(g) Unless after a hearing renewal is determined to be necessary, this section (WAC 16-86-015(1)) shall expire on August 1, 1981.

(2) After September 1, 1979, no female dairy cattle may be sold or introduced into commercial dairy herds in the state of Washington unless they are properly identified as official brucellosis vaccinates; except the following classes of cattle are exempt from this requirement:

(a) Calves under ~~((three))~~ four months of age ~~(:)~~ : PROVIDED, That ~~((+))~~ female calves under ~~((three))~~ four months acquired by the commercial herd and natural female additions shall be officially brucellosis calffood vaccinated and identified before the age of ~~((six))~~ twelve months or removed from the herd.

- (b) Female cattle over two years of age in Washington herds.
- (c) After January 1, 1980, female cattle over three years of age in Washington herds.
- (d) After January 1, 1981, female cattle over four years of age in Washington herds.
- (e) After January 1, 1982, female cattle over five years of age in Washington herds.
- (f) After January 1, 1983, female cattle over six years of age in Washington herds.

(3) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

- (a) Cattle under twenty-four months of age. (Not parturient or post parturient.)
- (b) Steers and spayed heifers.

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 1642, filed 8/30/79)

WAC 16-86-095 REQUIREMENTS FOR AUTHORIZING PAYMENT TO VETERINARIANS FOR OFFICIAL CALFFOOD VACCINATION. The fee schedule for payment by the department to accredited veterinarians for official brucellosis calffood vaccination ~~((on one premise under a single ownership))~~ shall be ~~((as follows:))~~ at a rate prescribed by the director not to exceed one dollar per animal.

~~((1))~~ ~~When heifers to be vaccinated number twenty or less, the department shall pay the accredited veterinarian two dollars per animal.)~~

~~((2))~~ ~~If there are over twenty heifers to be vaccinated, the department will pay the accredited veterinarian one dollar seventy-five cents per animal for those in excess of twenty animals.)~~

~~((3))~~ (1) Official vaccination report - Calffood vaccinations must be reported to the department within thirty days of occurrence on an approved report form (AGRI 030-3003) issued by the Washington

state department of agriculture for the purpose of identifying and recording by official calffood vaccination eartag or registry tattoo calves officially brucella vaccinated.

~~((+))~~ (2) Accredited veterinarians in private practice may make claim to the department for each beef breed or dairy breed female bovine calf they officially vaccinate in the state of Washington.

(a) No claim for payment shall be made except for those officially calffood vaccinated.

(b) No claim for payment shall be made unless an approved brucella vaccine is used for official calffood vaccination.

(c) No claim for payment shall be made prior to submitting to the department the official calffood vaccination report, countersigned by the owner of the animal, identifying by official calffood vaccination eartag or registry tattoo each individual calf vaccinated.

WSR 81-07-055

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 18, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.36 RCW, that the Department of Agriculture, intends to adopt, amend, or repeal rules concerning the repealing of WAC 16-54-001 Promulgation and 16-54-004 Promulgation. Amending WAC 16-54-071 Domestic equine. Requires EIA testing of horses coming from Oregon and 16-54-082 Domestic bovine animals. Requires health certificates on dairy breed cattle consigned to state-federal approved stockyard; test to 4 months;

that such agency will at 1:30 p.m., Tuesday, April 21, 1981, in the Small Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, April 30, 1981, in the Director's Office, Department of Agriculture, Olympia, Washington.

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 prior to April 21, 1981, and/or orally at 1:30 p.m., Tuesday, April 21, 1981, Small Conference Room, General Administration Building, Olympia, Washington.

Dated: March 18, 1981

By: John J. Doherty
Assistant Director

STATEMENT OF PURPOSE

For the purpose of legislative review of agency rules, the following statement is submitted under statutory authority chapter 16.36 RCW:

These rules relate to the State Department of Agriculture concerning health certificates and vaccination of calves for import and EIA testing of horses.

WAC 16-54-001 and 16-54-004, repeals promulgations.

WAC 16-54-071, requires EIA testing of horses coming from Oregon.

WAC 16-54-082, amends import requirements to require health certificates on dairy breed cattle consigned to state-federal approved stockyards; requires brucellosis calf-hood vaccination on calves over 4 months of age.

Agency personnel to contact: John J. Doherty, DVM, Assistant Director/State Veterinarian, 406 General Administration Building, AX 41, Olympia, Washington 98504, 206-753-5040.

Agency comments: none.

Whether rules are necessary as a result of federal law or federal or state court action: No.

Proponents: Washington State Department of Agriculture.

Opponents: Unknown.

AMENDATORY SECTION (Amending Order 1540, filed 1/13/71)

WAC 16-54-071 DOMESTIC EQUINE. Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six ~~((6))~~ months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six ~~((6))~~ months prior to entry. ~~((Horses moving to and from Oregon and Washington are exempt from test requirements.))~~

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 1579, filed 6/7/78)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) except those for immediate slaughter at a federally inspected establishment, or to a quarantined registered ~~((quarantined))~~ feed lot, or beef breed cattle consigned to a state-federal approved stockyard, shall be accompanied by a health certificate (WAC 16-54-030 ~~((this Order))~~) and shall meet the following requirements:

(1) Tuberculosis. ~~((a))~~ All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. ~~((a))~~ Cattle originating from states other than Washington: All domestic bovine animals (including bison) moving into Washington, except those consigned to quarantined registered ~~((quarantined))~~ feed lots, or to federally inspected slaughter establishments for immediate slaughter, shall be moved on a permit issued by the animal health division of the department of agriculture and an official interstate health certificate, and shall meet the following requirements:

~~((a))~~ (a) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

~~((a))~~ (i) Calves under six months of age.

~~((b))~~ (ii) Steers and spayed heifers.

~~((c))~~ (iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

~~((d))~~ (iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

~~((e))~~ (v) Cattle consigned directly to a quarantined registered ~~((quarantined))~~ feed lot.

~~((f))~~ (vi) Cattle from certified brucellosis free herds.

~~((g))~~ (vii) Beef breed cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are

exempt from second test and quarantine requirements if found brucellosis negative on entry.

~~((b))~~ (b) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calf-hood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

~~((a))~~ (i) Calves under ~~((three))~~ four months of age.

~~((b))~~ (ii) Those cattle consigned directly to a federally inspected slaughter plant.

~~((c))~~ (iii) Those cattle consigned directly to a quarantined registered ~~((quarantined))~~ feed lot.

~~((d))~~ (iv) Spayed heifers.

~~((e))~~ (c) Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the animal health division and originate in a county or other political subdivision of equal status where brucellosis has not been diagnosed in the preceding twelve months, or tested negative to brucellosis within thirty days of entry.

REPEALER

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

(1) WAC 16-54-001 PROMULGATION

(2) WAC 16-54-004 PROMULGATION

WSR 81-07-056
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Filed March 18, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 43.03.110 and 43.03.120, that the Office of Financial Management, intends to adopt, amend, or repeal rules concerning payment of moving expenses, amending WAC 82-24-130;

that such agency will at 9 a.m., Wednesday, April 22, 1981, in the Small Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Wednesday, April 22, 1981, in the House Office Building, Room 105, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.03.110 and 43.03.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 22, 1981, and/or orally at 9 a.m., Wednesday, April 22, 1981, Small Conference Room, General Administration Building, Olympia, Washington.

Dated: March 18, 1981

By: Joe Taller
Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Office of Financial Management as follows:

Title: Moving Expenses—Payment of moving expenses, amending WAC 82-24-130.

Purpose: The purpose of this action is to amend the regulations regarding the payment of moving costs for state employees.

Summary and Purpose of Rule: This amendment is for the purpose of defining the process to be followed to recover the employee's share of moving expenses. The present regulations result in an undo delay in reimbursing carriers for moving services by requiring the employee to pay their share prior to any payments being made to the carrier. The revisions will allow for immediate payment of uncontested carrier invoices where the employee has authorized a payroll deduction for their share. As an alternative the employee may elect to pay the full cost of the move directly to the carrier and request reimbursement from the employing agency for the state's share. This change will allow the state to comply with the conditions of the applicable tariffs and to make prompt payment for services rendered.

Drafter of the Rule, Rule Implementation and Enforcement: Keith L. Clark, Chief, State Accounting Systems Section, State Accounting and Fiscal Services Division, Office of Financial Management, Room 105, House Office Building, Olympia, Washington 98504 (206)753-1814.

Proposer of the Rule: The State Purchasing Division, Department of General Administration proposed the changes on behalf of the common carriers providing moving services to the state.

Comments and Recommendations: Input solicited from the State Purchasing Division, Department of General Administration and from various state agencies did not result in any negative comments. Further comments will be sought during adoption process.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

mandatory deductions but prior to withholding any voluntary deductions. Mandatory deductions are defined for purposes of this chapter as:

- Federal Income Tax
- Employee's Share of OASI Contributions
- Medical Aid Contributions
- Mandatory Retirement Contributions
- Court Ordered Payments served on the agency

This payroll deduction authorization is to remain in force until the total amount of the employee's share of the cost of the move has been recovered.

(5) New or transferred employees who do not execute a payroll deduction authorization prior to the authorization of the move will be responsible for arranging their own move and making full payment directly to the carrier. The state will reimburse the employee under this circumstance for either the amount the state would have paid if the move had been arranged through the state traffic manager, division of purchasing, or the actual cost incurred by the employee, whichever is less.

(6) The premium for the state household goods blanket insurance policy will be billed monthly by the department of general administration to agencies for employee moves covered by the policy during the month.

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 81-07-057
ADOPTED RULES
JAIL COMMISSION
[Order 10—Filed March 18, 1981]

Be it resolved by the Washington State Jail Commission, acting at the Auburn City Hall, Auburn, Washington, that it does promulgate and adopt the annexed rules relating to revisions of Custodial Care Standards (Detention and Correctional Facility Standards only).

This action is taken pursuant to Notice No. WSR 81-01-118 filed with the code reviser on December 24, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.48 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 30, 1981.
By George Edensword-Breck
Director

AMENDATORY SECTION (Amending Order 5, filed 11/28/79)

WAC 289-14-005 INTRODUCTION TO CUSTODIAL CARE STANDARDS. (1) The provisions of chapters 289-14 through 289-24 WAC incorporate custodial care standards applicable to ((all jails except where specifically indicated otherwise. Each standard is designated as either mandatory or advisory)) holding,

AMENDATORY SECTION (Amending order 42, filed August 24, 1979)

WAC 82-24-130 PAYMENT OF MOVING EXPENSES. (1) The employee will be responsible for payment of moving expenses in excess of the allowable costs set forth in this chapter.

(2) The state traffic manager, division of purchasing, will advise state agencies of the proportionate share of the costs to be borne by the state and by the employee, when the total charges exceed the allowable costs. Charges are prorated on the basis of a ratio of 10,000 pounds to the total weight and will include all costs essential to the physical move of goods as a single unit.

(3) Agencies ((should)) are to pay the entire amount of the uncontested carrier invoice and separately recover ((from)) the employee's ((his)) proportionate share of the cost of the move. ((The state agency must collect the employee's share of the cost of the move prior to payment of the carrier's invoice. (The state Constitution prohibits state agencies from collecting the employee's share of the cost after payment has been made to the carrier.))

(4) New or transferred employees, when requesting reimbursement for moving expenses, are to execute a payroll deduction, prior to the state traffic manager, division of purchasing, securing moving services, authorizing the employing agency to withhold the total amount of the employee's share of the cost of the move commencing the first pay date after payment of the uncontested carrier's invoice by the agency. The deduction from the employee's pay is to be made after withholding of

Note: 289-24-010 was repealed by 81-07-057 and renumbered 81-08-014

detention or correctional facilities as defined under WAC 289-02-020. Each standard is mandatory for the classification to which it applies unless specifically labeled as advisory or not applicable.

(2) Within each chapter, paragraphs numbered from 010 to 099 are introductory or definitional in nature and apply to all jails unless otherwise noted. Paragraphs numbered from 100 to 199 apply to holding facilities. Paragraphs numbered from 200 to 299 apply to detention and correctional facilities unless otherwise noted. For this purpose, "holding" and "detention" and "correctional" facilities are defined as set forth in WAC 289-02-020.

(3) The adoption of the mandatory custodial care standards is intended to meet minimum legal requirements relating to prisoner health, welfare, and security and does not preclude the adoption of more stringent requirements not in conflict with such standards by the governing authority, chief law enforcement officer, or department of corrections responsible for a particular jail.

((3) All of the standards have been designated as advisory only with respect to holding facilities. The determination of which of the standards, if any, should be mandatory for holding facilities will be specifically addressed by the state jail commission at a future time.))

(4) Until the time of adoption of specific holding facility standards, the mandatory detention and correctional facility standards are designated as advisory for holding facilities to the extent that they reasonably apply.

AMENDATORY SECTION (Amending Order 2, filed 6/27/79)

WAC 289-14-010 ((GENERAL ADMINISTRATION)) EMERGENCY SUSPENSION OF CUSTODIAL CARE STANDARDS. ((The department of corrections or the chief law enforcement officer of all jails shall develop and maintain an organizational chart and an operations manual of policies and procedures.

WAC 289-14-010 MANDATORY for detention and correctional facilities; advisory for holding facilities.))

Nothing in these standards shall be construed to deny the power of any department of corrections or chief law enforcement officer to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety or security of any jail, prisoners, staff, or the public. Only such standards as are directly affected by the emergency may be suspended and the department of corrections or chief law enforcement officer shall notify the state jail commission within three business days of such suspension: PROVIDED, That suspension of standards relating to overcrowding is subject to the additional requirements of WAC 289-15-120 and 289-15-220.

NEW SECTION

WAC 289-14-200 GENERAL ADMINISTRATION. (DETENTION AND CORRECTIONAL FACILITIES). (1) The department of corrections or the chief law enforcement officer of all jails shall develop

and maintain an organizational chart and an operations manual of policies and procedures.

(2) Such chart and manual shall be reviewed by all staff and such review noted by signature prior to any assignment.

(3) All jail policies and procedures should be reviewed and revised as appropriate on a continuing basis but at least yearly. WAC 289-14-200(3) ADVISORY.

NEW SECTION

WAC 289-14-210 DETERMINATION OF STAFF POSITIONS. (DETENTION AND CORRECTIONAL FACILITIES). (1) Written job descriptions shall define the responsibilities and designate the qualifications for each staff position.

(2) Qualifications for correctional officers who have direct responsibility over prisoners and who are hired on or after the effective date of these minimum standards shall include, but not be limited to, a high school diploma, or equivalent.

(3) All jail staff shall be selected in accordance with chapter 41.14 RCW and/or other applicable legal requirements and shall be retained upon proven ability to perform.

(4) Appropriate physical fitness standards should be set and enforced for all jail staff. WAC 289-14-210(4) ADVISORY.

NEW SECTION

WAC 289-14-220 TRAINING. (DETENTION AND CORRECTIONAL FACILITIES). (1) All jails shall provide preservice orientation to each newly hired jail staff member prior to being assigned to duty, regardless of his or her previous training or experience prior to the assignment of any jail duties. Such training may be provided either by existing jail staff or other qualified persons, and must be verified by a written outline, and shall include, but not necessarily be limited to:

(a) Review and understanding of all policies and procedures relating to his/her job responsibilities, specifically;

- (i) Agency organization;
- (ii) Admission and release procedures;
- (iii) Security and safety procedures;
- (iv) Contraband control, definition of, etc.;
- (v) Prisoner discipline;
- (vi) Medical and mental health procedures;
- (vii) Use of force;
- (viii) Confidentiality of jail records (RCW 70.48.100(2)).

(b) Review of the Washington Criminal Justice System and the current Washington State Jail Commission Custodial Care Standards as they relate to jail duties.

(c) Identification and understanding of the function of agencies whose authority may extend to the jail's prisoners.

(e) Appropriate training and qualification in the use of weapons when jail duties include possession or carrying of a firearm.

(2) All persons directly responsible for the supervision of prisoners shall successfully complete the Washington

State Criminal Justice Training Commission basic correctional academy within the first year of their employment, as required by WAC 139-36-010 unless such training has already been received.

(3) Staff training shall further include such training as required by WAC 289-20-230.

(4) All jails should provide at least twenty hours of in-service training to each correctional officer each year (following academy training for purposes of updating training previously received). WAC 289-14-220(4) **ADVISORY.**

NEW SECTION

WAC 289-14-230 RECORDS. (DETENTION AND CORRECTIONAL FACILITIES). The department of corrections or chief law enforcement officer for each jail shall establish a records system which shall comply with the requirements of this section.

(1) Fiscal. Each detention and correctional facility shall maintain fiscal records which clearly indicate facility operation and maintenance costs according to generally accepted accounting principles. Such records shall separate specific jail functions from other departmental functions.

(2) Confidentiality. All jail facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).

(3) Individual prisoner records. The information required by the booking and release form provided by the commission shall be obtained for each booking and release. Such information as prescribed by the commission will be retained in written form or within computer records. Other information retained in each prisoner's jail record shall include, but not be limited to, court orders, personal property receipts, infraction reports, reports of disciplinary actions and/or unusual occurrences, and, in case of death, disposition of prisoner's property and remains.

(a) Medical. Health care records shall be maintained separately in accordance with WAC 289-20-250 to the extent necessary to maintain their confidentiality.

(b) Prisoner access. Each prisoner shall be permitted reasonable access to his jail record, or reasonable access to information contained therein. Provided that such access may be limited only on substantial grounds of institutional security.

(c) Transfer. When a prisoner is transferred to another facility, copies or summaries of all health records shall be transferred to the receiving facility, provided that the requirements of WAC 289-20-250 regarding confidentiality are followed. Applicable court orders shall be transferred. Summaries or copies of disciplinary records shall be transferred where such information may serve a substantial governmental interest in the safety or security of the receiving institution.

(4) Population reports. Each jail shall complete and submit monthly reports on its population on forms provided by the jail commission.

(5) Population accounting. Each jail should, in addition, maintain an ongoing and a permanent accounting

of its population by its own confinement categories, location, or classification within the jail. WAC 289-14-230(5) **ADVISORY.**

(6) Jail register. Each jail shall maintain an accurate jail register as required by RCW 70.48.100.

(7) Infraction and disciplinary. Each department of corrections or chief law enforcement officer shall maintain a written record of all incidents which result in substantial property damage or bodily harm, or serious threat of substantial property damage or bodily harm. Major infraction reports and disciplinary actions under chapter 289-16 WAC shall become part of the prisoner's jail record.

(8) Incidents and emergencies. All serious incidents and emergencies shall be recorded on forms provided by the commission. For purposes of this section, the term "serious incidents and emergencies" includes, but is not limited to any death which occurs within a jail, attempted suicides, epidemics, completed escapes, any completed assault upon staff or prisoners, serious fires, flooding or other natural disasters or riots.

(9) Incident reports. An incident report on any death, completed escape, or serious fire shall be submitted to the jail commission on the form provided by the commission. All such incident reports for a given month shall be submitted on a monthly basis with the monthly population accounting form. A copy of all incident reports shall be retained at the jail.

(10) Activity log. All jails should keep a log of daily activity within the facility for future accountability. WAC 289-14-230(10) **ADVISORY.**

(11) Personnel training. Training records shall be maintained for each staff member employed by a detention or correctional facility.

(12) Personnel performance. Performance records should be maintained for each staff member employed by a detention or correctional facility. WAC 289-14-230(12) **ADVISORY.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 289-14-020 STAFFING.
- (2) WAC 289-14-030 RECORDS.

Chapter 289-15 WAC CUSTODIAL CARE STANDARDS—SAFETY

NEW SECTION

WAC 289-15-200 EMERGENCY PROCEDURES. (DETENTION AND CORRECTIONAL FACILITIES). (1) The department of corrections or the chief law enforcement officer shall formulate written emergency procedures relative to escapes, riots, rebellions, assaults, injuries, suicides or attempted suicides, outbreak of infectious disease, fire, acts of nature, and any other type of major disaster or disturbance. The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or

facility. Such plan shall be formulated in cooperation with the appropriate supporting local government units.

(2) Emergency plans shall always be available to the officer in charge of the jail, and all personnel shall be aware of, and trained in, the procedures.

NEW SECTION

WAC 289-15-210 FIRE PREVENTION AND SUPPRESSION. (DETENTION AND CORRECTIONAL FACILITIES). (1) The department of corrections or chief law enforcement officer shall consult with the local fire department having jurisdiction over the facility in developing a written fire prevention and suppression plan which shall include, but not be limited to:

(a) A fire prevention plan to be part of the operations manual of policies and procedures;

(b) A requirement that staff are alert to fire hazards during their daily rounds.

(c) Fire prevention inspections at least semi-annually by the fire department having jurisdiction.

(d) Recommendations resulting from inspections should be promptly implemented WAC 289-15-210(1)(d) ADVISORY; and

(e) A regular schedule for inspections, testing and servicing fire suppression equipment.

(2) Results of all fire department inspections shall be kept on file at the jail, together with records of actions taken to comply with recommendations from such reports.

NEW SECTION

WAC 289-15-230 USE OF FORCE. (DETENTION AND CORRECTIONAL FACILITY). Only lawful and reasonable force to the person of a prisoner shall be used. A record of the use of such force shall be made.

NEW SECTION

WAC 289-16-200 ADMISSIONS (DETENTION AND CORRECTIONAL FACILITIES). (1) General.

(a) The receiving officer shall determine that the arrest and confinement of each prisoner is being accomplished by a duly authorized officer, and a copy of all documents that purport to legally authorize the confinement shall become part of the prisoner's jail record.

(b) If only one jail facility officer is on duty, the delivery officer shall remain until the prisoner is locked into the confinement area.

(c) The information required by the commission shall be recorded for each prisoner booked into the facility.

(d) Each prisoner, after completion of booking, shall be advised of his right to, and be allowed to complete, at least two local or collect calls to persons of his choice who may be able to come to his assistance. If the prisoner chooses not to place the calls allowed, this information shall be noted on the booking form.

(e) Reasonable provisions for communicating with non-English speaking, handicapped and illiterate prisoners shall be provided concerning the booking process,

rules of the facility, privileges and other information pertinent to his rights and well-being while confined.

(f) The booking process shall be completed promptly unless the physical or mental condition of the prisoner necessitates delay.

(2) Search/examination.

(a) Each prisoner shall be searched for contraband in such a manner as responsible staff determine is necessary to protect the safety of prisoners, staff, and institutional security. Such search should be conducted in a private area and in a professional manner which protects the prisoner's dignity to the extent possible.

(b) When a strip search is conducted, it shall be performed by a staff person of the same sex as the prisoner.

(c) When a strip search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars and injuries; "health tags"; and body vermin. Less complete searches should include the same checks to the extent possible. WAC 289-16-200(2)(c) ADVISORY.

(d) All physical markings and "health tag" identifications shall be recorded and made available to the appropriate jail employees and the medical professionals responsible for care of the prisoner under chapter 289-20 WAC.

(e) Particularly when force has been used during arrest, all visible injuries should be photographed. WAC 289-16-200(2)(e) ADVISORY.

(f) Any person with body vermin shall be treated appropriately in accordance with chapter 289-20 WAC.

(g) Complaints of illness or injury expressed or observed during booking shall be checked promptly in accordance with the medical procedure established under WAC 289-20-220.

(h) A prisoner suspected of having a communicable disease as defined in WAC 289-02-020(17) shall be isolated without delay. Arrangements shall be made for his immediate transfer to a facility equipped to handle the suspected disease, unless the admitting facility can safely and effectively segregate and maintain the medically prescribed treatment.

(3) Personal property. The admitting officer shall record and store the prisoner's personal property and issue the prisoner a witnessed receipt.

(4) Prisoner weight. Each prisoner's weight should be measured and recorded upon admission. WAC 289-16-200(4) ADVISORY.

(5) Photographs and fingerprints.

(a) Front and side-view identification photographs of each prisoner should stipulate the arresting agency or the booking agency and the date of arrest or the date of the photograph. WAC 289-16-200(5)(a) ADVISORY.

(b) Copies of fingerprints shall be forwarded to the proper state and federal authorities.

(6) Issuances.

(a) Each jail should establish its own policy on prisoners' use of personal clothing or jail uniforms. WAC 289-16-200(6)(a) ADVISORY.

(b) At a reasonable time after the completion of booking, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-20-280.

(c) Upon prisoner request, a reasonable supply of writing material shall be furnished.

NEW SECTION

WAC 289-16-210 PRECLASSIFICATION PROCEDURES (DETENTION AND CORRECTIONAL FACILITIES). (1) Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

(2) Prisoners who, upon screening, appear to have serious and potentially dangerous problems with drugs, including alcohol, or signs of serious mental illness, shall be closely observed. Persons qualified and trained to evaluate such prisoners shall be contacted without delay.

(3) Any prisoner suspected of being assaultive shall be housed separately prior to classification except where continual direct observation is maintained.

(4) No prisoner known or suspected to be a danger to himself may be housed alone without continual direct observation.

NEW SECTION

WAC 289-16-220 ORIENTATION (DETENTION AND CORRECTIONAL FACILITIES). (1) As soon after booking as possible each prisoner shall receive an oral or written orientation, consistent with the provisions of WAC 289-16-200(1)(f). The orientation shall provide information regarding the prisoner's confinement including, but not limited to:

(a) Rules of prisoner conduct; including possible disciplinary sanctions, as provided in WAC 289-19-210;

(b) Procedures and conditions regarding classification and reclassification, as provided in WAC 289-16-230;

(c) Staff expectations of prisoner responsibilities, including if applicable, cleaning of prisoner living areas;

(d) Prisoner rights and privileges;

(e) The means of access to health care as required by WAC 289-20-220, and other services;

(2) An opportunity to ask and receive answers to questions shall be provided within a reasonable time.

NEW SECTION

WAC 289-16-230 CLASSIFICATION/SEGREGATION (DETENTION AND CORRECTIONAL FACILITIES). (1) Classification.

(a) The department of corrections or chief law enforcement officer shall establish written classification and reclassification procedures which shall be included in the manual of policies and procedures.

(b) A classification committee, or individual shall be designated as responsible for classification of prisoners confined in the facility in accordance with such written procedures: **PROVIDED**, That this does not preclude designation of alternate persons to serve in such individuals' absence: **PROVIDED FURTHER**, That certain classification functions, such as initial cell assignment, may be delegated, in writing, to staff not assigned to classification functions.

(c) It is recommended that no less than two facility staff members be responsible for classification determinations when reasonably possible. WAC 289-16-230(1)(c) **ADVISORY**.

(d) For each prisoner confined in a detention or correctional facility, those responsible for classification shall determine the degree of security required, housing assignment, program eligibility, and regulations for association within and outside the confinement area.

(2) Classification procedures.

(a) Each prisoner confined in a detention or correctional facility shall be interviewed by the persons responsible for classification determinations or other designated staff. Where designated staff conduct the interviews, the information shall be reported to the classification committee, or person responsible in a uniform manner.

(b) Each prisoner shall be classified as soon as reasonably possible.

(c) The prisoner shall be promptly informed of any classification housing assignment decision other than "general population", and of his right to have that decision reviewed upon making a request. Such notice shall also be given with regard to any reclassification action.

(d) A prisoner who is dissatisfied with his housing assignment shall be entitled to a review of the decision by the department of corrections or chief law enforcement officer upon making a written request, and shall be promptly informed of this right. Such request shall be reviewed by the department of corrections, chief law enforcement officer, or a designated staff member supervisory to the classification committee, within 72 hours of its receipt by staff. The prisoner shall receive a written decision of the review of such assignment, including reason(s).

(3) Criteria for prisoner classification.

(a) The primary criteria for classification shall be the safety of the prisoner and the security of the institution.

(b) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been remanded to superior court jurisdiction: **PROVIDED**, That no person under the chronological age of sixteen shall be held in a jail in which adult prisoners are also being held.

(c) Females shall be segregated from visual communication and physical contact with male prisoners except under direct supervision of a staff person.

(d) Special problem prisoners who endanger the health and safety of other prisoners (or themselves) shall be segregated and closely supervised.

(e) Prisoners on work release or weekend confinement programs, and any other prisoners who have regular contact outside the jail shall be segregated from other prisoner categories.

(f) Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post-trial status, and offender sophistication.

(4) Administrative segregation.

(a) Written classification procedures shall include provisions for the separation of certain prisoners for

their own protection, for purposes of investigation, and for the security of the facility.

(b) Written documentation shall be maintained for each case of administrative segregation.

NEW SECTION

WAC 289-16-240 GOOD TIME (DETENTION AND CORRECTIONAL FACILITIES). The director of the department of corrections or the chief law enforcement officer should develop written policies regarding time off for good behavior. Such policies should insure that good time when authorized by sentencing courts, is given on a consistent basis, and in accordance with RCW 70.48.210 and 9.92.150. **ADVISORY.**

NEW SECTION

WAC 289-16-250 RELEASE AND TRANSFER (DETENTION AND CORRECTIONAL FACILITIES). (1) Release.

(a) The releasing officer shall positively determine prisoner identity and ascertain that there is legal authority for the release.

(b) The information required on the release forms provided by the commission shall be recorded for each prisoner released from the facility.

(c) All prisoners being released shall sign a witnessed receipt for personal property returned.

(d) Each prisoner discharged should receive a visual body check to detect changes from his admitting physical record. WAC 289-16-250(1)(d) ADVISORY.

(2) Transfer. In addition to the release procedures designated above, the releasing officer shall determine that the receiving unit or person has the authority to accept custody.

NEW SECTION

WAC 289-16-260 TRANSPORTATION (DETENTION AND CORRECTIONAL FACILITIES). When jail facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the jail, the department of corrections or the chief law enforcement officer of each detention and correctional facility shall develop and maintain written instructions which insure the safety of the prisoners and staff shall be maintained.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 289-16-010 ADMISSIONS.
- (2) WAC 289-16-020 CLASSIFICATION/SEGREGATION.
- (3) WAC 289-16-030 RELEASE AND TRANSFER.
- (4) WAC 289-16-040 TRANSPORTATION.

Chapter 289-18 WAC
CUSTODIAL CARE STANDARDS—SECURITY
(~~AND DISCIPLINE~~)

NEW SECTION

WAC 289-18-200 STAFFING (DETENTION AND CORRECTIONAL FACILITIES.) General staffing.

(1) At all times in all jails, at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance.

(2) At all times a staff member of the same sex as the prisoner(s) shall be on duty or available within a reasonable time, which staff member shall be directly responsible for supervision which involves intimate physical contact or activities commonly afforded reasonable protection against opposite sex observation or supervision: **PROVIDED,** That this does not preclude jail staff from performing nonjail-related functions or being relieved from direct duties and remaining on call: **PROVIDED FURTHER,** That personal observation of prisoners for purposes of this or other sections of these standards may be by opposite sex staff as long as opposite sex privacy concerns are given appropriate protection.

(3) There shall be continual sight and/or sound surveillance of all prisoners.

(4) Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes: **PROVIDED,** That special problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.

(5) In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff may be reduced to, but shall not be less frequent than, at least once within every sixty minute period.

(6) Personal staff observations of prisoners should be recorded in writing and retained in the jail records. WAC 289-18-200(6) ADVISORY.

(7) Staff should be alert to prisoner depression, disension, family rejection, loneliness, resistance to staff or programs, and the effects of use of substances prohibited by facility rules or by law. When such symptoms are discovered, such persons should be closely observed. WAC 289-18-200(7) ADVISORY.

NEW SECTION

WAC 289-18-210 SUPERVISION AND SURVEILLANCE (DETENTION AND CORRECTIONAL FACILITIES.) (1) General security.

(a) All jails shall establish a positive means of identifying prisoners.

(b) Perimeter security shall be maintained.

(c) Security devices shall be maintained in proper working condition at all times.

(d) No prisoner shall be permitted to have authority over other prisoners.

(2) Prisoner counts. Detention and correctional facilities shall develop a system for taking and recording prisoner counts. This procedure shall be followed at shift changes and at other regular or irregular times.

(3) Contraband control.

(a) Any item or person entering or leaving a jail shall be subject to search.

(b) When housed in a jail facility, work release prisoners and prisoners who have regular contact outside the jail shall not be permitted contact with other prisoner classifications or entrance to areas frequented by other prisoners.

(c) There shall be irregularly scheduled searches for contraband in detention and correctional facilities and all areas frequented by prisoners.

(d) Conspicuously posted signs shall display the statutory penalty for giving or arranging to give anything to a prisoner without official authorization (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160). Non-English speaking visitors shall be informed of the statutory penalty either verbally or by posted signs in the appropriate language.

NEW SECTION

WAC 289-18-220 CRITICAL ARTICLES (DETENTION AND CORRECTIONAL FACILITIES.)

(1) All detention and correctional facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

(2) Weapon lockers shall be located outside of booking and confinement areas.

(3) Whenever possible, keys to weapon lockers should be located outside of booking and confinement areas. **ADVISORY.**

(4) Keys and locking devices.

(a) Key regulations shall be established by the department of corrections or chief law enforcement officer and read and initialed by all staff.

(b) A control point shall be designated for key cataloging and logging the distribution of keys.

(c) There shall be at least two sets of jail facility keys, one set in use and the other stored securely but easily accessible to staff for use in the event of an emergency.

(d) All keys not in use shall be stored in a secure key locker inaccessible to prisoners.

(e) Emergency keys shall be marked and placed where they may be quickly identified in case of an emergency.

(f) Keys to locks on doors inside the security area of a jail should be on a separate ring from keys to locks on doors or gates to the outside of the jails. At no time should both rings be carried by a person inside the jail simultaneously. **WAC 289-18-220(4)(f) ADVISORY.**

(g) Keys shall be accounted for at all times and the distribution certified at each shift change.

(h) Jail facility keys shall never be issued to a prisoner.

(i) If electronic devices are used in place of keys, there shall be key or other manual override capabilities available for immediate use in case of an emergency and/or a failure of the system.

(5) Protective equipment. Protective equipment, tear gas, and any other chemical suppressing agent shall be kept in a secure area, inaccessible to prisoners and unauthorized persons, but quickly accessible to officers of the facility.

(6) Kitchen utensils, tools, and toxic substances.

(a) Dangerous kitchen utensils and tools shall be marked for identification, recorded, and kept in a secure place.

(b) Toxic substances shall be kept in locked storage, and use of toxic substances shall be strictly supervised. Such substances, including cleaning supplies, shall be stored in a separate area from food supplies.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 289-18-010 SUPERVISION AND SURVEILLANCE.

(2) WAC 289-18-020 CRITICAL ARTICLES.

(3) WAC 289-18-030 EMERGENCY PROCEDURES.

(4) WAC 289-18-040 EMERGENCY SUSPENSION OF CUSTODIAL CARE STANDARDS.

(5) WAC 289-18-050 DISCIPLINE.

Chapter 289-19 WAC CUSTODIAL CARE STANDARDS—PRISONER CONDUCT

NEW SECTION

WAC 289-19-200 PRISONER RIGHTS. (DETENTION AND CORRECTIONAL FACILITIES.)

Each detention and correctional facility should establish a written statement of prisoner rights, to be reviewed at the time of orientation, which should include, but not be limited to, access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment, freedom from discrimination based on race or sex, access to information on facility rules and regulations and sanctions, communication such as telephone calls, and access to necessary medical care. **ADVISORY.**

NEW SECTION

WAC 289-19-210 PRISONER RULES OF CONDUCT. (DETENTION AND CORRECTIONAL FACILITIES.)

(1) The department of corrections or chief law enforcement officer shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners, which rules shall designate major and minor infractions.

(2) Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously throughout the jail. Non-English speaking prisoners shall be informed of the rules either orally, in writing, or by posted signs in the appropriate language.

(3) All major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

(4) Minor infractions. Minor violations of the rules may be handled informally by any staff member by reprimand, warning, or minor sanction as defined by local rules. Such incidents may become part of the prisoner's

record only with the approval of the supervisor and verbal notification to the prisoner.

NEW SECTION

WAC 289-19-220 DISCIPLINE. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Disciplinary committee.

(a) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees, shall hear and decide all charges of major violation of facility rules and impose sanctions.

(b) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. WAC 289-19-220(1)(b) **ADVISORY.**

(c) Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer with respect to that charge.

(2) Disciplinary procedures.

(a) Any charges pending against a prisoner shall be acted on as soon as possible and no later than forty-eight hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction.

(b) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with WAC 289-19-210(3). If the prisoner is illiterate, the infraction report shall be read to him.

(c) The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

(i) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

(ii) The prisoner shall be allowed to appear on his own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

(iii) A prisoner who is unable to represent himself in such a hearing shall be informed of his right to be assisted by another person in understanding and participating in the proceedings;

(iv) The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

(v) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed rules.

(d) All disciplinary proceedings shall be recorded.

(e) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction.

(f) The above provisions do not preclude imposition of administrative segregation, according to procedures required by WAC 289-16-230(4), or other appropriate limitations on freedom of the prisoner involved prior to such disciplinary proceeding: **PROVIDED**, That every

such restriction shall be in accordance with the other provisions in these standards: **PROVIDED FURTHER**, That any such restrictions shall be based on legitimate grounds of institutional security or prisoner safety, and such action shall be noted in the prisoner's records.

(3) Corrective action or forms of discipline.

(a) Nonpunitive corrective action should be the first consideration in all disciplinary proceedings. WAC 289-19-220(3)(a) **ADVISORY.**

(b) When punitive measures are imposed, such measures shall be in accordance with law, and recommended sanctions, appropriate to the severity of the infraction, and based on considerations of the individual involved.

(c) Acceptable forms of discipline shall include the following:

(i) Loss of privileges;

(ii) Removal from work detail or other assignment;

(iii) Recommendation of forfeiture of "good time" credit;

(iv) Transfer to the maximum security or segregation section.

(4) Limitations on punishment.

(a) No prisoner or group of prisoners shall be given authority to administer punishment to any other prisoner or group of prisoners.

(b) Deprivation of regular feeding, clothing, bed, bedding, or normal hygienic implements and facilities shall not be used as a disciplinary sanction.

(c) Correspondence privileges shall not be denied or restricted, except in cases where the prisoner has violated correspondence regulations. In no case shall the correspondence privilege with any member of the bar, holder of public office, the courts or the department of corrections or chief law enforcement officer be suspended.

(d) Restrictions on visitation.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation. WAC 289-19-220(4)(d)(i) **ADVISORY.**

(ii) Under no circumstances shall attorney-client visits be restricted.

(e) No prisoner shall be held in disciplinary segregation for more than five consecutive days without review by the disciplinary hearing body or chief law enforcement officer or his or her designee, and in no event shall a prisoner be held in disciplinary segregation for more than ten consecutive days as the result of any one hearing.

(f) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions.

NEW SECTION

WAC 289-19-230 GRIEVANCE PROCEDURES. (DETENTION AND CORRECTIONAL FACILITIES.) The department of corrections or chief law enforcement officer for each jail should develop and maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of

grievances, and for written notification of action taken regarding the grievance. ADVISORY.

NEW SECTION

WAC 289-20-200 RESPONSIBLE PHYSICIAN AND LICENSED STAFF. (DETENTION AND CORRECTIONAL FACILITIES.) (1) The facility shall have a designated health authority with responsibility for health care services pursuant to a written agreement, contract, or job description. The health authority may be a physician, health administrator or agency. When this authority is other than a physician, final medical judgments shall rest with a single designated responsible physician licensed in the state of Washington.

(2) Matters of medical and dental judgment shall be the sole province of the responsible physician and dentist respectively; security regulations applicable to facility personnel shall also apply to health personnel.

(3) The responsible physician or medical authority should submit a quarterly report on the health delivery system and health environment and an annual statistical summary to the chief law enforcement officer or department of corrections. WAC 289-20-200(3) ADVISORY.

(4) State licensure and/or certification requirements and restrictions shall apply to health care personnel.

(5) All medical personnel shall practice within the scope of their license. Where applicable, treatment shall be performed pursuant to a written standing or direct order.

(6) Verification of current licensing and certification credentials should be on file in the jail. WAC 289-20-200(6) ADVISORY.

NEW SECTION

WAC 289-20-205 HEALTH CARE POLICIES AND PROCEDURES. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Written standard operating procedures approved by the responsible physician and governing unit or official designated by it shall consist of but not be limited to the following:

- (a) Receiving screening;
- (b) Health appraisal data collection;
- (c) Nonemergency medical services;
- (d) Deciding the emergency nature of illness or injury;
- (e) Availability of dental referral examination, and treatment;
- (f) Provision of medical and dental prostheses;
- (g) First aid;
- (h) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (i) Providing chronic care;
- (j) Providing convalescent care;
- (k) Providing medical preventive maintenance; WAC 289-20-205(1)(k) ADVISORY
- (l) Screening, referral and care of mentally ill and retarded inmates, and prisoners under the influence of alcohol and other drugs;
- (m) Implementing the special medical program;
- (n) Delousing procedures;
- (o) Detoxification procedures; and

(p) Pharmaceuticals.

(2) The work of qualified medical personnel shall be governed by written job descriptions which shall be approved by the responsible physician.

NEW SECTION

WAC 289-20-210 HEALTH SCREENING. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Receiving screening shall be performed on all prisoners upon admission to the facility before being placed in the general population or housing area, and the findings recorded on a printed screening form approved by the jail commission. The screening shall include inquiry into:

(a) Current illnesses and health problems including those specific to women;

(b) Medications taken and special health requirements;

(c) Screening of other health problems designated by the responsible physician;

(d) Behavioral observation, including state of consciousness and mental status;

(e) Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics;

(f) Condition of skin and body orifices, including rashes and infestations; and

(g) Disposition/referral of inmates to qualified medical personnel on an emergency basis.

(2) The health appraisal data collection shall be completed for each prisoner within fourteen days after admission to the facility in accordance with the adopted standard operating procedures: PROVIDED, That this subsection does not apply to prisoners who are able to receive medical care in the community.

(3) Such health appraisal shall include, at a minimum, a physical assessment by a licensed health care provider, recording of vital signs and a general review of mental status: PROVIDED, That such appraisal is not intended to be a standard "annual physical" but rather such minimum physical and mental status review as is necessary to detect any major problems. As appropriate, laboratory and diagnostic tests to detect communicable disease, including venereal diseases and tuberculosis, and other tests and appraisals shall be included within such appraisal.

(4) Health history and vital signs shall be collected by medically trained or qualified medical personnel who are properly licensed, registered or certified as appropriate to their qualifications to practice. Collections of all other health appraisal data shall be performed only by qualified medical personnel. Review of the results of the medical examination, tests, and identification of problems shall be made by a physician or designated qualified medical personnel. All health appraisal data shall be recorded on the health data forms approved by the responsible physician.

NEW SECTION

WAC 289-20-220 ACCESS TO HEALTH CARE. (DETENTION AND CORRECTIONAL

FACILITIES.) (1) If medical services are delivered in the jail, adequate equipment supplies and materials shall be provided for the performance of primary health care delivery.

(2) At the time of admission to the facility, prisoners shall receive a written communication consistent with the provisions of WAC 289-16-010(1)(f), explaining the procedures for gaining access to medical services.

(3) Prisoners' medical complaints shall be collected daily and acted upon by the medically trained personnel. An appropriate priority shall be established and treatment by qualified medical personnel follow.

(4) Work release prisoners should be allowed to see their own physicians outside of the jail and to receive consistent care within the jail.

(5) Sick call.

(a) Sick call shall be conducted by a physician and/or other qualified medical personnel and shall be available to each prisoner as follows:

(i) In facilities of less than fifty prisoners, at least once per week at a minimum;

(ii) Facilities of fifty to two hundred prisoners at least three times per week; and

(iii) Facilities of over two hundred prisoners at least five times per week: PROVIDED, That the average daily population may be calculated exclusive of work release prisoners when they receive their care in the community.

(b) When sick call is not conducted by a physician, the responsible physician shall arrange for the availability of a physician at least once each week to respond to prisoner complaints regarding services which they did or did not receive from other medical providers; further, regardless of complaints, the responsible physician shall review the medical services delivered, as follows:

(i) At least once per month in jails with less than fifty prisoners;

(ii) At least every two weeks in facilities of fifty to two hundred prisoners; and

(iii) At least weekly in facilities of over two hundred prisoners.

(6) Medical and dental prostheses shall not be denied when the health of the inmate-patient would otherwise be adversely affected as determined by the responsible physician.

(7) Emergency care.

(a) First aid kit(s) shall be conveniently available in all jails.

(b) The responsible physician should approve the contents, number, location and procedure for periodic inspection of the kit(s). WAC 289-20-220(7)(b) **ADVISORY**

(c) Emergency medical and dental care shall be available on a twenty-four hour basis in accordance with a written plan which includes:

(i) Arrangements for the emergency evacuation of the prisoner from the jail;

(ii) Arrangements for the use of an emergency medical vehicle;

(iii) Arrangements for the use of one or more designated hospital emergency rooms, other appropriate

health facilities, or on-call physician and dentist services.

NEW SECTION

WAC 289-20-230 HEALTH CARE TRAINING. (DETENTION AND CORRECTIONAL FACILITIES.)

(1) Jail personnel shall be trained in standard first-aid equivalent to that defined by the American Red Cross and usual emergency care procedures prior to employment or during the probationary period. Written standard operating procedures and training of staff shall incorporate the following steps:

(a) Awareness of potential medical emergency situations;

(b) Notification or observation determination that a medical emergency is in progress;

(c) "First aid" and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

(2) At least one person per shift within sight or sound of the prisoner shall have training in receiving screening and basic life support cardiopulmonary resuscitation (CPR).

(3) Jail personnel shall be given training regarding the recognition of general symptoms of mental illness and retardation.

(4) All persons responsible for the delivery of medications shall have training regarding the medical, security, and legal aspects of such activity.

NEW SECTION

WAC 289-20-240 MEDICATIONS CONTROL. (DETENTION AND CORRECTIONAL FACILITIES.)

(1) The jail's standard operating procedures for the proper management of pharmaceuticals shall include:

(a) A formulary specifically developed for the facility when stock medications are maintained within the jail. Such formulary shall be in accordance with WAC 360-16-070 (clinic dispensary);

(b) A policy that jails with an on-site pharmacy shall adhere to regulations established by the state board of pharmacy. Such policy shall require, as a minimum, a consulting pharmacist for the operation of the pharmacy or the dispensing shall be done by each prescribing physician in person (WAC 360-16-070);

(c) A policy regarding the prescription of all medications with particular attention to behavior modifying medications and those subject to abuse;

(d) A policy regarding medication dispensing and administration which shall include, but not be limited to:

(i) Nonmedical jail personnel delivering medication(s) to prisoners;

(ii) Disposition of medication(s) brought in by prisoners at the time of admission to the facility;

(iii) Packaging of medication(s): The medications system shall insure that all medications are kept in containers which have been labeled securely and legibly by a pharmacist or the prescribing physician, or in their

original container labeled by their manufacturer. Medications shall not be transferred from the original container except for the preparation of a dose administration;

(iv) Safeguards with regard to delivery of medications to prisoners; and

(v) Disposition of unused medication(s).

(e) A policy regarding the maximum security storage and weekly inventory of all controlled substances, non-prescription medication(s), syringes, needles and surgical instruments. Jails that do not have an on-site pharmacy shall provide for a consulting pharmacist to determine that medication(s) have been properly managed.

(2) The person delivering medication(s) shall be accountable for following the orders of medical staff.

NEW SECTION

WAC 289-20-250 HEALTH CARE RECORDS. (DETENTION AND CORRECTIONAL FACILITIES.) (1) The responsible physician shall be responsible for maintaining patient medical record files. Such files shall contain the completed receiving screening form, health appraisal data collection forms, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education, notations of place, date and time of medical encounters and terminations of treatment from long term or serious medical or psychiatric treatment.

(2) The responsible physician shall insure the confidentiality of each prisoner's medical record file and such file shall be maintained separately to the extent necessary to maintain their confidentiality.

(3) The responsible physician or medical staff designated by him shall communicate information obtained in the course of medical screening and care to jail authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the jail, or maintenance of jail security and order.

(4) A copy or summary of the medical record file shall routinely be sent to any jail or correctional institution to which a prisoner is transferred at the time of such transfer. A copy of such file or parts thereof shall also be transmitted upon the written authorization of a prisoner to designated physicians and medical facilities.

(5) The person delivering medications shall record the actual time of the delivery in a manner and on a form approved by the responsible physician.

NEW SECTION

WAC 289-20-260 SPECIAL MEDICAL ISSUES. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Informed consent.

(a) All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care.

(b) No prisoner shall be given medical treatment against his will except as necessary to prevent the spread of communicable disease, to relieve imminent danger to the life of the prisoner, or, in the case of serious mental disorders, to prevent imminent danger to the life of his

person, to the lives of others, or to the safety of the facility. All procedures required by chapter 71.05 RCW shall be followed in any case of involuntary commitment or involuntary treatment of mentally ill persons within jails.

(c) In the case of minors, the informed consent of parent, guardian or legal custodian applies where required by law.

(d) In all cases, the responsible physician shall give a clear statement to the prisoner patient of his diagnosis and treatment.

(2) Special medical.

(a) Jail staff shall report any symptoms of prisoner mental illness or retardation to medical personnel for appropriate evaluation and treatment.

(b) A special program shall exist for prisoners requiring close medical supervision. A written individual treatment plan for each of these patients shall be developed by a physician which includes directions to medical and nonmedical personnel regarding their roles in the care and supervision of these patients.

(c) Programs for the prevention of suicide, to include early identification of risk, appropriate diagnosis and referral, and close observation as required by WAC 289-18-200(1)(c) and (d), should be developed by medical staff. **ADVISORY**

(d) Appropriate medically supervised treatment in accordance with written procedures established under WAC 289-20-205(1)(l) shall be given in the jail to prisoners determined to be mentally ill or under the influence of alcohol, opiates, barbiturates and similar drugs when such care is not provided in a community health facility.

(e) Reasonable physical restraint when necessary for medical reasons shall be medically directed, except that in an emergency reasonable physical restraint may be used to control a grossly disturbed or violent prisoner, but the review and direction of the health care staff or local mental health professionals shall be promptly obtained.

NEW SECTION

WAC 289-20-265 ACCESS TO FACILITIES. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Regular bathing (shower) shall be permitted at least twice each week.

(2) Each prisoner shall have access to toilet, sink, drinking water, and adequate heat and ventilation.

NEW SECTION

WAC 289-20-270 FOOD. (DETENTION AND CORRECTIONAL FACILITIES.) (1) General food requirements.

(a) At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal.

(b) Jails may arrange for prepared meal service or serve frozen packaged meals, provided these meals conform to the other requirements of this section.

(c) Meals shall be served in a reasonable manner, hot food served hot, cold food served cold.

(2) Nutritional and caloric intake.

(a) Jail menus shall be reviewed by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified.

(b) Diets ordered by medical staff shall be strictly observed.

(3) Food service operations.

(a) Food service operations in jails shall conform to the sanitation rules and regulations set forth in chapter 248-84 WAC.

(b) All prisoners and other persons working in the food service shall be free from infectious disease.

(c) In all jails, a paid staff member responsible for kitchen supervision and food preparation shall obtain a food and beverage workers permit (chapters 248-86 and 248-87 WAC). Under supervision of this staff member, prisoners may assist in the kitchen and need not acquire a food and beverage workers permit.

(d) Local health departments may have more stringent requirements which, if ordered by them, shall be followed.

NEW SECTION

WAC 289-20-280 CLOTHING, BEDDING AND PERSONAL ITEMS. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Clothing.

(a) Provision shall be made for separate insect proof clothing storage to prevent migration of lice from infested clothing.

(b) Each jail shall insure that prisoners' outer garments are laundered and made available to them at least once a week, and that prisoners' undergarments and socks are laundered and made available to them at least twice a week.

(c) Detention and correctional facilities shall, if necessary, clean and sanitize personal clothing prior to storage.

(2) Bedding.

(a) Each prisoner shall be issued clean bed linens for the first night's detention and at least once a week thereafter. Bed linens shall include:

(i) One detachable cloth mattress cover and one sheet;

or

(ii) Two sheets; or

(iii) One double sized sheet.

(b) Mattresses shall have a washable surface and shall be sanitized at least semiannually.

(c) Blankets shall be issued upon arrival and shall be washed at frequent intervals to maintain a clean condition, but at least once every sixty days, and always before reissue.

(3) Personal care items.

(a) Personal care items issued to each prisoner in detention and correctional facilities shall include, but not be limited to soap and towel. Female prisoners shall be supplied with necessary feminine hygiene items.

(b) Toothpaste or powder, toothbrush and comb shall be provided for all prisoners. Such items shall be available for purchase or shall be issued at booking and as needed thereafter: PROVIDED, That prisoners without

funds shall have access to these minimum items without cost.

(c) Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security. WAC 289-20-280(3)(c). ADVISORY

NEW SECTION

WAC 289-20-290 SANITATION. (DETENTION AND CORRECTIONAL FACILITIES.) (1) General.

(a) All jails shall be kept in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage, or other matter detrimental to health.

(b) Jail staff shall insure that each prisoner shall clean his own living area daily. Convicted prisoners may be required to clean other space within the confinement area and pretrial detainees may be permitted to do so voluntarily.

(2) Insects, rodents, and pets.

(a) Insects and rodents shall be eliminated by safe and effective means. Prisoners shall be removed from areas in which insecticides and rodenticides are being used.

(b) Pets shall not be allowed in jail facilities.

(3) Laundry. Each jail shall arrange for adequate laundry services.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 289-20-010 HEALTH CARE.
- (2) WAC 289-20-020 FOOD.
- (3) WAC 289-20-030 CLOTHING, BEDDING AND PERSONAL ITEMS.
- (4) WAC 289-20-040 SANITATION.
- (5) WAC 289-20-050 FIRE SUPPRESSION.

NEW SECTION

WAC 289-22-200 SERVICES. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Commissary.

(a) The department of corrections or chief law enforcement officer of each detention and correctional facility shall either establish, maintain, and operate a commissary, or provide prisoners with a list of approved items to be purchased at least once a week at local stores.

(b) Commissary items shall include books, periodicals, and newspapers, or the facility shall make arrangements to order any such items from publishers and/or local newsstands.

(c) Proceeds from a jail facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses.

(d) If jail rules do not permit prisoners to keep money on their persons, payments for commissary purchases shall be made by debit on a cash account maintained for the prisoner. All expenditures from a prisoners account shall be accurately recorded and receipted.

(2) Basic hair care. All jails shall make reasonable arrangements to provide basic hair care.

(3) Library services. In conjunction with state and/or local library service units, each jail shall make provision for library services.

(4) Legal assistance.

(a) When adequate professional legal assistance is not available to prisoners for purposes of preparing and filing legal papers, a jail shall provide access to necessary law books and reference materials.

(b) Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers.

(5) Religious services.

(a) Upon request from a prisoner, the jail facility shall arrange religious services or confidential religious consultation.

(b) Detention and correctional facilities with an average daily population of twenty-five or more shall arrange for weekly religious services.

(c) Prisoners should be permitted to observe religious holidays and receive sacraments of their faith. WAC 289-22-200(5)(c) ADVISORY.

(d) Attendance at religious services shall be voluntary, and prisoners who do not wish to hear or participate shall not be exposed to such services.

(6) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in detention and correctional facilities with an opportunity to discuss their problems, interests, and program. WAC 289-22-200(6)(a) ADVISORY.

(b) The department of corrections or chief law enforcement officer may utilize volunteer counseling resources available in the community. WAC 289-22-200(6)(b) ADVISORY.

(c) Professionals should serve in an advisory capacity when jail facility personnel or community volunteers engage in counseling. WAC 289-22-200(6)(c) ADVISORY.

(d) Counselors may submit written recommendations to the chief law enforcement officer or disciplinary review body. WAC 289-22-200(6)(d) ADVISORY.

(e) Prisoners shall not be required to receive counseling services unless ordered by the appropriate court or the disciplinary review body.

(f) Prisoners being discharged should receive assistance in obtaining employment, housing, acceptable clothing, and transportation. WAC 289-22-200(6)(f) ADVISORY.

NEW SECTION

WAC 289-22-210 PROGRAMS. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Each prisoner shall be allowed three hours per week of physical exercise, to be scheduled on no less than three separate days. If weather does not permit outdoor exercise, it shall be provided indoors. Indoor or outdoor exercise areas shall be equipped with appropriate equipment and supplies to permit varied exercise or recreation.

(2) Work programs. The department of corrections or chief law enforcement officer may establish work programs. WAC 289-22-210(2) ADVISORY.

(3) Participation in work programs by pretrial detainees shall be voluntary.

(4) Education and training programs.

(a) The department of corrections or chief law enforcement officer should arrange for the development of an education and training program, utilizing local school districts, colleges, trade schools, unions, industry, interested citizens, and other available community, state, and federal resources. WAC 289-22-210(4)(a) ADVISORY.

(b) Paid staff member(s) should have designated responsibility for supervision of the education and training programs. WAC 289-22-210(4)(b) ADVISORY.

(c) Approved correspondence courses should be available at the prisoner's request and expense. WAC 289-22-210(4)(c) ADVISORY.

(d) Jails should provide courses to prepare qualified prisoners for the "General Education Development" test, and provide the opportunity to take the test. WAC 289-22-210(4)(d) ADVISORY.

(5) Leisure time activity programs.

(a) Detention and correctional facilities should provide opportunities for all prisoners to participate in leisure time activities of their choice and abilities. Such activities may include athletic programs, hobbies and crafts, table games, radio and television, motion pictures, cards, puzzles, checkers and chess. WAC 289-22-210(5)(a) ADVISORY.

(b) Volunteers may be used to plan and supervise exercise programs and other leisure time activities, but paid staff member(s) should have designated responsibility for supervision of such programs. WAC 289-22-210(5)(b) ADVISORY.

(6) Alternative to confinement programs. With the concurrence of the department of corrections, or chief law enforcement officer, the disciplinary hearing body may recommend an alternative to confinement to the court of jurisdiction. WAC 289-22-210(6) ADVISORY.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 289-22-010 SERVICES.

(2) WAC 289-22-020 PROGRAMS.

NEW SECTION

WAC 289-24-200 TELEPHONE USAGE. (DETENTION AND CORRECTIONAL FACILITIES.)

(1) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).

(2) Telephone usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner: PROVIDED, That established social telephone usage hours shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representative.

(3) Calls shall be at the prisoner's expense or collect: PROVIDED, That appropriate protection of access to

an attorney shall be maintained for prisoners without funds.

(4) Location of telephone facilities shall insure reasonable privacy, and telephone conversations shall not be monitored, tape recorded, or spot-checked except by court order.

(5) Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours.

NEW SECTION

WAC 289-24-210 MAIL. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Newspapers, books, periodicals, other printed materials, and photographs.

(a) Prisoners shall generally be permitted to subscribe to and otherwise receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in jail security or the welfare of prisoners or staff.

(b) When such materials are withheld from a prisoner:

(i) The prisoner shall receive immediate written notice that the publication is being denied, accompanied by an explanation of the reason(s) for the denial;

(ii) The affected prisoner shall be promptly informed of his right to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request;

(iii) A written decision of the review of the denial, including reason(s), shall be given to the prisoner requesting review.

(2) Correspondence.

(a) General.

(i) Incoming or outgoing mail shall be retained no more than one business day.

(ii) Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters. Prisoners without funds shall be permitted to mail up to three letters per calendar week at public expense or with postage purchased from the prisoner welfare fund, provided upon proper showing the number may be increased. Each prisoner shall be permitted to mail out any number of letters to his attorney, and the courts.

(iii) No restriction shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond, except by court order of a court of competent jurisdiction, or as provided under (c) of this subsection.

(iv) These rules shall not preclude a prisoner being required to place his name and a return post office address on outgoing mail.

(b) Opening or censoring mail.

(i) No general restriction of the number of letters prisoners may receive or of classes of persons with whom they may correspond shall be made by facility rule or policy.

(ii) Incoming mail shall not be censored, but may be opened and inspected for contraband, cash and checks

and may be perused for content when the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed.

(iii) Except by order of a court of competent jurisdiction, outgoing mail shall not be opened unless the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law.

(c) Notice of disapproval of prisoner mail.

(i) When a prisoner is prohibited from sending a letter, the letter and a written and signed notice stating the reason for disapproval, and indicating the portion(s) of the letter causing disapproval, shall be given the prisoner.

(ii) When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating the reason(s) for denial and indicating the portion(s) of the letter causing the denial shall be given the sender. The prisoner shall be given notice in writing that the letter has been prohibited, indicating the reason(s) and the sender's name.

(iii) When a prisoner is prohibited from sending or receiving mail, the affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right.

(iv) A written decision of the review of such denial shall be promptly delivered to the prisoner.

(d) Limitations.

(i) Incoming mail of postconviction prisoners that is clearly marked as coming from an attorney, court, or elected federal, state, county or city official, shall be opened only in the presence of the addressee.

(ii) Mail to or from attorneys, courts or elected federal, state, county, or city officials shall not be read.

(iii) There shall be no additional restrictions on prisoner correspondence for disciplinary or punishment purposes, unless the prisoner has violated rules as to correspondence. Upon proper showing of the alleged violation, the prisoner's mail may be restricted for a limited time, but such restriction shall not apply to attorney-client mail or correspondence with the courts.

(3) Packages.

(a) Incoming.

(i) If a facility allows prisoners to receive packages, all packages shall be opened and inspected.

(ii) Packages may be received only if the contents conform to rules adopted by the department of corrections or chief law enforcement officer, and a witnessed receipt for permissible items shall be promptly delivered to the prisoner, unless such package is opened in the presence of the prisoner and all items are given directly to him.

(b) **Outgoing.** Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations.

(4) **Contraband.** Items which are not permitted by jail rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box, or returned collect to the sender. A receipt for permissible items received in the mail, including money or checks shall be signed by a staff member and a copy thereof promptly delivered to the prisoner. Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper authorities, for handling as evidence, for disciplinary action or possible prosecution under RCW 9A.76.140, 9A.76.150, 9A.76.160, or other applicable statute(s).

NEW SECTION

WAC 289-24-220 VISITATION. (DETENTION AND CORRECTIONAL FACILITIES.) (1) General.

(a) Open visitation should be provided for those prisoners determined to present a minimal degree of risk to the safety and security of the institution. WAC 289-24-220(1)(a). **ADVISORY**

(b) The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under WAC 289-16-230.

(2) Social visits.

(a) The department of corrections or chief law enforcement officer shall establish and post rules governing social visits and specifying times therefor.

(b) Each prisoner shall be allowed a minimum of three hours total visitation per week.

(c) Immediate family, i.e., wives, husbands, children, parents, brothers, sisters, grandparents, aunts, and uncles, and any person so related through marriage, shall be given preference for allowed visitation time unless the prisoner specifies otherwise.

(d) Except for immediate family members, visitors seventeen years of age and under shall be accompanied by a parent or guardian.

(e) The department of corrections or chief law enforcement officer or his designee may grant special visitation privileges to visitors who have traveled long distances, to visitors for hospitalized prisoners, and for other unusual circumstances.

(3) Business and professional visits.

(a) Each prisoner shall be allowed confidential visits from his attorney or legal assistants and his pastor.

(b) By prior arrangement with the department of corrections or the chief law enforcement officer or his designee, a prisoner shall be allowed confidential visits for business or educational reasons.

(c) Law enforcement professionals shall be allowed to interview prisoners at reasonable times and with prior notice, unless it appears circumstances do not permit delay.

(4) Visitor regulations.

(a) Signs giving notice that all visitors and their accompanying possessions are subject to search shall be

conspicuously posted at the entrances to the facility and at the entrance to the visiting area.

(b) Any person may refuse a search but, subsequent to such refusal, may then be denied entrance.

(c) Other reasons for denying entrance to visitors shall include but not be limited to:

(i) An attempt, or reasonable suspicion of an attempt to bring contraband into the facility;

(ii) Obvious influence or effect of alcohol or controlled substances;

(iii) Request from the prisoner's physician;

(iv) Request from the prisoner;

(v) Reasonable grounds to believe a particular visit would present a substantial danger to jail security or management or the welfare of prisoners, staff, or other visitors.

(d) Whenever a visitor is refused admittance during regular visiting hours, the prisoner shall receive notice of the refusal stating the reasons therefor. The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right. A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished the prisoner who requested such review.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|---------------------------|---------------------------|
| (1) <u>WAC 289-24-010</u> | INTRODUCTION. |
| (2) <u>WAC 289-24-020</u> | COMMUNICATION WITH STAFF. |
| (3) <u>WAC 289-24-030</u> | TELEPHONE USAGE. |
| (4) <u>WAC 289-24-040</u> | MAIL. |
| (5) <u>WAC 289-24-050</u> | VISITATION. |

WSR 81-07-058

ADOPTED RULES

JAIL COMMISSION

[Order 11—Filed March 18, 1981]

Be it resolved by the Washington State Jail Commission, acting at State Office Building #2, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Custodial Care Standards Enforcement Procedures, adopting WAC 289-30-060.

This action is taken pursuant to Notice No. WSR 81-04-064 filed with the code reviser on February 4, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.48 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 12, 1981.

By George Edensword-Breck
Director

NEW SECTION

WAC 289-30-060 ORDER OF CLOSURE OR PARTIAL CLOSURE. For purposes of application of RCW 70.48.080(3)(c), the terms "full closure" and "partial closure" are defined as follows:

(1) "Full closure" is the cessation of all jail operations of any type, including holding any category of prisoner for any length of time.

(2) "Partial closure" includes the continuation of jail operations subject to any or all of the following restrictions:

(a) Limitation upon the number of categories of prisoners held, whether in the jail as a whole or within certain parts thereof;

(b) Limitation upon length of time prisoners or certain defined categories of prisoners are held;

(c) Either of such above limitations when certain prescribed standards are not met and for as long as such standards are not met; and

(d) Other specific limitations upon the operation of the jail which are directly related to noncompliance with mandatory custodial care standards.

**WSR 81-07-059
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed March 18, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Utilities and Transportation Commission, intends to adopt, amend, or repeal rules concerning Cause No. TR-1458; in the matter of the adoption of WAC 480-62-090, relating to handling of hazardous materials by railroads. Written and/or oral submissions may also contain data, views, and arguments concerning the effort of the rule changes on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, April 22, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.44.065.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1981, and/or orally at 8:00

a.m., Wednesday, April 22, 1981, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: March 18, 1981
By: David Rees
Secretary

STATEMENT OF PURPOSE

The rule adoption proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which directs that the commission has authority to implement the provisions of chapter 81.44 RCW, and pursuant to RCW 81.44.065, which directs that the commission regulate as to safety of railroad operations and the safety of railroad employees and the public.

The rule adoption proposed sets forth the standards by which railroads shall assure that hazardous materials are properly handled. Standards include packaging, labeling, storing, and other precautions relating to transportation of hazardous materials by railroads. Definitions of hazardous materials are covered. The rule adopts by reference current federal standards for railroads on these matters. An accident reporting requirement is also prescribed in the proposed rule.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6420) and members of his staff were responsible for the drafting of the rule and will be responsible for implementation and enforcement of the proposed rule.

The proponent of the rule adoption is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the adoption is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.44.065.

The rule adoption proposed will affect no economic values, and is not necessary because of state or federal court action or federal law.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerk of the House of Representatives.

NEW SECTION

WAC 480-62-090 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for purposes of carriage by rail, and to state the precautions that must be observed in storage packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying railroad cars and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all railroad companies operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every railroad company operating

in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 81-07-060
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed March 18, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Utilities and Transportation Commission, intends to adopt, amend, or repeal rules concerning Cause No. TR-1456; in the matter of the amending of WAC 480-62-080, relating to accident reporting by railroads. Written and/or oral submissions may also contain data, views, and arguments concerning the effort of the rule changes on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, April 22, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.44.065.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1981, and/or orally at 8:00 a.m., Wednesday, April 22, 1981, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: March 18, 1981

By: David Rees
Secretary

STATEMENT OF PURPOSE

The rule changes proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which directs that the commission has authority to implement the provisions of chapter 81.44 RCW, and pursuant to RCW 81.44.065, which directs that the commission regulate as to safety of railroad operations and the safety of railroad employees and the public.

The rule change proposed will amend the existing accident reporting rule to require reporting of accidents and/or incidents resulting in leakage or spillage of hazardous materials which could endanger railroad employees or the public at the scene.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6420) and members of his staff were responsible for the drafting of the rule change and will be responsible for implementation and enforcement of the proposed rule.

The proponent of the rule change is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the amendment is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.44.065.

The rule change proposed will affect no economic values, and is not necessary because of state or federal court action or federal law.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerk of the House of Representatives.

AMENDATORY SECTION (Amending Order R-122, Cause No. TV-1199, filed 2/7/79)

WAC 480-62-080 ACCIDENT REPORTS. (1) Each railroad must promptly report by telephone to a specific telephone number and/or person to be designated from time to time by the commission whenever the railroad learns of the occurrence of an accident and/or incident arising from the operation of the railroad which results in the:

(a) Leakage or spillage of hazardous material which could endanger railroad employees or the public at the scene of an accident;

(b) Death of a railroad employee, rail passenger or any other person; ~~((b))~~ (c) Death of or injury to any person involved in a railway-highway crossing accident;

~~((c))~~ (d) Damages of five hundred thousand dollars or more to railroad and/or nonrailroad property.

(2) Each report made by telephone shall be promptly followed by a telegraphic report to the commission.

(3) Each report must state the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the accident and/or incident;

(e) Identity of casualties, if any; and

(f) Identity of fatalities, if any.

(4) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred.

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 81-07-061
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed March 18, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Utilities and Transportation Commission, intends to adopt, amend, or repeal rules concerning Cause No. TR-1457; in the matter of the adoption of WAC 480-62-100, relating to railroad bridge safety. Written and/or oral submissions may also contain data, views, and arguments concerning the effort of the rule changes on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, April 22, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.44.065.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1981, and/or orally at 8:00 a.m., Wednesday, April 22, 1981, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: March 18, 1981

By: David Rees
Secretary

STATEMENT OF PURPOSE

The rule adoption proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which directs that the commission has authority to implement the provisions of chapter 81.44 RCW, and pursuant to RCW 81.44.065, which directs that the commission regulate as to safety of railroad operations and the safety of railroad employees and the public.

The rule adoption proposed sets forth detailed requirements on the manner in which workers on bridges will be protected from the danger of falling off bridges. The precautions apply to bridge construction and structural repairs of bridges or bridge track. Minor track repair of short duration which can be performed between the tracks is not included.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6420) and members of his staff were responsible for the drafting of the rule and will be responsible for implementation and enforcement of the proposed rule.

The proponent of the rule adoption is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the adoption is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.44.065.

The rule adoption proposed will affect no economic values, and is not necessary because of state or federal court action or federal law.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerk of the House of Representatives.

NEW SECTION

WAC 480-62-100 BRIDGE SAFETY RULES. Whenever any railroad is involved in bridge construction, bridge structure repairs, track structure repairs, or replacement on bridges, the railroad shall comply with the provisions of this rule, except that track structure repairs which are of a minor nature and short duration and can be completed working between the rails such as spot welding, spiking, and joint bolt replacement, are not subject to the safety belt, lifeline, lanyard, safety nets and life preserver requirements of this rule.

(1) SAFETY BELTS, LIFELINES, LANYARDS.

(a) Where workers are employed on railroad bridges 25 feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, or safety nets, safety belts and lifelines shall be provided and used.

(b) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subject to inservice loading, as distinguished from static load testing, shall not be used again for employee safeguarding.

(c) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds, and lifelines shall be of a sufficient length from the point of their attachment so that a falling man will not swing into the substructure immediately below the floor of the bridge.

(d) Safety belt lanyard shall be a minimum of 1/2 inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than 6 feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

(f) All safety belts and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(2) SAFETY NETS.

(a) Where workers are employed on railroad bridges 25 feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, safety belts and lifelines, safety nets shall be provided and used.

(b) Where safety net protection is required by this rule, operations shall not be undertaken until the net is in place and has been tested. The manufacturer's current certification of testing shall satisfy the requirements of this subsection.

(c) (1) Nets shall extend 8 feet beyond the edge or the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than 25 feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surface or structures below. Such clearances shall be determined by impact load testing. (2) It is intended that only one level of nets be required for bridges.

(d) The mesh size of nets shall not exceed 6 inches by 6 inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(f) Connections between net panels shall develop the full strength of the net.

(3) LIFE PRESERVERS.

(a) Where workers are employed on railroad bridges less than 25 feet above the water surface and are working under conditions which expose them to a risk of drowning, they shall wear a U. S. Coast Guard approved life saving device, unless it can be shown that conditions, such as shallow water, are such that flotation would not be achieved.

(b) Prior to and after each use, the buoyant life saving device shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least 90 feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed 200 feet.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Table of WAC Sections Affected

Key to Table

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

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.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-54-001	REP-P 81-07-055	34-04-070	NEW-P 81-04-068	114-12-021	NEW 81-05-004
16-54-004	REP-P 81-07-055	34-04-080	NEW-P 81-04-068	114-12-030	REP 81-05-004
16-54-071	AMD-P 81-07-055	34-04-090	NEW-P 81-04-068	114-12-031	NEW 81-05-004
16-54-082	AMD-P 81-07-055	34-04-100	NEW-P 81-04-068	114-12-040	REP 81-05-004
16-86-015	AMD-P 81-07-054	34-04-110	NEW-P 81-04-068	114-12-041	NEW 81-05-004
16-86-095	REP-E 81-04-025	34-04-120	NEW-P 81-04-068	132A-104-005	REP-P 81-06-031
16-86-095	AMD-P 81-07-054	34-06-010	NEW-P 81-04-068	132B-12-003	REP-P 81-04-005
16-231-020	AMD-P 81-02-047	36-12-110	AMD 81-05-005	132B-12-006	REP-P 81-04-005
16-231-020	AMD-W 81-03-067	36-12-190	AMD 81-05-005	132B-12-009	REP-P 81-04-005
16-231-020	AMD-P 81-03-070	36-12-200	AMD 81-05-005	132B-12-012	REP-P 81-04-005
16-231-025	AMD-P 81-02-047	36-12-250	AMD 81-05-005	132B-12-015	REP-P 81-04-005
16-231-025	AMD-W 81-03-067	36-12-260	AMD 81-05-005	132B-12-018	REP-P 81-04-005
16-231-025	AMD-P 81-03-070	36-12-270	AMD 81-05-005	132B-12-021	REP-P 81-04-005
16-231-040	NEW-E 81-07-043	36-12-480	AMD 81-05-005	132B-12-024	REP-P 81-04-005
16-231-115	AMD-P 81-02-045	67-32-150	AMD-P 81-03-049	132B-12-027	REP-P 81-04-005
16-231-115	AMD-W 81-03-065	67-32-150	AMD 81-07-001	132B-12-030	REP-P 81-04-005
16-231-115	AMD-P 81-03-068	67-32-180	AMD 81-03-048	132B-12-033	REP-P 81-04-005
16-231-115	AMD-E 81-07-042	67-32-310	AMD-P 81-03-049	132B-12-036	REP-P 81-04-005
16-231-115	AMD 81-07-044	67-32-310	AMD 81-07-001	132B-12-039	REP-P 81-04-005
16-231-120	AMD-P 81-02-045	67-32-910	AMD-P 81-03-049	132B-12-042	REP-P 81-04-005
16-231-120	AMD-W 81-03-065	67-32-910	AMD 81-07-001	132B-12-045	REP-P 81-04-005
16-231-120	AMD-P 81-03-068	82-24-130	AMD-P 81-07-056	132B-12-048	REP-P 81-04-005
16-231-120	AMD-E 81-07-042	82-28-050	AMD-P 81-06-073	132B-12-051	REP-P 81-04-005
16-231-120	AMD 81-07-044	82-28-06001	AMD-P 81-06-073	132B-12-054	REP-P 81-04-005
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16-231-125	AMD-W 81-03-065	98-12-020	NEW-P 81-02-055	132B-12-060	REP-P 81-04-005
16-231-125	AMD-P 81-03-068	98-12-020	NEW 81-07-013	132B-12-063	REP-P 81-04-005
16-231-125	AMD-E 81-07-042	98-16-010	NEW-P 81-02-055	132B-12-066	REP-P 81-04-005
16-231-125	AMD 81-07-044	98-16-010	NEW 81-07-013	132B-12-069	REP-P 81-04-005
16-231-130	AMD-P 81-02-045	98-16-020	NEW-P 81-02-055	132B-12-072	REP-P 81-04-005
16-231-130	AMD-W 81-03-065	98-16-020	NEW 81-07-013	132B-12-075	REP-P 81-04-005
16-231-130	AMD-P 81-03-068	98-16-030	NEW-P 81-02-055	132B-12-078	REP-P 81-04-005
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16-232-010	AMD-P 81-02-046	98-20-010	NEW-P 81-02-055	132B-12-084	REP-P 81-04-005
16-232-010	AMD-W 81-03-066	98-20-010	NEW 81-07-013	132B-12-087	REP-P 81-04-005
16-232-010	AMD-P 81-03-069	106-116-042	AMD-P 81-04-050	132B-12-090	REP-P 81-04-005
16-232-010	AMD-E 81-07-040	106-116-050	AMD-P 81-04-050	132B-12-093	REP-P 81-04-005
16-232-010	AMD 81-07-041	106-116-102	AMD-P 81-04-050	132B-12-096	REP-P 81-04-005
16-232-025	AMD-P 81-02-046	106-116-201	AMD-P 81-04-050	132B-12-099	REP-P 81-04-005
16-232-025	AMD-W 81-03-066	106-116-204	AMD-P 81-04-050	132B-12-102	REP-P 81-04-005
16-232-025	AMD-P 81-03-069	106-116-205	AMD-P 81-04-050	132B-12-105	REP-P 81-04-005
16-232-045	NEW-E 81-07-040	106-116-304	AMD-P 81-04-050	132B-12-108	REP-P 81-04-005
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16-608-010	NEW 81-05-010	106-116-306	AMD-P 81-04-050	132B-12-114	REP-P 81-04-005
16-608-020	NEW 81-05-010	106-116-403	AMD-P 81-04-050	132B-12-117	REP-P 81-04-005
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16-750-010	AMD 81-07-039	106-116-514	AMD-P 81-04-050	132B-12-123	REP-P 81-04-005
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34-02-030	NEW-P 81-04-068	106-116-603	AMD-P 81-04-050	132B-12-132	REP-P 81-04-005
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34-04-020	NEW-P 81-04-068	113-12-200	NEW-P 81-04-020	132B-12-138	REP-P 81-04-005
34-04-030	NEW-P 81-04-068	113-12-200	NEW-P 81-06-045	132B-12-141	REP-P 81-04-005
34-04-040	NEW-P 81-04-068	114-12-010	REP 81-05-004	132B-12-144	REP-P 81-04-005
34-04-050	NEW-P 81-04-068	114-12-011	NEW 81-05-004	132B-12-147	REP-P 81-04-005
34-04-060	NEW-P 81-04-068	114-12-020	REP 81-05-004	132B-12-150	REP-P 81-04-005

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132B-12-156	REP-P	81-04-005	132F-08-120	AMD-P	81-07-007	132M-150-051	REP-W	81-04-026
132B-12-159	REP-P	81-04-005	132F-08-140	AMD-P	81-07-007	132M-150-054	REP-W	81-04-026
132B-12-162	REP-P	81-04-005	132F-104-030	AMD-P	81-07-008	132M-150-057	REP-W	81-04-026
132B-12-165	REP-P	81-04-005	132F-104-810	AMD-P	81-07-008	132M-150-060	REP-W	81-04-026
132B-12-168	REP-P	81-04-005	132F-104-811	AMD-P	81-07-008	132M-150-063	REP-W	81-04-026
132B-12-171	REP-P	81-04-005	132F-104-812	AMD-P	81-07-008	132M-160-015	NEW-W	81-04-026
132B-12-174	REP-P	81-04-005	132F-104-813	AMD-P	81-07-008	132M-160-020	REP-W	81-04-026
132B-12-177	REP-P	81-04-005	132F-104-814	AMD-P	81-07-008	132M-160-030	REP-W	81-04-026
132B-12-180	REP-P	81-04-005	132F-104-815	AMD-P	81-07-008	132M-160-040	NEW-W	81-04-026
132B-12-183	REP-P	81-04-005	132F-104-818	AMD-P	81-07-008	132M-168-010	REP-W	81-04-026
132B-12-186	REP-P	81-04-005	132F-104-819	AMD-P	81-07-008	132M-168-020	REP-W	81-04-026
132B-12-189	REP-P	81-04-005	132F-136-020	AMD-P	81-07-023	132M-168-030	REP-W	81-04-026
132B-12-192	REP-P	81-04-005	132F-136-040	AMD-P	81-07-023	132M-168-040	REP-W	81-04-026
132B-12-195	REP-P	81-04-005	132F-136-050	AMD-P	81-07-023	132M-168-050	REP-W	81-04-026
132B-12-198	REP-P	81-04-005	132H-120-200	AMD-P	81-03-077	132V-22-010	AMD-E	81-03-047
132B-12-201	REP-P	81-04-005	132H-120-200	AMD	81-07-034	132V-22-010	AMD-P	81-03-061
132B-12-204	REP-P	81-04-005	132K-20-070	AMD-P	81-03-023	132V-22-020	AMD-E	81-03-047
132B-12-207	REP-P	81-04-005	132K-28-010	AMD	81-07-025	132V-22-020	AMD-P	81-03-061
132B-12-210	REP-P	81-04-005	132K-28-010	REP-P	81-06-029	132V-22-030	AMD-E	81-03-047
132B-12-213	REP-P	81-04-005	132K-112-200	REP-P	81-03-022	132V-22-030	AMD-P	81-03-061
132B-12-216	REP-P	81-04-005	132K-112-200	REP-P	81-07-024	132V-22-040	AMD-E	81-03-047
132B-12-219	REP-P	81-04-005	132L-26-030	AMD	81-03-036	132V-22-040	AMD-P	81-03-061
132B-12-222	REP-P	81-04-005	132L-26-035	AMD	81-03-036	132V-22-050	AMD-E	81-03-047
132B-12-225	REP-P	81-04-005	132L-26-050	AMD	81-03-036	132V-22-050	AMD-P	81-03-061
132B-12-228	REP-P	81-04-005	132L-112-200	AMD	81-03-037	132V-22-060	AMD-E	81-03-047
132B-12-231	REP-P	81-04-005	132L-112-210	AMD	81-03-037	132V-22-060	AMD-P	81-03-061
132B-12-234	REP-P	81-04-005	132L-112-280	AMD	81-03-037	132V-22-100	AMD-E	81-03-047
132B-12-237	REP-P	81-04-005	132M-104-010	AMD-W	81-04-026	132V-22-100	AMD-P	81-03-061
132B-12-240	REP-P	81-04-005	132M-112-010	NEW-W	81-04-026	132V-22-200	AMD-E	81-03-047
132B-12-243	REP-P	81-04-005	132M-112-011	NEW-W	81-04-026	132V-22-200	AMD-P	81-03-061
132B-12-246	REP-P	81-04-005	132M-113-010	NEW-W	81-04-026	139-24-010	REP	81-04-014
132B-12-249	REP-P	81-04-005	132M-113-015	NEW-W	81-04-026	143-06-010	AMD-P	81-03-034
132B-12-252	REP-P	81-04-005	132M-113-020	NEW-W	81-04-026	143-06-010	AMD	81-07-004
132B-12-255	REP-P	81-04-005	132M-113-025	NEW-W	81-04-026	143-06-020	AMD-P	81-03-034
132B-12-258	REP-P	81-04-005	132M-113-030	NEW-W	81-04-026	143-06-020	AMD	81-07-004
132B-12-261	REP-P	81-04-005	132M-113-035	NEW-W	81-04-026	143-06-030	AMD-P	81-03-034
132B-12-264	REP-P	81-04-005	132M-113-040	NEW-W	81-04-026	143-06-030	AMD	81-07-004
132B-12-267	REP-P	81-04-005	132M-113-045	NEW-W	81-04-026	143-06-040	AMD-P	81-03-034
132B-12-270	REP-P	81-04-005	132M-113-050	NEW-W	81-04-026	143-06-040	AMD	81-07-004
132B-12-273	REP-P	81-04-005	132M-115-010	NEW-W	81-04-026	143-06-050	AMD-P	81-03-034
132B-12-276	REP-P	81-04-005	132M-115-020	NEW-W	81-04-026	143-06-050	AMD	81-07-004
132B-12-279	REP-P	81-04-005	132M-115-030	NEW-W	81-04-026	143-06-060	AMD-P	81-03-034
132B-12-282	REP-P	81-04-005	132M-115-040	NEW-W	81-04-026	143-06-060	AMD	81-07-004
132B-12-285	REP-P	81-04-005	132M-116-010	AMD-W	81-04-026	143-06-070	AMD-P	81-03-034
132B-12-288	REP-P	81-04-005	132M-120-060	AMD-W	81-04-026	143-06-070	AMD	81-07-004
132B-12-291	REP-P	81-04-005	132M-120-070	AMD-W	81-04-026	143-06-080	AMD-P	81-03-034
132B-12-294	REP-P	81-04-005	132M-120-075	NEW-W	81-04-026	143-06-080	AMD	81-07-004
132B-12-297	REP-P	81-04-005	132M-120-090	AMD-W	81-04-026	143-06-090	AMD-P	81-03-034
132B-12-300	REP-P	81-04-005	132M-136-010	REP-W	81-04-026	143-06-090	AMD	81-07-004
132B-12-303	REP-P	81-04-005	132M-136-020	AMD-W	81-04-026	143-06-100	AMD-P	81-03-034
132B-12-306	REP-P	81-04-005	132M-136-030	AMD-W	81-04-026	143-06-100	AMD	81-07-004
132B-12-309	REP-P	81-04-005	132M-136-040	REP-W	81-04-026	143-06-110	AMD-P	81-03-034
132B-12-312	REP-P	81-04-005	132M-136-050	AMD-W	81-04-026	143-06-110	AMD	81-07-004
132B-12-315	REP-P	81-04-005	132M-136-060	AMD-W	81-04-026	143-06-120	AMD-P	81-03-034
132B-12-318	REP-P	81-04-005	132M-136-070	AMD-W	81-04-026	143-06-120	AMD	81-07-004
132B-12-321	REP-P	81-04-005	132M-136-075	NEW-W	81-04-026	143-06-130	AMD-P	81-03-034
132B-12-324	REP-P	81-04-005	132M-136-090	AMD-W	81-04-026	143-06-130	AMD	81-07-004
132B-12-327	REP-P	81-04-005	132M-140-020	REP-W	81-04-026	143-06-140	AMD-P	81-03-034
132B-12-330	REP-P	81-04-005	132M-150-003	REP-W	81-04-026	143-06-140	AMD	81-07-004
132B-12-333	REP-P	81-04-005	132M-150-006	REP-W	81-04-026	143-06-150	AMD-P	81-03-034
132B-12-336	REP-P	81-04-005	132M-150-009	REP-W	81-04-026	143-06-150	AMD	81-07-004
132B-12-339	REP-P	81-04-005	132M-150-012	REP-W	81-04-026	143-06-990	AMD-P	81-03-034
132B-12-342	REP-P	81-04-005	132M-150-015	REP-W	81-04-026	143-06-990	AMD	81-07-004
132B-12-345	REP-P	81-04-005	132M-150-018	REP-W	81-04-026	172-114-010	AMD	81-03-012
132B-12-348	REP-P	81-04-005	132M-150-021	REP-W	81-04-026	172-114-020	AMD	81-03-012
132B-12-351	REP-P	81-04-005	132M-150-024	REP-W	81-04-026	172-114-030	AMD	81-03-012
132B-12-354	REP-P	81-04-005	132M-150-027	REP-W	81-04-026	172-114-040	AMD	81-03-012
132B-12-357	REP-P	81-04-005	132M-150-030	REP-W	81-04-026	172-114-050	AMD	81-03-012
132B-12-360	REP-P	81-04-005	132M-150-033	REP-W	81-04-026	172-114-060	AMD	81-03-012
132B-12-363	REP-P	81-04-005	132M-150-036	REP-W	81-04-026	172-114-070	AMD	81-03-012
132B-128-020	AMD-P	81-04-005	132M-150-039	REP-W	81-04-026	172-114-080	AMD	81-03-012
132B-276-040	AMD-P	81-04-005	132M-150-042	REP-W	81-04-026	172-114-090	AMD	81-03-012
132F-08-001	AMD-P	81-07-007	132M-150-045	REP-W	81-04-026	172-114-100	REP	81-03-012

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212-58-040	REP-P	81-03-051	212-63-020	REP-P	81-03-051	220-48-09001	NEW	81-02-053
212-58-045	REP-P	81-03-051	212-63-025	REP-P	81-03-051	220-48-091	AMD	81-02-053
212-58-050	REP-P	81-03-051	212-63-030	REP-P	81-03-051	220-48-09100C	NEW-E	81-03-031
212-58-055	REP-P	81-03-051	212-63-035	REP-P	81-03-051	220-48-092	AMD	81-02-053
212-58-060	REP-P	81-03-051	212-63-040	REP-P	81-03-051	220-48-096	AMD	81-02-053
212-58-065	REP-P	81-03-051	212-63-045	REP-P	81-03-051	220-48-098	AMD	81-02-053
212-58-070	REP-P	81-03-051	212-63-050	REP-P	81-03-051	220-48-100	AMD	81-02-053
212-59	REP-P	81-06-022	212-63-055	REP-P	81-03-051	220-49-02000B	REP-E	81-03-030
212-59-001	REP-P	81-03-051	212-63-060	REP-P	81-03-051	220-49-02000C	NEW-E	81-03-030
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212-59-010	REP-P	81-03-051	212-63-070	REP-P	81-03-051	220-49-022	AMD	81-02-053
212-59-015	REP-P	81-03-051	212-64	AMD-P	81-06-022	220-49-023	AMD	81-02-053
212-59-020	REP-P	81-03-051	212-64-001	AMD-P	81-03-051	220-52-019	AMD-P	81-07-016
212-59-025	REP-P	81-03-051	212-64-005	AMD-P	81-03-051	220-52-05300H	NEW-E	81-04-060
212-59-030	REP-P	81-03-051	212-64-010	REP-P	81-03-051	220-52-071	AMD-P	81-07-016
212-59-035	REP-P	81-03-051	212-64-015	AMD-P	81-03-051	220-52-075	AMD-P	81-07-016
212-59-040	REP-P	81-03-051	212-64-020	AMD-P	81-03-051	220-52-07500C	NEW-E	81-05-006
212-59-045	REP-P	81-03-051	212-64-025	AMD-P	81-03-051	220-56-105	AMD	81-05-027
212-59-050	REP-P	81-03-051	212-64-030	AMD-P	81-03-051	220-56-131	NEW	81-05-027
212-59-055	REP-P	81-03-051	212-64-033	NEW-P	81-03-051	220-56-135	AMD	81-05-027
212-59-060	REP-P	81-03-051	212-64-035	AMD-P	81-03-051	220-56-16000I	NEW-E	81-06-027
212-59-065	REP-P	81-03-051	212-64-037	NEW-P	81-03-051	220-56-205	AMD	81-05-027
212-60	REP-P	81-06-022	212-64-039	NEW-P	81-03-051	220-56-225	AMD	81-05-027
212-60-001	REP-P	81-03-051	212-64-040	AMD-P	81-03-051	220-56-285	AMD	81-05-027
212-60-005	REP-P	81-03-051	212-64-043	NEW-P	81-03-051	220-56-295	AMD	81-05-027
212-60-010	REP-P	81-03-051	212-64-045	AMD-P	81-03-051	220-56-315	AMD	81-05-027
212-60-015	REP-P	81-03-051	212-64-050	AMD-P	81-03-051	220-56-320	AMD	81-05-027
212-60-020	REP-P	81-03-051	212-64-055	AMD-P	81-03-051	220-56-340	AMD	81-05-027
212-60-025	REP-P	81-03-051	212-64-060	AMD-P	81-03-051	220-56-350	AMD	81-05-027
212-60-030	REP-P	81-03-051	212-64-065	AMD-P	81-03-051	220-56-365	AMD	81-05-027
212-60-035	REP-P	81-03-051	212-64-067	NEW-P	81-03-051	220-56-380	AMD	81-05-027
212-60-040	REP-P	81-03-051	212-64-068	NEW-P	81-03-051	220-57-137	AMD	81-05-027
212-60-045	REP-P	81-03-051	212-64-069	NEW-P	81-03-051	220-57-138	NEW	81-05-027
212-60-050	REP-P	81-03-051	212-64-070	AMD-P	81-03-051	220-57-140	AMD	81-05-027
212-60-055	REP-P	81-03-051	212-65	NEW-P	81-06-022	220-57-150	AMD	81-05-027
212-60-060	REP-P	81-03-051	212-65-001	NEW-P	81-03-051	220-57-155	AMD	81-05-027
212-60-065	REP-P	81-03-051	212-65-005	NEW-P	81-03-051	220-57-160	AMD	81-05-027
212-60-070	REP-P	81-03-051	212-65-010	NEW-P	81-03-051	220-57-185	AMD	81-05-027
212-61	REP-P	81-06-022	212-65-015	NEW-P	81-03-051	220-57-205	AMD	81-05-027
212-61-001	REP-P	81-03-051	212-65-020	NEW-P	81-03-051	220-57-210	AMD	81-05-027
212-61-005	REP-P	81-03-051	212-65-025	NEW-P	81-03-051	220-57-215	AMD	81-05-027
212-61-010	REP-P	81-03-051	212-65-030	NEW-P	81-03-051	220-57-220	AMD	81-05-027
212-61-015	REP-P	81-03-051	212-65-035	NEW-P	81-03-051	220-57-225	AMD	81-05-027
212-61-020	REP-P	81-03-051	212-65-040	NEW-P	81-03-051	220-57-225	AMD	81-05-027
212-61-025	REP-P	81-03-051	212-65-045	NEW-P	81-03-051	220-57-230	AMD	81-05-027
212-61-030	REP-P	81-03-051	212-65-050	NEW-P	81-03-051	220-57-235	AMD	81-05-027
212-61-035	REP-P	81-03-051	212-65-055	NEW-P	81-03-051	220-57-240	AMD	81-05-027
212-61-040	REP-P	81-03-051	212-65-060	NEW-P	81-03-051	220-57-255	AMD	81-05-027
212-61-045	REP-P	81-03-051	212-65-065	NEW-P	81-03-051	220-57-260	AMD	81-05-027
212-61-050	REP-P	81-03-051	212-65-070	NEW-P	81-03-051	220-57-265	AMD	81-05-027
212-61-055	REP-P	81-03-051	212-65-075	NEW-P	81-03-051	220-57-270	AMD	81-05-027
212-61-060	REP-P	81-03-051	212-65-080	NEW-P	81-03-051	220-57-275	AMD	81-05-027
212-61-065	REP-P	81-03-051	212-65-085	NEW-P	81-03-051	220-57-300	AMD	81-05-027
212-62	REP-P	81-06-022	212-65-090	NEW-P	81-03-051	220-57-310	AMD	81-05-027
212-62-001	REP-P	81-03-051	212-65-095	NEW-P	81-03-051	220-57-315	AMD	81-05-027
212-62-005	REP-P	81-03-051	212-65-100	NEW-P	81-03-051	220-57-319	AMD	81-05-027
212-62-010	REP-P	81-03-051	220-20-010	AMD	81-02-053	220-57-325	AMD	81-05-027
212-62-015	REP-P	81-03-051	220-20-012	AMD	81-02-053	220-57-345	AMD	81-05-027
212-62-020	REP-P	81-03-051	220-28-002FOA	NEW-E	81-06-028	220-57-350	AMD	81-05-027
212-62-025	REP-P	81-03-051	220-28-00400L	NEW-E	81-02-052	220-57-370	AMD	81-05-027
212-62-030	REP-P	81-03-051	220-28-008F0M	REP-E	81-02-037	220-57-375	AMD	81-05-027
212-62-035	REP-P	81-03-051	220-28-012FOG	NEW-E	81-02-052	220-57-385	AMD	81-05-027
212-62-040	REP-P	81-03-051	220-28-01300U	NEW-E	81-03-035	220-57-405	AMD	81-05-027
212-62-045	REP-P	81-03-051	220-28-013G0H	NEW-E	81-03-035	220-57-420	AMD	81-05-027
212-62-050	REP-P	81-03-051	220-32-02200E	NEW-E	81-03-044	220-57-425	AMD	81-05-027
212-62-055	REP-P	81-03-051	220-32-03000B	NEW-E	81-04-003	220-57-435	AMD	81-05-027
212-62-060	REP-P	81-03-051	220-32-03600H	NEW-E	81-06-019	220-57-505	AMD	81-05-027
212-62-065	REP-P	81-03-051	220-32-04000J	NEW-E	81-03-044	220-57-50500D	NEW-E	81-06-027
212-62-070	REP-P	81-03-051	220-32-04200D	NEW-E	81-03-043	220-57A-005	AMD	81-05-027
212-63	REP-P	81-06-022	220-32-05100Q	NEW-E	81-04-003	220-57A-010	AMD	81-05-027
212-63-001	REP-P	81-03-051	220-32-05700H	NEW-E	81-03-044	220-57A-012	AMD	81-05-027
212-63-005	REP-P	81-03-051	220-44-030	AMD	81-02-053	220-57A-040	AMD	81-05-027
						220-57A-065	AMD	81-05-027

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220-57A-090	AMD	81-05-027	248-19	AMD-P	81-03-039	261-20-010	NEW	81-06-016
220-57A-095	AMD	81-05-027	248-19	AMD-P	81-04-013	261-20-020	NEW-P	81-02-035
220-57A-115	AMD	81-05-027	248-19-200	AMD-E	81-05-030	261-20-020	NEW	81-06-016
220-57A-120	AMD	81-05-027	248-19-210	AMD-E	81-05-030	261-20-030	NEW-P	81-02-035
220-57A-135	AMD	81-05-027	248-19-220	AMD-E	81-05-030	261-20-030	NEW	81-06-016
220-57A-145	AMD	81-05-027	248-19-230	AMD-E	81-05-030	261-20-030	AMD	81-06-017
220-57A-152	AMD	81-05-027	248-19-240	AMD-E	81-05-030	261-20-040	NEW-P	81-02-035
220-57A-155	AMD	81-05-027	248-19-250	AMD-E	81-05-030	261-20-040	NEW	81-06-016
220-57A-160	AMD	81-05-027	248-19-260	AMD-E	81-05-030	261-20-050	NEW-P	81-02-035
220-57A-175	AMD	81-05-027	248-19-270	AMD-E	81-05-030	261-20-050	NEW	81-06-016
220-57A-180	AMD	81-05-027	248-19-280	AMD-E	81-05-030	261-20-060	NEW-P	81-02-035
220-57A-185	AMD	81-05-027	248-19-300	AMD-E	81-05-030	261-20-060	NEW	81-06-016
220-57A-190	AMD	81-05-027	248-19-310	AMD-E	81-05-030	261-20-065	NEW-P	81-02-035
220-69-23501	NEW	81-03-032	248-19-320	AMD-E	81-05-030	261-20-065	NEW	81-06-016
220-69-240	AMD-P	81-07-016	248-19-325	NEW-E	81-05-030	261-20-070	NEW-P	81-02-035
220-69-24000C	NEW-E	81-05-006	248-19-330	AMD-E	81-05-030	261-20-070	NEW	81-06-016
220-69-241	AMD	81-03-032	248-19-340	AMD-E	81-05-030	261-20-080	NEW-P	81-02-035
220-69-241	AMD-P	81-07-016	248-19-350	AMD-E	81-05-030	261-20-080	NEW	81-06-016
220-69-25401	AMD-P	81-07-016	248-19-360	AMD-E	81-05-030	275-16-010	AMD-E	81-04-032
220-69-25401C	NEW-E	81-05-006	248-19-370	AMD-E	81-05-030	275-16-010	AMD-P	81-04-038
220-69-25402	NEW	81-03-032	248-19-390	AMD-E	81-05-030	275-16-015	NEW-E	81-04-032
220-69-25501	NEW	81-03-032	248-19-400	AMD-E	81-05-030	275-16-015	NEW-P	81-04-038
220-69-26402	NEW	81-03-032	248-19-403	NEW-E	81-05-030	275-16-035	NEW-E	81-04-032
220-69-265	AMD	81-03-032	248-19-405	NEW-E	81-05-030	275-16-035	NEW-P	81-04-038
220-69-26501	NEW	81-03-032	248-19-410	AMD-E	81-05-030	275-16-040	REP-E	81-04-032
220-69-280	AMD-P	81-07-016	248-19-415	NEW-E	81-05-030	275-16-040	REP-P	81-04-038
220-95-010	AMD-P	81-05-036	248-19-420	AMD-E	81-05-030	275-16-055	NEW-E	81-04-032
220-95-012	NEW-P	81-05-036	248-19-430	AMD-E	81-05-030	275-16-055	NEW-P	81-04-038
220-95-017	NEW-P	81-05-036	248-19-440	AMD-E	81-05-030	275-16-065	NEW-E	81-04-032
230-02-210	AMD-P	81-06-074	248-19-450	AMD-E	81-05-030	275-16-065	NEW-P	81-04-038
230-02-405	AMD-P	81-06-074	248-19-475	NEW-E	81-05-030	275-16-075	NEW-E	81-04-032
230-02-418	NEW-P	81-04-072	248-19-480	AMD-E	81-05-030	275-16-075	NEW-P	81-04-038
230-04-135	NEW-P	81-06-074	248-19-490	AMD-E	81-05-030	275-16-085	NEW-E	81-04-032
230-04-145	NEW-P	81-04-072	248-19-500	AMD-E	81-05-030	275-16-085	NEW-P	81-04-038
230-04-147	NEW-P	81-04-072	248-22-060	REP-P	81-04-012	275-16-095	NEW-E	81-04-032
230-04-190	AMD	81-03-045	248-22-060	REP	81-07-035	275-16-095	NEW-P	81-04-038
230-04-200	AMD	81-03-045	248-22-070	REP-P	81-04-012	275-16-105	NEW-E	81-04-032
230-04-200	AMD-P	81-04-072	248-22-070	REP	81-07-035	275-16-105	NEW-P	81-04-038
230-04-200	AMD-P	81-06-074	248-22-080	REP-P	81-04-012	275-20-030	AMD-P	81-02-023
230-04-203	NEW-P	81-06-074	248-22-080	REP	81-07-035	275-20-030	AMD	81-06-004
230-04-204	NEW-P	81-06-074	248-22-090	REP-P	81-04-012	275-92-407	NEW	81-05-001
230-04-206	NEW-P	81-06-074	248-22-090	REP	81-07-035	275-93-040	AMD	81-03-076
230-30-015	AMD-P	81-04-072	248-96-020	AMD-P	81-02-042	284-15-010	NEW	81-03-082
232-12-360	AMD-P	81-05-031	248-96-020	AMD	81-05-028	284-15-020	NEW	81-03-082
232-21-100	REP-P	81-05-031	248-156-010	NEW-P	81-06-007	284-15-030	NEW	81-03-082
232-21-101	NEW-P	81-05-031	248-156-020	NEW-P	81-06-007	284-15-040	NEW	81-03-082
232-28-001	REP-P	81-05-031	248-156-030	NEW-P	81-06-007	284-15-050	NEW	81-03-082
232-28-100	REP-P	81-05-031	251-04-020	AMD-P	81-04-051	284-25	AMD-P	81-06-011
232-28-200	REP-P	81-05-031	251-10-055	AMD-P	81-04-051	289-13-070	AMD	81-03-029
232-28-300	REP-P	81-05-031	251-10-110	AMD-P	81-04-051	289-13-075	NEW	81-03-029
232-28-400	REP-P	81-05-031	251-10-112	NEW-P	81-04-051	289-13-110	AMD	81-03-029
232-28-500	REP-P	81-05-031	251-10-113	NEW-P	81-04-051	289-13-170	AMD	81-03-029
232-28-600	REP-P	81-05-031	251-12-240	AMD-P	81-04-051	289-14	AMD-P	81-04-062
232-28-702	REP	81-04-018	251-18-330	AMD-P	81-04-051	289-14-005	AMD	81-07-057
232-28-703	NEW	81-04-018	251-22-240	AMD-P	81-04-023	289-14-010	AMD	81-07-057
232-28-802	REP-P	81-05-031	251-22-240	AMD	81-07-002	289-14-020	REP	81-07-057
232-28-803	NEW-P	81-05-031	260-12-010	AMD-P	81-07-020	289-14-030	REP	81-07-057
232-32-126	REP-E	81-02-021	260-12-140	AMD-P	81-07-020	289-14-200	NEW	81-07-057
232-32-127	NEW-E	81-02-021	260-20-075	NEW-P	81-07-020	289-14-210	NEW	81-07-057
232-32-128	NEW-E	81-03-009	260-24-280	AMD-P	81-07-020	289-14-220	NEW	81-07-057
232-32-129	NEW-E	81-03-010	260-32-040	AMD-P	81-07-021	289-14-230	NEW	81-07-057
232-32-130	NEW-E	81-03-033	260-36-040	AMD-P	81-07-020	289-15	NEW-P	81-04-062
232-32-131	NEW-E	81-04-017	260-36-180	NEW-P	81-07-020	289-15-200	NEW	81-07-057
232-32-132	NEW-E	81-04-057	260-40-120	AMD-P	81-07-020	289-15-210	NEW	81-07-057
232-32-133	NEW-E	81-05-011	260-48-110	AMD-P	81-07-020	289-15-220	NEW-P	81-04-063
248-14	AMD-P	81-03-004	260-52-010	AMD-P	81-07-020	289-15-230	NEW	81-07-057
248-14-285	AMD	81-03-005	260-52-040	AMD-P	81-07-020	289-16	NEW-P	81-04-062
248-18	AMD-P	81-03-038	260-60-050	AMD-P	81-07-020	289-16-010	REP	81-07-057
248-18-001	AMD	81-05-029	260-60-115	NEW-P	81-07-020	289-16-020	REP	81-07-057
248-18-010	AMD	81-05-029	260-60-120	AMD-P	81-07-020	289-16-030	REP	81-07-057
248-18-500	AMD	81-05-029	260-60-210	AMD-P	81-07-020	289-16-040	REP	81-07-057
248-18-505	AMD	81-05-029	260-70-140	AMD-P	81-07-020	289-16-200	NEW	81-07-057
248-18-510	AMD	81-05-029	261-20	AMD-P	81-02-036	289-16-210	NEW	81-07-057

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289-16-230	NEW-P	81-04-063	296-24-08105	REP-P	81-07-051	296-62-07113	NEW-P	81-07-027
289-16-230	NEW	81-07-057	296-24-08107	REP-P	81-07-051	296-62-07115	NEW-P	81-07-027
289-16-240	NEW	81-07-057	296-24-08109	REP-P	81-07-051	296-62-07117	NEW-P	81-07-027
289-16-250	NEW	81-07-057	296-24-08111	REP-P	81-07-051	296-62-07119	NEW-P	81-07-027
289-16-260	NEW	81-07-057	296-24-08113	REP-P	81-07-051	296-62-07121	NEW-P	81-07-027
289-18	NEW-P	81-04-062	296-24-960	NEW-P	81-07-027	296-62-07123	NEW-P	81-07-027
289-18-010	REP	81-07-057	296-24-964	NEW-P	81-07-027	296-62-07125	NEW-P	81-07-027
289-18-020	REP	81-07-057	296-27	AMD-P	81-06-026	296-62-07302	AMD	81-07-048
289-18-030	REP	81-07-057	296-27-160	NEW-P	81-03-071	296-62-07304	AMD	81-07-048
289-18-040	REP	81-07-057	296-27-16001	NEW-P	81-03-071	296-62-07306	AMD-P	81-07-051
289-18-050	REP	81-07-057	296-27-16003	NEW-P	81-03-071	296-62-07310	AMD	81-07-048
289-18-200	NEW	81-07-057	296-27-16005	NEW-P	81-03-071	296-62-07312	AMD	81-07-048
289-18-210	NEW	81-07-057	296-27-16007	NEW-P	81-03-071	296-62-07314	AMD-P	81-07-051
289-18-220	NEW	81-07-057	296-27-16009	NEW-P	81-03-071	296-62-07316	AMD-P	81-07-051
289-19	NEW-P	81-04-062	296-27-16011	NEW-P	81-03-071	296-62-07318	AMD-P	81-07-051
289-19-200	NEW	81-07-057	296-27-16013	NEW-P	81-03-071	296-62-07320	AMD-P	81-07-051
289-19-210	NEW	81-07-057	296-27-16015	NEW-P	81-03-071	296-62-07322	AMD-P	81-07-051
289-19-220	NEW	81-07-057	296-27-16017	NEW-P	81-03-071	296-62-07324	AMD-P	81-07-051
289-19-230	NEW	81-07-057	296-27-16019	NEW-P	81-03-071	296-62-07326	AMD-P	81-07-051
289-20	NEW-P	81-04-062	296-27-16021	NEW-P	81-03-071	296-62-07328	AMD-P	81-07-051
289-20-010	REP	81-07-057	296-27-16023	NEW-P	81-03-071	296-62-07330	AMD-P	81-07-051
289-20-020	REP	81-07-057	296-27-16025	NEW-P	81-03-071	296-62-07332	AMD-P	81-07-051
289-20-030	REP	81-07-057	296-37-510	AMD-E	81-02-029	296-62-07334	AMD-P	81-07-051
289-20-040	REP	81-07-057	296-37-510	AMD	81-07-048	296-62-07336	AMD-P	81-07-051
289-20-050	REP	81-07-057	296-37-550	AMD-E	81-02-029	296-62-07338	AMD-P	81-07-051
289-20-200	NEW	81-07-057	296-37-550	AMD	81-07-048	296-62-07340	AMD-P	81-07-051
289-20-205	NEW	81-07-057	296-45-660	NEW-E	81-07-049	296-62-07501	AMD-P	81-07-051
289-20-210	NEW	81-07-057	296-45-660	NEW-P	81-07-051	296-62-07515	AMD-P	81-07-051
289-20-220	NEW	81-07-057	296-45-66001	NEW-E	81-07-049	296-62-07517	AMD-P	81-07-051
289-20-230	NEW	81-07-057	296-45-66001	NEW-P	81-07-051	296-62-07519	NEW-P	81-07-051
289-20-240	NEW	81-07-057	296-45-66003	NEW-E	81-07-049	296-62-09011	AMD-P	81-07-027
289-20-250	NEW	81-07-057	296-45-66003	NEW-P	81-07-051	296-62-09015	NEW-P	81-07-027
289-20-260	NEW	81-07-057	296-45-66005	NEW-E	81-07-049	296-62-09017	NEW-P	81-07-027
289-20-265	NEW	81-07-057	296-45-66005	NEW-P	81-07-051	296-62-09019	NEW-P	81-07-027
289-20-270	NEW	81-07-057	296-45-66007	NEW-E	81-07-049	296-62-09021	NEW-P	81-07-027
289-20-280	NEW	81-07-057	296-45-66007	NEW-P	81-07-051	296-62-09023	NEW-P	81-07-027
289-20-290	NEW	81-07-057	296-45-66009	NEW-E	81-07-049	296-62-09025	NEW-P	81-07-027
289-22	NEW-P	81-04-062	296-45-66009	NEW-P	81-07-051	296-62-09027	NEW-P	81-07-027
289-22-010	REP	81-07-057	296-45-66011	NEW-E	81-07-049	296-62-09029	NEW-P	81-07-027
289-22-020	REP	81-07-057	296-46	AMD-P	81-05-019	296-62-09031	NEW-P	81-07-027
289-22-200	NEW	81-07-057	296-46	AMD-P	81-05-025	296-62-09033	NEW-P	81-07-027
289-22-210	NEW	81-07-057	296-46-110	AMD	81-06-037	296-62-09035	NEW-P	81-07-027
289-24	NEW-P	81-04-062	296-46-115	NEW	81-06-037	296-62-09037	NEW-P	81-07-027
289-24-010	REP	81-07-057	296-46-130	AMD	81-06-037	296-62-09039	NEW-P	81-07-027
289-24-020	REP	81-07-057	296-46-140	AMD	81-06-037	296-62-09041	NEW-P	81-07-027
289-24-030	REP	81-07-057	296-46-150	AMD	81-06-037	296-62-09043	NEW-P	81-07-027
289-24-040	REP	81-07-057	296-46-335	AMD	81-06-037	296-62-09045	NEW-P	81-07-027
289-24-050	REP	81-07-057	296-46-350	AMD	81-06-037	296-62-09047	NEW-P	81-07-027
289-24-200	NEW	81-07-057	296-46-355	NEW	81-06-037	296-62-09049	NEW-P	81-07-027
289-24-210	NEW	81-07-057	296-46-40101	REP	81-06-037	296-62-09051	NEW-P	81-07-027
289-24-220	NEW	81-07-057	296-46-424	AMD	81-06-037	296-62-09053	NEW-P	81-07-027
289-30-060	NEW-P	81-04-064	296-46-500	AMD	81-06-037	296-62-09055	NEW-P	81-07-027
289-30-060	NEW	81-07-058	296-46-501	NEW	81-06-037	296-62-09057	NEW-P	81-07-027
296-17-895	AMD	81-04-024	296-46-506	NEW	81-06-037	296-62-09059	NEW-P	81-07-027
296-17-904	NEW	81-04-024	296-46-510	REP	81-06-037	296-62-09061	NEW-P	81-07-027
296-17-905	AMD	81-04-024	296-46-515	REP	81-06-037	296-62-09063	NEW-P	81-07-027
296-17-907	NEW	81-04-024	296-46-520	REP	81-06-037	296-62-100	AMD-P	81-07-051
296-17-910	AMD	81-04-024	296-46-525	REP	81-06-037	296-62-11015	AMD-P	81-07-051
296-17-911	NEW	81-04-024	296-46-910	AMD	81-06-037	296-62-11019	AMD-P	81-07-051
296-17-912	NEW	81-04-024	296-52-030	AMD	81-07-048	296-62-11021	AMD-P	81-07-051
296-17-913	NEW	81-04-024	296-52-043	AMD	81-07-048	296-62-14507	AMD-P	81-07-051
296-17-914	NEW	81-04-024	296-52-050	AMD	81-07-048	296-62-14531	AMD-P	81-07-051
296-17-915	NEW	81-04-024	296-52-090	AMD	81-07-048	296-62-14533	AMD-P	81-07-051
296-17-916	NEW	81-04-024	296-52-095	AMD	81-07-048	296-62-20011	AMD-P	81-07-051
296-17-917	NEW	81-04-024	296-54-559	AMD	81-05-013	296-79	AMD-P	81-03-006
296-17-919	NEW	81-04-024	296-54-565		81-05-013	296-79-140	AMD	81-03-007
296-17-91901	NEW	81-04-024	296-54-567	AMD	81-05-013	296-79-140	AMD-P	81-07-051
296-17-91902	NEW	81-04-024	296-62-071	NEW-P	81-07-027	296-79-170	AMD	81-03-007
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296-24-070	AMD-P	81-07-051	296-62-07103	NEW-P	81-07-027	296-79-180	AMD	81-03-007
296-24-67515	AMD-P	81-07-051	296-62-07105	NEW-P	81-07-027	296-79-220	AMD	81-03-007
296-24-081	REP-P	81-07-051	296-62-07107	NEW-P	81-07-027	296-79-220	AMD-P	81-07-051
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						296-116-185	AMD-P	81-03-072
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296-401-180	AMD	81-06-037	308-92-040	REP	81-02-030	308-300-220	AMD	81-02-038
308-04-001	NEW-E	81-03-046	308-92-050	REP	81-02-030	314-52-080	AMD	81-04-011
308-04-001	NEW-P	81-04-071	308-92-060	REP	81-02-030	322-02-010	NEW-P	81-03-084
308-04-001	NEW	81-07-045	308-92-070	REP	81-02-030	322-02-020	NEW-P	81-03-084
308-16-211	AMD	81-03-015	308-92-080	REP	81-02-030	322-02-030	NEW-P	81-03-084
308-16-212	AMD	81-03-015	308-92-100	REP	81-02-030	322-10-010	NEW-P	81-03-084
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308-16-217	AMD	81-03-015	308-92-130	REP	81-02-030	322-10-040	NEW-P	81-03-084
308-16-218	NEW	81-03-015	308-92-140	REP	81-02-030	322-10-050	NEW-P	81-03-084
308-24-305	AMD	81-03-016	308-92-150	REP	81-02-030	322-10-060	NEW-P	81-03-084
308-24-320	AMD	81-03-016	308-92-160	REP	81-02-030	322-10-070	NEW-P	81-03-084
308-24-380	REP-P	81-05-035	308-92-170	REP	81-02-030	322-10-080	NEW-P	81-03-084
308-24-382	NEW-P	81-05-035	308-92-180	REP	81-02-030	322-10-090	NEW-P	81-03-084
308-24-384	NEW-P	81-05-035	308-92-190	REP	81-02-030	322-10-100	NEW-P	81-03-084
308-24-403	AMD	81-03-016	308-92-200	REP	81-02-030	322-10-110	NEW-P	81-03-084
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308-24-430	AMD	81-03-016	308-120-160	REP	81-04-007	322-12-020	REP-P	81-03-084
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308-33-015	REP	81-02-031	308-120-162	NEW	81-04-007	322-12-040	REP-P	81-03-084
308-33-020	AMD	81-02-031	308-120-163	NEW	81-04-007	322-12-060	REP-P	81-03-084
308-33-030	AMD	81-02-031	308-120-164	NEW	81-04-007	322-12-070	REP-P	81-03-084
308-36-020	AMD-P	81-04-047	308-120-165	NEW	81-04-007	322-12-080	REP-P	81-03-084
308-37-100	NEW-P	81-02-032	308-120-166	NEW	81-04-007	322-12-090	REP-P	81-03-084
308-37-100	NEW	81-06-013	308-120-168	NEW	81-04-007	322-12-100	REP-P	81-03-084
308-37-110	NEW-P	81-02-032	308-120-170	AMD-P	81-07-011	322-12-110	REP-P	81-03-084
308-37-110	NEW	81-06-013	308-120-185	AMD	81-04-007	322-12-120	REP-P	81-03-084
308-37-120	NEW-P	81-02-032	308-120-410	AMD	81-04-007	322-12-140	REP-P	81-03-084
308-37-120	NEW	81-06-013	308-120-420	AMD	81-04-007	322-12-150	REP-P	81-03-084
308-37-130	NEW-P	81-02-032	308-120-509	AMD	81-04-007	322-12-160	REP-P	81-03-084
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308-37-140	NEW-P	81-02-032	308-120-511	AMD-P	81-07-011	322-22-020	NEW-P	81-03-084
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308-38	NEW-P	81-06-015	308-124-021	AMD	81-05-016	332-22-020	NEW	81-03-059
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308-38-110	NEW-P	81-02-032	308-124A-025	AMD	81-05-016	332-22-040	NEW	81-03-059
308-38-120	NEW-P	81-02-032	308-124A-030	AMD	81-05-016	332-22-050	NEW	81-03-059
308-38-130	NEW-P	81-02-032	308-124A-100	AMD	81-05-016	332-22-060	NEW	81-03-059
308-38-140	NEW-P	81-02-032	308-124A-110	NEW	81-05-016	332-22-070	NEW	81-03-059
308-38-150	NEW-P	81-02-032	308-124A-120	NEW	81-05-016	332-22-080	NEW	81-03-059
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308-39-100	NEW-P	81-02-032	308-124A-200	AMD	81-05-016	332-22-100	NEW	81-03-059
308-39-100	NEW	81-06-013	308-124A-310	REP	81-05-016	332-22-110	NEW	81-03-059
308-39-110	NEW-P	81-02-032	308-124A-410	NEW	81-05-016	332-22-120	NEW	81-03-059
308-39-110	NEW	81-06-013	308-124A-420	NEW	81-05-016	332-22-130	NEW	81-03-059
308-39-120	NEW-P	81-02-032	308-124B-040	AMD	81-05-016	332-22-140	NEW	81-03-059
308-39-120	NEW	81-06-013	308-124B-110	AMD	81-05-016	332-22-150	NEW	81-03-059
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308-50-080	AMD-P	81-05-026	308-124D-015	NEW-P	81-02-054	332-100-050	AMD-E	81-06-057
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308-52-120	AMD	81-03-079	308-124F-050	REP	81-05-015	352-32-250	AMD-P	81-04-049
308-52-132	NEW	81-03-078	308-124F-200	REP	81-05-015	356-14-085	AMD-P	81-06-053
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308-52-139	AMD	81-03-078	308-124H-030	AMD	81-05-015	356-18-110	AMD	81-07-030
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308-52-141	AMD	81-03-078	308-124H-045	AMD	81-05-015	356-18-150	AMD-P	81-07-032
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365-42-300	REP-P	81-03-050	388-24-255	AMD-P	81-06-065
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365-42-390	REP-P	81-03-050	388-29-010	AMD-E	81-06-046
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388-33-630	REP-P	81-06-071	388-33-630	REP-P	81-06-071
388-35-010	REP-E	81-06-046	388-35-010	REP-E	81-06-046
388-35-010	REP-P	81-06-064	388-35-010	REP-P	81-06-064
388-35-020	REP-E	81-06-046	388-35-020	REP-E	81-06-046
388-35-020	REP-P	81-06-064	388-35-020	REP-P	81-06-064
388-35-030	REP-E	81-06-046	388-35-030	REP-E	81-06-046
388-35-030	REP-P	81-06-064	388-35-030	REP-P	81-06-064
388-35-050	REP-E	81-06-046	388-35-050	REP-E	81-06-046
388-35-050	REP-P	81-06-064	388-35-050	REP-P	81-06-064
388-35-060	REP-E	81-06-046	388-35-060	REP-E	81-06-046
388-35-060	REP-P	81-06-064	388-35-060	REP-P	81-06-064
388-35-070	REP-E	81-06-046	388-35-070	REP-E	81-06-046
388-35-070	REP-P	81-06-064	388-35-070	REP-P	81-06-064
388-35-190	REP-E	81-06-046	388-35-190	REP-E	81-06-046
388-35-190	AMD-E	81-06-046	388-37-010	AMD-E	81-06-046
388-37-010	AMD-P	81-06-064	388-37-010	AMD-P	81-06-064
388-37-030	AMD-E	81-06-046	388-37-030	AMD-E	81-06-046
388-37-030	AMD-P	81-06-064	388-37-030	AMD-P	81-06-064
388-37-035	AMD-E	81-06-046	388-37-035	AMD-E	81-06-046
388-37-035	AMD-P	81-06-064	388-37-035	AMD-P	81-06-064
388-40-010	NEW-E	81-06-046	388-40-010	NEW-E	81-06-046
388-40-010	NEW-P	81-06-065	388-40-010	NEW-P	81-06-065
388-42-020	AMD-E	81-06-046	388-42-020	AMD-E	81-06-046
388-42-020	AMD-P	81-06-065	388-42-020	AMD-P	81-06-065
388-42-050	AMD-E	81-06-046	388-42-050	AMD-E	81-06-046
388-42-050	AMD-P	81-06-065	388-42-050	AMD-P	81-06-065
388-44-010	AMD-E	81-06-034	388-44-010	AMD-E	81-06-034
388-44-010	AMD-P	81-06-035	388-44-010	AMD-P	81-06-035
388-44-020	AMD-E	81-06-034	388-44-020	AMD-E	81-06-034
388-44-020	AMD-P	81-06-035	388-44-020	AMD-P	81-06-035
388-44-035	AMD-E	81-06-034	388-44-035	AMD-E	81-06-034
388-44-035	AMD-P	81-06-035	388-44-035	AMD-P	81-06-035
388-44-040	REP-E	81-06-034	388-44-040	REP-E	81-06-034
388-44-040	REP-P	81-06-035	388-44-040	REP-P	81-06-035
388-44-127	AMD	81-05-002	388-44-127	AMD	81-05-002
388-44-145	AMD-E	81-06-034	388-44-145	AMD-E	81-06-034
388-44-145	AMD-P	81-06-035	388-44-145	AMD-P	81-06-035
388-48	REP-P	81-02-022	388-48	REP-P	81-02-022
388-48	REP-P	81-03-026	388-48	REP-P	81-03-026
388-48	REP-P	81-04-004	388-48	REP-P	81-04-004
388-48-010	REP	81-06-001	388-48-010	REP	81-06-001
388-48-020	REP	81-06-001	388-48-020	REP	81-06-001
388-48-030	REP	81-06-001	388-48-030	REP	81-06-001
388-48-033	REP	81-06-001	388-48-033	REP	81-06-001
388-48-037	REP	81-06-001	388-48-037	REP	81-06-001
388-48-040	REP	81-06-001	388-48-040	REP	81-06-001
388-48-050	REP	81-06-001	388-48-050	REP	81-06-001
388-48-070	REP	81-06-001	388-48-070	REP	81-06-001
388-48-080	REP	81-06-001	388-48-080	REP	81-06-001
388-48-100	REP	81-06-001	388-48-100	REP	81-06-001
388-48-110	REP	81-06-001	388-48-110	REP	81-06-001
388-48-120	REP	81-06-001	388-48-120	REP	81-06-001
388-48-130	REP	81-06-001	388-48-130	REP	81-06-001

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388-52-166	AMD-P	81-06-065	388-82-130	NEW-P	81-06-068	388-85-027	REP-E	81-06-042
388-54-725	AMD-E	81-04-033	388-82-135	NEW-E	81-06-042	388-85-027	REP-P	81-06-068
388-54-725	AMD-P	81-04-036	388-82-135	NEW-P	81-06-068	388-85-105	NEW-E	81-06-042
388-54-735	AMD-E	81-04-033	388-83-005	AMD-E	81-06-042	388-85-105	NEW-P	81-06-068
388-54-735	AMD-P	81-04-036	388-83-005	AMD-P	81-06-068	388-85-110	NEW-E	81-06-042
388-54-740	AMD-P	81-04-001	388-83-006	NEW-E	81-06-042	388-85-110	NEW-P	81-06-068
388-54-740	AMD-E	81-04-002	388-83-006	NEW-P	81-06-068	388-86-005	AMD-E	81-06-043
388-54-785	AMD-E	81-03-024	388-83-010	AMD-E	81-06-042	388-86-005	AMD-P	81-06-069
388-54-785	AMD-P	81-03-025	388-83-010	AMD-P	81-06-068	388-86-012	AMD	81-06-003
388-54-785	AMD	81-06-059	388-83-015	AMD-E	81-06-042	388-86-020	AMD-E	81-06-040
388-55-010	AMD-E	81-05-008	388-83-015	AMD-P	81-06-068	388-86-020	AMD-P	81-06-069
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388-57-015	AMD-E	81-06-046	388-83-017	AMD-P	81-06-068	388-86-023	REP-P	81-06-069
388-57-015	AMD-P	81-06-064	388-83-020	AMD-E	81-06-042	388-86-027	AMD-E	81-06-043
388-57-020	AMD-E	81-06-046	388-83-020	AMD-P	81-06-068	388-86-027	AMD-P	81-06-069
388-57-020	AMD-P	81-06-064	388-83-025	AMD-E	81-06-042	388-86-035	AMD-E	81-06-043
388-57-025	REP-E	81-06-046	388-83-025	AMD-P	81-06-068	388-86-035	AMD-P	81-06-069
388-57-025	REP-P	81-06-064	388-83-028	AMD-E	81-06-042	388-86-040	AMD-E	81-06-043
388-57-032	AMD-E	81-06-046	388-83-028	AMD-P	81-06-068	388-86-040	AMD-P	81-06-069
388-57-032	AMD-P	81-06-064	388-83-030	REP-E	81-06-042	388-86-050	AMD-E	81-06-043
388-57-036	AMD-E	81-06-046	388-83-030	REP-P	81-06-068	388-86-050	AMD-P	81-06-069
388-57-036	AMD-P	81-06-064	388-83-035	REP-E	81-06-042	388-86-067	AMD-E	81-06-043
388-57-056	AMD-E	81-06-046	388-83-035	REP-P	81-06-068	388-86-067	AMD-P	81-06-069
388-57-056	AMD-P	81-06-064	388-83-045	AMD-P	81-03-057	388-86-075	AMD-E	81-06-043
388-57-057	AMD-E	81-06-046	388-83-045	AMD-E	81-03-058	388-86-075	AMD-P	81-06-069
388-57-057	AMD-P	81-06-064	388-83-045	REP-E	81-06-042	388-86-080	AMD	81-06-003
388-57-061	AMD-E	81-06-046	388-83-045	REP-P	81-06-068	388-86-085	AMD-E	81-06-043
388-57-061	AMD-P	81-06-064	388-83-050	REP-E	81-06-042	388-86-085	AMD-P	81-06-069
388-57-090	AMD-E	81-06-046	388-83-050	REP-P	81-06-068	388-86-095	AMD	81-06-003
388-57-090	AMD-P	81-06-064	388-83-055	REP-E	81-06-042	388-86-096	REP-E	81-06-039
388-70-042	AMD-P	81-06-008	388-83-055	REP-P	81-06-068	388-86-096	REP-P	81-06-070
388-70-044	AMD-P	81-06-008	388-83-060	REP-E	81-06-042	388-86-100	AMD	81-06-003
388-70-048	AMD-P	81-06-008	388-83-060	REP-P	81-06-068	388-86-100	AMD	81-06-003
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388-81-005	AMD-P	81-06-068	388-83-130	NEW-P	81-06-068	388-86-120	AMD-P	81-03-057
388-81-025	AMD-E	81-06-042	388-83-135	NEW-E	81-06-042	388-86-120	AMD-E	81-03-058
388-81-025	AMD-P	81-06-068	388-83-135	NEW-P	81-06-068	388-86-120	AMD-E	81-06-041
388-81-040	AMD-E	81-06-042	388-83-140	NEW-E	81-06-042	388-86-120	AMD-P	81-06-069
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388-81-050	AMD-P	81-06-068	388-84-005	REP-P	81-06-068	388-87-010	AMD-E	81-06-043
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388-81-055	AMD-P	81-06-068	388-84-010	REP-P	81-06-068	388-87-011	AMD-E	81-06-043
388-81-060	AMD-E	81-06-042	388-84-015	AMD	81-06-003	388-87-011	AMD-P	81-06-070
388-81-060	AMD-P	81-06-068	388-84-015	REP-E	81-06-042	388-87-012	AMD-E	81-06-043
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388-82-015	REP-E	81-06-042	388-84-105	NEW-P	81-06-068	388-87-027	AMD-E	81-06-043
388-82-015	REP-P	81-06-068	388-84-110	NEW-E	81-06-042	388-87-027	AMD-P	81-06-070
388-82-020	AMD-P	81-03-057	388-84-110	NEW-P	81-06-068	388-87-030	AMD-E	81-06-043
388-82-020	AMD-E	81-03-058	388-84-115	NEW-E	81-06-042	388-87-030	AMD-P	81-06-070
388-82-020	REP-E	81-06-042	388-84-115	NEW-P	81-06-068	388-87-047	REP-E	81-06-038
388-82-020	REP-P	81-06-068	388-84-120	NEW-E	81-06-042	388-87-047	REP-P	81-06-070
388-82-025	REP-E	81-06-042	388-84-120	NEW-P	81-06-068	388-87-070	AMD-E	81-06-043
388-82-025	REP-P	81-06-068	388-85	NEW-E	81-06-042	388-87-070	AMD-P	81-06-070
388-82-030	REP-E	81-06-042	388-85	AMD-E	81-06-042	388-87-077	AMD-E	81-06-043
388-82-030	REP-P	81-06-068	388-85-005	AMD-P	81-06-068	388-87-077	AMD-P	81-06-070
388-82-035	REP-E	81-06-042	388-85-005	REP-E	81-06-042	388-87-080	AMD	81-06-003
388-82-035	REP-P	81-06-068	388-85-010	REP-P	81-06-068	388-87-105	AMD-E	81-06-043
388-82-045	REP-E	81-06-042	388-85-010	REP-E	81-06-042	388-87-105	AMD-P	81-06-070
388-82-045	REP-P	81-06-068	388-85-015	REP-P	81-06-068	388-91-010	AMD-E	81-06-043
388-82-115	NEW-E	81-06-042	388-85-015	AMD-P	81-03-057	388-91-010	AMD-P	81-06-070
388-82-115	NEW-P	81-06-068	388-85-015	AMD-E	81-03-058	388-91-016	AMD-E	81-06-043
388-82-125	NEW-E	81-06-042	388-85-015	REP-E	81-06-042	388-91-016	AMD-P	81-06-070
388-82-125	NEW-P	81-06-068	388-85-020	REP-P	81-06-068	388-91-035	AMD-E	81-06-043
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388-82-126	NEW-P	81-06-068	388-85-025	REP-P	81-06-068	388-92	AMD-E	81-06-042
				REP-E	81-06-042	388-92-005	AMD-P	81-06-068
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388-92-010	REP-E	81-06-042	388-320-110	AMD	81-06-001	458-16-013	NEW	81-05-018
388-92-010	REP-P	81-06-068	388-320-115	AMD	81-06-001	458-16-020	AMD	81-05-018
388-92-015	AMD-E	81-06-042	388-320-120	REP	81-06-001	458-16-050	AMD	81-05-018
388-92-015	AMD-P	81-06-068	388-320-130	AMD	81-06-001	458-16-060	AMD	81-05-018
388-92-020	REP-E	81-06-042	388-320-135	NEW	81-06-001	458-16-070	AMD	81-05-018
388-92-020	REP-P	81-06-068	388-320-140	AMD	81-06-001	458-16-079	NEW	81-05-018
388-92-025	AMD-E	81-06-042	388-320-150	REP	81-06-001	458-16-081	AMD	81-04-052
388-92-025	AMD-P	81-06-068	388-320-155	REP	81-06-001	458-16-110	AMD	81-05-017
388-92-030	AMD-E	81-06-042	388-320-160	REP	81-06-001	458-16-111	AMD	81-05-017
388-92-030	AMD-P	81-06-068	388-320-170	AMD	81-06-001	458-16-120	AMD	81-05-017
388-92-035	REP-E	81-06-042	388-320-180	AMD	81-06-001	458-16-130	AMD	81-05-017
388-92-035	REP-P	81-06-068	388-320-190	REP	81-06-001	458-16-150	AMD	81-05-017
388-92-040	AMD-E	81-06-042	388-320-200	REP	81-06-001	458-16-210	AMD	81-05-017
388-92-040	AMD-P	81-06-068	388-320-205	NEW	81-06-001	458-16-260	AMD	81-05-017
388-92-045	AMD-E	81-06-042	388-320-210	NEW	81-06-001	458-16-270	AMD	81-05-017
388-92-045	AMD-P	81-06-068	388-320-220	NEW	81-06-001	458-18-010	AMD	81-05-020
388-92-050	AMD-E	81-06-042	388-320-225	NEW	81-06-001	458-18-020	AMD	81-05-020
388-92-050	AMD-P	81-06-068	388-320-230	NEW	81-06-001	458-18-030	AMD	81-05-020
388-92-055	REP-E	81-06-042	388-320-235	NEW	81-06-001	458-18-050	AMD	81-05-020
388-92-055	REP-P	81-06-068	388-320-240	NEW	81-06-001	458-18-080	AMD	81-05-020
388-92-060	REP-E	81-06-042	390-20-054	NEW-E	81-04-021	458-18-100	AMD	81-05-020
388-92-060	REP-P	81-06-068	390-20-054	NEW-P	81-05-007	458-19-550	NEW	81-04-055
388-92-065	REP-E	81-06-042	390-20-144	NEW	81-03-001	458-53-150	AMD	81-04-056
388-92-065	REP-P	81-06-068	391-08-230	NEW	81-02-034	460-42A-020	NEW	81-04-048
388-92-070	REP-E	81-06-042	391-25-110	NEW	81-02-034	463-30-080	AMD-P	81-03-055
388-92-070	REP-P	81-06-068	391-25-190	NEW	81-02-034	463-30-080	AMD	81-07-019
388-96-010	AMD	81-06-024	391-45-552	NEW	81-02-034	463-46-055	AMD-P	81-03-055
388-96-015	NEW	81-06-024	391-55-335	NEW	81-02-034	463-46-055	AMD	81-07-019
388-96-222	AMD	81-06-024	391-55-345	NEW	81-02-034	468-06	REVIEW	81-07-015
388-96-225	AMD	81-06-024	391-95-130	NEW	81-02-034	468-10	REVIEW	81-07-015
388-96-501	AMD	81-06-024	391-95-310	NEW	81-02-034	468-12	REVIEW	81-07-015
388-96-503	AMD	81-06-024	410-20-010	NEW	81-02-030	468-18	REVIEW	81-07-015
388-96-505	AMD	81-06-024	410-20-020	NEW	81-02-030	468-87	NEW-P	81-07-046
388-96-507	AMD	81-06-024	410-20-030	NEW	81-02-030	468-87-010	NEW-P	81-03-050
388-96-513	AMD	81-06-024	410-20-040	NEW	81-02-030	468-87-020	NEW-P	81-03-050
388-96-523	AMD	81-06-024	410-20-050	NEW	81-02-030	468-87-030	NEW-P	81-03-050
388-96-525	AMD	81-06-024	410-20-060	NEW	81-02-030	468-87-100	NEW-P	81-03-050
388-96-529	AMD	81-06-024	410-20-070	NEW	81-02-030	468-87-110	NEW-P	81-03-050
388-96-531	AMD	81-06-024	415-104-800	NEW-E	81-03-028	468-87-200	NEW-P	81-03-050
388-96-533	AMD	81-06-024	415-104-800	NEW-P	81-04-022	468-87-210	NEW-P	81-03-050
388-96-535	AMD	81-06-024	415-104-800	NEW	81-07-017	468-87-220	NEW-P	81-03-050
388-96-537	NEW	81-06-024	415-104-810	NEW-E	81-03-028	468-87-230	NEW-P	81-03-050
388-96-539	AMD	81-06-024	415-104-810	NEW-P	81-04-022	468-87-240	NEW-P	81-03-050
388-96-541	AMD	81-06-024	415-104-810	NEW	81-07-017	468-87-300	NEW-P	81-03-050
388-96-543	AMD	81-06-024	415-104-820	NEW-E	81-03-028	468-87-310	NEW-P	81-03-050
388-96-545	NEW	81-06-024	415-104-820	NEW-P	81-04-022	468-87-320	NEW-P	81-03-050
388-96-547	AMD	81-06-024	415-104-820	NEW	81-07-017	468-87-330	NEW-P	81-03-050
388-96-553	AMD	81-06-024	415-104-830	NEW	81-07-017	468-87-340	NEW-P	81-03-050
388-96-557	AMD	81-06-024	446-40-070	AMD	81-04-042	468-87-350	NEW-P	81-03-050
388-96-559	AMD	81-06-024	446-50-010	AMD	81-03-008	468-87-360	NEW-P	81-03-050
388-96-561	AMD	81-06-024	446-50-020	AMD	81-03-008	468-87-370	NEW-P	81-03-050
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388-96-565	AMD	81-06-024	458-12-285	REP	81-04-054	468-87-390	NEW-P	81-03-050
388-96-567	AMD	81-06-024	458-12-290	REP	81-04-054	468-87-410	NEW-P	81-03-050
388-96-569	AMD	81-06-024	458-12-380	REP	81-04-054	468-87-420	NEW-P	81-03-050
388-96-571	AMD	81-06-024	458-12-400	REP	81-04-054	468-87-430	NEW-P	81-03-050
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