

Washington State Register

August 18, 2004

OLYMPIA, WASHINGTON

ISSUE 04-16



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located in the basement of the Pritchard Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of August 2004 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of August 2004 is 3.666%.

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

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material~~ is (~~timed out 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.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

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

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Rule Making ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
04 - 15	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 24, 04	Sep 21, 04
04 - 16	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 7, 04	Oct 5, 04
04 - 17	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 21, 04	Oct 19, 04
04 - 18	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 15, 04	Oct 5, 04	Nov 2, 04
04 - 19	Aug 25, 04	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 26, 04	Nov 23, 04
04 - 20	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 9, 04	Dec 7, 04
04 - 21	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 23, 04	Dec 21, 04
04 - 22	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 7, 04	Jan 4, 05
04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 19, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05
05 - 01	Nov 24, 04	Dec 8, 04	Dec 22, 04	Jan 5, 05	Jan 25, 05	Feb 23, 05
05 - 02	Dec 8, 04	Dec 22, 04	Jan 5, 05	Jan 19, 05	Feb 8, 05	Mar 8, 05
05 - 03	Dec 22, 04	Jan 5, 05	Jan 19, 05	Feb 2, 05	Feb 22, 05	Mar 22, 05
05 - 04	Jan 5, 05	Jan 19, 05	Feb 2, 05	Feb 16, 05	Mar 8, 05	Apr 5, 05
05 - 05	Jan 19, 05	Feb 2, 05	Feb 16, 05	Mar 2, 05	Mar 22, 05	Apr 19, 05
05 - 06	Feb 2, 05	Feb 16, 05	Mar 2, 05	Mar 16, 05	Apr 5, 05	May 3, 05
05 - 07	Feb 23, 05	Mar 9, 05	Mar 23, 05	Apr 6, 05	Apr 26, 05	May 24, 05
05 - 08	Mar 9, 05	Mar 23, 05	Apr 6, 05	Apr 20, 05	May 10, 05	Jun 7, 05
05 - 09	Mar 23, 05	Apr 6, 05	Apr 20, 05	May 4, 05	May 24, 05	Jun 21, 05
05 - 10	Apr 6, 05	Apr 20, 05	May 4, 05	May 18, 05	Jun 7, 05	Jul 6, 05
05 - 11	Apr 20, 05	May 4, 05	May 18, 05	Jun 1, 05	Jun 21, 05	Jul 19, 05
05 - 12	May 4, 05	May 18, 05	Jun 1, 05	Jun 15, 05	Jul 5, 05	Aug 2, 05
05 - 13	May 25, 05	Jun 8, 05	Jun 22, 05	Jul 6, 05	Jul 26, 05	Aug 23, 05
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05 - 15	Jun 22, 05	Jul 6, 05	Jul 20, 05	Aug 3, 05	Aug 23, 05	Sep 20, 05
05 - 16	Jul 6, 05	Jul 20, 05	Aug 3, 05	Aug 17, 05	Sep 6, 05	Oct 4, 05
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05 - 18	Aug 10, 05	Aug 24, 05	Sep 7, 05	Sep 21, 05	Oct 11, 05	Nov 8, 05
05 - 19	Aug 24, 05	Sep 7, 05	Sep 21, 05	Oct 5, 05	Oct 25, 05	Nov 22, 05
05 - 20	Sep 7, 05	Sep 21, 05	Oct 5, 05	Oct 19, 05	Nov 8, 05	Dec 6, 05
05 - 21	Sep 21, 05	Oct 5, 05	Oct 19, 05	Nov 2, 05	Nov 22, 05	Dec 20, 05
05 - 22	Oct 5, 05	Oct 19, 05	Nov 2, 05	Nov 16, 05	Dec 6, 05	Jan 3, 06
05 - 23	Oct 26, 05	Nov 9, 05	Nov 23, 05	Dec 7, 05	Dec 27, 05	Jan 24, 06
05 - 24	Nov 9, 05	Nov 23, 05	Dec 7, 05	Dec 21, 05	Jan 10, 06	Feb 7, 06

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited rule making and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

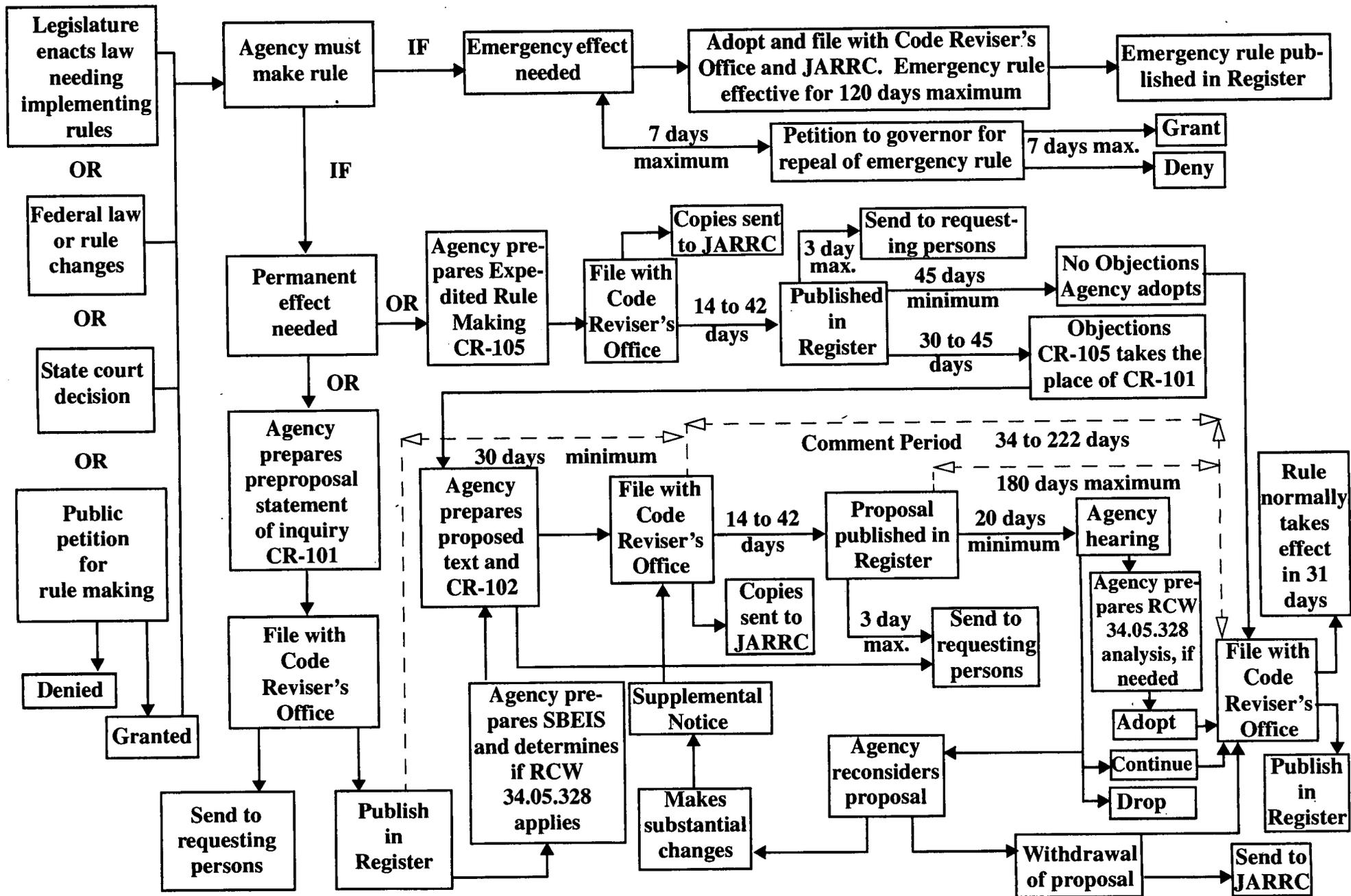
There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 04-16-024**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed July 26, 2004, 2:58 p.m.]

Subject of Possible Rule Making: Card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposal would allow a card room's chief operating officer (general manager) to also act as the gaming operations department manager (casino manager).

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

[Meeting Dates and Locations:] 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel, Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

July 22, 2004

Susan Arland

Rules Coordinator

WSR 04-16-027**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 26, 2004, 3:40 p.m.]

Subject of Possible Rule Making: WAC 388-513-1350 Defining maximum amount of resources allowed and determining resource availability for LTC services and 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500 and Section 1924 of the Social Security Act (42 U.S.C. 1396r-5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To correct an error in the income standard used to calculate the monthly maintenance amount allowed the community spouse of an institutionalized client. The amount of \$1,692 listed in WAC 388-513-1380 (6)(b)(i)(A) and (6)(c)(i) is incorrect. The correct amount is \$1,562. Anticipating a January 1, 2005, increase in the federal standards for community spouses of institutionalized Medicaid clients, will require updating the standards in WAC 388-513-1350 and 388-513-1380.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Beth Ingram, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1327, fax (360) 664-0910, TTY 1-800-848-5429, e-mail ingramb@dshs.wa.gov.

July 22, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit**WSR 04-16-044****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed July 28, 2004, 2:00 p.m.]

Subject of Possible Rule Making: Prohibiting the commercial sale of unclassified marine fish and invertebrates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Fish and Wildlife Commission has acted to protect this group of animals from excessive exploitation. This proposed action further implements that policy decision.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, State Marine Resource Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826.

Contact by September 15, 2004, expected proposal filing date is on or after September 16, 2004.

July 28, 2004

Evan Jacoby
Rules Coordinator**WSR 04-16-050****PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed July 29, 2004, 9:25 a.m.]

Subject of Possible Rule Making: Card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We anticipate the commission will adopt a rule change at the August 2004 commission

meeting to no longer require poker games to use logo cards. In conjunction with the change, it is recommended that dealers also verify the value and suit of each card in the deck of winning hands, under surveillance.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

[Meeting Dates and Locations:] 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel - Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

July 28, 2004
Susan Arland
Rules Coordinator

WSR 04-16-051

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 29, 2004, 9:25 a.m.]

Subject of Possible Rule Making: Gambling service suppliers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Monty Harmon requesting that is [if] a person loans money to more than one company owned by their holding company, they do not need to get a service supplier license. Currently, persons in this situation would be required to apply for a service supplier license.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

[Meeting Dates and Locations:] 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel -

Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

July 28, 2004
Susan Arland
Rules Coordinator

WSR 04-16-052

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 29, 2004, 9:26 a.m.]

Subject of Possible Rule Making: Event pull-tabs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Ronnie Strong of the Charitable Non-profit Voice requesting that Event Pull-Tab Series be renamed to Event Bingo Tickets.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

[Meeting Dates and Locations:] 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel - Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

July 28, 2004
Susan Arland
Rules Coordinator

WSR 04-16-055

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed July 29, 2004, 12:43 p.m.]

Subject of Possible Rule Making: New section WAC 458-16-1000 Property belonging exclusively to federally recognized Indian tribes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.010, 84.36.865, and chapter 236, Laws of 2004.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule describes the property tax exemption that may be claimed by a federally recognized Indian tribe for property exclusively used for essential government services in accordance with the 2004 changes to RCW 84.36.010. The rule explains the parameters of the

exemption, how the exemption may be obtained, how a tribe may appeal a denial of the exemption, how essential government services is defined, and provides applicable examples.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Nathan Schreiner or Kim Qually, Legislation and Policy Division, P.O. Box 47467, Olympia, WA 98504-7467, phone Nathan (360) 570-6136 or Kim (360) 570-6113, fax (360) 664-0693.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on Thursday, September 2, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

July 29, 2004
Alan R. Lynn
Rules Coordinator
by Roseanna Hodson

WSR 04-16-057

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed July 29, 2004, 4:28 p.m.]

Subject of Possible Rule Making: 2005 - 2006 sport fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sport rules for 2005-2006 will be promulgated during this year's minor rule cycle. These rules are independent of the recommendations of the North of Falcon subgroup, which will be promulgated later.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651.

Contact by September 16, 2004, expected proposal filing on or after September 17, 2004.

July 29, 2004
Evan Jacoby
Rules Coordinator

WSR 04-16-058

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed July 29, 2004, 4:28 p.m.]

Subject of Possible Rule Making: Delivery of Canadian-origin sport caught fish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A recent court ruling identified problems with the existing rule. The proposal will clarify the intent and application of the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2930.

Contact by September 16, 2004, expected proposal filing on or after September 17, 2004.

July 29, 2004
Evan Jacoby
Rules Coordinator

WSR 04-16-059

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed July 29, 2004, 4:28 p.m.]

Subject of Possible Rule Making: Columbia River commercial license reciprocity rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal will identify what are the equivalent gillnet licenses for reciprocal license recognition in the Columbia River, as provided for in RCW 77.65.010(3).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Phil Anderson, Intergovernmental Resource Management Special Assistant, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2720.

Contact by September 16, 2004, expected proposal filing on or after September 17, 2004.

July 29, 2004
Evan Jacoby
Rules Coordinator

WSR 04-16-074

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 2, 2004, 10:12 a.m.]

Subject of Possible Rule Making: Commercial catch areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is interest in defining smaller management and catch reporting areas in Hood Canal.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phil Anderson, Intergovernmental Resource Management Special Assistant, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2720.

Contact by September 16, 2004, expected proposal filing on or after September 17, 2004.

August 2, 2004
Evan Jacoby
Rules Coordinator

WSR 04-16-079

**PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION**

[Filed August 2, 2004, 11:52 a.m.]

Subject of Possible Rule Making: Chapter 352-32 WAC, Public use of state park areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state Parks and Recreation Commission will conduct its annual review of this chapter to ensure the language and provisions reflect current or proposed changes to the agency's business practices and to help ensure that park visitors have easy access and understanding for the information they seek in this chapter. The

commission will consider eliminating the off season pass program as established in WAC 352-32-252. Staff will also review these rules with the Office of the Administrator of the Courts to correct and clarify associated penalties. Other changes or revisions in this chapter may be proposed as a result of the annual by staff in consultation with park visitors and user groups.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela McConkey, Manager, Visitor Services, Washington State Parks, P.O. Box 42650, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 586-5875, e-mail pamm@parks.wa.gov.

August 2, 2004

Jim French

Chief of Policy

and Financial Research

WSR 04-16-080

**PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION**

[Filed August 2, 2004, 11:52 a.m.]

Subject of Possible Rule Making: Chapter 352-37 WAC, Ocean beaches.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070 and 79A.05.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state Parks and Recreation Commission will conduct a review of this chapter to ensure the provisions and language reflect changes in the agency's business practices, changes made during the recodification of the authorizing statutes referenced in this chapter and changes to state park names. The review will include an examination of current restrictions related to the use of wind sand sailing devices.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela McConkey, Manager, Visitor Services, Washington State Parks, P.O. Box 42650, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 586-5875, e-mail pamm@parks.wa.gov.

August 2, 2004

Jim French

Chief of Policy

and Financial Research

WSR 04-16-082
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed August 2, 2004, 3:30 p.m.]

The Medical Assistance Administration would like to withdraw preproposal statement of inquiry, filed as WSR 04-13-101.

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-16-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed August 2, 2004, 3:34 p.m.]

Subject of Possible Rule Making: Chapter 388-538 WAC, Managed care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.522 and 2003-2005 Revised Omnibus Operating Budget - 2004 Supplement (ESHB 2459), section 201(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to this chapter include:

- (1) Allowing MAA to contract with health plans for new populations and services not included in Healthy Options contracts (as authorized by the 2004 legislature); and
- (2) Modifying the assignment process and timeframes for the Healthy Options program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Centers for Medicare and Medicaid Services (CMS) regulates Medicaid managed care programs. DSHS staff work closely with CMS staff via document review to ensure our rule is in compliance with federal regulation.

Process for Developing New Rule: The department invites the interested public to review and comment on draft material. For information about how to participate, contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

August 2, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-16-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed August 2, 2004, 3:36 p.m.]

Subject of Possible Rule Making: WAC 388-502-0160 Billing a client.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Medical Assistance Administration (MAA) is considering revising several portions of the rule to update policy, clarify existing policy, and to better define the scope of the rule in an effort to respond to the needs of the department's clients and providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, Medical Assistance Administration, Rules and Publications Section, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

August 2, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-16-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 3, 2004, 9:47 a.m.]

Subject of Possible Rule Making: Chapter 296-400A WAC, Plumber certification rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.106 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is [to] bring the requirements for medical gas piping in line with national and industry standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The state Advisory Board of Plumbers will be utilized to develop these rules. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christine Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail copc235@lni.wa.gov.

August 3, 2004
Paul Trause
Director

WSR 04-16-098
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 3, 2004, 1:34 p.m.]

Subject of Possible Rule Making: Chapter 181-01 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210, 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments; clarifying existing provisions; repeal unnecessary wording; repeal provisions unsupported by rule-making authority; or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Wallace at (360) 725-6276. Send written comments to Professional Educator Standards Board, Old Capitol Building, 600 Washington Street South, Room 249, P.O. Box 47236, Olympia, WA 98504-7236.

August 2, 2004
Jennifer Wallace
Executive Director

WSR 04-16-111
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 4, 2004, 8:36 a.m.]

Subject of Possible Rule Making: To amend the rules of racing in Title 260 WAC to increase license, registration and fingerprint fees to cover the full cost of administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current license and registration fees fail to cover the true cost of administration as

required by RCW 67.16.020(1). In addition, the Washington Horse Racing Commission plans to use fingerprints to conduct background checks to determine the suitability of persons to participate in horse racing. A new fee will need to be assessed to cover the full cost of administration of a fingerprint background check program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, 6326 Martin Way, Suite 209, Olympia, WA 98515-5578, (360) 459-6462, RLeichner@whrc.state.wa.us; or by attending one of the regularly scheduled commission meetings held at the Auburn City Council Chambers, 24 West Main, Auburn, WA. The commission meetings are held at 10:30 a.m. on September 9, 2004, October 14, 2004, and November 18, 2004.

August 3, 2004
R. M. Leichner
Executive Secretary

WSR 04-16-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 4, 2004, 10:01 a.m.]

Subject of Possible Rule Making: Update to chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians due to the passage of SSB 6341 (chapter 51, Laws of 2004) during the 2004 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, repeal or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rosie McGrew, Cosmetology Program, P.O. Box 9026, Olympia, WA 98507, phone (360) 664-6626, fax (360) 664-2550, e-mail rmcgrew@dol.wa.gov. Interested parties may send their comments by mail, phone, facsimile, or e-mail. Additional information will be posted on the cosmetology internet website at <http://www.dol.wa.gov/plss/cosfront.htm>.

August 4, 2004
Trudie Touchette
Administrator

WSR 04-16-120**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND
TRANSPORTATION COMMISSION**

[Docket No. TG-041349—Filed August 4, 2004, 10:28 a.m.]

Subject of Possible Rule Making: This rule making would consider expanding payment options and allowing solid waste/refuse companies to issue electronic billing to customers on request by amending WAC 480-70-401 Payment option and 480-70-396 Billing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the March 2001 effective date for the rules in chapter 480-70 WAC, Solid waste and/or refuse collection companies, five companies have requested exemptions to the payment rule, WAC 480-70-401, to allow customers the option to pay bills by using electronic fund transfer, which provides for electronic payments over the internet. In addition, WAC 480-70-396 could be modified to allow companies, with the customer's consent, to send bills to customers in electronic form.

Process for Developing New Rule: Agency study; and the commission will ask for initial comments, and provide an opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication.

Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **August 25, 2004**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (TG-041349),
- The commenting party's name,
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's website all comments that are provided in electronic format. The website is located at <http://www.wutc.wa.gov/041349>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule mak-

ing, including comments, will be posted on the commission's website as it becomes available. If you wish to receive further information on this rule making you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the commission at records@wutc.wa.gov, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. TG-041349 to ensure that you are placed on the appropriate service list. Questions may be addressed to Penny Hansen (360) 664-1242 or e-mail at phansen@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. TG-041349, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. TG-041349, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet website at <http://www.wutc.wa.gov/041349>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

August 4, 2004

D. Wilhelmi

for Carole J. Washburn
Executive Secretary

WSR 04-14-099

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 6, 2004, 4:18 p.m.]

determine clients' eligibility for medical long-term care services in home and community-based settings.

July 1, 2004

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-089 and 04-01-087.

Title of Rule and Other Identifying Information: Chapter 388-72A WAC, Comprehensive assessment reporting and evaluation (CARE) tool.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on September 7, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 8, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 7, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 3, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending and adding new sections to chapter 388-72A WAC, Comprehensive assessment and reporting evaluation (CARE) tool, to update program rules, update references, incorporate the CARE algorithm in rule, and incorporate CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services.

The CR-102 filed as WSR 04-11-086 has been withdrawn, and language from that proposed rule pertaining to children receiving state plan MPC (Medicaid personal care) services has been incorporated in these proposed rules.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.095.

Statute Being Implemented: RCW 74.08.090, 74.09.520, 74.39A.090, 74.39A.095.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brooke Buckingham, P.O. Box 45600, Olympia, WA 98504-5600, (425) 670-6485.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and determined that no new costs will be imposed on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt by RCW 34.05.328 (5)(b)(vii), rules relating to client medical eligibility. The CARE tool and algorithm in the proposed rule are used to

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0010 ((Does)) Do chapter 388-71 WAC and WAC 388-845-1300 apply to me? Yes. Chapter 388-71 WAC ((applies)) and WAC 388-845-1300 apply with the exception of the following((:)) definitions in WAC 388-71-0202: Direct personal care services, household assistance, medically oriented tasks, personal care services, plan of care, supervision, and unscheduled tasks. Also, the following WAC sections do not apply to you: WAC 388-71-0203, 388-71-0205, 388-71-0430, 388-71-0435, 388-71-0440, 388-71-0442, and 388-71-0445.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0035 What are personal care services? Personal care services means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL). ((Assistance means verbal or physical assistance with ADL and IADL.)) Assistance is evaluated with the use of assistive devices.

(1) Activities of daily living consist of the following care tasks that are directly related to your disabling condition:

(a) **Bathing((:)):** How you take a full-body bath/shower, sponge bath, and transfer in/out of tub/shower;

(b) **Bed mobility((:)):** How you move to and from a lying position, turn side to side, and position your body while in bed;

(c) **Body care((:)):** How you perform with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet. In adult family homes or in ((licensed boarding homes contracting with DSHS to provide)) contracted assisted living ((services)) facilities, dressing changes using clean technique and topical ointments ((must be delegated by a registered nurse)) require nurse delegation in accordance with chapter 246-840 WAC. Body care excludes:

(i) Foot care for clients who are diabetic or have poor circulation; or

(ii) Changing bandages or dressings when sterile procedures are required.

(d) **Dressing((:)):** How you put on, fasten, and take off all items of clothing, including donning/removing prosthesis;

(e) **Eating((:)):** How you eat and drink, regardless of skill. Eating includes any method of receiving nutrition, e.g., by mouth, tube or through a vein;

(f) **Locomotion in room and immediate living environment((:)):** How you move between locations in your room and immediate living environment. If you are in a wheelchair, locomotion includes how self-sufficient you are once in your wheelchair;

PROPOSED

(g) **Locomotion outside of immediate living environment including outdoors(⌘):** How you move to and return from more distant areas. If you are living in a boarding home or nursing facility (NF), this includes areas set aside for dining, activities, etc. If you are living in your own home or in an adult family home, locomotion outside immediate living environment including outdoors, includes how you move to and return from a patio or porch, backyard, to the mailbox, to see the next-door neighbor, etc;

(h) **Walk in room, hallway and rest of immediate living environment(⌘):** How you walk between locations in your room and immediate living environment;

(i) **Medication management(⌘):** Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements;

(j) **Toilet use(⌘):** How you use the toilet room, commode, bedpan, or urinal, transfer on/off toilet, cleanse, change pad, manage ostomy or catheter, and adjust clothes;

(k) **Transfer(⌘):** How you move between surfaces, i.e., to/from bed, chair, wheelchair, standing position. Transfer does not include how you move to/from the bath (⌘), toilet, or vehicle; and

(l) **Personal hygiene(⌘):** How you maintain personal hygiene, including combing hair, brushing teeth, shaving, applying makeup, washing/drying face, hands (includes nail care), menses care, and perineum. This does not include personal hygiene in baths and showers.

(2) Instrumental activities of daily living (IADL) consist of the following routine activities performed around the home or in the community.

(a) **Meal preparation(⌘):** How meals are prepared (e.g., planning meals, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals). NOTE: This task may not be authorized to just plan meals or clean up after meals. You must need assistance with actual meal preparation;

(b) **Ordinary housework(⌘):** How ordinary work around the house is performed (e.g., doing dishes, dusting, making bed, tidying up, laundry);

(c) **Essential shopping(⌘):** How shopping is completed to meet your health and nutritional needs (e.g., selecting items). Shopping is limited to brief, occasional trips in the local area to shop for food, medical necessities and household items required specifically for your health, maintenance or well-being. This includes shopping with or for you;

(d) **Wood supply(⌘):** How wood is supplied (e.g., splitting, stacking, or carrying wood) when you use wood as the sole source of fuel for heating and/or cooking;

(e) **Travel to medical services(⌘):** How you travel by vehicle to a physician's office or clinic in the local area to obtain medical diagnosis or treatment-includes driving vehicle yourself, traveling as a passenger in a car, bus, or taxi;

(f) **Managing finances(⌘):** How bills are paid, check-book is balanced, household expenses are managed. The department cannot pay for any assistance with managing finances; and

(g) **Telephone use(⌘):** How telephone calls are made or received (with assistive devices such as large numbers on telephone, amplification as needed).

NEW SECTION

WAC 388-72A-0036 How are my needs for personal care services determined? The assessor gathers information from you, your caregivers, family members, and other sources to determine how much assistance you need with personal care services. For children age seventeen and younger, age expectations and the role of legally responsible natural/step/adoptive parents are considered and documented. This is measured by you:

(1) Self-performance, what you actually did in the last seven days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the seven-day period.

(2) Support provided, which means the highest level of support provided by others in the last seven days before the assessment, even if that level of support occurred only once.

(3) Status, which identifies whether a need is met, unmet, partially met, or declined.

(4) Assistance available.

NEW SECTION

WAC 388-72A-0037 How are self performance and support provided for the activities of daily living (ADLs) scored? (1) For each ADL, except as otherwise provided for bathing, body care, and medication management, the assessor determines your ability to self-perform the ADL. Your self performance is scored as:

(a) **Independent** if you received no help or oversight, or if you needed help or oversight only once or twice;

(b) **Supervision** if you received oversight (monitoring or standby), encouragement, or cueing three or more times;

(c) **Limited assistance** if you were highly involved in the activity and given physical help in guided maneuvering of limbs or other nonweight bearing assistance on three or more occasions;

(d) **Extensive assistance** if you performed part of the activity, but on three or more occasions, you needed weight bearing support or you received full performance of the activity during part, but not all, of the activity;

(e) **Total dependence** if you received full caregiver performance of the activity and all subtasks during the entire seven-day period from others. Total dependence means complete nonparticipation by you in all aspects of the ADL; or

(f) **Activity did not occur** if you or others do not perform an ADL over the last seven days before your assessment. The activity may not have occurred because:

(i) You were not able (e.g., walking, if paralyzed); or

(ii) No provider was available to assist; or

(iii) You declined assistance with the task.

(2) The assessor also determines the level of support provided. Your support provided is scored as:

(a) **No set-up** or physical help provided by others;

(b) **Set-up help only** provided, which is the type of help characterized by providing you with articles, devices, or preparation necessary for greater self-performance of the activity (such as giving or holding out an item that you take from others);

(c) **One-person physical assist** provided;

- (d) **Two- or more person physical assist** provided; or
- (e) **Activity did not occur** during entire seven-day period.

NEW SECTION

WAC 388-72A-0038 How are the ADLs bathing, body care, and medication management scored? (1) The activity of bathing is assessed in the same way as other ADLs in WAC 388-72A-0037, except you are assessed as needing:

(a) **Limited assistance** with bathing if physical help is limited to transfer only; or

(b) **Extensive assistance** with bathing if you needed physical help with part of the activity (other than transfer).

(2) The activity of body care is assessed to determine whether you need assistance. You are scored as needing assistance if you require:

(a) Application of ointment or lotions;

(b) Trimming of toenails;

(c) Dry bandage changes; or

(d) Passive range of motion treatment.

(3) The activity of medication management is assessed to determine whether you need assistance managing your medications. This assistance is scored as:

(a) **Independent** if you remember to take medications as prescribed and manage your medications without assistance;

(b) **Assistance required** if you need assistance from a nonlicensed provider to facilitate your self-administration of a prescribed, over the counter, or herbal medication, you are assessed as needing assistance with medication management. Assistance required includes reminding or coaching you, handing you the medication container, opening the container, using an enabler to assist you in getting the medication into your mouth, and placing the medication in your hand. This does not include assistance with intravenous or injectable medications. You must be aware that you are taking medications;

(c) **Self-directed medication assistance/administration** if you are a person with a functional disability who is capable of and who chooses to self-direct your medication assistance/administration. In licensed boarding homes, this may include situations in which you cannot physically self-administer medications but can accurately direct others, per WAC 388-78A-0300; or

(d) **Must be administered** if you must have medications placed in your mouth or applied or instilled to your skin or mucus membrane. Administration must either be performed by a licensed professional or delegated by a registered nurse to a qualified caregiver (per chapter 246-840 WAC). Intravenous or injectable medications may never be delegated. Administration may also be performed by a family member or unpaid caregiver if facility licensing regulations allow.

NEW SECTION

WAC 388-72A-0039 How are self performance and difficulty for the instrumental activities of daily living (IADLs) scored? (1) For each IADL, the assessor determines your ability to self-perform the IADL. Your self performance is scored as:

(a) **Independent** if you received no help, set-up help, or supervision;

(b) **Supervision** if you received set-up help or arrangements only;

(c) **Limited assistance** if you sometimes performed the activity yourself and other times needed assistance;

(d) **Extensive assistance** if you were involved in performing the activity, but required cueing/supervision or partial assistance at all times;

(e) **Total dependence** if you needed the activity fully performed by others; or

(f) **Activity did not occur** if you or others did not perform the activity in the last seven days before the assessment.

(2) For each IADL, the assessor determines how difficult it is or would be for you to perform the activity. This is scored as:

(a) **No difficulty** in performing the activity;

(b) **Some difficulty** in performing the activity (e.g., you need some help, are very slow, or fatigue easily); or

(c) **Great difficulty** in performing the activity (e.g., little or no involvement in the activity is possible).

NEW SECTION

WAC 388-72A-0041 How are status and assistance available scored for ADLs and IADLs? (1) For each ADL and IADL, the assessor determines whether there is an informal support available. An informal support is a person or resource that is available to provide assistance without home and community program funding. The assessor determines whether the ADL or IADL is:

(a) **Met**, which means the ADL or IADL will be fully provided by an informal support;

(b) **Unmet**, which means an informal support will not be available to provide assistance with the identified ADL or IADL;

(c) **Partially met**, which means an informal support will be available to provide some assistance, but not all, with the identified ADL or IADL; or

(d) **Client declines**, which means you do not want assistance with the task.

(2) If partially met is selected, then the amount of the assistance available is determined using one of four categories:

(a) Less than one-fourth of the time;

(b) One-fourth to one-half of the time;

(c) Over one-half of the time to three-fourths of the time; or

(d) Over three-fourths of the time.

Note: For children seventeen years and younger living with their legally responsible natural/step/adoptive parents, the status and assistance available will be met or partially met over three fourths of the time.

The following table is used to determine the percentages outlined in subsection (2)(a) through (d) of this section.

NUMBER OF TIMES/HOURS TASK IS MET INFORMALLY

NUMBER OF TIMES/HOURS TASK IS REQUIRED

PROPOSED

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1																				
2	50%																			
3	33%																			
4	25%	50%																		
5		40%		80%																
6		33%	50%		83%															
7		29%	43%			86%														
8		25%	38%	50%			88%													
9			33%	44%			78%	89%												
10			30%	40%	50%			80%	90%											
11			27%	36%	45%				82%	91%										
12			25%	33%	42%	50%				83%	92%									
13				31%	38%	46%				77%	85%	92%								
14				29%	36%	43%	50%				79%	86%	93%	100%						
15				27%	33%	40%	47%					80%	87%	93%	100%					
16				25%	31%	38%	44%	50%					81%	88%	94%	100%				
17					29%	35%	41%	47%					76%	82%	88%	94%	100%			
18					28%	33%	39%	44%	50%					78%	83%	89%	94%	100%		
19					26%	32%	37%	42%	47%					79%	84%	89%	95%	100%		
20					25%	30%	35%	40%	45%	50%				75%	80%	85%	90%	95%	100%	

NEW SECTION

WAC 388-72A-0042 How are ADLs and IADLs scored for children? For children, the following age appropriate guidelines apply. The table indicates which tasks are considered met per age expectations.

		Activities of Daily Living (ADLs)															
		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Medication Management																	
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Locomotion in Room^{Note}																	
Independent, supervision, limited or extensive		■	■	■													
Total		■															
Locomotion Outside Room^{Note}																	
Independent or supervision		■	■	■	■	■											
Limited or extensive		■	■	■													
Total		■															
Walk in Room^{Note}																	
Independent, supervision, limited or extensive		■	■	■													
Total		■															

PROPOSED

Activities of Daily Living (ADLs)		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Bed Mobility																	
Independent, supervision, limited or extensive		■	■														
Total		■															
Transfers																	
Independent, supervision, limited, extensive or total & under 30 pounds (Total & over 30 pounds = no age limit)		■	■														
Toilet Use^{Note}																	
Support provided for nighttime wetting only (Independent, supervision, limited, extensive, or total)		■	■	■	■	■	■	■									
Independent, supervision, limited, extensive		■	■	■	■	■											
Total		■	■	■													
Eating																	
Independent, supervision, limited, extensive, or total		■	■														
Meal Preparation																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bathing																	
Independent or supervision		■	■	■	■	■	■	■	■	■	■	■					
Physical assistance all/part		■	■	■	■	■	■										
Total		■	■	■	■												
Dressing																	
Independent or supervision		■	■	■	■	■	■	■	■	■	■	■					
Limited or extensive		■	■	■	■	■	■										
Total		■	■	■	■												
Personal Hygiene																	
Independent or supervision		■	■	■	■	■	■	■	■	■	■	■					
Limited or extensive		■	■	■	■	■	■										
Total		■	■	■	■												

Instrumental Activities of Daily Living		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Telephone																	
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shopping																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

PROPOSED

		Instrumental Activities of Daily Living															
		Ages															
■ = Code status as Met		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Wood Supply																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Housework																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Finances																	
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

NOTE: If the activity did not occur, the assessor codes self performance as total and status as met.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0055 Am I eligible for COPES-funded services? You are eligible for COPES-funded services if you meet all of the following criteria. The department or its designee must assess your needs and determine that:

- (1) You are age:
 - (a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or
 - (b) Sixty-five or older.
- (2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPES);
- (3) You:
 - (a) Are not eligible for Medicaid personal care services (MPC); or
 - (b) Are eligible for MPC services, but the department determines that the amount, duration, or scope of your needs is beyond what MPC can provide.
- (4) Your ((comprehensive)) **CARE** assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPES services are provided) which means one of the following applies((-):
 - (a) You require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis, or:
 - (b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least three or more of the following((- as defined in WAC 388-72A-0040)):
 - (i) Setup in eating (e.g., cutting meat and opening containers at meals; giving one food category at a time);
 - (ii) Supervision in toileting;
 - (iii) Supervision in bathing;
 - (iv) Supervision plus setup in transfer;
 - (v) Supervision plus setup in bed mobility;
 - (vi) Supervision plus set up help in one of the following three tasks:
 - (A) Walk in room, hallway and rest of immediate living environment;
 - (B) Locomotion in room and immediate living environment;
 - (C) Locomotion outside of immediate living environment including outdoors.

- (vii) Assistance required in medication management; or
- (c) You have an unmet or partially met need with at least two or more of the following((- as defined in WAC 388-72A-0040)):
 - (i) Extensive assistance plus one person physical assistance in toileting;
 - (ii) Extensive assistance plus one person physical assistance in one of the following three tasks:
 - (A) Walk in room, hallway and rest of immediate living environment;
 - (B) Locomotion in room and immediate living environment;
 - (C) Locomotion outside of immediate living environment including outdoors.
 - (iii) Extensive assistance plus one person physical assistance in transfer;
 - (iv) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;
 - (v) Physical help limited to transfer plus one person physical assist in bathing;
 - (vi) Supervision plus one person physical assist in eating; or
 - (vii) Daily assistance required in medication management; or
- (d) You have a cognitive impairment and require supervision due to one or more of the following: Disorientation, memory impairment, impaired decision making, or wandering and have an unmet or partially met need with at least one or more of the following((- as defined in WAC 388-72A-0040)):
 - (i) Extensive assistance plus one person physical assistance in toileting;
 - (ii) Extensive assistance plus one person physical assistance in one of the following three tasks:
 - (A) Walk in room, hallway and rest of immediate living environment;

(B) Locomotion in room and immediate living environment;

(C) Locomotion outside of immediate living environment including outdoors.

(iii) Extensive assistance plus one person physical assistance in transfer;

(iv) Limited assistance plus one person physical assistance in bed mobility;

(v) Physical help limited to transfer plus one person physical assist in bathing;

(vi) Supervision plus one person physical assist in eating; or

(vii) Daily assistance required in medication management.

AMENDATORY SECTION (Amending WSR 03-24-001, filed 11/19/03, effective 12/20/03)

WAC 388-72A-0060 Am I eligible for MPC-funded services? You are eligible for MPC-funded services when the department or its designee assesses your needs and determines that you meet all of the following criteria:

(1) You are certified as ~~((Title XIX))~~ categorically needy, as defined in WAC 388-500-0005. Categorically needy medical institutional programs described in chapter 388-513 WAC do not meet this criteria.

(2) You are functionally eligible which means you:

(a) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least three or more of the following ~~((as defined in WAC 388-72A-0040))~~:

~~((a))~~ (i) Help/oversight one or two times during the last seven days plus setup in eating;

~~((b))~~ (ii) Supervision in toileting;

~~((c))~~ (iii) Supervision in bathing;

~~((d))~~ (iv) Supervision in dressing;

~~((e))~~ (v) Supervision plus setup in transfer;

~~((f))~~ (vi) Supervision plus setup in bed mobility;

~~((g))~~ (vii) Supervision plus set up help in one of the following three tasks:

~~((h))~~ (A) Walk in room, hallway and rest of immediate living environment;

~~((i))~~ (B) Locomotion in room and immediate living environment~~((;~~

~~((;))~~; or

(C) Locomotion outside of immediate living environment including outdoors.

~~((h))~~ (viii) Assistance required in medication management;

~~((i))~~ (ix) Supervision in personal hygiene;

~~((j))~~ (x) Assistance with body care, which means you need:

~~((h))~~ (A) Application of ointment or lotions;

~~((i))~~ (B) Your toenails trimmed;

~~((j))~~ (C) Dry bandage changes; or

~~((k))~~ (D) Passive range of motion treatment.

~~((l))~~ (b) You have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) with at least one or more of the following ~~((as defined in WAC 388-72A-0040))~~:

~~((a))~~ (i) Extensive assistance plus one person physical assistance in toileting;

~~((b))~~ (ii) Extensive assistance plus one person physical assistance in one of the following three tasks:

~~((c))~~ (A) Walk in room, hallway and rest of immediate living environment~~((;~~

~~((;))~~; or

(B) Locomotion in room and immediate living environment~~((;~~

~~((;))~~; or

(C) Locomotion outside of immediate living environment including outdoors.

~~((e))~~ (iii) Extensive assistance plus one person physical assistance in transfer;

~~((f))~~ (iv) Limited assistance plus one person physical assistance in bed mobility and need turning/repositioning;

~~((g))~~ (v) Physical help limited to transfer plus one person physical assist in bathing;

~~((h))~~ (vi) Supervision plus one person physical assist in eating; ~~((e)~~

~~((g))~~ (vii) Daily assistance required in medication management; ~~((e)~~

~~((h))~~ (viii) Assistance with body care, which means you need:

~~((i))~~ (A) Application of ointment or lotions;

~~((j))~~ (B) Your toenails trimmed;

~~((k))~~ (C) Dry bandage changes; or

~~((l))~~ (D) Passive range of motion treatment.

~~((m))~~ (ix) Extensive assistance plus one person physical assistance in dressing~~((;~~

~~((;))~~; or

(x) Extensive assistance plus one person physical assistance in personal hygiene.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0065 Am I eligible for Chore-funded services? To be eligible for Chore-funded services, you must:

(1) Be eighteen years of age or older;

(2) Have an unmet or partially met need or the activity did not occur (because you were unable or no provider was available) in at least one or more of the following ~~((as defined in WAC 388-72A-0040))~~:

(a) Help/oversight one or two times during the last seven days plus setup in eating;

(b) Supervision in toileting;

(c) Supervision in bathing;

(d) Supervision in dressing;

(e) Supervision plus setup in transfer;

(f) Supervision plus setup in bed mobility;

(g) Supervision plus set up help in one of the following three tasks:

(i) Walk in room, hallway and rest of immediate living environment;

(ii) Locomotion in room and immediate living environment; or

(iii) Locomotion outside of immediate living environment including outdoors.

PROPOSED

- (h) Assistance required in medication management;
 - (i) Supervision in personal hygiene;
 - (j) Assistance with body care, which means you need:
 - (i) Application of ointment or lotions;
 - (ii) Your toenails trimmed; or
 - (iii) Dry bandage changes; or
 - (iv) Passive range of motion treatment.
- (3) Currently be on the Chore program and not be eligible for MPC or COPES, Medicare home health or other programs if these programs can meet your needs;
- (4) Have net household income (as described in WAC 388-450-0005(~~(, 388-450-0020,)~~) and 388-450-0040(~~(, and 388-511-1130)~~)) not exceeding:
- (a) The sum of the cost of your Chore services; and
 - (b) One-hundred percent of the Federal Poverty Level (FPL) adjusted for family size.
- (5) Have resources, as described in chapter 388-470 WAC, which does not exceed ten thousand dollars for a one-person family or fifteen thousand dollars for a two-person family. (Note: One thousand dollars for each additional family member may be added to these limits.)
- (6) Not transfer assets on or after November 1, 1995 for less than fair market value as described in WAC 388-513-1365.

NEW SECTION

WAC 388-72A-0069 How does CARE use the information the assessor gathers? CARE processes the information that the assessor gathers through algorithms. An algorithm is a numerical formula utilized by the CARE assessment software that determines a classification group, payment level and referral needs based upon the information documented in the CARE assessment.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0070 What are the in-home hours and residential rate based on? The department employs a client classification methodology consisting of fourteen care groups. Twelve groups apply to clients served in residential and in-home settings. For the in-home setting, two additional exceptional care groups apply. The department uses ~~((an automated assessment tool known as the comprehensive assessment reporting evaluation (CARE) tool))~~ CARE to assess client characteristics. CARE places clients in a classification group based on the assessment. For in-home settings, each classification group is assigned a base number of care hours.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0080 What ~~((are the elements that))~~ criteria does the CARE tool ((evaluates for each of the criteria in WAC 388-72A-0075)) use to place a client in one of the classification groups? The CARE tool ~~((evaluates for))~~ uses the following criteria to place a client in one of the classification groups:

- (1) Cognitive performance
- ~~((a) Short-term memory;~~

- ~~(b) Self-performance in eating;~~
- ~~(e) Ability to make self understood;~~
- ~~(d) Ability to make decisions regarding ADLs; and~~
- ~~(e) Comatose or in a persistent vegetative state)), as defined in WAC 388-72A-0081, by using the cognitive performance scale (CPS) and assigning a score from zero to six.~~
- (2) Clinical complexity
- ~~((a) Diagnoses requiring more than average care time and/or special care;~~
- ~~(b) Skin problems receiving treatment;~~
- ~~(e) Unstable clinical conditions; and~~
- ~~(d) Skilled nursing needs)), as defined in WAC 388-72A-0082.~~
- (3) Mood/behaviors ~~((the assessment data evaluated may include, but is not limited to the following:~~
- ~~(a) Assaulting care givers;~~
- ~~(b) Resisting care;~~
- ~~(e) Wandering; and~~
- ~~(d) Depression)) symptoms, as defined in WAC 388-72A-0083~~
- (4) ~~((Activities of daily living (ADLs))~~ ADLs ~~((;))~~ by scoring the amount of assistance ((the client needs)) received to perform ((ADLs)) ADL in the past seven days, as defined in WAC 388-72A-0084.

NEW SECTION

WAC 388-72A-0081 How is cognitive performance measured in the CARE tool? The CARE tool uses a standardized tool called the cognitive performance scale (CPS) to evaluate a client's cognitive impairment. The CPS results in a score that ranges from zero (intact) to six (very severe impairment), as shown in the table below. Answers to the following questions are used to determine a client's CPS score:

- (1) Is the client comatose?
 - (a) No,
 - (b) Yes.
- (2) What is the client's ability to make everyday decisions about tasks or activities of daily living in the seven days prior to the assessment?
 - (a) Independent—Decisions about the client's daily routine are consistent and organized; reflecting the client's lifestyle, choices, culture, and values.
 - (b) Modified Independence/difficulty in new situations—The client has an organized daily routine, was able to make decisions in familiar situations, but experienced some difficulty in decision making when faced with new tasks or situations.
 - (c) Moderately impaired/poor decisions; unaware of consequences—Decisions are poor and the client requires reminders, cues and supervision in planning, organizing and correcting daily routines. Client attempts to make decisions, although poorly.
 - (d) Severely impaired/no or few decisions or preferences regarding ADLs—Decision making severely impaired, never/rarely makes decisions.
- (3) How is the client able to make himself/herself understood (to those closest to him/her), to express or communicate requests, needs, opinions, urgent problems and social

conversations, whether in speech, writing, sign language, symbols, or a combination of these including use of a communication board or keyboard?

(a) Understood—The client expresses ideas clearly;

(b) Usually understood—The client has difficulty finding the right words or finishing thoughts, resulting in delayed responses; or requires some prompting to make self understood.

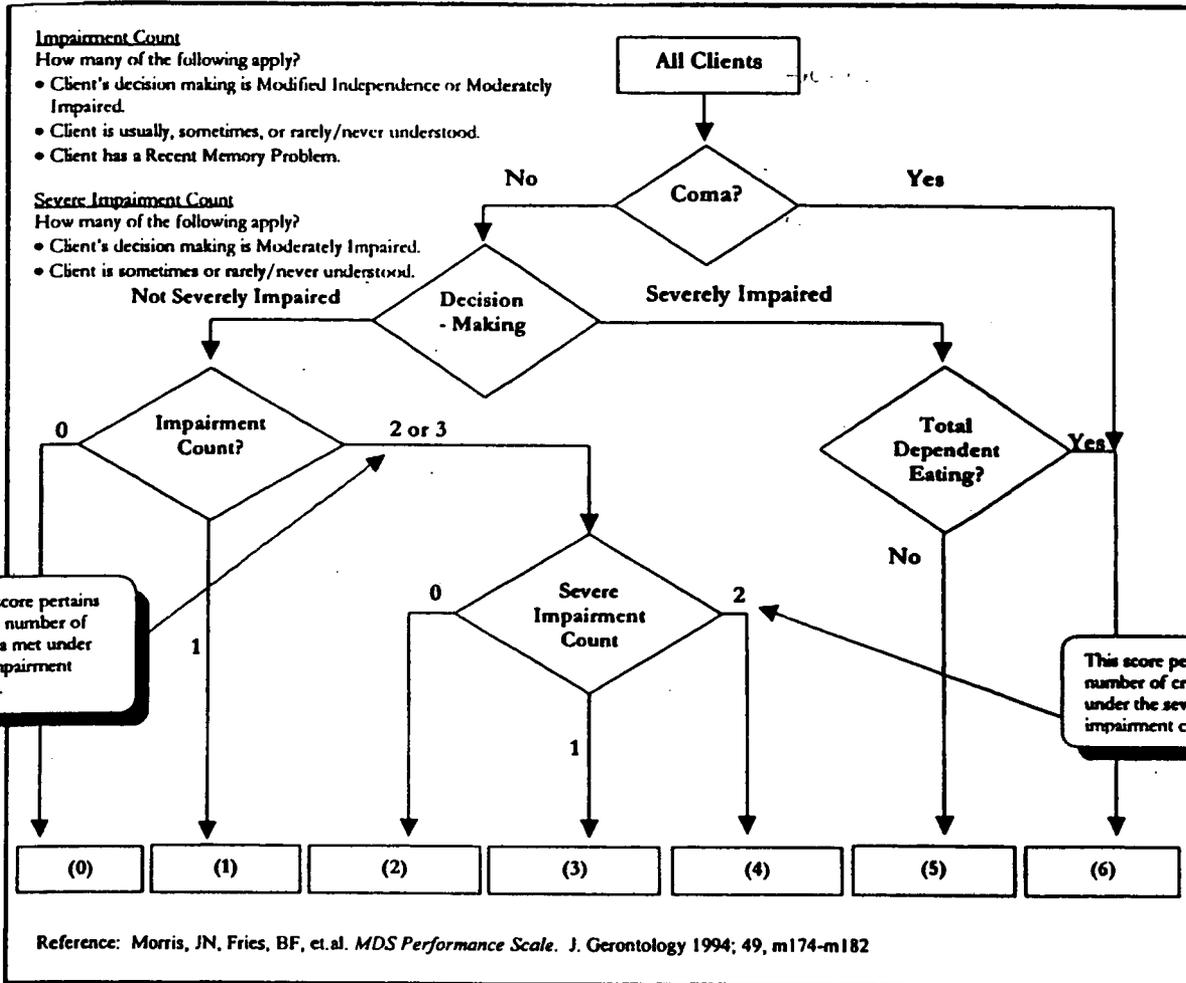
(c) Sometimes understood—The client has limited ability, but is able;

(d) Rarely/never understood.

(4) Does the client have short-term memory problem, which is defined as client's capacity to remember recent events; or does the client have delayed recall?

(5) Does the client have total dependence for self performance in eating, as defined in WAC 388-72A-0037?

PROPOSED



NEW SECTION

WAC 388-72A-0082 How is clinical complexity measured within the CARE tool? Clinical complexity is determined only when you have one or more of the following conditions and corresponding ADL scores:

Condition	AND an ADL Score of
ALS (Lou Gehrig's disease)	>14
Aphasia (expressive and/or receptive)	>=2
Cerebral Palsy	>14
Diabetes Mellitus (insulin dependent)	>14
Diabetes Mellitus (noninsulin dependent)	>14
Emphysema & (SOB (at rest or exertion) or dizziness/vertigo)	>10
COPD & (SOB (at rest or exertion) or dizziness/vertigo)	>10
Explicit terminal prognosis	>14
Hemiplegia	>14

Condition	AND an ADL Score of
Multiple sclerosis	>14
Parkinson disease	>14
Pathological bone fracture	>14
Pressure ulcers, areas of persistent skin redness OR Pressure ulcers, partial loss of skin layers OR Pressure ulcers, a full thickness lost OR Skin problem, skin desensitized to pain/pressure OR Skin problem, open lesions OR Skin problem, stasis ulcers AND Receives ulcer care OR (Received) or (needs and received) or (need met) pressure relieving device OR (Receive) or (needs and received) or (need met) turning/reposition program OR Receives application of dressing OR Receives wound/skin care	>=2
Quadriplegia	>14
Rheumatoid Arthritis	>14
Skin problem, burns AND Receives application of dressings OR Receives wound/skin care	>=2
Frequently incontinent, bladder OR Incontinent all or most of the time, bladder OR Frequently incontinent, bowel OR Incontinent all or most of the time, bowel AND Uses, has leakage, needs assistance OR Does not use, has leakage OR Any scheduled toileting plan	>10
Current swallowing problem and not independent in eating	>10
Edema	>14
Pain daily	>14
Bowel program receives and needs	>10
Dialysis, needs	>10

PROPOSED

PROPOSED

Condition	AND an ADL Score of
IV nutritional support, needs OR Tube feedings, needs AND Total calories received per IV or tube was greater than 50% OR Total calories per IV or tube was 25-50% AND Fluid intake greater than 2 cups	>=2
Hospice care, needs	>14
Injections, needs	>14
Intravenous medications, needs	>10
Management of IV lines, needs	>10
Ostomy care, needs	>=2
Oxygen therapy, needs	>10
Radiation, needs	>10
Range of motion, passive, receives and needs	>10
Walking, training, receives and needs	>10
Suction, needs	>=2
Tracheostomy care, needs	>10
Ventilator/respirator, needs	>10

NEW SECTION

WAC 388-72A-0083 How are mood and behaviors measured within the CARE tool? (1) When you do not meet the criteria for clinical complexity as defined in WAC 388-72A-0082 or the criteria for exceptional care, as defined in WAC 388-72A-0085, or have a cognitive performance scale score of five or six (in-home only), as defined in WAC 388-72A-0082, the mood and behavior criteria listed in subsection (3) below determines your classification group.

(2) Each documented behavior within CARE is described as:

(a) **Current**, which means it occurred within seven days of the assessment date, including the day of the assessment. Behaviors that are indicated as current must also include information about:

(i) Whether the behavior is easily altered or not easily altered; and

(ii) The frequency of the behavior.

(b) **Past**, which means it occurred between eight days and five years of the assessment date. For behaviors indicated as past, the assessor determines whether the behavior is addressed with current interventions or whether no interventions are in place.

(3) CARE places you in the Mood and behavior classification group only if you have one or more of the following behavior/moods that meets the corresponding description in the status, frequency, and alterability column. No other moods or behaviors documented in CARE are pertinent to this group.

Behavior/Mood	AND Status, Frequency & Alterability
Assaultive	Current
Combative during personal care	Current
Combative during personal care	In past and addressed with current interventions
Crying tearfulness	Current, frequency 4 or more days per week
Delusions	In past, addressed with current interventions
Depression score >=14	N/A
Disrobes in public	Current and not easily altered
Easily irritable/agitated	Current and not easily altered
Eats nonedible substances	Current
Eats nonedible substances	In past, addressed with current interventions
Hallucinations	Current
Hiding items	In past, addressed with current interventions

PROPOSED

Behavior/Mood	AND Status, Frequency & Alterability
Hoarding/collecting	In past, addressed with current interventions
Mental health therapy/program	Need
Repetitive complaints/questions	Current, daily
Repetitive complaints/questions	In past, addressed with current interventions
Repetitive movement/pacing	Current, daily
Resistive to care	Current
Resistive to care	In past, addressed with current interventions
Sexual acting out	Current
Sexual acting out	In past, addressed with current interventions
Spitting	Current and not easily altered
Spitting	In past, addressed with current interventions
Breaks/throws items	Current
Unsafe smoking	Current and not easily altered
Up at night and requires intervention	Current
Wanders exit seeking	Current
Wanders exit seeking	In past, addressed with current interventions
Wanders not exit seeking	Current
Wanders not exit seeking	In past, addressed with current interventions
Yelling/screaming	Current, frequency 4 or more days per week

NEW SECTION

WAC 388-72A-0084 How are ADL scores measured within the CARE tool? (1) CARE determines an ADL score ranging from zero to twenty-eight. The ADL scores are determined by looking at the self-performance coding for each of the ADLs listed below. Although assessed in CARE, bathing and medication management are not scored to determine the classification groups.

- (a) Personal hygiene;
- (b) Bed mobility;
- (c) Transfers;
- (d) Eating;
- (e) Toilet use;
- (f) Dressing;
- (g) Locomotion in room;
- (h) Locomotion outside room; and
- (i) Walk in room.

(2) CARE assigns a points value as described in the chart below. Only one score is used for the locomotion in room, locomotion outside of room and walk in room. The highest score of the three is used in determining the overall ADL score.

If Self Performance is:	Score Equals
Independent	0
Supervision	1
Limited assistance	2

If Self Performance is:	Score Equals
Extensive assistance	3
Total dependence	4
Did not occur/no provider	4
Did not occur/client not able	4
Did not occur/client declined	0

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0085 How does the CARE tool evaluate ~~((the criteria elements))~~ for the two exceptional care classifications of in-home care? ~~((The CARE tool evaluates the criteria elements for:~~

- ~~(1) Cognitive performance by using the cognitive performance scale (CPS) and assigning a score. The score assigns ranges from zero to six with six being very severely impaired;~~
- ~~(2) Clinical complexity by determining whether your medical conditions take more or less time and/or require special care;~~
- ~~(3) Mood/behavior by determining whether your mood/behavior symptoms take more or less time;~~
- ~~(4) ADLs by scoring the assistance needed to perform ADLs.)~~ Exceptional care classification groups for the in-home setting occur only when the following criteria are met in either of the diagrams below:

PROPOSED

<u>Diagram 1 of Condition</u>	
<u>One of the following diagnoses:</u> <u>Quadriplegia</u> <u>Paraplegia</u> <u>ALS (Amyotrophic Lateral Sclerosis)</u> <u>Parkinson's Disease</u> <u>Multiple Sclerosis</u> <u>Comatose</u> <u>Muscular Dystrophy</u> <u>Cerebral Palsy</u> <u>Post Polio Syndrome</u> <u>TBI (traumatic brain injury)</u>	<u>AND</u>
<u>ADL score of greater than or equal to 22</u>	<u>AND</u>
<u>(Needs) or (needs and received) or (need met)</u> <u>Turning/repositioning program</u>	<u>AND</u>
<u>External catheter</u> or <u>Intermittent catheter</u> or <u>Indwelling catheter care</u> or <u>Bowel program</u> or <u>Ostomy care</u>	<u>AND</u>
<u>Needs active range of motion (AROM)</u> or <u>Needs passive range of motion (PROM) performed by one of the following providers:</u> <u>Individual provider or agency provider;</u> <u>Self-directed care (individual provider only); or</u> <u>Private duty nurse.</u>	

<u>Diagram 2 of Condition</u>	
<u>ADL score greater than or equal to 22</u>	<u>AND</u>
<u>(Needs) or (needs and received) or (need met)</u> <u>Turning/repositioning program</u>	<u>AND</u>
<u>Need for AROM or need for PROM</u> and <u>Performed by one of the following providers:</u> <u>Individual provider or agency provider;</u> <u>Self-directed care (individual provider only); or</u> <u>Private duty nurse.</u>	<u>AND</u>
<u>IV nutrition support or tube feeding</u> and <u>Total calories received per IV or tube was greater than 50%</u> and <u>Fluid intake greater than 2 cups</u>	<u>AND</u>
<u>Needs dialysis (performed by individual provider or agency provider); Self-directed care (individual provider only); or Private duty nurse.</u> or <u>Needs ventilator/respirator (performed by individual provider or agency provider); Self-directed care (individual provider only); or Private duty nurse.</u>	

NEW SECTION

WAC 388-72A-0086 How is the information in WAC 388-72A-0081 through 388-72A-0084 used to determine the client's classification payment group for residential settings? The information in WAC 388-72A-0081 through 388-72A-0084 is used to place an adult applicant or recipient into one of the twelve residential classification groups, as shown in the table below.

Classification	ADL Score	Group
Group D Cognitive performance score = 4-6 and Clinically complex = yes and Mood/behavior = yes or no	ADL Score 18-28	D High (12)
	ADL Score 13-17	D Med (11)
	ADL Score 2-12	D Low (10)
Group C Cognitive performance score = 0-3 and Clinically complex = yes and Mood/behavior = yes or no	ADL Score 18-28	C High (9)
	ADL Score 9-17	C Med (8)
	ADL Score 2-8	C Low (7)

PROPOSED

Classification	ADL Score	Group
Group B Mood & behavior = Yes and Clinically complex = no and Cognitive performance score = 0-6	ADL Score 15-28	B High (6)
	ADL Score 5-14	B Med (5)
	ADL Score 0-4	B Low (4)
Group A Mood & behavior = No and Clinically complex = No and Cognitive performance score = 0-6	ADL Score 10-28	A High (3)
	ADL Score 5-9	A Med (2)
	ADL Score 0-4	A Low (1)

NEW SECTION

WAC 388-72A-0087 How is the information in WAC 388-72A-0081 through 388-72A-0085 used to determine the classification payment group for in-home clients? You are placed in a classification group based upon the criteria outlined in WAC 388-72A-0081 through 388-72A-0085. The in-home classification system is comprised of fourteen classification groups as shown in the table below.

Classification	ADL Score	Group	Base Hours of Group
Group E Exceptional care = yes and Mood and behavior = yes or no and Cognitive performance score = 0-6	ADL Score 26-28	E High (14)	420
	ADL Score 22-25	E Med (13)	350
Group D Cognitive performance score = 4-6 and Clinically complex = yes and Mood and behavior = yes or no OR Cognitive performance score = 5-6 and Clinically complex = no and Mood and behavior = yes or no	ADL Score 18-28	D High (12)	240
	ADL Score 13-17	D Med (11)	190
	ADL Score 2-12	D Low (10)	145
Group C Cognitive performance score = 0-3 and Clinically complex = yes and Mood and behavior = yes or no	ADL Score 18-28	C High (9)	180
	ADL Score 9-17	C Med (8)	140
	ADL Score 2-8	C Low (7)	83

Classification	ADL Score	Group	Base Hours of Group
Group B Mood and behavior = yes and Clinically complex = no and Cognitive performance score = 0-4	ADL Score 15-28	B High (6)	155
	ADL Score 5-14	B Med (5)	90
	ADL Score 0-4	B Low (4)	52
Group A Mood and behavior = no and Clinically complex = no and Cognitive performance score = 0-4	ADL Score 10-28	A High (3)	78
	ADL Score 5-9	A Med (2)	62
	ADL Score 0-4	A Low (1)	29

PROPOSED

DETERMINING HOURS FOR IN-HOME SERVICES

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0090 What are the maximum hours that I can receive for in-home services? The maximum hours that you can receive for in-home services ((is)) are determined through the CARE tool. The maximum hours are based upon your classification group. The highest hours attached to an in-home classification group is four hundred twenty per month. These hours are based on criteria outlined in WAC 388-72A-0095. For Chore program clients, the maximum personal care hours per month the department will pay is one hundred sixteen.

NEW SECTION

WAC 388-72A-0092 How are my in-home hours determined? (1) A base number of hours is assigned to each classification group as described in WAC 388-72A-0087.

(2) In accordance with WAC 388-72A-0095 and 388-71-0460, the base hours are adjusted to account for informal support, paid by individual(s) or group(s) other than the department and support shared living circumstances.

AMENDATORY SECTION (Amending WSR 03-05-097, filed 2/19/03, effective 3/22/03)

WAC 388-72A-0095 ((How are)) What additional criteria are considered to determine the number of hours I ((can)) will receive for in-home services ((determined))?

(1) In addition to criteria defined in WAC ((388-72A-0075, 388-72A-0080, and 388-72A-0085)) 388-72A-0081, 388-72A-0082, 388-72A-0083, 388-72A-0084, 388-72A-0087, or 388-71-0460, CARE will take into account ((your)):

(a) ~~((Assistance available to meet your needs. This is defined as:~~

- ~~((i) Met;~~
- ~~((ii) Unmet;~~
- ~~((iii) Partially met.~~

~~NOTE: Home and community programs (HCP) services may not replace other available resources the department~~

~~identified when completing CARE. The hours will be adjusted to account for tasks that are either fully or partially met by other available resources. These resources may be unpaid or paid for by other state or community sources.~~

- ~~(b) Environment, such as whether you:~~
 - ~~((i) Have laundry facilities out of home; and/or~~
 - ~~((ii) Use wood as a primary source of heat and/or;~~
 - ~~((iii) The time it takes to access essential shopping services.~~

~~(c) Living arrangement. The department will adjust payments to a personal care provider who is doing household tasks at the same time (e.g., essential shopping, meal preparation, laundry, and wood supply) if:~~

- ~~((i) There is more than one client living in the same household; or~~
- ~~((ii) You and your paid provider live in the same household.~~

~~((2)) The amount of informal supports available to fully or partially meet your needs as described in WAC 388-72A-0041.~~

((i) As shown in the following table, CARE determines the adjustment by placing a numeric value on the amount of assistance available to meet your needs and reduces the base hours assigned to the classification group using the values listed below for each ADL and IADL.

PROPOSED

<u>Meds</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Self administration of medications</u>	<u>Rules for all codes apply except independent is not counted</u>	<u>Unmet</u>	<u>N/A</u>	<u>1</u>
		<u>Met</u>	<u>N/A</u>	<u>0</u>
		<u>Decline</u>	<u>N/A</u>	<u>0</u>
		<u>Partially met</u>	<u><1/4 time</u>	<u>.9</u>
			<u>1/4 to 1/2 time</u>	<u>.7</u>
	<u>1/2 to 3/4 time</u>	<u>.5</u>		
	<u>> 3/4 time</u>	<u>.3</u>		
<u>Unscheduled ADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Bed mobility, transfer, walk in room, eating, toilet use</u>	<u>Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent are not counted.</u>	<u>Unmet</u>	<u>N/A</u>	<u>1</u>
		<u>Met</u>	<u>N/A</u>	<u>0</u>
		<u>Decline</u>	<u>N/A</u>	<u>0</u>
		<u>Partially met</u>	<u><1/4 time</u>	<u>.9</u>
			<u>1/4 to 1/2 time</u>	<u>.7</u>
	<u>1/2 to 3/4 time</u>	<u>.5</u>		
	<u>>3/4 time</u>	<u>.3</u>		
<u>Scheduled ADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Dressing personal hygiene bathing</u>	<u>Rules apply for all codes except: Did not occur/client not able and Did not occur/no provider = 1; Did not occur/client declined and independent are not counted.</u>	<u>Unmet</u>	<u>N/A</u>	<u>1</u>
		<u>Met</u>	<u>N/A</u>	<u>0</u>
		<u>Decline</u>	<u>N/A</u>	<u>0</u>
		<u>Partially met</u>	<u><1/4 time</u>	<u>.75</u>
			<u>1/4 to 1/2 time</u>	<u>.55</u>
	<u>1/2 to 3/4 time</u>	<u>.35</u>		
	<u>> 3/4 time</u>	<u>.15</u>		
<u>IADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Meal preparation Ordinary housework Essential shopping</u>	<u>Rules for all codes apply except independent is not counted.</u>	<u>Unmet</u>	<u>N/A</u>	<u>1</u>
		<u>Met</u>	<u>N/A</u>	<u>0</u>
		<u>Decline</u>	<u>N/A</u>	<u>0</u>
		<u>Partially met</u>	<u>< 1/4 time</u>	<u>.3</u>
			<u>1/4 to 1/2 time</u>	<u>.2</u>
	<u>1/2 to 3/4 time</u>	<u>.1</u>		
	<u>> 3/4 time</u>	<u>.05</u>		
<u>IADLs</u>	<u>Self Performance</u>	<u>Status</u>	<u>Assistance Available</u>	<u>Value Percentage</u>
<u>Travel to medical</u>	<u>Rules for all codes apply except independent is not counted.</u>	<u>Unmet</u>	<u>N/A</u>	<u>1</u>
		<u>Met</u>	<u>N/A</u>	<u>0</u>
		<u>Decline</u>	<u>N/A</u>	<u>0</u>
		<u>Partially met</u>	<u>< 1/4 time</u>	<u>.9</u>
			<u>1/4 to 1/2 time</u>	<u>.7</u>
	<u>1/2 to 3/4 time</u>	<u>.5</u>		
	<u>> 3/4 time</u>	<u>.3</u>		

(ii) The value percentage assigned to each specified ADL/IADL is summed and carried two decimal places. The resulting number is then divided by the number of qualifying ADL and IADL needs. If self-performance is coded as inde-

pendent or did not occur/client declined then they are not qualifying ADLs and IADLs. The result is value A. Value A is then subtracted from one. This is value B. Value B is divided by three. This is value C. Value A and value C are

summed. This is value D. Value D is multiplied by the "base hours" assigned to the client's classification group in WAC 388-72A-0087.

(b) Your environment, as described in the diagrams below.

Condition	Status	Assistance Available	Add On Hours
Offsite laundry facilities, which means the client does not have facilities in own home and the caregiver is not available to perform any other personal or household tasks while laundry is done.	N/A	N/A	8
Client is > 45 minutes from essential services (which means he/she lives more than 45 minutes one-way from a full-service market).	Unmet	N/A	5
	Met	N/A	0
	Partially met	<1/4 time	5
		between 1/4 to 1/2 time	4
		between 1/2 to 3/4 time	2
>3/4 time		2	
Wood supply used as sole source of heat.	Unmet	N/A	8
	Met	N/A	0
	Declines	N/A	0
	Partially met	< 1/4 time	8
		between 1/4 to 1/2 time	6
		between 1/2 to 3/4 time	4
		> 3/4 time	2

PROPOSED

(c) Your living arrangement.

(i) If there is more than one client living in the same household, the status cannot be unmet for the following IADLs:

- (A) Meal preparation,
- (B) Housekeeping,
- (C) Shopping,
- (D) Wood supply.

(ii) If you and your paid provider live in the same household, the status must be met for the following IADLs:

- (A) Meal preparation,
- (B) Housekeeping,
- (C) Shopping,
- (D) Wood supply.

(iii) When there is more than one client living in the same household and your paid provider lives in your household, the status must be met for the following IADLs:

- (A) Meal preparation,
- (B) Housekeeping,
- (C) Shopping, and
- (D) Wood supply.

(2) The ((CARE tool will provide a)) hours identified in WAC 388-72A-0095 (1)(b) are added to the resulting hours in WAC 388-72A-0095 (1)(a). The result is the maximum number of hours that can be used to develop your care plan. The assessor must take into account cost effectiveness, client health and safety, and program limits in determining how hours can be used to meet identified client needs.

(3) Within the limits of subsection (2) of this section, you and your case manager will work to determine what services you choose to receive if you are eligible. The hours may be used to authorize:

(a) Personal care services (per WAC 388-72A-0055, 388-72A-0060, ((€)) 388-72A-0065, or 388-845-1300);

(b) Home delivered meals (per WAC ((388-72A-0055)) 388-71-0415);

(c) Adult day care (per WAC ((388-72A-055 or 388-15-652)) 388-71-0708);

(d) ((Adult day health (per WAC 388-72A-055 or 388-15-652);

(e)) A home health aide (per WAC ((388-72A-0055)) 388-71-0415).

Reviser's note: RCW 34.05.395 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 388-72A-0115 When the department adjusts an algorithm, when does the adjustment become effective? When the department adjusts an algorithm used to evaluate the information gathered by the CARE tool, the effective date of any change generated by the adjustment(s) to the client's CARE level or hours shall be:

- (1) Immediate for applicants;
- (2) ~~((The first of the month following the month in which the adjustment was made when the adjustment may reduce the care level or hours; or~~
- ~~(3))~~ At the time of the ~~((client's yearly review when the adjustment may increase the care level or hours))~~ recipient's next assessment.

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

NEW SECTION

WAC 388-72A-0120 When a client requests a fair hearing to have the client's CARE tool assessment results

reviewed and there is (are) a more recent CARE assessment(s), which CARE tool assessment does the administrative law judge review in the fair hearing? The administrative law judge must review the most recent CARE tool assessment.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-72A-0040	What information does the assessor gather?
WAC 388-72A-0075	What does the CARE computerized assessment tool do with the client information entered by department staff?

WSR 04-15-107
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 20, 2004, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-097 on April 20, 2004.

Title of Rule and Other Identifying Information: Safety standards for agriculture, chapters 296-62 and 296-307 WAC, the Department of Labor and Industries is continuing a long-term effort to provide one book for all the safety and health requirements for agriculture. This one-book requirement results from a 1995 legislative requirement that directed the department to publish all agriculture rules "in one volume." The occupational health requirements in chapter 296-62 WAC are the focus of this effort. Several rules from this chapter were recently rewritten for clarity as part of the agency's plain language initiative. This rule making proposes to also add these rules to the agriculture safety standard chapter 296-307 WAC.

There are no new requirements in the proposed amendments, although references to other chapters and sections of chapter 296-307 WAC will be updated where needed. Some additional reorganization of requirements will also be done for better navigation of the rule.

AMENDED SECTIONS:

WAC 296-307-018 What are the employer's responsibilities?

- Subsection (8), update a reference.
- Subsection (9), update a reference.

WAC 296-307-039 First aid rule summary.

- Update a reference in the note.

WAC 296-307-03920 Make sure appropriate first-aid supplies are readily available.

- Delete language from the first-aid kit table.

WAC 296-307-061 What requirements apply to working around bins, bunkers, hoppers, tanks, pits, and trenches?

- Add a reference to confined space.
- Replace the words "safety belt with a lifeline attached" with "full body harness."

WAC 296-307-07013 What rules apply to vehicles used to transport employees?

- Subsection (12), update a reference.

WAC 296-307-11015 Violations of this part—Worker protection standards—40 C.F.R., § 170.9.

- Subsection (4), update a reference.

WAC 296-307-13045 Personal protective equipment—Standards for pesticide handlers—40 C.F.R., § 170.240.

- Subsection (3)(i), update references.

WAC 296-307-16340 Electricity and lighting.

- Subsection (2)(b), correct a reference.

WAC 296-307-445 Scope.

- Title of this part is U-3.

WAC 296-307-45010 Provide proper ventilation for the vapor area.

- Update a reference.

WAC 296-307-45035 Prepare dip tanks before cleaning.

- Update a reference.

WAC 296-307-45045 Protect employees during welding, burning, or other work using open flames.

- Update a reference.

WAC 296-307-50025 What requirements apply to welding beryllium?

- Update a reference.

WAC 296-307-50029 What requirements apply to welding mercury?

- Update a reference.

WAC 296-307-550 Employer chemical hazard communication—Introduction.

- Title of this part is Y-1.
- Update a reference.

WAC 296-307-55015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

- Update a reference.

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

- Update a reference.

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

- Update a reference.

WAC 296-307-55060 Definitions.

- Clarified the following definitions: Chemical, chemical name, combustible liquid, commercial account, common name, compressed gas, container, designated representative, distributor, flammable, flashpoint, hazardous chemical, hazard warning, health hazard, identity, importer, material safety data sheets, mixture, organic peroxide, permissible exposure limits (PELs), physical hazard, produce, pyrophoric, responsible party, unstable (reactive), use, and water-reactive.

WAC 296-307-560 Scope.

- Title of this part is Y-2.
- Replaced the words "chapter" with "part."

WAC 296-307-56025 Develop or obtain material safety data sheets (MSDSs).

- Update a reference.

WAC 296-307-56050 Definitions.

- Update a reference.

WAC 296-307-570 Lighting rule.

- Title of this part is Y-3.

WAC 296-307-590 Environmental tobacco smoke in the office.

- Title of this part is Y-4.

NEW SECTIONS:**WAC 296-307-594 Scope, this part applies to all use of respirators at work.**

- Requirements relating to respirators have been moved from chapter 296-62 WAC, Part E to this part.

WAC 296-307-596 Respirator program administrator.

- Requirements relating to respirators have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-59605 Designate a program administrator.

- Requirements relating to respirators have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-598 Voluntary respirator use requirements.

- Requirements relating to voluntary respirator use have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-59805 Make sure voluntary use of respirators is safe.

- Requirements relating to voluntary respirator use have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-59810 Keep voluntary use program records.

- Requirements relating to voluntary respirator use have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-600 Written respirator program and recordkeeping.

- Requirements relating to the written respirator program and recordkeeping have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-60005 Develop and maintain a written program.

- Requirements relating to the written respirator program have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-60010 Keep respirator program record.

- Requirements relating to the written respirator program records have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-602 Respirator selection.

- Requirements relating to respirator selection have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-60205 Select and provide appropriate respirators.

- Requirements relating to respirator selection have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-604 Medical evaluations.

- Requirements relating to medical evaluations have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-60405 Provide medical evaluations.

- Requirements relating to medical evaluations have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-606 Fit testing.

- Requirements relating to fit testing have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-60605 Conduct fit testing.

- Requirements relating to fit testing have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-608 Training.

- Requirements relating to training have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-60805 Provide effective training.

- Requirements relating to training have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-610 Maintenance.

- Requirements relating to maintenance have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61005 Maintain respirators in a clean and reliable condition.

- Requirements relating to maintenance have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61010 Store respirators properly.

- Requirements relating to storage have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61015 Inspect and repair respirators.

- Requirements relating to inspecting and repairing have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-612 Safe use and removal of respirators.

- Requirements relating to safe use and removal have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61205 Prevent sealing problems with tight-fitting respirators.

- Requirements relating to sealing problems have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61210 Make sure employees leave the use area before removing respirators.

- Requirements relating to leaving the use area have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-614 Standby requirements for immediately dangerous to life or health (IDLH) conditions.

- Requirements relating to IDLH and standby conditions have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61405 Provide standby assistance in immediately dangerous to life or health (IDLH) conditions.

- Requirements relating to IDLH and standby conditions have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-616 Air quality for self-contained breathing apparatus (SCBA) and air-line respirators.

- Requirements relating to air quality for SCBA and air-line respirators have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61605 Make sure breathing air and oxygen meet established specifications.

- Requirements relating to breathing air and oxygen have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61610 Prevent conditions that could create a hazardous breathing air supply.

- Requirements relating to hazardous breathing air supply have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61615 Make sure compressors do not create a hazardous breathing air supply.

- Requirements relating to hazardous breathing air supply have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-618 Labeling of air-purifying respirators filters, cartridges, and canisters.

- Requirements relating to labeling have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-61805 Keep labels readable on respirator filters, cartridges, and canisters during use.

- Requirements relating to labeling have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-620 Required procedures for respiratory protection program.

- Requirements relating to required procedures have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-62005 Use this medical questionnaire for medical evaluation.

- Requirements relating to the medical questionnaire have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-62010 Follow these fit-testing procedures for tight-fitting respirators.

- Requirements relating to the fit-testing procedures have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-62015 Follow procedures established for cleaning and disinfecting respirators.

- Requirements relating to cleaning and disinfecting have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-62020 Follow procedures established for seal checking respirators.

- Requirements relating to seal checking have been moved from chapter 296-62 WAC, Part E to this section.

WAC 296-307-622 Definitions.

- Definitions applicable to this part are located in this section.

WAC 296-307-624 Scope.

- Requirements relating to respiratory hazards have been moved from chapter 296-62 WAC, Part H to this section.

WAC 296-307-626 Evaluate and control employee exposures, summary.

- Requirements relating to evaluating and controlling employee exposures have been moved from chapter 296-62 WAC, Part H to this section.

WAC 296-307-62605 Identify and evaluate respiratory hazards.

- Requirements relating to respiratory hazards have been moved from chapter 296-62 WAC, Part H to this section.

WAC 296-307-62610 Control employee exposures.

- Requirements relating to respiratory hazards have been moved from chapter 296-62 WAC, Part H to this section.

WAC 296-307-62615 Use respirators.

- Requirements relating to respiratory hazards have been moved from chapter 296-62 WAC, Part H to this section.

WAC 296-307-62620 Notify employees.

- Requirements relating to respiratory hazards have been moved from chapter 296-62 WAC, Part H to this section.

WAC 296-307-62625 Permissible exposure limits of air contaminants.

- Requirements relating to respiratory hazards have been moved from chapter 296-62 WAC, Part H to this section.

WAC 296-307-628 Definitions.

- Definitions applicable to this part are located in this section.

WAC 296-307-630 Scope.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-632 Summary.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63205 Conduct employee noise exposure monitoring.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63210 Control employee noise exposures that equal or exceed 90 dBA TWA_s.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63215 Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA_s.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63220 Make sure exposed employees receive training about noise and hearing protection.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63225 Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63230 Arrange for oversight of audiometric testing.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63235 Identify and correct deficiencies in your hearing loss prevention program.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63240 Document your hearing loss prevention activities.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-634 Summary.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63405 Make sure that noise-measuring equipment meets recognized standards.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63410 Measure employee noise exposure.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63415 Use these equations when estimating full-day noise exposure from sound level measurements.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-636 Summary.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63605 Provide audiometric testing at no cost to employees.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63610 Establish a baseline audiogram for each exposed employee.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63615 Conduct annual audiograms.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63620 Review audiograms that indicate a standard threshold shift.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63625 Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63630 Make sure a record is kept of audiometric tests.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-63635 Make sure audiometric testing equipment meets these requirements.

- Requirements relating to hearing loss prevention have been moved from chapter 296-62 WAC, Part K to this section.

WAC 296-307-638 Summary.

- Requirements relating to hearing protection audits have been moved to this section. These options are new but not required.

WAC 296-307-63805 Conduct hearing protection audits at least quarterly.

- Requirements relating to hearing protection audits have been moved to this section. These options are new but not required.

WAC 296-307-63810 Make sure staff conducting audits are properly trained.

- Requirements relating to hearing protection audits have been moved to this section. These options are new but not required.

WAC 296-307-63815 Assess the hearing protection used by each employee during audits.

- Requirements relating to hearing protection audits have been moved to this section. These options are new but not required.

WAC 296-307-63820 Document your hearing protection audits.

- Requirements relating to hearing protection audits have been moved to this section. These options are new but not required.

WAC 296-307-63825 Make sure third-party hearing loss prevention programs meet the following requirements.

- Requirements relating to hearing protection audits have been moved to this section. This option is new but not required.

WAC 296-307-640 Noise definitions.

- Definitions applicable to this part are located in this section.

WAC 296-307-642 Scope.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-644 Summary, identifying and controlling permit-required confined spaces.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-64402 Identify permit-required confined spaces.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-64404 Inform employees and control entry to permit-required confined spaces.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-64406 Follow these requirements when you contract with another employer to enter your confined space.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-646 Summary.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-64602 Develop a written permit-required confined space program.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-64604 Meet these additional requirements if your employees enter another employer's confined space.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-648 Summary.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-64802 Provide employee training.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-64804 Certify employee proficiency.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-650 Summary.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65002 Implement procedures for entry permits.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65004 Use an entry permit that contains all required information.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65006 Keep and review your entry permits.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65008 Prevent unauthorized entry.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65010 Provide, maintain, and use proper equipment.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65012 Evaluate and control hazards for safe entry.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65014 Make sure you have adequate rescue and emergency services available.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65016 Use nonentry rescue systems or methods whenever possible.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65018 Make sure entry supervisors perform their responsibilities and duties.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65020 Provide an attendant outside the permit-required confined spaces.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65022 Make sure entrants know the hazardous conditions and their duties.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65024 Implement procedures for ending entry.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-652 Alternate entry procedures.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65202 Make sure the following conditions are met if using alternate entry procedures.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65204 Follow these alternate entry procedures for permit-required confined spaces.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-654 Nonpermit confined spaces requirements, summary.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65402 Follow these requirements when classifying a confined space as a nonpermit confined space.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-65404 Reevaluate nonpermit confined spaces if hazards develop.

- Requirements relating to confined spaces have been moved from chapter 296-62 WAC, Part M to this section.

WAC 296-307-656 Definitions.

- Definitions applicable to this part are located in this section.

WAC 296-307-686 Scope.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-688 Planning, summary.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-68805 Determine if you have employees with occupational exposure.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-68810 Develop and implement a written exposure control plan.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-690 Training, summary.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69005 Provide training to your employees.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69010 Provide additional training.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69015 Maintain training records.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-692 Hepatitis B virus (HBV) vaccinations, summary.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69205 Make hepatitis B vaccination available to employees.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69210 Obtain a copy of the healthcare professional's written opinion for hepatitis B vaccination and provide it to the employee.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-694 Control employee exposure, summary.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69405 Minimize splashing, spraying, splattering, and generation of droplets.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69410 Make sure items are appropriately labeled.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69415 Make sure employees clean their hands.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69420 Prohibit food, drink, and other personal activities in the work area.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69425 Examine and label contaminated equipment.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69430 Make sure your worksite is maintained in a clean and sanitary condition.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69435 Handle regulated waste properly and safely.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69440 Handle contaminated laundry properly and safely.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-696 Personal protective equipment (PPE), summary.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69605 Provide and make sure personal protective equipment is used when there is occupational exposure.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69610 Make sure gloves are worn.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69615 Make sure appropriate masks, eye protection, and face shields are worn.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69620 Wear appropriate protective clothing.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69625 Make resuscitator devices available.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69630 Maintain personal protective equipment.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-698 Post-exposure requirements, summary.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69805 Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69810 Test the blood of the source person.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69815 Provide the results of the source person's blood test to the exposed employee.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69820 Collect and test the blood of the exposed employee.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69825 Provide information to the health-care professional evaluating the employee.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-69830 Obtain and provide a copy of the healthcare professional's written opinion on post-exposure evaluation to the employee.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-700 Records, summary.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-70005 Establish and maintain medical records.

- Requirements relating to bloodborne pathogens have been moved from chapter 296-62 WAC, Part J to this section.

WAC 296-307-702 Definitions.

- Definitions applicable to this part are located in this section.

WAC 296-307-704 Scope.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70410 Planning.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70415 Training.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70420 Medical surveillance.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70425 Keep records.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70430 Incident requirements.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70435 Implement and maintain an incident command system (ICS).

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70440 Prepare skilled support personnel.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70445 Make sure the incident commander oversees activities during the response.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70450 Use the buddy system in danger areas.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70455 Provide rescue and medical assistance.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70460 Personal protective equipment.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70465 Control hazards created by personal protective equipment.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70470 Use personal protective equipment (PPE) properly.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70475 Postemergency response.

- Requirements relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

WAC 296-307-70480 Definitions.

- Definitions relating to emergency response have been moved from Part U-4 of this chapter to this part because of numbering errors.

REPEALED SECTIONS:

The following sections were repealed from chapter 296-62 WAC, Part E and moved to chapter 296-307 WAC, Part Y-5: WAC 296-62-071 Respiratory protection, 296-62-07101 To whom does chapter 296-62 WAC, Part E apply?, 296-62-07102 When are you allowed to rely on respirators to protect employees from breathing contaminated air?, 296-62-07103 What are your responsibilities as an employer?, 296-62-07105 Definitions, 296-62-07107 When is a respiratory protection program required?, 296-62-07109 When must you update your written respiratory protection program?, 296-62-07111 What must be included in your written respiratory protection program?, 296-62-07113 What are the requirements for a program administrator?, 296-62-07115 Who pays for the respirators, training, medical evaluations, and fit testing?, 296-62-07117 What must you do when employees choose to wear respirators when respirators are not required?, 296-62-07130 What must be considered when selecting any respirator?, 296-62-07131 What else must you consider when selecting a respirator for use in atmospheres that are not IDLH?, 296-62-07132 What else must you consider when selecting a respirator for use in IDLH atmospheres?, 296-62-07133 What else must you consider when selecting a respirator for emergency and rescue use?, 296-62-07150 What are the general requirements for medical evaluations?, 296-62-07151 Who must perform medical evaluations?, 296-62-07152 What information must you provide to the PLHCP in addition to the questionnaire?, 296-62-07153 How must the medical evaluations and the questionnaire be administered?, 296-62-07154 Who must review the questionnaire and determine what, if any, follow-up evaluations are needed?, 296-62-07155 What must be included in the PLHCP's written recommendations?, 296-62-07156 When are future medical evaluations required?, 296-62-07160 When is fit testing required?, 296-62-07161 What is required when an employee finds the respirator's fit unacceptable?, 296-62-07162 How must fit testing be done?, 296-62-07170 How must you prevent problems with the seal on tight-fitting facepieces?, 296-62-07171 How do you monitor

continuing effectiveness of your employees' respirators?, 296-62-07172 What are the standby procedures when respirators are used in IDLH situations?, 296-62-07175 How must respirators be cleaned and disinfected?, 296-62-07176 How must respirators be stored?, 296-62-07177 When must respirators be inspected?, 296-62-07178 How must respirators be inspected and maintained?, 296-62-07179 How must respirators be repaired and adjusted?, 296-62-07182 What are the breathing gas requirements for atmosphere-supplying respirators?, 296-62-07184 How must filters, cartridges and canisters be labeled?, 296-62-07186 What are the general training requirements?, 296-62-07188 How do you know if you adequately trained your employees?, 296-62-07190 When must your employees be trained?, 296-62-07192 How must you evaluate the effectiveness of your respiratory protection program?, 296-62-07194 What are the record-keeping requirements?, 296-62-07201 Appendix A-1: General fit testing requirements for respiratory protection—Mandatory, 296-62-07202 What are the general requirements for fit testing?, 296-62-07203 What are the fit test exercise requirements?, 296-62-07205 Appendix A-2: Qualitative fit testing (QLFT) protocols for respiratory protection—Mandatory, 296-62-07206 What are the general qualitative fit testing (QLFT) protocols?, 296-62-07208 Isoamyl acetate protocol (a QLFT), 296-62-07209 What are the odor threshold screening procedures for isoamyl acetate (QLFT)?, 296-62-07210 What are the isoamyl acetate fit testing procedures (QLFT)?, 296-62-07212 Saccharin solution aerosol protocol (QLFT), 296-62-07213 What are the taste threshold screening procedures for saccharin (QLFT)?, 296-62-07214 What is the saccharin solution aerosol fit testing procedure (QLFT)?, 296-62-07217 Bitrex™ solution (denatonium benzoate) solution aerosol qualitative fit testing (QLFT) protocol, 296-62-07218 What is the taste threshold screening procedure for Bitrex™ (QLFT)?, 296-62-07219 What is the Bitrex™ solution aerosol fit testing procedure (QLFT)?, 296-62-07222 Irritant smoke (stannic chloride) protocol (QLFT), 296-62-07223 What are the general requirements and precautions for irritant smoke fit testing (QLFT)?, 296-62-07224 What is the sensitivity screening check protocol for irritant smoke (QLFT)?, 296-62-07225 What is the irritant smoke fit testing procedure (QLFT)?, 296-62-07230 Appendix A-3: Quantitative fit testing (QNFT) protocols for respiratory protection—Mandatory, 296-62-07231 What are the general requirements for quantitative fit testing (QNFT)?, 296-62-07233 Generated aerosol quantitative fit testing protocol (QNFT), 296-62-07234 What equipment is required for generated aerosol fit testing (QNFT)?, 296-62-07235 What are the procedures for generated aerosol quantitative fit testing (QNFT)?, 296-62-07236 How are fit factors calculated (QNFT)?, 296-62-07238 Ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol, 296-62-07239 General information about ambient aerosol condensation nuclei counter (CNC) protocol (QNFT), 296-62-07240 What are the general requirements for ambient aerosol condensation nuclei counter (CNC) protocol (QNFT)?, 296-62-07242 What are the Portacount fit testing procedures?, 296-62-07243 How is the Portacount test instrument used?, 296-62-07245 Controlled negative pressure (CNP) quantitative fit testing protocol (QNFT), 296-62-07246 How does controlled negative

pressure (CNP) fit testing work (QNFT)?, 296-62-07247 What are the controlled negative pressure (CNP) fit testing requirements and procedures (QNFT)?, 296-62-07248 What test exercises are required for controlled negative pressure (CNP) fit testing (QNFT)?, 296-62-07251 Appendix B-1: User seal check procedures—Mandatory, 296-62-07253 Appendix B-2: Respirator cleaning procedures—Mandatory, 296-62-07255 Appendix C: WISHA respirator medical evaluation questionnaire—Mandatory, 296-62-07257 Appendix D: Health care provider respirator recommendation form—Nonmandatory, 296-62-07260 Appendix E: Additional information regarding respirator selection—Nonmandatory, 296-62-07261 How do you classify respiratory hazards?, 296-62-07263 What are oxygen deficient respiratory hazards?, 296-62-07265 What needs to be considered when combinations of contaminants occur in the workplace?, 296-62-07267 What are two major types of respirators?, 296-62-07269 What are air-purifying respirators (APRs)?, 296-62-07271 What are the general limitations for air-purifying respirators (APRs)?, 296-62-07273 What are particulate-removing respirators?, 296-62-07275 What are vapor- and gas-removing respirators?, 296-62-07277 What are combination particulate- and vapor- and gas-removing respirators?, 296-62-07279 What types of filters, canisters and cartridges are available for air-purifying respirators (APRs)?, 296-62-07281 How do atmosphere-supplying respirators work?, 296-62-07283 What are the capabilities and limitations of atmosphere-supplying respirators?, 296-62-07285 What is a supplied-air respirator?, 296-62-07287 What are the general capabilities and limitations of supplied-air respirators?, 296-62-07289 What are combination supplied-air and air-purifying respirators?, 296-62-07291 What are combination supplied-air respirators with auxiliary self-contained air supply?, 296-62-07293 What is a self-contained breathing apparatus respirator (SCBA)?, and 296-62-07295 What are the limitations for self-contained breathing apparatus respirators (SCBA)?

The following sections were repealed from chapter 296-62 WAC, Part H and moved to chapter 296-307 WAC, Part Y-6: WAC 296-62-075 Air contaminants, 296-62-07501 Airborne contaminants, 296-62-07503 Ceiling vs. time-weighted average limits, 296-62-07505 "Skin" notation, 296-62-07507 Mixtures, 296-62-07509 Nuisance dusts, 296-62-07510 Total particulate, 296-62-07511 Simple asphyxiants, 296-62-07513 Physical factors, and 296-62-07515 Control of chemical agents.

The following sections were repealed from chapter 296-62 WAC, Part J and moved to chapter 296-307 WAC, Part Y-9: WAC 296-62-08001 Bloodborne pathogens and 296-62-08050 Appendix A—Hepatitis B vaccine declination—Mandatory.

The following sections were repealed from chapter 296-62 WAC, Part K and moved to chapter 296-307 WAC, Part Y-7: WAC 296-62-09015 Hearing conservation, 296-62-09017 Definitions, 296-62-09019 Monitoring, 296-62-09021 Method of noise measurement, 296-62-09023 Calibration of monitoring equipment, 296-62-09024 Employee notification, 296-62-09025 Observation of monitoring, 296-62-09026 Noise control, 296-62-09027 Audiometric testing program, 296-62-09029 Audiometric test requirements, 296-62-09031 Hearing protectors, 296-62-

09033 Hearing protector attenuation, 296-62-09035 Training program, 296-62-09037 Access to information and training materials, 296-62-09039 Warning signs, 296-62-09041 Recordkeeping, 296-62-09043 Appendices, 296-62-09045 Effective dates, 296-62-09047 Appendix A—Audiometric measuring instruments, 296-62-09049 Appendix B—Audiometric test rooms, 296-62-09051 Appendix C—Acoustic calibration of audiometers, 296-62-09053 Appendix D—Methods for estimating the adequacy of hearing protector attenuation, and 296-62-09055 Appendix E—Noise exposure computation.

The following sections were repealed from chapter 296-62 WAC, Part M and moved to chapter 296-307 WAC, Part Y-8: WAC 296-62-141 Permit-required confined spaces, 296-62-14100 Scope and application, 296-62-14105 Definitions, 296-62-14110 General requirements, 296-62-14115 Permit-required confined space program (permit space program), 296-62-14120 Permit system, 296-62-14125 Required entry permit information, 296-62-14130 Training, 296-62-14135 Duties of authorized entrants, 296-62-14140 Duties of attendants, 296-62-14145 Duties of entry supervisors, 296-62-14150 Rescue and emergency services, 296-62-14155 Employee participation, 296-62-14170 Appendices to WAC 296-62-141 Permit-required confined spaces, 296-62-14171 Appendix A—Permit-required confined space decision flow chart, 296-62-14172 Appendix B—Procedures for atmospheric testing, 296-62-14173 Appendix C—Examples of permit-required confined space programs, 296-62-14174 Appendix D—Sample permits, 296-62-14175 Appendix E—Sewer system entry, and 296-62-14176 Appendix F—Rescue team or rescue service evaluation criteria.

The following sections were repealed from chapter 296-62 WAC, Part P: WAC 296-62-300 Hazardous waste operations and treatment, storage, and disposal facilities, 296-62-30001 Scope and application, 296-62-30003 Definitions, 296-62-3010 Overview of a written safety and health program, 296-62-30105 Elements of a safety and health program, 296-62-30110 Safety considerations during the initial site excavation, 296-62-30115 Notifying contractors and subcontractors of procedures and hazards, 296-62-30120 Availability of the safety and health program, 296-62-30125 Organizational structure of the site safety and health program, 296-62-30130 Comprehensive workplan of the site program, 296-62-30135 Overview of a site-specific safety and health plan, 296-62-30140 Preentry briefing of the site-specific safety and health plan, 296-62-30145 Effectiveness of site safety and health plan, 296-62-3020 Site characterization and analysis, 296-62-30205 Preliminary evaluation, 296-62-30210 Hazard identification, 296-62-30215 Required information, 296-62-30220 Personal protective equipment, 296-62-30225 Monitoring, 296-62-30230 Risk identification, 296-62-30235 Employee notification, 296-62-3030 Site control, 296-62-30305 Site control program, 296-62-30310 Elements of the site control program, 296-62-30315 Site work zones, 296-62-3040 General training requirements and the employees covered, 296-62-30405 Elements covered in training, 296-62-30410 Initial training, 296-62-30415 Management and supervisor training, 296-62-30420 Law enforcement at illicit drug labs, 296-62-30425 Training course con-

tent for 40 and 80 hour hazardous waste cleanup courses, 296-62-30430 Training content for 24-hour hazardous waste cleanup course, 296-62-30435 16-hour supplemental training for hazardous waste sites, 296-62-30440 Additional 8 hours of training for supervisors and managers, 296-62-30445 Qualifications for trainers, 296-62-30450 Training certification, 296-62-30455 Training requirements for emergency response, 296-62-30460 Refresher training, 296-62-30465 Equivalent training, 296-62-3050 Medical surveillance, 296-62-30505 Employees covered, 296-62-30510 Frequency of medical examinations and consultations, 296-62-30515 Content of medical examinations and consultations, 296-62-30520 Examination by a physician and costs, 296-62-30525 Information provided to the physician, 296-62-30530 Physician's written opinion, 296-62-30535 Recordkeeping of medical surveillance activities, 296-62-3060 Engineering controls, work practices, and personal protective equipment for employee protection, 296-62-30605 Personal protective equipment (PPE) program, 296-62-30610 Totally encapsulating chemical protective suits, 296-62-30615 Personal protective equipment (PPE) program, 296-62-3070 Monitoring concentrations of hazardous substances, 296-62-30705 Monitoring during initial entry, 296-62-30710 Periodic monitoring, 296-62-30715 Monitoring of high-risk employees, 296-62-3080 Informational programs, 296-62-3090 General requirements for handling drums and containers, 296-62-30905 Opening drums and containers, 296-62-30910 Material handling equipment, 296-62-30915 Radioactive wastes, 296-62-30920 Shock-sensitive wastes, 296-62-30925 Laboratory waste packs, 296-62-30930 Sampling of drum and container contents, 296-62-30935 Shipping and transport of drums, 296-62-30940 Tanks and vaults procedures, 296-62-3100 Decontamination procedures, 296-62-31005 Location of decontamination areas, 296-62-31010 Decontamination of equipment and solvents, 296-62-31015 Decontamination of personal protective clothing and equipment, 296-62-31020 Showers and change rooms used for decontamination, 296-62-3110 Emergency response plan for employees at uncontrolled hazardous waste sites, 296-62-31105 Elements of an emergency response plan at uncontrolled hazardous waste sites, 296-62-31110 Procedures for handling emergency incidents at uncontrolled hazardous waste sites, 296-62-3120 Illumination, 296-62-3130 Sanitation at temporary workplaces, 296-62-31305 Potable water, 296-62-31310 Nonpotable water, 296-62-31315 Toilet facilities, 296-62-31320 Food handling, 296-62-31325 Temporary sleeping quarters, 296-62-31330 Washing facilities, 296-62-31335 Showers and change rooms, 296-62-3138 New technology programs, 296-62-3140 Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA), 296-62-31405 Safety and health program under RCRA, 296-62-31410 Hazard communication program requirements under RCRA, 296-62-31415 Medical surveillance program requirements under RCRA, 296-62-31420 Decontamination program requirements under RCRA, 296-62-31425 New technology program requirements under RCRA, 296-62-31430 Material handling program requirements under RCRA, 296-62-31435 Training program for new employees under RCRA, 296-62-31440 Training program for current employees, 296-62-31445 RCRA requirements for trainers,

PROPOSED

296-62-31450 Emergency response program requirements under RCRA, 296-62-31455 Emergency response plan under RCRA, 296-62-31460 Elements of an emergency plan under RCRA, 296-62-31465 Training requirements for emergency response under RCRA, 296-62-31470 Procedures for handling emergency incidents under RCRA, 296-62-3152 Appendices to Part P—Hazardous waste operations and TSD facilities, 296-62-3160 Appendix A—Personal protective equipment test methods, 296-62-3170 Appendix B—General description and discussion of the levels of protection and protective gear, 296-62-3180 Appendix C—Compliance guidelines, 296-62-3190 Appendix D—References, and 296-62-3195 Appendix E—Training curriculum guidelines.

The following sections were repealed from chapter 296-307 WAC, Part U-4 and moved to chapter 296-307 WAC, Part Y-10: WAC 296-307-452 Scope, 296-307-45210 Planning, 296-307-45220 Training, 296-307-45230 Medical surveillance, 296-307-45240 Keep records, 296-307-45400 Incident requirements, 296-307-45410 Implement and maintain an incident command system (ICS), 296-307-45420 Prepare skilled support personnel, 296-307-45430 Make sure the incident commander oversees activities during the response, 296-307-45440 Use the buddy system in danger areas, 296-307-45450 Provide rescue and medical assistance, 296-307-45600 Personal protective equipment, 296-307-45610 Control hazards created by personal protective equipment (PPE) properly, 296-307-45800 Postemergency response, and 296-307-46000 Definitions.

Hearing Location(s): Red Lion Hotel Yakima Center, 607 East Yakima Avenue, Yakima, WA, on October 1, 2004, at 9:30 a.m.; and at Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on October 4, 2004, at 1:30 p.m.

Date of Intended Adoption: November 30, 2004.

Submit Written Comments to: Cindy Ireland, Project Manager, Department of Labor and Industries, WISHA Division, P.O. Box 44620, Olympia, WA 98540-4620, fax (360) 902-5529, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Sally Elliott by September 9, 2004, TTY (360) 902-5484 or yous235@lni.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: There are no new requirements in the proposed amendments, although references to other chapters and sections of chapter 296-307WAC will be updated where needed. Some additional reorganization of requirements will also be done for better navigation of the rule.

Reasons Supporting Proposal: The Department of Labor and Industries is continuing a long-term effort to provide one book for all the safety and health requirements for agriculture. This one-book requirement results from a 1995 legislative requirement that directed the department to publish all agriculture rules "in one volume."

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Labor and Industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A number of criteria and exemptions were established by the small business economic impact statement (SBEIS) analysis. One key criteria that allows rule changes to be exempt from preparation of an SBEIS is presented in RCW 34.05.310 (4)(d): "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect" are not subject to the SBEIS requirements. Because the proposed rule changes make clarifying and organizational changes for ease of understanding and use, but do not in any way alter the content of the original rules, there should not be an economical impact on Washington state business.

A cost-benefit analysis is not required under RCW 34.05.328. The analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will actually make WISHA rules easier for employers and employees to understand and use, and thus actually save them time.

July 20, 2004

Paul Trause

Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-62-071 Respiratory protection.
- WAC 296-62-07101 To whom does chapter 296-62 WAC, Part E apply?
- WAC 296-62-07102 When are you allowed to rely on respirators to protect employees from breathing contaminated air?
- WAC 296-62-07103 What are your responsibilities as an employer?
- WAC 296-62-07105 Definitions.
- WAC 296-62-07107 When is a respiratory protection program required?
- WAC 296-62-07109 When must you update your written respiratory protection program?
- WAC 296-62-07111 What must be included in your written respiratory protection program?
- WAC 296-62-07113 What are the requirements for a program administrator?

WAC 296-62-07115	Who pays for the respirators, training, medical evaluations, and fit testing?	WAC 296-62-07171	How do you monitor continuing effectiveness of your employees' respirators?
WAC 296-62-07117	What must you do when employees choose to wear respirators when respirators are not required?	WAC 296-62-07172	What are the standby procedures when respirators are used in IDLH situations?
WAC 296-62-07130	What must be considered when selecting any respirator?	WAC 296-62-07175	How must respirators be cleaned and disinfected?
WAC 296-62-07131	What else must you consider when selecting a respirator for use in atmospheres that are not IDLH?	WAC 296-62-07176	How must respirators be stored?
WAC 296-62-07132	What else must you consider when selecting a respirator for use in IDLH atmospheres?	WAC 296-62-07177	When must respirators be inspected?
WAC 296-62-07133	What else must you consider when selecting a respirator for emergency and rescue use?	WAC 296-62-07178	How must respirators be inspected and maintained?
WAC 296-62-07150	What are the general requirements for medical evaluations?	WAC 296-62-07179	How must respirators be repaired and adjusted?
WAC 296-62-07151	Who must perform medical evaluations?	WAC 296-62-07182	What are the breathing gas requirements for atmosphere-supplying respirators?
WAC 296-62-07152	What information must you provide to the PLHCP in addition to the questionnaire?	WAC 296-62-07184	How must filters, cartridges and canisters be labeled?
WAC 296-62-07153	How must the medical evaluations and the questionnaire be administered?	WAC 296-62-07186	What are the general training requirements?
WAC 296-62-07154	Who must review the questionnaire and determine what, if any, follow-up evaluations are needed?	WAC 296-62-07188	How do you know if you adequately trained your employees?
WAC 296-62-07155	What must be included in the PLHCP's written recommendation?	WAC 296-62-07190	When must your employees be trained?
WAC 296-62-07156	When are future medical evaluations required?	WAC 296-62-07192	How must you evaluate the effectiveness of your respiratory protection program?
WAC 296-62-07160	When is fit testing required?	WAC 296-62-07194	What are the recordkeeping requirements?
WAC 296-62-07161	What is required when an employee finds the respirator's fit unacceptable?	WAC 296-62-07201	Appendix A-1: General fit testing requirements for respiratory protection—Mandatory.
WAC 296-62-07162	How must fit testing be done?	WAC 296-62-07202	What are the general requirements for fit testing?
WAC 296-62-07170	How must you prevent problems with the seal on tight-fitting facepieces?	WAC 296-62-07203	What are the fit test exercise requirements?
		WAC 296-62-07205	Appendix A-2: Qualitative fit testing (QLFT) protocols for respiratory protection—Mandatory.
		WAC 296-62-07206	What are the general qualitative fit testing (QLFT) protocols?
		WAC 296-62-07208	Isoamyl acetate protocol (a QLFT).

WAC 296-62-07209	What are the odor threshold screening procedures for isoamyl acetate (QLFT)?	WAC 296-62-07236	How are fit factors calculated (QNFT)?
WAC 296-62-07210	What are the isoamyl acetate fit testing procedures (QLFT)?	WAC 296-62-07238	Ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol.
WAC 296-62-07212	Saccharin solution aerosol protocol (QLFT).	WAC 296-62-07239	General information about ambient aerosol condensation nuclei counter (CNC) protocol (QNFT).
WAC 296-62-07213	What are the taste threshold screening procedures for saccharin (QLFT)?	WAC 296-62-07240	What are the general requirements for ambient aerosol condensation nuclei counter (CNC) protocol (QNFT)?
WAC 296-62-07214	What is the saccharin solution aerosol fit testing procedure (QLFT)?	WAC 296-62-07242	What are the Portacount fit testing procedures?
WAC 296-62-07217	Bitrex™ (denatonium benzoate) solution aerosol qualitative fit testing (QLFT) protocol.	WAC 296-62-07243	How is the Portacount test instrument used?
WAC 296-62-07218	What is the taste threshold screening procedure for Bitrex™ (QLFT)?	WAC 296-62-07245	Controlled negative pressure (CNP) quantitative fit testing protocol (QNFT).
WAC 296-62-07219	What is the Bitrex™ solution aerosol fit testing procedure (QLFT)?	WAC 296-62-07246	How does controlled negative pressure (CNP) fit testing work (QNFT)?
WAC 296-62-07222	Irritant smoke (stannic chloride) protocol (QLFT).	WAC 296-62-07247	What are the controlled negative pressure (CNP) fit testing requirements and procedures (QNFT)?
WAC 296-62-07223	What are the general requirements and precautions for irritant smoke fit testing (QLFT)?	WAC 296-62-07248	What test exercises are required for controlled negative pressure (CNP) fit testing (QNFT)?
WAC 296-62-07224	What is the sensitivity screening check protocol for irritant smoke (QLFT)?	WAC 296-62-07251	Appendix B-1: User seal check procedures—Mandatory.
WAC 296-62-07225	What is the irritant smoke fit testing procedure (QLFT)?	WAC 296-62-07253	Appendix B-2: Respirator cleaning procedures—Mandatory.
WAC 296-62-07230	Appendix A-3: Quantitative fit testing (QNFT) protocols for respiratory protection—Mandatory.	WAC 296-62-07255	Appendix C: WISHA respirator medical evaluation questionnaire—Mandatory.
WAC 296-62-07231	What are the general requirements for quantitative fit testing (QNFT)?	WAC 296-62-07257	Appendix D: Health care provider respirator recommendation form—Nonmandatory.
WAC 296-62-07233	Generated aerosol quantitative fit testing protocol (QNFT).	WAC 296-62-07260	Appendix E: Additional information regarding respirator selection—Nonmandatory.
WAC 296-62-07234	What equipment is required for generated aerosol fit testing (QNFT)?	WAC 296-62-07261	How do you classify respiratory hazards?
WAC 296-62-07235	What are the procedures for generated aerosol quantitative fit testing (QNFT)?		

WAC 296-62-07263	What are oxygen deficient respiratory hazards?
WAC 296-62-07265	What needs to be considered when combinations of contaminants occur in the workplace?
WAC 296-62-07267	What are the two major types of respirators?
WAC 296-62-07269	What are air-purifying respirators (APRs)?
WAC 296-62-07271	What are the general limitations for air-purifying respirators (APRs)?
WAC 296-62-07273	What are particulate-removing respirators?
WAC 296-62-07275	What are vapor- and gas-removing respirators?
WAC 296-62-07277	What are combination particulate-and vapor- and gas-removing respirators?
WAC 296-62-07279	What types of filters, canisters and cartridges are available for air-purifying respirators (APRs)?
WAC 296-62-07281	How do atmosphere-supplying respirators work?
WAC 296-62-07283	What are the capabilities and limitations of atmosphere-supplying respirators?
WAC 296-62-07285	What is a supplied-air respirator?
WAC 296-62-07287	What are the general capabilities and limitations of supplied-air respirators?
WAC 296-62-07289	What are combination supplied-air and air-purifying respirators?
WAC 296-62-07291	What are combination supplied-air respirators with auxiliary self-contained air supply?
WAC 296-62-07293	What is a self-contained breathing apparatus respirator (SCBA)?
WAC 296-62-07295	What are the limitations for self-contained breathing apparatus respirators (SCBA)?

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-075	Air contaminants.
WAC 296-62-07501	Airborne contaminants.
WAC 296-62-07503	Ceiling vs. time-weighted average limits.
WAC 296-62-07505	"Skin" notation.
WAC 296-62-07507	Mixtures.
WAC 296-62-07509	Nuisance dusts.
WAC 296-62-07510	Total particulate.
WAC 296-62-07511	Simple asphyxiants.
WAC 296-62-07513	Physical factors.
WAC 296-62-07515	Control of chemical agents.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-08001	Bloodborne pathogens.
WAC 296-62-08050	Appendix A—Hepatitis B vaccine declination—Mandatory.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-09015	Hearing conservation.
WAC 296-62-09017	Definitions.
WAC 296-62-09019	Monitoring.
WAC 296-62-09021	Method of noise measurement.
WAC 296-62-09023	Calibration of monitoring equipment.
WAC 296-62-09024	Employee notification.
WAC 296-62-09025	Observation of monitoring.
WAC 296-62-09026	Noise control.
WAC 296-62-09027	Audiometric testing program.
WAC 296-62-09029	Audiometric test requirements.
WAC 296-62-09031	Hearing protectors.
WAC 296-62-09033	Hearing protector attenuation.
WAC 296-62-09035	Training program.

WAC 296-62-09037	Access to information and training materials.	WAC 296-62-14172	Appendix B—Procedures for atmospheric testing.
WAC 296-62-09039	Warning signs.	WAC 296-62-14173	Appendix C—Examples of permit-required confined space programs.
WAC 296-62-09041	Recordkeeping.	WAC 296-62-14174	Appendix D—Sample permits.
WAC 296-62-09043	Appendices.	WAC 296-62-14175	Appendix E—Sewer system entry.
WAC 296-62-09045	Effective dates.	WAC 296-62-14176	Appendix F—Rescue team or rescue service evaluation criteria.
WAC 296-62-09047	Appendix A—Audiometric measuring instruments.		
WAC 296-62-09049	Appendix B—Audiometric test rooms.		
WAC 296-62-09051	Appendix C—Acoustic calibration of audiometers.		
WAC 296-62-09053	Appendix D—Methods for estimating the adequacy of hearing protector attenuation.		
WAC 296-62-09055	Appendix E—Noise exposure computation.		

REPEALER

The following sections of the Washington Administrative Code are repealed:

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-141	Permit-required confined spaces.	WAC 296-62-300	Hazardous waste operations and treatment, storage, and disposal facilities.
WAC 296-62-14100	Scope and application.	WAC 296-62-30001	Scope and application.
WAC 296-62-14105	Definitions.	WAC 296-62-30003	Definitions.
WAC 296-62-14110	General requirements.	WAC 296-62-3010	Overview of a written safety and health program.
WAC 296-62-14115	Permit-required confined space program (permit space program).	WAC 296-62-30105	Elements of a safety and health program.
WAC 296-62-14120	Permit system.	WAC 296-62-30110	Safety considerations during the initial site excavation.
WAC 296-62-14125	Required entry permit information.	WAC 296-62-30115	Notifying contractors and subcontractors of procedures and hazards.
WAC 296-62-14130	Training.	WAC 296-62-30120	Availability of the safety and health program.
WAC 296-62-14135	Duties of authorized entrants.	WAC 296-62-30125	Organizational structure of the site safety and health program.
WAC 296-62-14140	Duties of attendants.	WAC 296-62-30130	Comprehensive workplan of the site program.
WAC 296-62-14145	Duties of entry supervisors.	WAC 296-62-30135	Overview of a site-specific safety and health plan.
WAC 296-62-14150	Rescue and emergency services.	WAC 296-62-30140	Preentry briefing of the site-specific safety and health plan.
WAC 296-62-14155	Employee participation.	WAC 296-62-30145	Effectiveness of site safety and health plan.
WAC 296-62-14170	Appendices to WAC 296-62-141—Permit-required confined spaces.	WAC 296-62-3020	Site characterization and analysis.
WAC 296-62-14171	Appendix A—Permit-required confined space decision flow chart.	WAC 296-62-30205	Preliminary evaluation.
		WAC 296-62-30210	Hazard identification.

WAC 296-62-30215	Required information.	WAC 296-62-30525	Information provided to the physician.
WAC 296-62-30220	Personal protective equipment.	WAC 296-62-30530	Physician's written opinion.
WAC 296-62-30225	Monitoring.	WAC 296-62-30535	Recordkeeping of medical surveillance activities.
WAC 296-62-30230	Risk identification.	WAC 296-62-3060	Engineering controls, work practices, and personal protective equipment for employee protection.
WAC 296-62-30235	Employee notification.	WAC 296-62-30605	Personal protective equipment selection.
WAC 296-62-3030	Site control.	WAC 296-62-30610	Totally encapsulating chemical protective suits.
WAC 296-62-30305	Site control program.	WAC 296-62-30615	Personal protective equipment (PPE) program.
WAC 296-62-30310	Elements of the site control program.	WAC 296-62-3070	Monitoring concentrations of hazardous substances.
WAC 296-62-30315	Site work zones.	WAC 296-62-30705	Monitoring during initial entry.
WAC 296-62-3040	General training requirements and the employees covered.	WAC 296-62-30710	Periodic monitoring.
WAC 296-62-30405	Elements covered in training.	WAC 296-62-30715	Monitoring of high-risk employees.
WAC 296-62-30410	Initial training.	WAC 296-62-3080	Informational programs.
WAC 296-62-30415	Management and supervisor training.	WAC 296-62-3090	General requirements for handling drums and containers.
WAC 296-62-30420	Law enforcement at illicit drug labs.	WAC 296-62-30905	Opening drums and containers.
WAC 296-62-30425	Training course content for 40 and 80 hour hazardous waste cleanup courses.	WAC 296-62-30910	Material handling equipment.
WAC 296-62-30430	Training content for 24-hour hazardous waste cleanup course.	WAC 296-62-30915	Radioactive wastes.
WAC 296-62-30435	16-hour supplemental training for hazardous waste sites.	WAC 296-62-30920	Shock-sensitive wastes.
WAC 296-62-30440	Additional 8 hours of training for supervisors and managers.	WAC 296-62-30925	Laboratory waste packs.
WAC 296-62-30445	Qualifications for trainers.	WAC 296-62-30930	Sampling of drum and container contents.
WAC 296-62-30450	Training certification.	WAC 296-62-30935	Shipping and transport of drums.
WAC 296-62-30455	Training requirements for emergency response.	WAC 296-62-30940	Tanks and vaults procedures.
WAC 296-62-30460	Refresher training.	WAC 296-62-3100	Decontamination procedures.
WAC 296-62-30465	Equivalent training.	WAC 296-62-31005	Location of decontamination areas.
WAC 296-62-3050	Medical surveillance.	WAC 296-62-31010	Decontamination of equipment and solvents.
WAC 296-62-30505	Employees covered.	WAC 296-62-31015	Decontamination of personal protective clothing and equipment.
WAC 296-62-30510	Frequency of medical examinations and consultations.		
WAC 296-62-30515	Content of medical examinations and consultations.		
WAC 296-62-30520	Examination by a physician and costs.		

WAC 296-62-31020	Showers and change rooms used for decontamination.	WAC 296-62-31450	Emergency response program requirements under RCRA.
WAC 296-62-3110	Emergency response plan for employees at uncontrolled hazardous waste sites.	WAC 296-62-31455	Emergency response plan under RCRA.
WAC 296-62-31105	Elements of an emergency response plan at uncontrolled hazardous waste sites.	WAC 296-62-31460	Elements of an emergency response plan under RCRA.
WAC 296-62-31110	Procedures for handling emergency incidents at uncontrolled hazardous waste sites.	WAC 296-62-31465	Training requirements for emergency response under RCRA.
WAC 296-62-3120	Illumination.	WAC 296-62-31470	Procedures for handling emergency incidents under RCRA.
WAC 296-62-3130	Sanitation at temporary workplaces.	WAC 296-62-3152	Appendices to Part P—Hazardous waste operations and TSD facilities.
WAC 296-62-31305	Potable water.	WAC 296-62-3160	Appendix A—Personal protective equipment test methods.
WAC 296-62-31310	Nonpotable water.	WAC 296-62-3170	Appendix B—General description and discussion of the levels of protection and protective gear.
WAC 296-62-31315	Toilet facilities.	WAC 296-62-3180	Appendix C—Compliance guidelines.
WAC 296-62-31320	Food handling.	WAC 296-62-3190	Appendix D—References.
WAC 296-62-31325	Temporary sleeping quarters.	WAC 296-62-3195	Appendix E—Training curriculum guidelines.
WAC 296-62-31330	Washing facilities.		
WAC 296-62-31335	Showers and change rooms.		
WAC 296-62-3138	New technology programs.		
WAC 296-62-3140	Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).		
WAC 296-62-31405	Safety and health program under RCRA.		
WAC 296-62-31410	Hazard communication program requirements under RCRA.		
WAC 296-62-31415	Medical surveillance program requirements under RCRA.		
WAC 296-62-31420	Decontamination program requirements under RCRA.		
WAC 296-62-31425	New technology programs requirements under RCRA.		
WAC 296-62-31430	Material handling program requirements under RCRA.		
WAC 296-62-31435	Training program for new employees under RCRA.		
WAC 296-62-31440	Training program for current employees.		
WAC 296-62-31445	RCRA requirements for trainers.		

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-018 What are the employer's responsibilities?

You must:

- (1) Provide a safe and healthful working environment.
- (2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.
- (3) Implement a written accident prevention program as required by these standards.
- (4) Implement a hazard communication program as required by WAC 296-307-550.
- (5) Establish a system for reporting and recording accidents on the OSHA 200 log. (See chapter 296-27 WAC.)
- (6) Provide safety education and training programs.
- (7) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.
- (8) Implement the requirements of WAC ((~~296-62-145~~) 296-307-642 through ((~~296-62-14529~~) 296-307-656 to ensure the safety of employees who are exposed to confined spaces in the workplace.
- (9) Control chemical agents.

You must:

- Control chemical agents in a manner that they will not present a hazard to your workers; or
- Protect workers from the hazard of contact with, or exposure to, chemical agents.

Reference: Pesticides are chemical agents and are covered by chapter 296-307 WAC Part I, Pesticides (worker protection standard). Pesticides may also be covered by (~~chapter 296-62 WAC Part E, Respiratory protection~~) WAC 296-307-594, Respirators.

(10) Protect employees from biological agents.

You must:

- Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Examples of biological agents include:
 - Animals or animal waste
 - Body fluids
 - Biological agents in a medical research lab
 - Mold or mildew.

AMENDATORY SECTION (Amending WSR 04-07-160, filed 3/23/04, effective 5/1/04)

WAC 296-307-039 First-aid rule summary. Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 296-307-03905.

Make sure appropriate first-aid supplies are readily available.

WAC 296-307-03920.

Note:

- Employers who require their employees to provide first aid must comply with the bloodborne pathogen rule(~~(WAC 296-62-080)~~) in this chapter, WAC 296-307-686 through 296-307-702.
- Additional requirements relating to first aid are also located in the following sections:
 - WAC 296-307-07013(12), What rules apply to vehicles used to transport employees?
 - WAC 296-307-16175, First-aid requirements for operators of temporary worker housing.
 - WAC 296-307-16380, First-aid requirements for operators of cherry harvest camps.

Definitions:

First aid: The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Emergency medical service: Medical treatment and care given at the scene of any medical emergency or while transporting any victim to a medical facility.

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-03920 Make sure appropriate first-aid supplies are readily available. You must:

- Make sure first-aid supplies are readily available. (See first-aid kit table.)

- Make sure first-aid supplies at your workplace are appropriate to:
 - Your occupational setting.
 - The response time of your emergency medical services.

First-Aid Kit Table

Number of employees normally assigned to worksite	Minimum first-aid supplies required at worksite
1 - 15 Employees	1 First-aid kit
16 - 30 Employees	2 First-aid kits
31 - 50 Employees	3 First-aid kits
((Over 50 Employees (within 1/2 mile radius of supplies)	First-aid station (see WAC 296-307-03925)))

- Note:**
- First-aid kits from your local retailer or safety supplier should be adequate for most nonindustrial employers.
 - The following is a list of suggested items for your first-aid kit:
 - 1 absorbent compress, 4 x 8 inches
 - 16 adhesive bandages, 1 x 3 inches
 - 1 adhesive tape, 5 yards long
 - 10 antiseptic single-use packages, 0.5 g application
 - 6 burn treatment single-use packages, 0.5 g application
 - 1 eye covering (for two eyes)
 - 1 eye wash, 1 fluid ounce
 - 4 sterile pads, 3 x 3 inches
 - 2 pair of medical exam gloves
 - 1 triangular bandage, 39 x 39 x 55 inches
 - Optional first-aid kit contents
 - Bandage compresses, 2 x 2 inches, 3 x 3 inches and 5 x 5 inches
 - Self-activating cold packs, 4 x 5 inches
 - Roller bandages, 6 yards long
 - Mouth-to-mouth barrier for CPR
 - Kits should be checked at least weekly to ensure adequate number of needed items are available.
 - Kits may be carried in any motor vehicle that is used near the crew.

You must:

- Make sure that first-aid supplies are:
 - Easily accessible to all your employees.
 - Stored in containers that protect them from damage, deterioration, or contamination. Containers must be clearly marked, not locked, and may be sealed.
 - Able to be moved to the location of an injured or acutely ill worker.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-061 What requirements apply to working around bins, bunkers, hoppers, tanks, pits, and trenches? (1) Employees must be prohibited from entering any bin, bunker, hopper, or similar area when loose materials (such as chips, sand, grain, gravel, sawdust, etc.) may collapse, unless the employee wears a (~~(safety belt with a lifeline attached)~~) full body harness and is attended by a helper.

- Note:** Silage pits are exempt from this section.
Reference: For requirements relating to confined spaces, see WAC 296-307-642 through 296-307-656.

(2) When employees are required to work in a trench or a pit 4 feet deep or more, the trench or the pit must be shored or sloped according to the following table:

PROPOSED

SOIL OR ROCK TYPE
MAXIMUM ALLOWABLE

	SLOPES (H:V) (1) FOR EXCAVATIONS LESS THAN 20 FEET DEEP (2)
STABLE ROCK	VERTICAL (90°)
TYPE A	3/4:1 (53°)
TYPE B	1:1 (45°)
TYPE C	1 1/2:1 (34°)

- 1 Numbers in parentheses next to maximum allowable slopes are angles in degrees from the horizontal. Angles have been rounded off.
- 2 Sloping or benching for excavations greater than 20 feet deep must be designed by a registered professional engineer.

(3) Each soil and rock deposit must be classified by a competent person as Stable Rock, Type A, B, or C according to the definitions in WAC 296-155-66401. "Competent person" means someone who is able to identify working conditions that are hazardous to employees, and has authority to take prompt action to eliminate the hazards.

(4) Classification of the deposits must be based on the results of at least one visual and at least one manual analysis. The analyses must be conducted by a competent person using tests in recognized methods of soil classification and testing such as those adopted by the American Society for Testing Materials, or the U.S. Department of Agriculture textural classification system.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-07013 What rules apply to vehicles used to transport employees? You must ensure that motor vehicles used regularly to transport employees meet the following requirements:

(1) The vehicles are well equipped, covered against the weather, and maintained in good mechanical condition at all times.

(2) A sufficient number of properly secured seats are provided in each vehicle to accommodate the number of employees transported. When emergency conditions make it necessary to transport more employees than the seating capacity can accommodate, all employees must ride within the vehicle. No employee may ride on fenders or running boards of the vehicle.

(3) No employees may ride in or on any vehicle with their legs hanging over the end or sides. All trucks without tail gates should have safety bars.

(4) The vehicles have storage strong enough to retain sharp tools that could present a hazard to employees being transported.

(5) All dump-trucks used to transport employees have an adequate safety chain or locking device to ensure that the body of the truck is not raised while employees are riding in it.

(6) Explosives or highly inflammable materials are not carried in or on the vehicle while it is used to transport employees.

(7) Exhaust systems are installed and maintained in proper condition, and are designed to eliminate the employee exposure to exhaust gases and fumes.

(8) Within the cab, crew trucks must carry only the number of passengers for which they are designed. In any seating arrangement, the driver must be able to maintain full freedom of motion. The driver's normal vision must be free from obstruction by passengers or the seating arrangement.

(9) All enclosed crew trucks have an emergency exit in addition to the regular entrance.

(10) Trucks used for hauling gravel may be used as crew trucks if they meet the following requirements:

- (a) Steps in proper places;
- (b) Wooden floors;
- (c) Securely fastened seats;
- (d) Truck is properly covered; and
- (e) Compliance with all other general regulations covering crew trucks.

(11) Half-ton vehicles must haul no more than six persons including driver. Three-quarter-ton vehicles must haul no more than eight persons including driver.

(12) The vehicle is equipped with the first-aid supplies required by WAC ((296-307-042)) 296-307-03920, two blankets, and a fire extinguisher.

Note: Additional requirements relating to first aid are located in WAC 296-307-039.

(13) Heating units with open fires are not used in vehicles transporting crews.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-11015 Violations of this part—Worker protection standards—40 CFR, § 170.9. (1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person ". . . to use or cause to be used any pesticide contrary to label directions . . ." When 40 CFR, Part 170 is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product specific instructions on the labeling. For purposes of this chapter, the term "use" is interpreted to include:

- (a) Preapplication activities, including, but not limited to:
 - (i) Arranging for the application of the pesticide;
 - (ii) Mixing and loading the pesticide; and
 - (iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of

PROPOSED

excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(2) A person who has a duty under this chapter, as referenced on the pesticide product label, and who fails to perform that duty, violates RCW 15.58.330 and 17.21.315, and is subject to civil penalties under RCW 15.58.335, 15.58.260 and 17.21.315.

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this chapter, including the decontamination requirements, shall not, for the purposes of section 653 (b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by ~~((the WISHA))~~ Field Sanitation ~~((Standard))~~, WAC ~~((296-24-120))~~ 296-307-095, or other agricultural, nonpesticide hazards.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-13045 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240. (1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-

piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

(i) Chemical-resistant shoes.

(ii) Chemical-resistant boots.

(iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

(i) Goggles.

(ii) Face shield.

(iii) Safety glasses with front, brow, and temple protection.

(iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with chapter ~~((296-62))~~ 296-307 WAC, Part ~~((E))~~ Y-5. If the label does not specify the type of respirator to be used, it shall meet the requirements of chapter ~~((296-62))~~ 296-307 WAC, Part ~~((E))~~ Y-5. The respiratory protection requirements of ~~((the general occupational health standards,))~~ chapter ~~((296-62))~~ 296-307 WAC, Part ~~((E))~~ Y-5, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(ii) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(b) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(c) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns,

leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

(i) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(ii) Persons using a closed system to mix or load pesticides other than those in (d)(i) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

(e) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (e)(i) through (iv) of this subsection.

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a

long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-307-12015 (3)(c) or in the labeling have been met.

(5) Use of personal protective equipment.

(a) The handler employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(b) The handler employer shall assure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(6) Cleaning and maintenance.

(a) The handler employer shall assure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily con-

taminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

(e) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

- (i) When breathing resistance becomes excessive.
- (ii) When the filter element has physical damage or tears.
- (iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.
- (iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

- (i) At the first indication of odor, taste, or irritation.
- (ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.
- (iii) In the absence of any other instructions or indications of service life, at the end of each day's work period.
- (h) The handler employer shall inform any person who cleans or launders personal protective equipment:
 - (i) That such equipment may be contaminated with pesticides.
 - (ii) Of the potentially harmful effects of exposure to pesticides.
 - (iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

- (i) Store personal clothing not in use.
- (ii) Put on personal protective equipment at the start of any exposure period.
- (iii) Remove personal protective equipment at the end of any exposure period.
- (j) The handler employer shall not allow or direct any handler to wear home or to take home personal protective equipment contaminated with pesticides.

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16340 Electricity and lighting. (1) General electricity requirements.

(a) The operator must supply electricity to all dwelling units, kitchen facilities, bathroom facilities, common areas, and laundry facilities.

(b) All electrical wiring, fixtures and electrical equipment must comply with department of labor and industries regulations, chapter 19.28 RCW and local ordinances, and maintained in a safe condition.

(2) Electricity requirements in tents.

(a) Each individual tent must have at least one separate floor-type or wall-type convenience outlet. If the operator provides a refrigerator in the tent, a dedicated outlet must be provided for it.

(b) All electrical wiring and equipment installed in tents must meet the requirements of WAC ((~~296-46-100~~) 296-45-045).

(c) All electrical appliances to be connected to the electrical supply must meet the requirements for the load calculations as required by chapter 19.28 RCW.

(d) Electrical wiring exiting the tent to connect to the GFI outside outlet must be placed in approved flexible conduit not to exceed six feet in length.

(e) All wiring located inside the tent must be placed in conduit for protection and connected to a surface to secure the wiring to prevent movement. Wiring must be located to prevent tripping or safety hazards.

(f) Receptacles and lighting fixtures must be UL Listed and approved by the department for use in the tent.

(3) General lighting requirements.

(a) The operator must provide adequate lighting sufficient to carry on normal daily activities in all common use areas.

(b) Laundry and toilet rooms and rooms where people congregate must have at least one ceiling-type or wall-type fixture. Where portable toilets are used, lighting requirements can be met by area illumination.

(c) The operator must provide adequate lighting for safe passage for camp occupants to handwashing sinks and toilets.

(d) The operator must provide adequate lighting for shower rooms during hours of operation.

Note: Lighting requirements may be met by natural or artificial means.

(4) Lighting requirements in tents.

(a) Tents must have adequate lighting sufficient to carry on all normal daily activities. For example: Three 100-watt bulbs located at the top ridge of the frame and are UL Listed or equivalent.

(b) Each tent must have at least one ceiling-type light fixture.

(c) Food preparation areas, if located in the tent, must have at least one lighting fixture located to provide task lighting over the food preparation area.

(d) Alternate lighting appliances must provide adequate lighting. In addition, if using two or more propane, butane, or white gas lighting appliances, a carbon monoxide monitor must be provided and located not more than thirty inches from the floor.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-50025 What requirements apply to welding beryllium? Welding or cutting indoors, outdoors, or in confined spaces involving beryllium-containing base or filler metals must be done using local exhaust ventilation and airline respirators unless atmospheric tests under the most adverse conditions have established that employee exposure is within the acceptable concentrations defined by (~~chapter 296-62~~) WAC 296-307-62625. In all cases, employees in the immediate vicinity of the welding or cutting operations must be protected as necessary by local exhaust ventilation or airline respirators.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-50029 What requirements apply to welding mercury? Welding or cutting indoors or in a confined space involving metals coated with mercury-bearing materials, including paint, must be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that employee exposure is within the acceptable concentrations defined by (~~chapter 296-62~~) WAC 296-307-62625. Outdoors, such operations must be done using respiratory protective equipment approved by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes.

Part U-3

Other Hazardous Materials

Dipping and Coating Operations (Dip Tanks)

~~((Part U-3 Other Hazardous Materials))~~

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-45010 Provide proper ventilation for the vapor area.

You must:

- Make sure mechanical ventilation meets the requirements of one or more of the following standards:
 - NFPA 34-1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
 - ACGIH's "Industrial Ventilation: A Manual of Recommended Practice" (22nd ed., 1995)
 - ANSI Z9.1-1971, Practices for Ventilation and Operation of Open-Surface Tanks and ANSI Z9.2-1979, Fundamentals Governing the Design and Operation of Local Exhaust Systems.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

You must:

- Limit the vapor area to the smallest practical space by using mechanical ventilation
 - Keep airborne concentration of any substance below twenty-five percent of its lower flammable limit (LFL)
 - Make sure mechanical ventilation draws the flow of air into a hood or exhaust duct
 - Have a separate exhaust system for each dip tank if the combination of substances being removed could cause a:
 - Fire
 - Explosion
- OR**
- Potentially hazardous chemical reaction.

Reference: You need to keep employee exposure within safe levels when the liquid in a dip tank creates an exposure hazard. See (~~Air contaminants, WAC 296-62-075 through 296-62-07515~~) Respiratory hazards, chapter 296-307 WAC, Part Y-6.

Note: You may use a tank cover or material that floats on the surface of the liquid to replace or assist ventilation. The method or combination of methods you choose has to maintain the airborne concentration of the hazardous material and the employee's exposure within safe limits.

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-45035 Prepare dip tanks before cleaning. You must:

- (1) Drain the contents of the tank and open any cleanout doors.
- (2) Ventilate the tank to clear any accumulated hazardous vapors.

Reference: There may be requirements that apply before an employee enters a dip tank. See (~~Permit required~~) Confined spaces, WAC ((296-62-144)) 296-307-642 and safety procedures, WAC 296-307-320.

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-45045 Protect employees during welding, burning, or other work using open flames.

You must:

- Make sure the dip tank and the area around it are thoroughly cleaned of solvents and vapors before performing work involving:
 - Welding
 - Burning
- OR**
- Open flames.

Reference: There are additional requirements for this type of work. See Welding, cutting and brazing, WAC 296-307-475, and ((Respiratory protection)) Respirators, chapter ((296-62-WAC, Part E)) 296-307 WAC, Part Y-5.

~~((Part U-4 Emergency Response))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

PROPOSED

PROPOSED

- WAC 296-307-452 Scope.
- WAC 296-307-45210 Planning.
- WAC 296-307-45220 Training.
- WAC 296-307-45230 Medical surveillance.
- WAC 296-307-45240 Keep records.
- WAC 296-307-45400 Incident requirements.
- WAC 296-307-45410 Implement and maintain an incident command system (ICS).
- WAC 296-307-45420 Prepare skilled support personnel.
- WAC 296-307-45430 Make sure the incident commander oversees activities during the response.
- WAC 296-307-45440 Use the buddy system in danger areas.
- WAC 296-307-45450 Provide rescue and medical assistance.
- WAC 296-307-45600 Personal protective equipment.
- WAC 296-307-45610 Control hazards created by personal protective equipment (PPE).
- WAC 296-307-45620 Use personal protective equipment (PPE) properly.
- WAC 296-307-45800 Postemergency response.
- WAC 296-307-46000 Definitions.

Part Y-1

Employer Chemical Hazard Communication

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-550 Employer chemical hazard communication—Introduction. Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The employer chemical hazard communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Note:

- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must

comply with ((~~Chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054~~)) Material safety data sheets and label preparation, WAC 296-307-560 through 296-307-56050.

- You may withhold trade secret information under certain circumstances, see Trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

EXEMPTIONS:

- For the purposes of this employer hazard communication rule, if you are engaged in agricultural production of crops or livestock, "employee" does not mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
- Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-307-55055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance
 - Tobacco or tobacco products
 - Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
 - Food or alcoholic beverages
 - Some drugs, such as retail or prescription medications
 - Retail cosmetics
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer
 - ◆ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products." Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. ("In the same way" means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be consumer use.

- Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	sawed or cut in half	used whole or intact
Pipe	cut by a torch	bent with a tube bender
Nylon rope	burning the ends	tying a knot

- Manufactured items that are fluids or in the form of particles are not exempt for this rule.

Your responsibility:

To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
- Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals

- Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program

WAC 296-307-55005

Identify and list all the hazardous chemicals present in your workplace

WAC 296-307-55010

Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used

WAC 296-307-55015

Make sure that material safety data sheets (MSDSs) are readily accessible to your employees

WAC 296-307-55020

Label containers holding hazardous chemicals

WAC 296-307-55025

Inform and train your employees about hazardous chemicals in your workplace

WAC 296-307-55030

Follow these rules for laboratories using hazardous chemicals

WAC 296-307-55035

Follow these rules for handling chemicals in factory sealed containers

WAC 296-307-55040

The department must:

Translate certain chemical hazard communication documents upon request

WAC 296-307-55045

Attempt to obtain a material safety data sheet (MSDS) upon request

WAC 296-307-55050

Exemption: Items or chemicals exempt from the rule, and exemptions from labeling

WAC 296-307-55055

Definitions

WAC 296-307-55060

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-55015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used. You must:

- Obtain a MSDS for each hazardous chemical used as soon as possible if the MSDS is not provided with the shipment of a hazardous chemical from the chemical manufacturer or importer.

Note:

- To obtain a MSDS, you may try calling the manufacturer or checking their website.
- If you have a commercial account with a retailer or wholesaler, you have the right to request and receive a MSDS about hazardous chemicals you purchase.
- If a chemical is purchased from a retailer with no commercial accounts, you have the right to request and receive the manufacturer's name and address so that you can contact them and request a MSDS for the chemical.
- Whoever prepares the MSDS is required to mark all blocks on the form, even if there is no relevant information for that section.

- If you have problems getting a MSDS within 30 calendar days after making a written request to the chemical manufacturer, importer, or distributor, you can get help from WISHA. You may contact your local regional office for assistance or make a written request for assistance to the: Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610
- Include in your request:
 - A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor
 - The name of the product suspected of containing a hazardous chemical
 - The identification number of the product, if available
 - A copy of the product label, if available
 - The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained

You must:

- Maintain a MSDS for each hazardous chemical:
 - Keep copies of the required MSDSs for each hazardous chemical present in your workplace. These may be kept in any form, including as a part of operating procedures.
 - Each MSDS must be in English. You may also keep copies in other languages.

Note:

- If you choose not to rely on MSDSs or labels provided by the manufacturer or importer, you must comply with the chemical hazard communication standard for manufacturers, importers, and distributors, WAC ((296-62-054)) 296-307-560 through 296-307-56050.
- It may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. MSDSs can be designed to cover groups of hazardous chemicals in a work area.

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

Note: The employer chemical hazard communication information and training requirements also apply to pesticides. Employers who have employees who are exposed to pesticides must be in compliance with this rule and the worker protection standards, WAC 296-307-12040.

You must:

- Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.
 - Inform employees of:
 - ◆ The requirements of this rule.
 - ◆ Any operations in their work area where hazardous chemicals are present.
 - ◆ The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.
 - Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained.

PROPOSED

- Make sure that employee training includes:
 - Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:

- ◆ Monitoring conducted by you
- ◆ Continuous monitoring devices
- ◆ Visual appearance or odor of hazardous chemicals when being released

- Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure

- Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:

- Appropriate work practices
- Engineering controls
- Emergency procedures
- Personal protective equipment to be used

- Details of the Chemical Hazard Communication Program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

- Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs.

- Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

Note:

- Interactive computer-based training or training videos can be used provided they are effective.
- Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC ~~(296-62-075)~~ 296-307-62625, for the appropriate exposure limits to be covered during training.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

Note: Laboratories are required to have a written Chemical Hygiene Plan under WAC 296-62-400, if applicable. They are not required to have a written Chemical Hazard Communication Program. You may combine your Accident Prevention Program and Chemical Hazard Communication Program to assist you in developing a Chemical Hygiene Plan for your laboratory.

You must:

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Maintain material safety data sheets (MSDSs) received with incoming shipments of hazardous chemicals

and make them available to laboratory employees when they are in their work areas.

(3) Provide laboratory employees with information and training as described in: "Inform and train your employees about hazardous chemicals in your workplace," WAC 296-307-55030, except for the part about the location and availability of the written Chemical Hazard Communication Program.

Note: Laboratory employers that ship hazardous chemicals are considered to be either chemical manufacturers or distributors. When laboratory employers ship hazardous chemicals they must comply with the rule, (~~"Hazard communication standards for chemical manufacturers, importers and distributors," WAC 296-62-054~~) Material safety data sheets and label preparation, WAC 296-307-560 through 296-307-56050.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-55060 Definitions.

Chemical

~~((Any element, chemical compound, or mixture of elements and/or compounds.))~~ • An element or mixture of elements

OR

• A compound or mixture of compounds

OR

• A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as an article.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

• ~~The scientific designation of a chemical ((in accordance with one of the following))~~ developed by the:

~~((The nomenclature system developed by the))~~ = International Union of Pure and Applied Chemistry (IUPAC)

OR

~~((The))~~ = Chemical abstracts service (CAS) rules of nomenclature

OR

~~((*)~~ = A name ~~((which will))~~ that clearly ~~((identify))~~ identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

~~((A combustible liquid has))~~ Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture(s) with at least 99% of ((their)) its components having flashpoints of 200°F (93.3°C), or higher ((are)), is not considered a combustible liquid(s).

Commercial account

An arrangement ~~((in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price))~~ where a retailer is selling hazardous chemicals to an employer.

• Generally in large quantities over time

OR

• At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a:

- Code name or number
(~~(Code number)~~) OR
- Trade or brand name
(~~(Brand name)~~) OR
- Generic name (~~(used to identify a chemical other than by its chemical name)~~).

Compressed gas

A contained gas or mixture of gases (~~(that, when in a container, has)~~) with an absolute pressure ((exceeding)) greater than:

- 40 psi at 70°F (21.1°C)
OR
- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

OR

(~~(Compressed gas can also mean)~~) A liquid with a vapor pressure ((that exceeds)) greater than 40 psi at 100°F (37.8°C) as determined by ASTM D323-72.

Container

(~~(Any container, except for)~~) A vessel, other than a pipe((s)) or piping system((s)), that ((contains)) holds a hazardous chemical. ((It can be any of the following)) Examples include:

- Bags
- Barrels
- Bottles
- Boxes
- Cans
- Cylinders
- Drums
- Rail cars
- Reaction vessels
- Storage tanks.

Designated representative

• (~~(Any)~~) An individual or organization ((to which an employee gives)) with written authorization from an employee.

OR

• A recognized or certified collective bargaining agent (~~((without regard to written employee authorization))~~) (not necessarily authorized by an employee.)

OR

• (~~(The)~~) A legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC ((296-62-054)) 296-307-560 through 296-307-56050 for requirements dealing with manufacturers, distributors and importers - hazard communication.

Employee

The term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is

employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employer

An employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposure or exposed

An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
 - Handled
 - Stored
 - Generated
- OR
- Present.

Flammable

A chemical (~~((covered by))~~) in one of the following categories:

(~~(Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;~~

~~• Gas, flammable means:~~

~~—A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less; or~~

~~—A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit;~~

~~Liquid, flammable means any liquid having a flash point below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.~~

~~Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.)~~ Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:

~~– Flame projection of more than eighteen inches at full valve opening~~

~~OR~~

~~– A flashback (a flame extending back to the valve) at any degree of valve opening~~

~~• Gases that, at the temperature and pressure of the surrounding area, form a:~~

~~– Flammable mixture with air at a concentration of thirteen percent, by volume, or less~~

~~OR~~

~~– Range of flammable mixtures with air wider than twelve percent, by volume, regardless of the lower limit~~

~~• Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least ninety-nine percent of its components having flashpoints of 100°F (37.8°C), or higher, is not considered a flammable liquid~~

~~• Solids, other than blasting agents or explosives, as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that:~~

~~– Is likely to cause fire through friction, moisture, absorption, spontaneous chemical change or retained heat from manufacturing or processing~~

~~OR~~

~~– That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)~~

~~OR~~

~~– When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.~~

Flashpoint

~~• The minimum temperature at which a liquid gives off ((a vapor in sufficient concentration to ignite)) an ignitable concentration of vapor, when tested by any of the following measurement methods:~~

~~– Tagliabue closed tester((—(See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79))))). Use this for liquids with a viscosity ((of)) less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not ((have a tendency)) tend to form a surface film under test((;or)). See American National Stan-~~

~~ard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)~~

~~– Pensky-Martens closed tester((;—(See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)))) for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C), or for liquids that contain suspended solids, or ((that)) have a tendency to form a surface film under test((;or)). See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)~~

~~– Setaflash closed tester: ((;))See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).((;))~~

~~((Note:)) Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.~~

Foreseeable emergency

Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Hazardous chemical

~~((Any)) A chemical ((that)), which is a physical or health hazard.~~

Hazard warning

~~((Can be a combination of)) Words, pictures, or symbols (alone or in combination), ((or combination appearing)) that appear on ((a)) labels (or other ((appropriate)) forms of warning ((which shows the)) such as placards or tags) that communicate specific physical and health hazard(s), (including target organ effects), ((of the)) associated with chemical(s) in ((the)) a container((s)).~~

~~((Note: See definition for physical hazard and health hazard to determine which hazards must be covered.))~~

Health hazard

~~((Any)) A chemical ((with the potential to cause acute or chronic)) that may cause health effects in short or long-term exposed employees((—The potential must be)) based on statistically significant ((based on)) evidence from ((at least one)) a single study conducted ((under)) by using established scientific principles. Health hazards include, but are not limited to, any of the following:~~

- ~~• ((Chemicals which are)) Carcinogens~~
- ~~• Toxic or highly toxic ((agents)) substances~~
- ~~• Reproductive toxins~~
- ~~• Irritants~~
- ~~• Corrosives~~
- ~~• Sensitizers~~
- ~~• Hepatotoxins (liver toxins)~~
- ~~• Nephrotoxins (kidney toxins)~~
- ~~• Neurotoxins (nervous system toxins)~~
- ~~• ((Agents which)) Substances that act on the hematopoietic system (blood or blood forming system)~~
- ~~• ((Agents which)) Substances that can damage the lungs, skin, eyes, or mucous membranes.~~

~~((See WAC 296-62-054 for more definitions and explanations about the scope of health hazards covered by this part.~~

See WAC 296-62-054 for the criteria used for determining whether or not a chemical is considered hazardous for purposes of this rule.)

Identity

~~((Any))~~ A chemical or common name listed on the material safety data sheet (MSDS) ~~((for the specific chemical. Each identity used must allow cross-references among the:~~

- ~~• Required list of hazardous chemicals~~
- ~~• Chemical label~~
- ~~• MSDSs)) and label.~~

Importer

The first business within the customs territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to manufacturers, distributors or employers within the USA.

~~((See WAC 296-62-054 for requirements dealing with manufacturers, importers and distributors—hazard communication:))~~

Material safety data sheet (MSDS)

Written ~~((or)),~~ printed ~~((material))~~ or electronic information (on paper, microfiche, or on-screen) that ~~((tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment.~~

~~For requirements for developing MSDSs see WAC 296-62-054—manufacturers, importers, and distributors—hazard communication))~~ informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture

~~((Any))~~ A combination of 2 or more chemicals ~~((if that combination did not result from a chemical reaction)))~~ that retain their chemical identity after being combined.

Organic peroxide

~~((This is))~~ An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

~~((PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:~~

~~• Permissible exposure limits—Time weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-hour work week and must not be exceeded.~~

~~• Permissible exposure limits—Short term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that~~

time period must not be exceeded at any time during the working day.

~~• Permissible exposure limits—Ceiling (PEL-C) is the employee's exposure which must not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time-weighted average exposure which must not be exceeded at any time over a working day.~~

~~• Skin notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively:))~~ See WAC 296-307-628 for the definition of this term.

Physical hazard

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive.

Produce

~~((Any))~~ To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Purchaser

An employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

~~((A))~~ Chemicals ~~((is pyrophoric if it will))~~ that ignite spontaneously in the air ~~((when the))~~ at a temperature ~~((is))~~ of 130°F (54.4°C) or below.

Responsible party

Someone who can provide ~~((appropriate))~~ more information about the hazardous chemical and appropriate emergency procedures.

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical abstracts service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Trade secret

Any confidential:

- Formula
- Pattern

- Process
- Device
- Information
- Collection of information.

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Unstable (reactive)

~~((An unstable or reactive))~~ A chemical ~~((is one that))~~ in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or ~~((will))~~ become self-reactive under conditions of shocks, pressure or temperature.

Use

~~((Means to))~~ To do one or more of the following:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A ~~((water reactive))~~ chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Work area

A room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Workplace

The term workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

Part Y-2

Material Safety Data Sheets and Label Preparation

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-560 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

• This chapter applies when you do **one or more** of the following:

- Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
- Sell or distribute hazardous chemicals to manufacturers, distributors or employers
- Choose not to rely on material safety data sheets (MSDSs) provided by the importer, manufacturer or distributor.

Note: • You are not required to evaluate chemicals or create MSDSs for chemicals you did not produce or import. If you decide to evaluate chemicals or create MSDSs, then the requirements of this chapter will apply to you.

• Use Table 2 to determine which sections in this chapter apply to your workplace.

Exemptions: • All of the following are always exempt from this chapter:

- Ionizing and nonionizing radiation
- Biological hazards
- Tobacco and tobacco products

• The chemicals and items listed in Table 1 are exempt from this chapter under the conditions specified.

Table 1 Conditional Exemptions From This Chapter	
This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Alcoholic beverages OR • Foods 	<ul style="list-style-type: none"> • Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
<ul style="list-style-type: none"> • An article (manufactured item) 	<ul style="list-style-type: none"> • It is not a fluid or particle AND • It is formed to a specific shape or design during manufacture for a particular end use function¹ AND • It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees
<ul style="list-style-type: none"> • Consumer products <ul style="list-style-type: none"> – Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052²) OR • Hazardous household products <ul style="list-style-type: none"> – Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261²) 	<ul style="list-style-type: none"> • Both criteria apply: <ul style="list-style-type: none"> – They are used in the workplace for the same purpose as intended by the manufacturer or importer – The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
<ul style="list-style-type: none"> • Cosmetics 	<ul style="list-style-type: none"> • Packaged and sold in retail establishments

PROPOSED

PROPOSED

Table 1 Conditional Exemptions From This Chapter	
This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Drugs <ul style="list-style-type: none"> – Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321²) 	<ul style="list-style-type: none"> • In solid, final form (for example, tablets, or pills) for direct administration to the patient <p>OR</p> <ul style="list-style-type: none"> • Packaged and sold in retail establishments (for example, over-the-counter drugs) <p>OR</p> <ul style="list-style-type: none"> • Intended for employee consumption while in the workplace (for example, first-aid supplies)
<ul style="list-style-type: none"> • Hazardous solid wastes <ul style="list-style-type: none"> – Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903²) 	<ul style="list-style-type: none"> • Subject to the United States Environmental Protection Agency (EPA) regulations³
<ul style="list-style-type: none"> • Hazardous substances <ul style="list-style-type: none"> – Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601²) 	<ul style="list-style-type: none"> • They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (CFR)³)

Table 1 Conditional Exemptions From This Chapter	
This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Hazardous wastes <ul style="list-style-type: none"> – Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW⁴) 	<ul style="list-style-type: none"> • Subject to department of ecology regulations, chapter 173-303 WAC⁵, that address the accumulation, handling and management of hazardous waste, and describe all of the following: <ul style="list-style-type: none"> – Safety – Labeling – Personnel training – And other related requirements
<ul style="list-style-type: none"> • Solid wood <p>OR</p> <ul style="list-style-type: none"> • Wood products (for example, lumber, and paper) 	<ul style="list-style-type: none"> • All of the following apply: <ul style="list-style-type: none"> – The material is not treated with hazardous chemicals – The only hazard is potential flammability or combustibility – The product is not expected to be processed (for example, by sanding or sawing)

¹End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item.

²This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmain.html>.

³EPA regulations are included in the Code of Federal Regulations (CFR). See <http://www.epa.gov>.

⁴This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>.

⁵See <http://www.ecy.wa.gov>.

Use Table 2 to find out which sections of this ((chapter)) part apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-307-56050 applies to all employers covered by the scope of this ((chapter)) part.

Table 2 Section Application				
If you	Then the sections marked with an "X" apply			
	56010 - 56015	56025	56030 - 56035	56045
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to				

PROPOSED

Table 2 Section Application				
If you	Then the sections marked with an "X" apply			
	56010 - 56015	56025	56030 - 56035	56045
– Manufacturers OR – Distributors OR – Employers (includes retail or wholesale transactions)			X	X
• Choose to NOT rely on MSDSs provided by the importer, manufacturer or distributor	X	X		

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-56025 Develop or obtain material safety data sheets (MSDSs).

You must:

- Develop or obtain a complete and accurate material safety data sheet (MSDS) for each hazardous chemical or mixture according to ALL of the following:

- ALL information in Table 8 must be completed. If there is no relevant information for a required item, this must be noted. Blank spaces are not permitted.

Note:

- No specific format is required for MSDSs; however, an example format (OSHA form 174) can be found online at: <http://www.osha.gov>

- One MSDS can be developed for a group of complex mixtures (for example, jet fuels or crude oil) IF the health and physical hazards of the mixtures are similar (the amounts of chemicals in the mixture may vary).

- Content of MSDSs must accurately represent the available scientific evidence.

Note: You may report results of scientifically valid studies that tend to refute findings of hazards.

- MSDSs must be in English.

Note: You may develop copies of MSDSs in other languages.

You must:

- Revise an MSDS when you become aware of new and significant information regarding the hazards of a chemical, or how to protect against the hazards

- Within three months after you first become aware of the information

OR

- Before the chemical is reintroduced into the workplace if the chemical is no longer being used, produced or imported.

Table 8 Information Required on MSDSs	
• The chemical's identity as it appears on the label	
• The date the MSDS was prepared or updated	
• A contact for additional information about the hazardous chemical and appropriate emergency procedures	
Include all of the following:	
– Name	
– Address	
– Telephone number of the responsible party preparing or distributing the MSDS	
• The chemical's hazardous ingredients ¹ as determined by your hazard evaluation	
– For a single substance chemical , include the chemical and common name(s) of the substance	
– For mixtures tested as a whole	
■ Include the common name(s) of the mixture	
AND	
■ List the chemical and common name(s) of ingredients that contribute to the known hazards	
– For mixtures NOT tested as a whole, list the chemical and common name(s) of hazardous ingredients	
■ That make up 1% or more of the mixture, by weight or volume, including carcinogens (if 0.1% concentration or more, by weight or volume)	
– If ingredients are less than the above concentrations but may present a health risk to employees (for example, allergic reaction or exposure could exceed the permissible exposure limits, or PEL) they must be listed here	
• Exposure limits for airborne concentrations. Include ALL of the following, when they exist:	
– WISHA or OSHA PELs ²	
■ The 8-hour time weighted average (TWA)	
■ The short-term exposure limit (STEL), if available	
■ Ceiling values, if available	
– Threshold limit values (TLVs) including 8-hour TWAs, STELs, and ceiling values	
– Other exposure limits used or recommended by the employer preparing the MSDS	
• Physical and chemical characteristics	
– For example, boiling point, vapor pressure, and odor	
• Fire, explosion data, and related information	
– For example, flashpoint, flammable and explosion limits, extinguishing media, and unusual fire or explosion hazards	
• Physical hazards of the chemical including reactivity information	
– For example, incompatibilities, decomposition products, by-products, and conditions to avoid	

Table 8
Information Required on MSDSs

- Health hazard information including ALL of the following:
 - Primary routes of exposure
- For example, inhalation, ingestion, and skin absorption or other contact³
 - Health effects (or hazards) associated with:
 - Short-term exposure⁴
 AND
 - Long-term exposure⁴
 - Whether the chemical is listed or described as a carcinogen or potential carcinogen in the latest editions of each of the following:
 - The National Toxicology Program (NTP) Annual Report on Carcinogens
 OR
 - The International Agency for Research on Cancer (IARC) Monographs as a potential carcinogen
 OR
 - WISHA or OSHA rules
 - Signs and symptoms of exposure⁵
 - Medical conditions generally recognized as being aggravated by exposure

• Emergency and first-aid procedures

- Generally applicable precautions for safe handling and use known to the employer preparing the MSDS
 - For example, appropriate procedures for clean-up of spills and leaks, waste disposal method, precautions during handling and storing

• Generally applicable and appropriate control measures known to the employer preparing the MSDS, including ALL of the following:

- Engineering controls (for example, general or local exhaust ventilation)
- Work practices
- Personal protective equipment (PPE)
- Personal hygiene practices
- Protective measures during repair and maintenance of contaminated equipment

¹The identities of some chemicals may be protected as trade secret information (see chapter 296-62 WAC, Part B-1, Trade secrets).

²WISHA PEL categories are defined, and values are provided, in chapter ((296-62 WAC, Part H)) 296-307 WAC, Part Y-6.

³A "skin notation" listed with either an ACGIH TLV or WISHA/OSHA PEL indicates that skin absorption is a primary route of exposure.

⁴Examples of:

- Short-term health effects (or hazards) include eye irritation, skin damage caused by contact with corrosives, narcosis, sensitization, and lethal dose.
- Long-term health effects (or hazards) include cancer, liver degeneration, and silicosis.

⁵Signs and symptoms of exposure to hazardous substances include those that:

- Can be measured such as decreased pulmonary function
- AND
- Are subjective such as feeling short of breath.

AMENDATORY SECTION (Amending WSR 03-10-068, filed 5/6/03, effective 8/1/03)

WAC 296-307-56050 Definitions. The following definitions apply to this chapter:

Article (manufactured item)

A manufactured item that

- Is not a fluid or particle

AND

• Is formed to a specific shape or design during manufacture for a particular end use function

AND

• Releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees.

Chemical

- An element or mixture of elements

OR

- A compound or mixture of compounds

OR

- A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods and sheet metal) that are not exempt as an article.

Chemical name

• The scientific designation of a chemical developed by the

– International union of pure and applied chemistry (IUPAC)

OR

– Chemical abstracts service (CAS) rules of nomenclature

OR

• A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, is not considered a combustible liquid.

Commercial account

An arrangement where a retailer is selling hazardous chemicals to an employer

- Generally in large quantities over time

OR

- At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a

- Code name or number

OR

- Trade or brand name

OR

- Generic name.

PROPOSED

Compressed gas

• A contained gas or mixture of gases with an absolute pressure greater than:

– 40 psi at 70°F (21.1°C)

OR

– 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

OR

• A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C), as determined by ASTM D323-72.

Container

A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:

- Bags
- Barrels
- Bottles
- Boxes
- Cans
- Cylinders
- Drums
- Reaction vessels
- Storage tanks
- Rail cars.

Designated representative

• An individual or organization with written authorization from an employee

OR

• A recognized or certified collective bargaining agent (not necessarily authorized by an employee)

OR

• A legal representative of a deceased or legally incapacitated employee.

Distributor

A business that supplies hazardous chemicals to other employers. Included are employers who conduct retail and wholesale transactions.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Flammable

A chemical in one of the following categories:

• Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:

– Flame projection of more than eighteen inches at full valve opening

OR

– A flashback (a flame extending back to the valve) at any degree of valve opening

• Gases that, at the temperature and pressure of the surrounding area, form a:

– Flammable mixture with air at a concentration of thirteen percent, by volume, or less

OR

– Range of flammable mixtures with air wider than twelve percent, by volume, regardless of the lower limit

• Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least ninety-nine percent of its components having flashpoints of 100°F (37.8°C), or higher, is not considered a flammable liquid

• Solids, other than blasting agents or explosives, as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that:

– Is likely to cause fire through friction, moisture, absorption, spontaneous chemical change or retained heat from manufacturing or processing

OR

– That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)

OR

– When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than 1/10th of an inch per second along its major axis.

Flashpoint

The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:

• Tagliabue closed tester. Use this for liquids with a viscosity less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)

• Pensky-Martens closed tester. Use this for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C) or for liquids that contain suspended solids or have a tendency to form a surface film under test. See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)

• Setaflash closed tester. See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Hazardous chemical

A chemical, which is a physical or health hazard.

Hazard warning

Words, pictures or symbols (alone or in combination) that appear on labels (or other forms of warning such as placards or tags) that communicate specific physical and health hazards (including target organ effects) associated with chemicals in a container.

Health hazard

A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Health hazards include, but are not limited to, any of the following:

- Carcinogens
- Toxic or highly toxic substances
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- Substances that act on the hematopoietic system (blood or blood forming system)

• Substances that can damage the lungs, skin, eyes, or mucous membranes.

Identity

A chemical or common name listed on the material safety data sheet (MSDS) and label.

Importer

The first business, within the Customs Territory of the United States, that receives hazardous chemicals produced in other countries and supplies them to manufacturers, distributors or employers within the United States.

Label

Written, printed, or graphic material displayed on, or attached to, a container of hazardous chemicals.

Manufacturer

An employer with a workplace where one or more chemicals (including items not exempt as "articles," see Table 1 in this ((chapter)) part) are produced for use or distribution.

Material safety data sheet (MSDS)

Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture

A combination of two or more chemicals that retain their chemical identity after being combined.

Organic peroxide

An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits

See ((chapter 296-62 WAC Part H)) WAC 296-307-628, for definition of this term.

Physical hazards

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water-reactive.

Produce

To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Pyrophoric

Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

Responsible party

Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

Retailer

See "distributor."

Threshold limit values (TLVs)

Airborne concentrations of substances established by the American Conference of Governmental Industrial Hygienists (ACGIH), and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse health effects.

TLVs are specified in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* and include the following categories:

- Threshold limit value-time-weighted average (TLV-TWA)
- Threshold limit value-short-term exposure limit (TLV-STEL)
- Threshold limit value-ceiling (TLV-C).

Unstable (reactive)

A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use

To do one or more of the following:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Wholesaler

See "distributor."

Part Y-3

Lighting

Part Y-4

Environmental Tobacco Smoke in the Office

Part Y-5

Respirators

NEW SECTION

WAC 296-307-594 Scope. This part applies to all use of respirators at work.

IMPORTANT:

Before you decide to use respirators, you are required to evaluate respiratory hazards and implement control methods

PROPOSED

as outlined in WAC 296-307-624 through 296-307-628, Respiratory hazards.

The term "respiratory hazards" will be used throughout this part to refer to oxygen deficient conditions and harmful airborne hazards.

Definition:

Respirators are a type of personal protective equipment designed to protect the wearer from respiratory hazards.

You can use Table 1 for general guidance on which sections apply to you.

Table 1
Sections that apply to your workplace

If employees...	Then the sections marked with an "X" apply...					
	596	598	600	602-618	620	622
Request and are permitted to voluntarily use filtering-facepiece respirators, and are not exposed to a respiratory hazard		X				X
Request and are permitted to voluntarily use respirators that are NOT filtering-facepiece respirators, and are not exposed to a respiratory hazard	X	X			X	X
Are required to use any respirator by WISHA or the employer	X		X	X	X	X
Would use an escape respirator in an emergency	X		X	X	X	X

Reference: See WAC 296-307-100, Personal protective equipment (PPE) to find requirements for other types of personal protective equipment (PPE), such as eye, hand, and head protection.

NEW SECTION

WAC 296-307-596 Respirator program administrator.

Your responsibility:

To make sure a capable individual is in charge of respirator program development and management.

NEW SECTION

WAC 296-307-59605 Designate a program administrator.

Exemption: You do not need to designate a program administrator if employees use only filtering-facepiece respirators and do so only as voluntary use.

Definition:

Voluntary use is respirator use that is requested by the employee AND permitted by the employer when NO respiratory hazard exists.

You must:

- Designate a program administrator who has overall responsibility for your program and has sufficient training or experience to:
 - Oversee program development and coordinate implementation
 - Conduct required evaluations of program effectiveness outlined in WAC 296-307-60005.

NEW SECTION

WAC 296-307-598 Voluntary respirator use requirements. Your responsibility:

To make sure voluntary use of respirators by employees does not create job safety or health hazards.

You must:

- Make sure voluntary use of respirators is safe WAC 296-307-59805
- Keep voluntary use respirator program records WAC 296-307-59810.

IMPORTANT:

• Respirator use is NOT voluntary if a respiratory hazard, such as exposure to a substance over the permissible exposure limit (PEL) or hazardous exposure to an airborne biological hazard, is present.

• To evaluate respiratory hazards in your workplace, see WAC 296-307-624, Respiratory hazards.

• Some requirements in this section do not apply if only filtering-facepiece respirators are used voluntarily. Some filtering-facepiece respirators are equipped with a sorbent layer for absorbing "nuisance" organic vapors. These can be used for voluntary use, but are not NIOSH certified for protection against hazardous concentrations of organic vapor.

NEW SECTION

WAC 296-307-59805 Make sure voluntary use of respirators is safe.

Definition:

Voluntary use is respirator use that is requested by the employee AND permitted by the employer when NO respiratory hazard exists.

IMPORTANT: If you choose to require respirator use, use is NOT voluntary and the required use sections of this part apply.

You must:

- (1) Make sure voluntary respirator use does NOT:
 - Interfere with an employee's ability to work safely, such as restricting necessary vision or radio communication
- OR**
- Create health hazards.

Note:

- Examples of health hazards include:
- Skin irritation, dermatitis, or other health effects caused by using a dirty respirator
 - Illness created by sharing contaminated respirators
 - Health effects caused by use of an unsafe air supply, such as carbon monoxide poisoning.

PROPOSED

PROPOSED

You must:

(2) Provide all voluntary respirator users with the advisory information in Table 2 at no cost to them.

Note: If you have provided employees with the advisory information required in the previous section, WAC 296-307-598, you do not need to provide the additional information in Table 2 to those employees.

You must:

(3) Develop and maintain a written program that includes the following:

- Medical evaluation provisions as specified in WAC 296-307-604.
- Procedures to properly clean and disinfect respirators, according to WAC 296-307-62015, if they are reused.
- How to properly store respirators, according to WAC 296-307-61010, so that using them does not create hazards.

- Procedures to make sure there is a safe air supply, according to WAC 296-307-616, when using air-line respirators and SCBAs.

- Training according to WAC 296-307-608 when necessary to ensure respirator use does NOT create a hazard.

Note:

- Pay for medical evaluations, training, travel related costs, and wages. You do NOT need to pay for respirators employees use only voluntarily.
- If you have both voluntary and required respirator users, you may choose to treat voluntary users as required users. Doing this exceeds the requirements in this section.

Exemption: If employees use only filtering-facepiece respirators and do so only voluntarily, you do not need to develop and maintain a written program.

Use Table 2 to provide information to employees who voluntarily use any type of respirator.

Table 2

Advisory Information for Employees Who Voluntarily Use Respirators

- Respirators protect against airborne hazards when properly selected and used. WISHA recommends voluntary use of respirators when exposure to substances is below WISHA permissible exposure limits (PELs) because respirators can provide you an additional level of comfort and protection.
- If you choose to voluntarily use a respirator (whether it is provided by you or your employer) be aware that **respirators can create hazards for you**, the user. You can avoid these hazards if you know how to use your respirator properly AND how to keep it clean. Take these steps:
 - Read and follow all instructions provided by the manufacturer about use, maintenance (cleaning and care), and warnings regarding the respirator's limitations.
 - Choose respirators that have been certified for use to protect against the substance of concern. The National Institute for Occupational Safety and Health (NIOSH) certifies respirators. If a respirator is not certified by NIOSH, you have no guarantee that it meets minimum design and performance standards for workplace use.
 - A NIOSH approval label will appear on or in the respirator packaging. It will tell you what protection the respirator provides.
 - Keep track of your respirator so you do not mistakenly use someone else's.
 - **DO NOT** wear your respirator into:
 - Atmospheres containing hazards that your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against solvent vapor, smoke or oxygen deficiency.
 - Situations where respirator use is required.

NEW SECTION

WAC 296-307-59810 Keep voluntary use program records.

Exemption: If employees use only filtering-facepiece respirators voluntarily, you do not need to follow these record-keeping requirements.

You must:

- Keep copies of:
 - Your current written respirator program
 - Written recommendations from the LHCP
- Allow records required by this section to be examined and copied by affected employees and their representatives.

NEW SECTION

WAC 296-307-600 Written respirator program and recordkeeping.

Your responsibility:

To develop, implement, and maintain a written program that provides clear instruction for safe and reliable respirator use.

You must:

- Develop and maintain a written program
- WAC 296-307-60005
- Keep respirator program records
- WAC 296-307-60010.

NEW SECTION

WAC 296-307-60005 Develop and maintain a written program.

Exemption: This section does NOT apply to respirator use that is voluntary. See WAC 296-307-59805 for voluntary use program requirements.

You must:

(1) Develop a complete worksite-specific written respiratory protection program that includes the applicable elements listed in Table 3.

Note: Pay for respirators, medical evaluations, fit testing, training, maintenance, travel costs, and wages.

You must:

(2) Keep your program current and effective by evaluating it and making corrections. Do ALL of the following:

- Make sure procedures and program specifications are followed and appropriate.

- Make sure selected respirators continue to be effective in protecting employees. For example:

- If changes in work area conditions, level of employee exposure, or employee physical stress have occurred, you need to reevaluate your respirator selection.

- Have supervisors periodically monitor employee respirator use to make sure employees are using them properly.

- Regularly ask employees required to use respirators about their views concerning program effectiveness and whether they have problems with:

- Respirator fit during use
- Any effects of respirator use on work performance
- Respirators being appropriate for the hazards encountered

- Proper use under current worksite conditions

- Proper maintenance.

When developing your written program include applicable elements listed in Table 3.

Table 3

Required Elements for Required-Use Respirator Programs	
<ul style="list-style-type: none"> • Selection: <ul style="list-style-type: none"> – Procedures for respirator selection – A list specifying the appropriate respirator for each respiratory hazard in your workplace – Procedures for issuing the proper type of respirator, if appropriate 	
<ul style="list-style-type: none"> • Medical evaluation provisions 	
<ul style="list-style-type: none"> • Fit-test provisions and procedures, if tight-fitting respirators are selected 	
<ul style="list-style-type: none"> • Training provisions that address: <ul style="list-style-type: none"> – Respiratory hazards encountered during: <ul style="list-style-type: none"> ■ Routine activities ■ Infrequent activities, for example, bimonthly cleaning of equipment ■ Reasonably foreseeable emergencies, for example, rescue, spill response, or escape situations – Proper use of respirators, for example, how to put on or remove respirators, and use limitations. <p>Note: You do NOT need to repeat training on respiratory hazards if employees have been trained on this in compliance with other rules such as WAC 296-307-550, employer chemical hazard communication.</p>	
<ul style="list-style-type: none"> • Respirator use procedures for: <ul style="list-style-type: none"> – Routine activities – Infrequent activities – Reasonably foreseeable emergencies 	
<ul style="list-style-type: none"> • Maintenance: <ul style="list-style-type: none"> – Procedures and schedules for respirator maintenance covering: <ul style="list-style-type: none"> ■ Cleaning and disinfecting ■ Storage ■ Inspection and repair ■ When to discard respirators – A cartridge or canister change schedule IF air-purifying respirators are selected for use against gas or vapor contaminants AND an end-of-service-life-indicator (ESLI) is not available. In addition, provide: <ul style="list-style-type: none"> ■ The data and other information you relied on to calculate change schedule values (for example, highest contaminant concentration estimates, duration of employee respirator use, expected maximum humidity levels, user breathing rates, and safety factors) 	
<ul style="list-style-type: none"> • Procedures to ensure a safe air quantity and quality IF atmosphere-supplying respirators (air-line or SCBA) are selected 	
<ul style="list-style-type: none"> • Procedures for evaluating program effectiveness on a regular basis 	

PROPOSED

NEW SECTION

WAC 296-307-60010 Keep respirator program records.

You must:

- Keep the following records:
 - Your current respirator program
 - Each employee's current fit test record, if fit testing is conducted. Fit test records must include:
 - Employee name
 - Test date
 - Type of fit-test performed
 - Description (type, manufacturer, model, style, and size) of the respirator tested
 - Results of fit tests, for example, for quantitative fit tests include the overall fit factor AND a print out, or other recording of the test.
 - Training records that include employee's names and the dates trained
 - Written recommendations from the LHCP.
- Allow records required by this section to be examined and copied by affected employees and their representatives.

NEW SECTION

WAC 296-307-602 Respirator selection.

Your responsibility:

To select and provide respirators that are appropriate for the hazard, user, and worksite conditions.

Exemption: This section does NOT apply to voluntary respirator use. See WAC 296-307-598 of this part for voluntary use program requirements.

NEW SECTION

WAC 296-307-60205 Select and provide appropriate respirators.

IMPORTANT:

See WAC 296-307-624, Respiratory hazards, for:

- Hazard evaluation requirements. Evaluation results are necessary for respirator selection.
- A list of substance-specific rules that may also apply to you. Those listed rules have additional respirator selection requirements.

You must:

- Select and provide, at no cost to employees, appropriate respirators for routine use, infrequent use, and reasonably foreseeable emergencies (such as escape, emergency, and spill response situations) by completing the following process:

Respirator Selection Process

Step 1: If your only respirator use is for escape, skip to **Step 8** to select appropriate respirators.

Step 2: If the respiratory hazard is a biological aerosol, such as TB (tuberculosis), anthrax, psittacosis (parrot fever), or hanta virus, select a respirator appropriate for **nonemergency** activities recognized to present a health risk to workers AND skip to **Step 8**.

- If respirator use will occur during **emergencies**, skip to **Step 8** and document the analysis used to select the appropriate respirator.

- Use Centers for Disease Control (CDC) selection guidance for exposures to specific biological agents when this guidance exists. Visit <http://www.cdc.gov>.

Step 3: If the respiratory hazard is a pesticide, follow the respirator specification on the pesticide label AND skip to **Step 9**.

Step 4: Determine the expected exposure concentration for each respiratory hazard of concern. Use the results from the evaluation required by WAC 296-307-624, Respiratory hazards.

Step 5: Determine if the respiratory hazard is classified as IDLH; if it is NOT IDLH skip to **Step 7**.

- The respiratory hazard IS classified as IDLH if:
 - The atmosphere is oxygen deficient or oxygen enriched

OR

- You CANNOT measure or estimate your expected exposure concentration

OR

- Your measured or estimated expected exposure concentration is greater or equal to the IDLH value in the NIOSH *Pocket Guide to Chemical Hazards*

Note: WISHA uses the IDLH values in the 1990 edition of the NIOSH *Pocket Guide to Hazardous Chemicals* to determine the existence of IDLH conditions. You may use more recent editions of this guide. Visit www.cdc.gov/niosh for more information.

- If your measured or estimated expected exposure concentration is below NIOSH's IDLH values, proceed to **Step 7**.

Step 6: Select an appropriate respirator from one of the following respirators for IDLH conditions and skip to **Step 8**:

- Full-facepiece, pressure demand, self-contained breathing apparatus (SCBA) certified by NIOSH for a minimum service life of thirty minutes

OR

- Full-facepiece, pressure demand air-line respirator equipped with an auxiliary self-contained air supply

Exception: If the respiratory hazard is oxygen deficiency AND you can show oxygen concentrations can be controlled within the ranges listed in Table 4 under ALL foreseeable conditions, you are allowed to select ANY type of SCBA or air-line respirator.

Table 4

Concentration Ranges for Oxygen Deficiency

Altitude (as ft. above sea level)	Oxygen Concentration Range (as percent oxygen)
Below 3,001	16.0 - 19.5
3,001 - 4,000	16.4 - 19.5
4,001 - 5,000	17.1 - 19.5
5,001 - 6,000	17.8 - 19.5
6,001 - 8,000	19.3 - 19.5
Above 8,000 feet the exception does not apply.	

Step 7: Identify respirator types with assigned protection factors (APFs) from Table 5 that are appropriate to protect employees from the expected exposure concentration.

Step 8: Consider hazards that could require selection of specific respirator types. For example, select full-facepiece

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respirators to prevent eye irritation or abrasive blasting helmets to provide particle rebound protection.

Step 9: Evaluate user and workplace factors that might compromise respirator performance, reliability or safety.

- If the respiratory hazard is a pesticide, follow the requirements on the pesticide label and skip to **Step 11**.

Examples:

- High humidity or temperature extremes in the workplace.
- Necessary voice communication.
- High traffic areas and moving machinery.
- Time or distance for escape.

Step 10: Follow Table 6 requirements to select an air-purifying respirator.

- If Table 6 requirements cannot be met, you must select an air-line respirator or an SCBA.

Step 11: Make sure respirators you select are certified by the National Institute for Occupational Safety and Health (NIOSH).

- To maintain certification, make sure the respirator is used according to cautions and limitations specified on the NIOSH approval label.

Note: While selecting respirators, you will need to select a sufficient number of types, models or sizes to provide for fit testing. You can also consider other respirator use issues, such as accommodating facial hair with a loose fitting respirator.

Use Table 5 to identify the assigned protection factor for different types of respirators.

Table 5

Assigned Protection Factors (APF) for Respirator Types

If the respirator is a(n) . . .	Then the APF is . . .
Air-purifying respirator with a:	
• Half-facepiece	10
• Full-facepiece	100
Note: Half-facepiece includes 1/4 masks, filtering facepieces, and elastomeric facepieces.	
Powered air-purifying respirator (PAPR) with a:	
• Loose-fitting facepiece	25
• Half-facepiece	50
• Full-facepiece, equipped with HEPA filters, chemical cartridges or canisters	1000
• Hood or helmet, equipped with HEPA filters, chemical cartridges or canisters	1000
Air-line respirator with a:	
• Half-facepiece and designed to operate in demand mode . .	10
• Loose-fitting facepiece and designed to operate in continuous flow mode	25

If the respirator is a(n) . . .	Then the APF is . . .
• Half-facepiece and designed to operate in continuous-flow, or pressure-demand mode . . .	50
• Full-facepiece and designed to operate in demand mode	100
• Full-facepiece and designed to operate in continuous-flow OR pressure-demand mode	1000
• Helmet or hood and designed to operate in continuous-flow mode	1000
Self-contained breathing apparatus (SCBA) with a tight fitting:	
• Half-facepiece and designed to operate in demand mode . .	10
• Full-facepiece and designed to operate in demand mode	100
• Full-facepiece and designed to operate in pressure-demand mode	10,000
Combination respirators:	
• Find the APF for each type of respirator in the combination.	The lowest value
• Use the lower APF to represent the combination.	

Use Table 6 to select air-purifying respirators for particle, vapor, or gas contaminants.

Table 6

Requirements for Selecting Any Air-purifying Respirator

If the contaminant is a . . .	Then . . .
• Gas OR vapor	• Provide a respirator with canisters or cartridges equipped with a NIOSH-certified, end-of-service-life indicator (ESLI) OR • If a canister or cartridge with an ESLI is NOT available, develop a cartridge change schedule to make sure the canisters or cartridges are replaced before they are no longer effective OR • Select an atmosphere-supplying respirator
• Particle, such as a dust, spray, mist, fog, fume, or aerosol	• Select respirators with filters certified to be at least 95% efficient by NIOSH

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If the contaminant is a ...	Then ...
	<p>– For example, N95s, R99s, P100s, or High Efficiency Particulate Air filters (HEPA)</p> <p>OR</p> <ul style="list-style-type: none"> • You may select respirators NIOSH certified as "dust and mist," "dust, fume, or mist," OR "pesticides." You can only use these respirators if particles primarily have a mass median aerodynamic diameter of at least two micrometers. <p>Note: These respirators are no longer sold for occupational use.</p>

NEW SECTION

WAC 296-307-604 Medical evaluations.

Your responsibility:

To make sure a respirator used under your specific work-conditions is not a health risk to employees.

- Exemption:** This section does NOT apply to employees who only use:
- Filtering-facepiece respirators voluntarily. See WAC 296-307-598 of this part for voluntary use requirements
- OR**
- Escape-only respirators that are mouthpiece, loose-fitting, or hooded respirators.

IMPORTANT:

- Using a respirator can create physical risks for an employee each time it is worn. The extent of these risks depends on these factors:
 - Type of respirator
 - Environmental conditions at the worksite
 - Physical demands of the work
 - Use of other protective clothing
 - Employee's health status.

NEW SECTION

WAC 296-307-60405 Provide medical evaluations.

IMPORTANT:

If you have provided an employee with a medical evaluation addressing respirator use, as required by another chapter, that evaluation will meet the requirements of this section.

You must:

- Follow the medical evaluation process, Steps 1 through 7 in this section, to provide medical evaluations for employees at no cost to them.

Medical Evaluation Process

Step 1: Identify employees who need medical evaluations AND determine the frequency of evaluations from Table 7. Include employees who:

- Are required to use respirators
- OR**
- Voluntarily use respirators that are **not** filtering-facepiece respirators

Note: You may use a previous employer's medical evaluation for an employee if you can:

- Show the employee's previous work and use conditions were substantially similar to yours
- AND**
- Obtain a copy of the licensed healthcare professional's (LHCP's) written recommendation approving the employee's use of the respirator chosen by you.

Step 2: Identify a licensed healthcare professional (LHCP) to perform your medical evaluations.

Note: If you select a different LHCP, you do not need to have new medical evaluations done.

Step 3: Make sure your LHCP has the following information **before** the evaluation is completed:

- Information describing the respirators employees may use, including the weight and type.
- How the respirators will be used, including:
 - How often the respirator will be used, for example, daily, or once a month
 - The duration of respirator use, for example, a minimum of one hour, or up to twelve hours
 - The employee's expected physical work effort
 - Additional personal protective clothing and equipment to be worn
 - Temperature and humidity extremes expected during use
- A copy of your written respiratory protection program **and** this part.

Note:

- You may choose to send the questionnaire to the LHCP ahead of time, giving time to review it and add any necessary questions
- The LHCP determines what questions to add to the questionnaire, if any; however, questions in Parts 1-3 may not be deleted or substantially altered.

Step 4: Administer the medical questionnaire in WAC 296-307-61605 to employees, OR provide them a medical exam that obtains the same information.

Note: You may use on-line questionnaires if the questions are the same and requirements of this section are met.

- Administer the examination or questionnaire at no cost to employees:
 - During the employee's normal working hours
- OR**
- At a time and place convenient to the employee
 - Maintain employee confidentiality during examination or questionnaire administration:
 - Do **not** view employee's answers on the questionnaire
 - Do **not** act in a manner that may be considered a breach of confidentiality

Note: Providing confidentiality is important for securing successful medical evaluations. It helps make sure the LHCP gets complete and dependable answers on the questionnaire.

- Make sure employees understand the content of the questionnaire.
- Provide the employee with an opportunity to discuss the questionnaire or exam results with the LHCP.

Step 5: Provide follow-up evaluation for employees when:

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- The LHCP needs more information to make a final recommendation

OR

- An employee gives any positive response to questions 1-8 in Part 2 OR to questions 1-6 in Part 3 of the WISHA medical evaluation questionnaire in WAC 296-307-61605.

Note: Follow-up may include:

- Employee consultation with the LHCP such as a telephone conversation to evaluate positive questionnaire responses
- Medical exams
- Medical tests or other diagnostic procedures.

Step 6: Obtain a written recommendation from the LHCP that contains only the following medical information:

- Whether or not the employee is medically able to use the respirator
- Any limitations of respirator use for the employee

- What future medical evaluations, if any, are needed
- A statement that the employee has been provided a copy of the written recommendation.

Step 7: Provide a powered, air-purifying respirator (PAPR) when the LHCP determines the employee should not wear a negative-pressure air-purifying respirator AND is able to wear a PAPR.

Reference: See WAC 296-307-602 for requirements regarding selection of air-purifying respirators.

Note:

- You may discontinue medical evaluations for an employee when the employee no longer uses a respirator.
- If you have staff conducting your medical evaluations, they may keep completed questionnaires and findings as confidential medical records, if they are maintained separately from other records.

Use Table 7 to determine medical evaluation frequency.

Table 7
Evaluation Frequency

Type of Evaluation:	When required:
Initial medical evaluations	<ul style="list-style-type: none"> • Before respirators are fit-tested or used in the workplace.
Subsequent medical evaluations	<ul style="list-style-type: none"> • If any of these occur: <ul style="list-style-type: none"> – Your licensed healthcare professional (LHCP) recommends them; for example, periodic evaluations at specified intervals. – A respirator program administrator or supervisor informs you that an employee needs reevaluation. – Medical signs or symptoms (such as breathing difficulties) are: <ul style="list-style-type: none"> ■ Observed during fit-testing or program evaluation OR ■ Reported by the employee – Changes in worksite conditions such as physical work effort, personal protective clothing, or temperature that could substantially increase the employee's physiological stress.

NEW SECTION

WAC 296-307-606 Fit testing.

Your responsibility:

To make sure negative and positive-pressure tight-fitting respirators can provide an adequate fit and acceptable level of comfort to employees.

Exemption: This section does NOT apply to any respirators that are:

- Voluntarily used. See WAC 296-307-598 for voluntary use requirements.
- Mouthpiece respirators.

IMPORTANT:

- Fit testing is an activity where the seal of a respirator is tested to determine if it is adequate.
- This section covers general requirements for fit testing. Fit-testing procedures are covered in WAC 296-307-62010 of this part.

NEW SECTION

WAC 296-307-60605 Conduct fit testing.

You must:

- Provide, at no cost to the employee, fit tests for ALL tight fitting respirators on the following schedule:

- Before employees are assigned duties that may require the use of respirators

- At least every twelve months after initial testing

- Whenever any of the following occurs:

- A different respirator facepiece is chosen such as a different type, model, style, or size

- You become aware of a physical change in an employee that could affect respirator fit. For example, you may observe, or be told about, facial scarring, dental changes, cosmetic surgery, or obvious weight changes

- An employee notifies you, or your LHCP, that the respirator fit is unacceptable. During the retest, you must give an employee reasonable opportunity to select a different respirator facepiece (size, model, etc.).

Note: You may accept a fit test completed by a previous employer **IF:**

- You obtain written documentation of the fit test

AND

- The results of the fit test are not more than twelve months old

AND

- The employee will use the same respirator (the same type, model, style, and size)

AND

- The fit test was conducted in a way that meets the requirements of WAC 296-307-606 and 296-307-62010.

You must:

- Select an appropriate fit-testing procedure from WAC 296-307-62010 of this part AND:
 - Use quantitative fit-test methods when a negative pressure respirator will be used in concentrations requiring a protection factor greater than 10. This includes:
 - Full facepiece air-purifying respirators
 - SCBAs operated in demand (negative pressure) mode
 - Air-line respirators operated in demand mode.
 - Make sure PAPRs, SCBAs, or air-line respirators are fit tested in negative-pressure mode.
- Make sure the person conducting fit testing is able to do ALL of the following:
 - Prepare test solutions if required
 - Make sure equipment works properly
 - Perform tests properly
 - Recognize invalid tests
 - Calculate fit factors properly if required.

- Note:**
- No specific training program or certification is required for those who conduct fit tests.
 - You should consider evaluating these individuals to determine their proficiency in the fit-testing method to be used.
 - You can use an evaluation form such as the form included in the American National Standard for Respirator Fit Testing Methods, ANSI/AIHA Z88.10-2001 to determine if the individual meets these requirements. Visit www.ansi.org or www.aiha.org.

NEW SECTION**WAC 296-307-608 Training.****Your responsibility:**

To make sure employees who are required to use respirators understand and can demonstrate proper respirator use and maintenance.

IMPORTANT:

This section applies to employees who voluntarily use respirators only when training is necessary to prevent the respirator from creating a hazard. See WAC 296-307-598 for voluntary use requirements.

NEW SECTION**WAC 296-307-60805 Provide effective training.****You must:**

- Train employees, based on their duties, if they do any of the following:
 - Use respirators
 - Supervise respirator users
 - Issue, repair, or adjust respirators
- Present effective training in a way that employees understand.

- Note:**
- Training may be provided using audiovisuals, slide presentations, formal classroom instruction, informal discussions during safety meetings, training programs conducted by outside sources, or a combination of these methods.
 - You may want to have instructors available when using video or automated training methods to:
 - Encourage and provide responses to questions for the benefit of employees
 - Evaluate employees' understanding of the material

- Provide other instructional interaction to employees.

You must:

- Make sure a qualified instructor provides training
 - Provide training, at no cost to the employee, at these times:
 - Initially, before worksite respirator use begins
 - Periodically, within twelve months of the previous training
 - Additionally, when the following occur:
 - The employee has not retained knowledge or skills
- OR**
- Changes in the worksite, or type of respirator make previous training incomplete or obsolete.

- Note:**
- You may accept an employee's previous training, such as training provided by another employer, to satisfy the initial training requirement if:
 - You can demonstrate the employee received training within the past twelve months
- AND**
- The employee can demonstrate the knowledge and skills to use required respirators effectively.
 - If you accept an employee's previous training to satisfy the initial training requirement, you are still responsible for providing periodic, and additional training when needed. Periodic training would need to be provided within twelve months of the employee's previous training.

You must:

- Make sure employees can demonstrate the following knowledge and skills as required by their duties:
 - Why the respirator is necessary. Include, for example, information identifying respiratory hazards such as hazardous chemicals, the extent of the employee's exposure, and potential health effects and symptoms
 - The respirator's capabilities and limitations. Include, for example, how the respirator provides protection and why air-purifying respirators cannot be used in oxygen-deficient conditions
 - How improper fit, use, or maintenance can compromise the respirator's effectiveness and reliability
 - How to properly inspect, put on, seal check, use, and remove the respirator
 - How to clean, disinfect, repair, and store the respirator, or how to get this done by someone else
 - How to use the respirator effectively in emergency situations; including what to do when a respirator fails and where emergency respirators are stored
 - Medical signs and symptoms that may limit or prevent the effective use of respirators such as shortness of breath or dizziness
 - The employer's general obligations under this part. For example, developing a written program, selecting appropriate respirators, and providing medical evaluations.

NEW SECTION**WAC 296-307-610 Maintenance.****Your responsibility:**

To make sure respirators are maintained so they will function properly and not create health hazards such as skin irritation.

You must:

Maintain respirators in a clean and reliable condition
WAC 296-307-61005

Store respirators properly
 WAC 296-307-61010
 Inspect and repair respirators
 WAC 296-307-61015

IMPORTANT:

This section applies to employees who voluntarily use respirators only when maintenance is necessary to prevent the respirator from creating a hazard. See WAC 296-307-598 for voluntary use requirements.

NEW SECTION

WAC 296-307-61005 Maintain respirators in a clean and reliable condition.

You must:

- Make sure respirators are kept, at no cost to the employee, clean, sanitary and in good working order. Do at least the following:
 - Clean and disinfect respirators as often as specified in Table 8 of this section.

- Note:**
- Use required cleaning and disinfecting procedures in WAC 296-307-62015, or the manufacturer's procedures that:
 - Result in a clean and sanitary respirator
 - Do not damage the respirator
 - Do not harm the user
 - Automated cleaning and disinfecting are permitted
 - Cleaning and disinfecting may be done by a central facility as long as you make sure respirators provided are clean, sanitary, and function properly.

You must:

- Make sure respirators are assembled properly after cleaning or disinfecting.
- Use Table 8 to determine how often to clean and disinfect respirators.

Table 8

Required Frequencies for Cleaning and Disinfecting Respirators

If, the respirator will be . . .	Then, clean and disinfect the respirator . . .
<ul style="list-style-type: none"> • Used exclusively by one employee 	<ul style="list-style-type: none"> • As often as needed to: <ul style="list-style-type: none"> – Keep it clean and functional AND <ul style="list-style-type: none"> – To prevent health hazards such as skin irritation
<ul style="list-style-type: none"> • Shared for nonemergency use <p>OR</p> <ul style="list-style-type: none"> • Used for fit-testing or training 	<ul style="list-style-type: none"> • Before it is worn by another employee
<ul style="list-style-type: none"> • Shared for emergency use 	<ul style="list-style-type: none"> • After each use so the respirator is immediately ready for use at all times

NEW SECTION

WAC 296-307-61010 Store respirators properly.

You must:

- Store respirators to protect them from ALL of the following:
 - Deformation of the facepiece or exhalation valve
 - Sunlight or extreme temperatures or other conditions
 - Contamination such as dust or damaging chemicals
 - Excessive moisture.

Note: Use coffee cans, sealable plastic bags, or other suitable means of protection.

You must:

- Follow these additional requirements for emergency respirators:
 - Keep respirators accessible to the work area
 - Store respirators in compartments or with covers clearly marked as containing emergency respirators
 - Follow additional storage instructions from the respirator manufacturer
 - Store an adequate number of emergency respirators in each area where they may be needed.

Note: Emergency respirators include mouthpiece respirators and other respirators that are limited to escape-only use by their NIOSH certification.

NEW SECTION

WAC 296-307-61015 Inspect and repair respirators.

You must:

- Conduct respirator inspections as often as specified in Table 9.
- Make sure respirator inspections cover **all** of the following:
 - Respirator function
 - Tightness of connections
 - The condition of the facepiece, head straps, valves, connecting tubes, and cartridge, canisters or filters
 - Pliability and deterioration of elastomeric parts
 - Maintenance of air or oxygen cylinders
 - Making sure SCBA air cylinders are at ninety percent of the manufacturer's recommended pressure level
 - Proper functioning of SCBA regulators when air-flow is activated
 - Proper functioning of SCBA low-pressure warning devices when activated
- Certify inspections for emergency respirators by documenting the following:
 - Inspection date
 - Serial number of each respirator or other identifying information
 - Inspector's name or signature
 - Inspection findings
 - Required action, if problems are found.

Note:

- When documenting inspections you may either:
 - Provide the information on a tag or label and attach it to the respirator compartment

OR

- Include the information in an inspection report stored in paper or electronic files accessible to employees.

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You must:

- Repair or replace any respirator that is not functioning properly **before** the employee returns to a situation where respirators are required.

- If respirators fail inspection or are not functioning properly during use due to problems such as leakage, vapor or gas breakthrough, or increased breathing resistance, **ALL** of the following apply:

- Do **NOT** permit such respirators to be used until properly repaired or adjusted

- Use only NIOSH-certified parts

- Make sure repairs and adjustments are made by appropriately trained individuals

- Use the manufacturer or a technician trained by the manufacturer to repair or adjust reducing and admission valves, regulators, and warning devices on SCBAs or air-line respirators.

- Follow the manufacturer's recommendations and specifications for the type and extent of repairs.

Use Table 9 to determine how often to inspect respirators.

Table 9

Required Frequencies for Respirator Inspections

If the respirator is . . .	Then inspect . . .
A SCBA in any use	<ul style="list-style-type: none"> • Before each use <p>AND</p> <ul style="list-style-type: none"> • During cleaning <p>OR</p> <ul style="list-style-type: none"> • Monthly if NOT used
Used for nonemergencies, including day-to-day or infrequent use	<ul style="list-style-type: none"> • Inspect before each use <p>AND</p> <ul style="list-style-type: none"> • During cleaning
Used only for emergencies	<ul style="list-style-type: none"> • Check for proper function before and after each use <p>AND</p> <ul style="list-style-type: none"> • Inspect at least monthly as instructed by the manufacturer
Used for escape-only purposes	<ul style="list-style-type: none"> • Before carrying into a work place for use

NEW SECTION

WAC 296-307-612 Safe use and removal of respirators.

Your responsibility:

To make sure respirator use and removal is safe.

Exemption: These sections do **NOT** apply to employees who voluntarily use any type of respirator. See WAC 296-307-598 for voluntary use requirements.

You must:

Prevent sealing problems with tight-fitting respirators
WAC 296-307-61205

Make sure employees leave the use area before removing respirators

WAC 296-307-61210.

NEW SECTION

WAC 296-307-61205 Prevent sealing problems with tight-fitting respirators.

You must:

- Make sure employees use the procedure in WAC 296-307-62020 to perform a user seal check each time they put on their tight-fitting respirator.

- Make sure you do **NOT** permit respirator use if employees have a characteristic that interferes with the respirator facepiece seal or valve function. For example, stubble, moustaches, sideburns, bangs, hairlines, or scars between the face and the sealing surface of the respirator will affect the seal.

- Make sure corrective glasses or personal protective equipment (PPE) do **NOT** interfere with the facepiece seal. Examples of PPE include safety glasses, goggles, faceshields, clothing, and hard hats.

NEW SECTION

WAC 296-307-62010 Make sure employees leave the use area before removing respirators.

You must:

- Make sure employees leave the use area for any of these reasons:

- To replace air-purifying filters, cartridges, or canisters

- When they smell or taste (detect) vapor or gas leakage from, for example, cartridges, canister, or the facepiece seal

- When they detect changes in breathing resistance

- To readjust their respirators

- To wash their faces and respirators as necessary to prevent skin or eye irritation

- If they become ill

- If they experience sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever, or chills.

NEW SECTION

WAC 296-307-614 Standby requirements for immediately dangerous to life or health (IDLH) conditions.

Your responsibility:

To provide adequate assistance to employees using respirators in conditions immediately dangerous to life or health (IDLH).

NEW SECTION

WAC 296-307-61405 Provide standby assistance in immediately dangerous to life or health (IDLH) conditions.

IMPORTANT:

WISHA currently uses the IDLH values in the 1990 NIOSH *Pocket Guide to Chemical Hazards* to determine the existence of IDLH conditions. You may use more recent editions of this guide. Visit www.cdc.gov/niosh for more information.

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You must:

- Provide at least two standby employees outside the IDLH area.

Note: You need only one standby employee if the IDLH condition is well characterized, will remain stable AND you can show one employee can adequately do ALL of the following:

- Monitor employees in the IDLH area
 - Implement communication
 - Initiate rescue duties.
- Train and equip standby employees to provide effective emergency rescue. Equip them with:
 - A pressure-demand SCBA or a pressure-demand air-line respirator with an auxiliary SCBA, for each standby employee
 - Appropriate retrieval equipment, when it would help with the effective rescue of the entrant, or an equivalent means of rescue
 - Make sure standby employees maintain visual, voice, or signal line communication with employees in the IDLH area
 - Make sure that in the event of an emergency:
 - Standby employees notify you or your designee before they enter the IDLH area. Provide emergency rescue
 - You provide necessary assistance when notified.

NEW SECTION**WAC 296-307-616 Air quality for self-contained breathing apparatus (SCBA) and air-line respirators.****Your responsibility:**

To provide employees who use SCBAs or air-line respirators with an acceptable air supply.

You must:

Make sure breathing air and oxygen meet established specifications

WAC 296-307-61605

Prevent conditions that could create a hazardous breathing air supply

WAC 296-307-61610

Make sure compressors do not create a hazardous breathing air supply

WAC 296-307-61615.

NEW SECTION**WAC 296-307-61605 Make sure breathing air and oxygen meet established specifications.****You must:**

• Make sure that all SCBAs and air-line respirators are provided with safe breathing air and oxygen according to the following:

– Compressed breathing air must meet the following specifications for Grade D air:

- Oxygen (volume/volume) within 19.5-23.5%
- Hydrocarbon (condensed): NO MORE than five milligrams per cubic meter of air
- Carbon monoxide (CO): NO MORE than ten parts per million (ppm)
- Carbon dioxide (CO₂): NO MORE than 1,000 ppm
- No noticeable odor

Reference: See the American National Standards Institute - Compressed Gas Association Commodity Specification for Air (G-7.1.1989) for more information. Contact your local library to access a copy.

You must:

• Make sure the moisture content of the air supplied meets the following:

– Air supplied to respirators from cylinders must NOT exceed a dew point of -50°F (or -45.6°C) at 1 atmospheric pressure.

– Compressor supplied air must NOT exceed a dew point of 10°F (or 5.56°C) BELOW the use temperature at 1 atmospheric pressure.

• Cylinders obtained from a supplier of breathing air must have a certificate of analysis that verifies each cylinder's contents meet Grade D and dew point standards.

• Compressed and liquid oxygen must meet the United States Pharmacopoeia requirements for medical or breathing oxygen.

NEW SECTION**WAC 296-307-61610 Prevent conditions that could create a hazardous breathing air supply.****You must:**

• Use SCBA and air-line respirators safely:

– Do NOT supply compressed oxygen to SCBAs or air-line respirators that previously used compressed air.

Note: Compressed air leaves residues containing hydrocarbons such as oil or grease. Fire or explosion can occur if compressed oxygen makes contact with these residues.

You must:

• Use breathing air couplings on air-line respirators that are NOT compatible with couplings for nonrespirable air or other gas systems, for example, utility air used for manufacturing purposes.

• Do NOT allow asphyxiating substances to enter breathing air lines; for example, do not flush nitrogen through worksite air lines also used for breathing air.

• Use equipment specifically designed for oxygen service or distribution IF oxygen concentrations greater than 23.5% are used.

Note: Respiratory equipment NOT designed for oxygen service or distribution can create fire or explosion hazards in oxygen concentrations higher than 23.5%.

You must:

• Make sure cylinders used to supply breathing air for SCBAs or air-line respirators are tested and maintained as described in the federal Department of Transportation's (DOT) Shipping Container Specification Regulations, Title 49 CFR Parts 173 and 178.

Note:

- Use only cylinders marked (with serial number, cylinder pressure, DOT exemption number, and test dates) according to these DOT regulations
- To find any Code of Federal Regulations (CFR) visit www.access.gpo.gov.

NEW SECTION**WAC 296-307-61615 Make sure compressors do not create a hazardous breathing air supply.**

IMPORTANT:

- Ambient-air movers (or pumps) used to supply air to respirators must be used according to the manufacturer's instructions.

- Respirators used with ambient-air movers must be approved by NIOSH to operate within the pressure ranges of the air mover.

You must:

(1) Locate or modify compressor intakes so they will not pick up contaminated air OR exhaust gases such as carbon monoxide from:

- Fuel-powered vehicles

OR

- The internal combustion motor of the compressor

OR

- Other contaminant sources in the area, for example, a ventilation system discharge.

Note:

- You may need to reposition or extend the compressor's intake or engine exhaust pipe or outlet, especially if they are located near each other.
- Be aware that exhaust gases may not adequately disperse when the compressor is operated in:
 - An enclosed space such as a small room, a corner, or near a wall

OR

- In turbulent wind conditions.

You must:

(2) Equip compressors with suitable air-purifying filters, water traps, and sorbents (such as charcoal beds) and maintain them as follows:

- Periodically change or clean them according to the manufacturer or supplier's instructions

- Keep a tag at the compressor with the following information:

- When the sorbent and filters were last replaced or cleaned

- The date of the most recent changes or cleaning

- The signature of the person authorized by the employer to perform changes or cleaning.

Note: To be sure you are providing the recommended operating pressure for respirators, you may need to install a delivery pressure gauge at the point where the manifold respirator hose is attached.

You must:

(3) Make sure the carbon monoxide (CO) level in breathing air from compressors does NOT exceed ten parts per million (ppm).

Note: If you do not have a reliable CO-free area available for locating your compressor intake, consider these examples of methods to prevent CO contamination of the air supply:

- Use of continuous and effective carbon monoxide alarms and filters
- Conduct frequent monitoring of air quality
- Use a CO converter (converts CO to carbon dioxide).

You must:

- Maintain CO levels in oil lubricated compressors by using at least one of the following:

- An effective CO alarm

- An effective high temperature alarm AND testing the air supply often enough to see if CO levels exceed ten ppm.

Note:

- How often to test depends on a number of considerations, for example:
 - Compressor age
 - Maintenance history of the compressor

- Stability of CO readings

- If the CO or high temperature alarm cannot be heard by the employee, a flashing light or other effective alternative to an audio alarm needs to be used

- Safeguards, such as alarms, are necessary to prevent CO contamination resulting from compressor overheating

- Any type of oil-lubricated compressor, such as screw or piston types, may produce dangerous levels of CO if overheating occurs

- Old compressors are known to leak oil due to worn parts, increasing the possibility for overheating. Newer compressors may also overheat if maintenance practices are poor. For example, poor maintenance practices may lead to disconnected or incorrectly set alarms, inoperative shut-offs, or an impaired cooling system

- You need to instruct employees to move to a safe area when the alarm sounds AND to stop using respirators.

NEW SECTION**WAC 296-307-618 Labeling of air-purifying respirator filters, cartridges, and canisters.****Your responsibility:**

To make sure employees, their supervisors, and program administrators can easily check for the correct air-purifying filters, cartridges, and canisters on respirators.

Exemption: This section does NOT apply to filtering-facepiece respirators when used voluntarily. See WAC 296-307-598 for voluntary use requirements.

NEW SECTION**WAC 296-307-61805 Keep labels readable on respirator filters, cartridges, and canisters during use.****You must:**

- Make sure the NIOSH certification labeling and color-coding on air-purifying respirator filters, cartridges, and canisters remains readable and intact during use.

NEW SECTION**WAC 296-307-620 Required procedures for respiratory protection program.****Your responsibility:**

To use the procedures and questionnaire provided in this section when implementing your respiratory protection program. **You must:**

Use this medical questionnaire for medical evaluations

WAC 296-307-62005

Follow these fit-testing procedures for tight-fitting respirators

WAC 296-307-62010

Follow procedures established for cleaning and disinfecting respirators

WAC 296-307-62015

Follow procedures established for seal checking respirators

WAC 296-307-62020.

NEW SECTION**WAC 296-307-62005 Use this medical questionnaire for medical evaluations.****You must:**

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• Use the medical questionnaire in Table 10 when conducting medical evaluations.

- Note:**
- You may use a physical exam instead of this questionnaire if the exam covers the same information as the questionnaire.
 - You may use on-line questionnaires if the questions are the same and the requirements in WAC 296-307-604 of this part are met.
 - You may choose to send the questionnaire to the LCHP ahead of time, giving time to review it and add any necessary questions.
 - The LHCP determines what questions to add to the questionnaire, if any; however, questions in Parts 1-3 may not be deleted or substantially altered.

Table 10

WISHA Medical Evaluation Questionnaire
Employer instructions:
<ul style="list-style-type: none"> • You may use on-line questionnaires if the requirements in WAC 296-307-60405 are met. • You must tell your employee how to deliver or send the completed questionnaire to the healthcare provider you have selected. • You must NOT review employees' questionnaires.

WISHA Medical Evaluation Questionnaire

Healthcare provider's instructions:

- Review the information in this questionnaire and any additional information provided to you by the employer.
- You may add questions to this questionnaire at your discretion; HOWEVER, questions in Parts 1-3 may not be deleted or substantially altered.
- Follow-up evaluation is required for any positive response to questions 1-8 in Part 2, or questions 1-6 in Part 3. This might include: Phone consultations to evaluate positive responses, medical tests, and diagnostic procedures.
- When your evaluation is complete, send a copy of your written recommendation to the employer AND employee.

Employee information and instructions:

- Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that's convenient to you.
- Your employer or supervisor must not look at or review your answers at any time.

Part 1 - Employee Background Information

ALL employees must complete this part

Please print

1. Today's date: _____
 2. Your name: _____
 3. Your age (to nearest year): _____
 4. Sex (circle one): Male / Female
 5. Your height: ____ft. ____in.
 6. Your weight: _____lbs.
 7. Your job title: _____
 8. A phone number where you can be reached by the healthcare professional who reviews this questionnaire (include Area Code): _____
 9. The best time to call you at this number: _____
 10. Has your employer told you how to contact the healthcare professional who will review this questionnaire? Yes / No
 11. Check the type of respirator(s) you will be using:
 - a. ____ N, R, or P filtering-facepiece respirator (for example, a dust mask, OR an N95 filtering-facepiece respirator).
 - b. Check all that apply.
 - Half mask Full facepiece mask Helmet hood Escape
 - Nonpowered cartridge or canister Powered air-purifying cartridge respirator (PAPR)
 - Supplied-air or Air-line
 - Self-contained breathing apparatus (SCBA): Demand or Pressure demand
 - Other: _____
 12. Have you previously worn a respirator? Yes / No
- If "yes," describe what type(s): _____

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Part 2 - General Health Information
ALL employees must complete this part
Please circle "Yes" or "No"

1. Do you <i>currently</i> smoke tobacco, or have you smoked tobacco in the last month?	Yes	/	No
2. Have you <i>ever had</i> any of the following conditions?			
a. Seizures (fits):	Yes	/	No
b. Diabetes (sugar disease):	Yes	/	No
c. Allergic reactions that interfere with your breathing:	Yes	/	No
d. Claustrophobia (fear of closed-in places):	Yes	/	No
e. Trouble smelling odors:	Yes	/	No
3. Have you <i>ever had</i> any of the following pulmonary or lung problems?			
a. Asbestosis:	Yes	/	No
b. Asthma:	Yes	/	No
c. Chronic bronchitis:	Yes	/	No
d. Emphysema:	Yes	/	No
e. Pneumonia:	Yes	/	No
f. Tuberculosis:	Yes	/	No
g. Silicosis:	Yes	/	No
h. Pneumothorax (collapsed lung):	Yes	/	No
i. Lung cancer:	Yes	/	No
j. Broken ribs:	Yes	/	No
k. Any chest injuries or surgeries:	Yes	/	No
l. Any other lung problem that you have been told about:	Yes	/	No
4. Do you <i>currently</i> have any of the following symptoms of pulmonary or lung illness?			
a. Shortness of breath:	Yes	/	No
b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline:	Yes	/	No
c. Shortness of breath when walking with other people at an ordinary pace on level ground:	Yes	/	No
d. Have to stop for breath when walking at your own pace on level ground:	Yes	/	No
e. Shortness of breath when washing or dressing yourself:	Yes	/	No
f. Shortness of breath that interferes with your job:	Yes	/	No
g. Coughing that produces phlegm (thick sputum):	Yes	/	No
h. Coughing that wakes you early in the morning:	Yes	/	No
i. Coughing that occurs mostly when you are lying down:	Yes	/	No
j. Coughing up blood in the last month:	Yes	/	No
k. Wheezing:	Yes	/	No
l. Wheezing that interferes with your job:	Yes	/	No
m. Chest pain when you breathe deeply:	Yes	/	No
n. Any other symptoms that you think may be related to lung problems:	Yes	/	No
5. Have you <i>ever had</i> any of the following cardiovascular or heart problems?	Yes	/	No
a. Heart attack:	Yes	/	No
b. Stroke:	Yes	/	No
c. Angina:	Yes	/	No
d. Heart failure:	Yes	/	No
e. Swelling in your legs or feet (not caused by walking):	Yes	/	No
f. Heart arrhythmia (heart beating irregularly):	Yes	/	No
g. High blood pressure:	Yes	/	No
h. Any other heart problem that you have been told about:	Yes	/	No
6. Have you <i>ever had</i> any of the following cardiovascular or heart symptoms?			

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a. Frequent pain or tightness in your chest:	Yes	/	No
b. Pain or tightness in your chest during physical activity:	Yes	/	No
c. Pain or tightness in your chest that interferes with your job:	Yes	/	No
d. In the past 2 years, have you noticed your heart skipping or missing a beat:	Yes	/	No
e. Heartburn or indigestion that's not related to eating:	Yes	/	No
f. Any other symptoms that you think may be related to heart or circulation problems:	Yes	/	No
7. Do you <i>currently</i> take medication for any of the following problems?	Yes	/	No
a. Breathing or lung problems:	Yes	/	No
b. Heart trouble:	Yes	/	No
c. Blood pressure:	Yes	/	No
d. Seizures (fits):	Yes	/	No
8. If you have used a respirator, have you <i>ever had</i> any of the following problems? (If you have never used a respirator, check the following space and go to question 9): _____			
a. Eye irritation:	Yes	/	No
b. Skin allergies or rashes:	Yes	/	No
c. Anxiety:	Yes	/	No
d. General weakness or fatigue:	Yes	/	No
e. Any other problem that interferes with your use of a respirator?	Yes	/	No
9. Would you like to talk to the healthcare professional who will review this questionnaire about your answers?	Yes	/	No

Part 3 - Additional Questions for Users of Full-Facepiece Respirators or SCBAs

Please circle "Yes" or "No"

1. Have you <i>ever lost</i> vision in either eye (temporarily or permanently)?	Yes	/	No
2. Do you <i>currently</i> have any of these vision problems?			
a. Need to wear contact lenses:	Yes	/	No
b. Need to wear glasses:	Yes	/	No
c. Color blindness:	Yes	/	No
d. Any other eye or vision problem:	Yes	/	No
3. Have you <i>ever had</i> an injury to your ears, including a broken ear drum?	Yes	/	No
4. Do you <i>currently</i> have any of these hearing problems?			
a. Difficulty hearing:	Yes	/	No
b. Need to wear a hearing aid:	Yes	/	No
c. Any other hearing or ear problem:	Yes	/	No
5. Have you <i>ever had</i> a back injury?	Yes	/	No
6. Do you <i>currently</i> have any of the following musculoskeletal problems?			
a. Weakness in any of your arms, hands, legs, or feet:	Yes	/	No
b. Back pain:	Yes	/	No
c. Difficulty fully moving your arms and legs:	Yes	/	No
d. Pain or stiffness when you lean forward or backward at the waist:	Yes	/	No
e. Difficulty fully moving your head up or down:	Yes	/	No
f. Difficulty fully moving your head side to side:	Yes	/	No
g. Difficulty bending at your knees:	Yes	/	No
h. Difficulty squatting to the ground:	Yes	/	No
i. Climbing a flight of stairs or a ladder carrying more than 25 lbs:	Yes	/	No
j. Any other muscle or skeletal problem that interferes with using a respirator:	Yes	/	No

Part 4 - Discretionary Questions

Complete questions in this part ONLY IF your employer's healthcare provider says they are necessary

1. In your present job, are you working at high altitudes (over 5,000 feet) or in a place that has lower than normal amounts of oxygen? Yes / No
 If "yes," do you have feelings of dizziness, shortness of breath, pounding in your chest, or other symptoms when you are working under these conditions: Yes / No
2. Have you ever been exposed (at work or home) to hazardous solvents, hazardous airborne chemicals (such as gases, fumes, or dust), OR have you come into skin contact with hazardous chemicals? Yes / No
 If "yes," name the chemicals, if you know them: _____
3. Have you ever worked with any of the materials, or under any of the conditions, listed below:
- a. Asbestos? Yes / No
 - b. Silica (for example, in sandblasting)? Yes / No
 - c. Tungsten/cobalt (for example, grinding or welding this material)? Yes / No
 - d. Beryllium? Yes / No
 - e. Aluminum? Yes / No
 - f. Coal (for example, mining)? Yes / No
 - g. Iron? Yes / No
 - h. Tin? Yes / No
 - i. Dusty environments? Yes / No
 - j. Any other hazardous exposures? Yes / No
- If "yes," describe these exposures: _____
4. List any second jobs or side businesses you have: _____
5. List your previous occupations: _____
6. List your current and previous hobbies: _____
7. Have you been in the military services? Yes / No
 If "yes," were you exposed to biological or chemical agents (either in training or combat)? Yes / No
8. Have you ever worked on a HAZMAT team? Yes / No
9. Other than medications for breathing and lung problems, heart trouble, blood pressure, and seizures mentioned earlier in this questionnaire, are you taking any other medications for any reason (including over-the-counter medications)? Yes / No
 If "yes," name the medications if you know them: _____
10. Will you be using any of the following items with your respirator(s)?
- a. HEPA filters: Yes / No
 - b. Canisters (for example, gas masks): Yes / No
 - c. Cartridges: Yes / No
11. How often are you expected to use the respirator(s)?
- a. Escape-only (no rescue): Yes / No
 - b. Emergency rescue only: Yes / No
 - c. Less than 5 hours *per week*: Yes / No
 - d. Less than 2 hours *per day*: Yes / No
 - e. 2 to 4 hours per day: Yes / No
 - f. Over 4 hours per day:
12. During the period you are using the respirator(s), is your work effort:
- a. *Light* (less than 200 kcal per hour): Yes / No
- If "yes," how long does this period last during the average shift: _____hrs. _____mins.
 Examples of a light work effort are sitting while writing, typing, drafting, or performing light assembly work; or standing while operating a drill press (1-3 lbs.) or controlling machines.
- b. *Moderate* (200 to 350 kcal per hour): Yes / No

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If "yes," how long does this period last during the average shift: _____ hrs. _____ mins.

Examples of moderate work effort are sitting while nailing or filing; driving a truck or bus in urban traffic; standing while drilling, nailing, performing assembly work, or transferring a moderate load (about 35 lbs.) at trunk level; walking on a level surface about 2 mph or down a 5-degree grade about 3 mph; or pushing a wheelbarrow with a heavy load (about 100 lbs.) on a level surface.

c. Heavy (above 350 kcal per hour):

Yes / No

If "yes," how long does this period last during the average shift: _____ hrs. _____ mins.

Examples of heavy work are lifting a heavy load (about 50 lbs.) from the floor to your waist or shoulder; working on a loading dock; shoveling; standing while bricklaying or chipping castings; walking up an 8-degree grade about 2 mph; climbing stairs with a heavy load (about 50 lbs.).

13. Will you be wearing protective clothing and/or equipment (other than the respirator) when you are using your respirator?

Yes / No

If "yes," describe this protective clothing and/or equipment: _____

14. Will you be working under hot conditions (temperature exceeding 77°F):

Yes / No

15. Will you be working under humid conditions:

Yes / No

16. Describe the work you will be doing while using your respirator(s): _____

17. Describe any special or hazardous conditions you might encounter when you are using your respirator(s) (for example, confined spaces, life-threatening gases): _____

18. Provide the following information, if you know it, for each toxic substance that you will be exposed to when you are using your respirator(s):

Name of the first toxic substance: _____

Estimated maximum exposure level per shift: _____

Duration of exposure per shift: _____

Name of the second toxic substance: _____

Estimated maximum exposure level per shift: _____

Duration of exposure per shift: _____

Name of the third toxic substance: _____

Estimated maximum exposure level per shift: _____

Duration of exposure per shift: _____

The name of any other toxic substances that you will be exposed to while using your respirator: _____

19. Describe any special responsibilities you will have while using your respirator(s) that may affect the safety and well-being of others (for example, rescue, security). _____

NEW SECTION

WAC 296-307-62010 Follow these fit-testing procedures for tight-fitting respirators.

IMPORTANT:

• This section contains procedural requirements that apply during actual fit testing.

• See WAC 296-307-606 of this part for fit-testing requirements that apply to your overall program.

Exemptions: This section does NOT apply to employees who:

- Voluntarily use respirators

OR

- Are required to use mouthpiece respirators.

You must:

- Conduct fit testing according to all of the following:

– Follow the procedure in Table 11 to choose a respirator

for fit testing:

- Prior to conducting fit tests

AND

- Any time your employee must select a different respirator such as when a previously selected respirator fails a test

– Select and follow at least one of the following fit test procedures:

- Qualitative fit-test procedures:

◆ Isoamyl acetate vapor (IAA, banana oil) in Table 12

◆ Saccharine aerosol in Table 13

◆ Bitrex™ aerosol in Table 14

◆ Irritant smoke in Table 15

- Quantitative fit-test procedures:

◆ Ambient aerosol condensation nuclei counter such as the Portacount™, in Table 16

◆ Controlled negative pressure (CNP) such as the Fit-Tester 3000™, in Table 17

◆ Generated aerosol in Table 18

– Make sure employees perform the appropriate fit-test exercises listed in Table 19.

- Clean and maintain equipment according to the manufacturer's instructions.
 - Make sure during fit testing employees wear any safety equipment that could:
 - Interfere with respirator fit
- AND**
- Be worn in the workplace. For example, chemical splash goggles.
 - Check, prior to fit testing, for conditions that may interfere with the respirator seal or valve functions. If you find such conditions, do **NOT** conduct fit testing for that individual.

Note: Examples of conditions that may interfere with the respirator seal or valve functions include:

- Moustache, stubble, sideburns, bangs, hairline, and other types of facial hair in areas where the respirator facepiece seals or that interfere with valve function
- Temple bars of corrective eyewear or headgear that extend through the face seal area.

Table 11

Procedure for Choosing a Respirator for Fit Testing
<p>1. Inform the employee:</p> <ul style="list-style-type: none"> • To choose the most comfortable respirator that provides an adequate fit • That each respirator sample represents a different size and, if more than one model is supplied, a different shape • That if fitted and used properly, the respirator chosen will provide adequate protection <p>2. Provide a mirror and show the employee how to:</p> <ul style="list-style-type: none"> • Put on the respirator • Position the respirator on the face • Set strap tension. <p>Note: This instruction does NOT take the place of the employee's formal training since it is only a review.</p> <p>3. Review with the employee how to check for a comfortable fit around the nose, cheeks and other areas on the face.</p> <ul style="list-style-type: none"> • Tell the employee the respirator should be comfortable while talking or wearing eye protection. <p>4. Have the employee hold each facepiece against the face, taking enough time to compare the fit of each. The employee can then either:</p> <ul style="list-style-type: none"> • Reject any facepiece that clearly does not feel comfortable or fit adequately <p>OR</p> <ul style="list-style-type: none"> • Choose which facepiece is most acceptable and which is less acceptable, if any.

Procedure for Choosing a Respirator for Fit Testing

<p>Note:</p> <ul style="list-style-type: none"> • Supply as many respirator models and sizes as needed to make sure the employee finds a respirator that's acceptable and fits correctly • To save time later, during this step note the more acceptable facepieces in case the one chosen fails the fit test or proves unacceptable later. <p>5. Have the employee wear the most acceptable respirator for AT LEAST 5 minutes to evaluate comfort and fit. Do ALL of the following during this time:</p> <ul style="list-style-type: none"> • Ask the employee to observe and comment about the comfort and fit: <ul style="list-style-type: none"> - Around the nose, cheeks, and other areas on the face - When talking or wearing eye protection • Have the employee put on the respirator and adjust the straps until they show proficiency • Evaluate the respirator's general fit by checking: <ul style="list-style-type: none"> - Proper chin placement - Properly tightened straps (do NOT over tighten) - Acceptable fit across the nose bridge - Respirator size; it must span the distance from nose to chin - To see if the respirator stays in position • Have the employee complete a successful seal check as specified in WAC 296-307-62020 of this chapter <ul style="list-style-type: none"> - Prior to the seal check they must settle the respirator on their face by taking a few slow deep breaths WHILE SLOWLY: <ul style="list-style-type: none"> ■ Moving their head from side-to-side <p>AND</p> <ul style="list-style-type: none"> ■ Up and down. <p>6. If the employee finds the respirator unacceptable, allow the employee to select another one and return to Step 5. Otherwise, proceed to Step 7.</p> <p>7. Before starting the fit test, you must:</p> <ul style="list-style-type: none"> • Describe the fit test including screening procedures, employee responsibilities, and test exercises <p>AND</p> <ul style="list-style-type: none"> • Make sure the employee wears the respirator AT LEAST five minutes.

Table 12

Isoamyl Acetate (Banana Oil) Vapor Test Procedure
<p>Important:</p> <ul style="list-style-type: none"> • This is a qualitative fit-test (QLFT) procedure • The success of this test depends on preserving the employee's odor sensitivity to isoamyl acetate (IAA) vapor

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Isoamyl Acetate (Banana Oil) Vapor Test Procedure

- Vapor accumulations in ambient air can decrease odor sensitivity. To prevent this:
 - Prepare ALL solutions in a location separate from screening and test areas
 - Conduct screening and tests in separate well-ventilated rooms. For example, use an exhaust fan or laboratory hood to prevent IAA vapor from accumulating in the room air
- Always use odor-free water, for example, distilled or spring water that's 25°C (77°F).
- Isoamyl acetate is also known as isopentyl acetate.

Screening Preparations

Important:

Odor threshold screening determines if the employee can detect weak concentrations of IAA vapor.

1. Choose an appropriate location to conduct screening.
 - Conduct screening and tests in separate well-ventilated rooms.
2. Prepare a stock solution AT LEAST weekly as follows:
 - Add one milliliter (ml) of pure IAA to 800 ml of odor-free water in a one-liter glass jar with a metal lid using a measuring dropper or pipette
 - Seal the jar with the lid and shake it for 30 seconds
 - Clean the dropper or pipette.
3. Prepare the odor test solution daily as follows:
 - Add 0.4 ml from the stock solution to 500 ml of water in a one liter glass jar with a metal lid using a clean pipette or dropper
 - Seal the jar with the lid and shake it for 30 seconds
 - Let this solution stand for 2-3 minutes so the IAA concentration above the liquid reaches equilibrium
 - Label this jar so you know the contents but the employee cannot know its contents, for example, "1."

Note:

To maintain the integrity of the test, use labels that peel off easily AND periodically switch the labels.

4. Prepare a "test blank" solution as follows:
 - Add 500 ml of odor-free water to a one liter glass jar with a metal lid
 - Seal the jar
 - Label the jar so you know the contents but the employee cannot know its contents.
5. Type or neatly print the following instructions on a card and place it on the table in front of the two test jars:

"The purpose of this test is to find out if you can smell banana oil at a low concentration. While both jars contain water, one ALSO contains a small amount of banana oil."

Isoamyl Acetate (Banana Oil) Vapor Test Procedure

Make sure the lid is secure then pick up a jar and shake it for two seconds. Open the jar and sniff at the opening. Repeat this for the second jar.

Tell the individual conducting the fit test which jar contains banana oil."

Test Preparations

6. Choose an appropriate location to conduct fit testing:
 - Conduct screening and tests in separate well-ventilated rooms.
7. Assemble the fit test enclosure in the room.
 - Invert a clear 55-gallon drum liner over a circular 2-foot diameter frame made of plywood or other light-weight rigid material OR construct a similar enclosure using plastic sheeting
 - Hang the frame with the plastic covering so the top of the enclosure is about six inches above the employee's head
 - Attach a small hook inside top center of the enclosure
 - Tape a copy of the test exercises (see Table 28) to the inside of the test enclosure where the employee can read it.
8. Have organic vapor cartridges or equivalent on hand for each employee's chosen respirator.
9. Have ready a 6 x 5-inch piece of paper towel or other porous absorbent single-ply material AND 0.75 ml of pure IAA. Do NOT apply IAA yet.

Note:

As an alternative to using the paper towel, you may use an IAA test swab OR ampoule if it has been demonstrated to generate an equivalent test concentration.

Screening

10. Have the employee, while NOT wearing a respirator, follow the instructions on the card provided.
 - If the employee correctly identifies the jar containing IAA, proceed to conduct testing (Step 11)
 - If the employee is NOT able to correctly identify the jar containing IAA, you must STOP and use a different fit test protocol.

Test

11. BEFORE entering the fit test room, have the employee attach cartridges, put on, properly adjust, and seal check the respirator. Have the employee enter the test enclosure.
12. Wet the paper towel with 0.75 ml of pure IAA AND fold it in half.
13. Pass the paper towel to the employee inside the enclosure AND instruct the employee to hang it on the hook at the top of the enclosure.
14. Wait two minutes for the IAA vapor to fill the enclosure.

PROPOSED

Isoamyl Acetate (Banana Oil) Vapor Test Procedure

- While waiting, explain the fit test, including the purpose of the test exercises, the importance of cooperation, and that you must be informed if a banana-like odor is detected during the test
- You may also demonstrate the test exercises.

15. Have the employee perform the appropriate fit-test exercises in Table 19.

- If the employee does NOT detect IAA while performing test exercises, the fit test has been PASSED. Proceed as follows:
 - BEFORE leaving the enclosure, have the employee break the respirator seal and inhale. If they detect IAA, the test is valid
 - When exiting the employee must remove the paper towel and give it to the individual conducting the fit test. This prevents IAA vapor from building up in the enclosure during subsequent tests
 - The individual conducting the fit test must keep used paper towels in a self-sealing plastic bag to prevent area contamination
- If the employee detects IAA during any test exercise, the fit test has FAILED. STOP and have the employee do the following:
 - Quickly return to the selection room to remove the respirator. This avoids decreasing the employee's odor sensitivity
 - Select another respirator
 - Repeat screening and testing
 - At this stage, if the employee fails the screening part of this procedure, the employee can repeat it AFTER waiting at least five minutes for odor sensitivity to return.

Table 13

**Saccharin Aerosol Test Procedure
Screening Preparations**

Important:

- This is a qualitative fit-test (QLFT) procedure
 - Taste threshold screening determines whether the employee being tested can detect the taste of saccharin
 - The employee must NOT eat, smoke, chew gum or drink anything but plain water for at least fifteen minutes BEFORE the fit test. Sweet foods or drink consumed before the test may make the employee unable to detect saccharin during screening
 - Nebulizers must be thoroughly rinsed in water and shaken dry:
 - Each morning and afternoon
- OR

Saccharin Aerosol Test Procedure

- At least every four hours.

- You may use commercially prepared solutions if they meet the requirements in this procedure.

1. Obtain a test enclosure (hood) that meets the following specifications:

- Twelve inches in diameter by fourteen inches tall
- A clear front portion
- Enough space inside to allow free movement of the head when a respirator is worn
- A 3/4 inch (or 1.9 centimeter) hole to accommodate the nebulizer nozzle. The hole must line up in front of the wearer's nose and mouth.

Note:

- An enclosure similar to the 3M hood assembly, parts #FT 14 and #FT 15 combined, meets these specifications
 - This enclosure can also be used for testing.
2. Obtain and assemble two clean DeVilbiss Model 40 Inhalation Medication Nebulizers OR equivalent.
3. Prepare the screening solution as follows:
- Dissolve 83.0 milligrams of sodium saccharin USP in 100 ml of warm distilled water
- OR
- IF you have already prepared the fit-test solution, you can make the screening solution by adding 1 ml of this solution to 100 ml of distilled water.
4. Add about 1 ml of the screening solution to one of the nebulizers.
- Mark this nebulizer to distinguish it from the one to be used for fit testing.

Test Preparations

5. Prepare the fit-test solution as follows:
- Add 83.0 grams of sodium saccharin to 100 ml of warm water.
6. Add about 1 ml of the test solution to the second nebulizer.
- Mark this nebulizer to distinguish it from the one used for screening
7. Have particulate filters ready for the employee's chosen respirator or have filtering-facepiece respirators ready.

Screening

8. Have the employee, while NOT wearing a respirator, put on the test enclosure.
9. Instruct the employee to:
- Breath through a slightly open mouth with tongue extended during screening AND testing
 - Immediately report when a sweet taste is detected.
10. Insert the nebulizer into the front hole of the test enclosure AND administer saccharin as follows:
- Direct the nozzle away from the employee's nose and mouth

PROPOSED

Saccharin Aerosol Test Procedure

- Complete 10 squeezes in rapid succession
 - Each time firmly squeeze the bulb so it collapses completely, then release and allow it to fully expand.
11. Ask the employee if a sweet taste is detected.
- If **YES**, screening is completed. Proceed to conduct testing, Step 14, **AFTER** you:
 - Ask the employee to remember the taste for reference during the fit test
 - Note the employee's taste threshold as "10" regardless of the number of squeezes actually completed
 - If **NO**, screening must continue. Proceed to Step 12.
12. Repeat with 10 more squeezes. Then follow Step 11 again; **EXCEPT** this time note the employee's taste threshold as "20" **IF** a sweet taste is reported.
- If a sweet taste is still **NOT** detected, repeat with 10 more squeezes and follow Step 11 one last time; **EXCEPT** this time note "30" for the taste threshold **IF** a sweet taste is reported.
13. If **NO** sweet taste is reported after 30 squeezes, you must **STOP** and choose a different fit-test protocol for the employee.

Test

Important!

- Periodically check nebulizers to make sure they do not clog during use. A test is **NOT** valid if the nebulizer is clogged at the end of the test.
14. Have the employee attach particulate filters, put on, properly adjust, and seal check the respirator. Have the employee put on the test enclosure (hood).
15. Instruct the employee to immediately report if a sweet taste is detected.
16. Insert the nebulizer into the front hole of the test enclosure **AND** administer the same number of squeezes, either 10, 20, or 30, as noted during screening.
17. Have the employee perform the appropriate fit-test exercises as described in Table 19. During this step:
- Replenish the aerosol in the hood **EVERY** 30 seconds using 1/2 the number of squeezes used in Step 16, either 5, 10, or 15
 - The employee must report if a sweet taste is detected:
 - If **NO** saccharin is tasted, the test has been **PASSED**
 - If saccharin is tasted the test has **FAILED**, have the employee select another respirator **AND**
 - Repeat screening and testing.

Table 14

Bitrex™ Aerosol Test Procedure

Important!

- This is a qualitative fit-test (QLFT) procedure
- Bitrex™ (denatonium benzoate) is routinely used as a taste aversion agent in household liquids that children shouldn't drink and is endorsed by the American Medical Association, the National Safety Council, and the American Association of Poison Control Centers
- The employee must **NOT** eat, smoke, chew gum or drink anything but plain water for at least fifteen minutes **BEFORE** the fit test.

Screening Preparations

Important!

- Taste threshold screening determines whether the employee being tested can detect the taste of Bitrex™
- Nebulizers must be thoroughly rinsed in water and shaken dry:
 - Each morning and afternoon
- OR**
- At least every four hours.
- You may use commercially prepared solutions if they meet the requirements in this procedure.

1. Obtain a test enclosure that meets the following specifications:

- Twelve inches in diameter by fourteen inches tall
- A clear front portion
- Enough space inside the front to allow free movement of the head when a respirator is worn
- 3/4 inch (or 1.9 centimeter) hole to accommodate the nebulizer nozzle. The hole must line up in front of the wearer's nose and mouth.

Note:

- An enclosure similar to the 3M hood assembly, parts #FT 14 and #FT 15 combined, meets these specifications
- This enclosure can also be used for testing.

2. Obtain and assemble two clean DeVilbiss Model 40 Inhalation Medication Nebulizers **OR** equivalent:

3. Prepare the screening solution as follows:

- Make up a 5% salt solution by dissolving 5.0 grams of salt (sodium chloride) into 100 ml of distilled water
- Dissolve 13.5 milligrams of Bitrex™ in the salt solution.

4. Add about 1 ml of the screening solution to one of the nebulizers.

- Mark this nebulizer to distinguish it from the one to be used for fit testing.

Test Preparations

5. Prepare the fit test solution.

PROPOSED

Bitrex™ Aerosol Test Procedure

- Dissolve 10.0 grams of salt (sodium chloride) into 200 ml of distilled water
- Add 337.5 milligrams of Bitrex™ to the warmed salt solution.

6. Add about 1 ml of the test solution to the second nebulizer.

- Mark this nebulizer to distinguish it from the one used for screening.

7. Have particulate filters ready for the employee's chosen respirator or have filtering-facepiece respirators ready.

Screening

Important:

The employee must NOT eat, smoke, chew gum or drink anything but plain water for at least fifteen minutes BEFORE the screening and test

8. Have the employee, while NOT wearing a respirator, put on the test enclosure.

9. Instruct the employee to:

- Breathe through a slightly opened mouth with tongue extended during screening AND testing
- Immediately report when a bitter taste is detected.

10. Insert the nebulizer into the front hole of the test enclosure AND administer Bitrex™ as follows:

- Direct the nozzle away from the employee's nose and mouth
- Complete 10 squeezes in rapid succession
- Each time firmly squeeze the bulb so it collapses completely, then release and allow it to fully expand.

11. Ask the employee whether a bitter taste is detected.

- If YES, screening is completed. Proceed to conduct testing, Step 14, AFTER you:
 - Ask the employee to remember the taste for reference during the fit test
 - Note the employee's taste threshold as "10," regardless of the number of squeezes actually completed
- If NO, screening must continue. Proceed to Step 12.

12. Repeat with 10 more squeezes. Then follow Step 11 again; EXCEPT this time note the employee's taste threshold as "20" IF a bitter taste is reported.

- If a bitter taste is still NOT detected repeat with 10 more squeezes and follow Step 11 one last time; EXCEPT this time note "30" for the taste threshold IF a bitter taste is reported.

13. If NO bitter taste is reported after 30 squeezes, you must STOP and choose a different fit-test protocol for the employee.

Bitrex™ Aerosol Test Procedure

Test

14. Have the employee attach particulate filters, put on, properly adjust, and seal check the respirator. Have the employee put on the test enclosure.

15. Instruct the employee to:

- Breathe through a slightly opened mouth with tongue extended during screening AND testing
- Immediately report when a bitter taste is detected.

16. Insert the nebulizer into the front hole of the test enclosure AND administer the same number of squeezes, either 10, 20, or 30, as noted during screening.

17. Have the employee perform the appropriate fit-test exercises as described in Table 19. During this step:

- Replenish the aerosol in the hood EVERY 30 seconds using 1/2 the number of squeezes used in Step 16, either 5, 10, or 15
- The employee must report if a bitter taste is detected:
 - If NO Bitrex™ is tasted, the test has been PASSED
 - If Bitrex™ is tasted the test has FAILED. Have the employee:
 - Select another respirator
 - AND
 - Repeat all screening and testing steps.

Table 15

Irritant Smoke (Stannic Chloride) Test Procedure

Important:

- DO NOT USE A TEST ENCLOSURE OR HOOD FOR THIS FIT TEST!
- This is a qualitative fit-test (QLFT) procedure
- During this test an employee is exposed to irritating smoke containing hydrochloric acid produced by a stannic chloride ventilation smoke tube to detect leakage. The smoke will irritate eyes, lungs, and nasal passages
- Employee sensitivity varies, and certain employees may respond more intensely than others exposed to irritant smoke. The individual conducting the fit test must take precautions to minimize the employees' exposure to irritant smoke
- Conduct fit testing in an area with adequate ventilation to prevent exposure of the individual conducting the fit test and build-up of irritant smoke in the ambient air.

Screening AND Test Preparations

Important:

Sensitivity screening is necessary to determine whether the employee can detect a weak concentration of irritant smoke AND whether any gross facepiece leakage is detected.

PROPOSED

Irritant Smoke (Stannic Chloride) Test Procedure
<p>1. Obtain only stannic chloride (ventilation) smoke tubes, AND an aspirator squeeze bulb OR use a low-flow air pump set to deliver 200 milliliters of air flow per minute.</p> <p>2. Equip the employee's chosen respirator with P100 series filters if a negative pressure air-purifying respirator will be tested. If a powered air-purifying respirator (PAPR) will be tested equip the respirator with high-efficiency particulate air (HEPA) filters.</p>
Screening
<p>Important! When performing sensitivity screening checks use only the MINIMUM amount of smoke necessary to elicit a response from the employee.</p> <p>3. Advise the employee that the smoke can be irritating to eyes, lungs, and nasal passages AND instruct the employee to keep eyes closed while exposed.</p> <p>4. Break both ends of the ventilation smoke tube AND fit a short piece of plastic tubing, for example, two-to-six inches of tygon tubing, over one end to prevent exposure to the sharp end of the tube. Connect the other end to an aspirator bulb or a low-flow air pump set to deliver a flow of 200 ml per minute.</p> <p>5. While the employee is NOT wearing a respirator, have the employee smell a weak concentration of irritant smoke to become familiar with its irritating properties.</p> <ul style="list-style-type: none"> • Carefully direct a small amount of irritant smoke toward the employee.
Test
<p>Test 6. Have the employee attach respirator filters, put on, adjust, and seal check the respirator without assistance. The employee must be proficient at these tasks.</p> <p>7. Remind the employee to keep eyes closed during testing.</p> <p>8. Direct a stream of irritant smoke toward the respirator's face seal area as follows:</p> <ul style="list-style-type: none"> • Begin at least 12 inches from the facepiece AND move the smoke around the whole perimeter of the mask • Gradually make two more passes around the perimeter of the facepiece, moving to within 6 inches of the respirator • STOP at any time the employee detects smoke in the facepiece. If this occurs a different respirator will need to be chosen and tested, beginning with sensitivity screening. <p>9. Have the employee perform appropriate fit-test exercises in Table 19 IF the employee has NOT had an involuntary response such as evidence of coughing, flinching, or other response, OR detected smoke in the facepiece.</p> <ul style="list-style-type: none"> • Continue to direct smoke from a distance of 6 inches around the facepiece perimeter

Irritant Smoke (Stannic Chloride) Test Procedure
<ul style="list-style-type: none"> – If smoke is detected at any time the test has FAILED. A different respirator must be chosen and tested, starting with sensitivity screening – If NO smoke is detected proceed to Step 10. <p>10. Have the employee remove the respirator AND perform another sensitivity screening check as follows:</p> <ul style="list-style-type: none"> • Continue to use the smoke tube used for fit testing • Carefully direct a SMALL amount of irritant smoke toward the employee – The test has been PASSED IF the employee responds to the smoke – The fit test is VOIDED IF the employee does NOT respond to the smoke.

Table 16

Ambient Aerosol Condensation Nuclei Counter (Portacount™) Test Procedure
<p>Important:</p> <ul style="list-style-type: none"> • This is a quantitative (QNFT) fit-test procedure • This method uses a particle counting instrument that measures and compares the particle concentration both inside and outside the respirator facepiece while the employee performs a series of test exercises • Particles in the ambient air are used as the test aerosol.
Test Preparations
<p>1. Obtain a test instrument such as a Portacount™.</p> <p>2. Have probed respirators available for each respirator model and size the employer uses, OR have a sampling adapter available if the employee's actual or chosen respirator will be tested.</p> <p>Note:</p> <ul style="list-style-type: none"> • A probed respirator has a special fitting installed on the facepiece designed to connect with the end of the test instrument's plastic sampling tube so that air samples can be taken inside the facepiece. Probed respirators can be obtained from the respirator manufacturer, or distributor, AND can only be used for fit-testing purposes • Contact TSI Inc., OR the respirator's manufacturer to obtain probed respirators or facepiece sampling adapters. <p>3. Follow the test instrument manufacturer's instructions for test preparation, including particle, zero, and system checks. Make sure the instrument's pass OR fail criterion is programmed to the following MINIMUM performance levels:</p> <ul style="list-style-type: none"> • For half-facepiece respirators, an overall minimum fit factor of 100 as a passing level • For full-facepiece respirators, an overall minimum fit factor of 500 as a passing level

PROPOSED

Ambient Aerosol Condensation Nuclei Counter (Porta-count™) Test Procedure

4. Have high-efficiency particulate air (HEPA) filters, OR other respirator filters available that are capable of preventing significant penetration by particles generated by the test instrument such as, P100 or N95 series filters.

- If you'll use a sampling adapter instead of probed respirators be sure to have the correct type for the respirators chosen.

Test

5. Properly attach the sampling line to the facepiece probe or sampling adapter.

6. Have the employee attach respirator filters, put on, properly adjust, and wear the respirator five minutes **BEFORE** the fit test. During this time you and the employee must evaluate the respirator's general fit by checking:

- Proper chin placement
- Properly tightened straps (do NOT over tighten)
- Acceptable fit across the nose bridge
- Respirator size. It must span the distance from nose to chin
- To see if the respirator stays in position.

Note:

Wearing the respirator for five minutes permits the employee to make certain the respirator is comfortable AND allows for purging of ambient particles trapped inside the facepiece.

7. Have the employee perform a seal check. Make sure the sampling line is crimped to avoid leakage during the seal check. If **NO** leakage is detected, proceed to Step 8. If leakage is detected:

- Determine the cause
- AND
- If leakage is due to a poorly fitting facepiece, have the employee:
 - Choose another respirator size or model
- AND
- Start again at Step 6.

8. Start the fit test cycle.

- Follow the manufacturer's instructions for operating the test instrument
- Have the employee perform the appropriate fit-test exercises in Table 19
 - The test instrument will automatically stop and calculate the overall fit factor. Use this result to determine whether or not the test is passed
 - The test has been **PASSED** if the overall fit factor is at least 100 for a half facepiece, OR 500 for a full facepiece

Ambient Aerosol Condensation Nuclei Counter (Porta-count™) Test Procedure

- The test has **FAILED** if the overall fit factor is below 100 for a half facepiece or 500 for a full facepiece.

Note:

If the test has failed, have the employee select another respirator model or size following Table 11 **AND** repeat this procedure.

Table 17

Controlled Negative Pressure (CNP) Test Procedure

Important!

- This is a quantitative fit-test (QNFT) procedure
- This method determines respirator fit by measuring how much the facepiece leaks when it is subject to a slight negative pressure **AFTER** various premeasurement activities
- Measurements occur while employees remain still **AND** hold their breath for 10 seconds
- No test aerosols are used. Respirator cartridges aren't needed for this test.

Test Preparations

1. Make sure the individual conducting the fit test is thoroughly trained to perform this test.

2. Obtain a CNP test instrument such as a FitTester 3000™. Make sure:

- Defaults are set at:
 - -15mm (-0.58 inches) of water test pressure
- AND
- A modeled inspiratory flow rate of 53.8 liters per minute
- It has an effective audio warning device that signals when employees fail to hold their breath.

Note:

- You are not required to obtain test recording and printing equipment such as computers OR printers. Hand recording results is acceptable
- To see default settings, check the instrument's "REDON protocol."

3. Obtain facepiece adapters appropriate for each test respirator.

Note:

- Adapters are either a one-piece (for SCBA facepieces), OR two-piece (for dual cartridge facepieces) device providing a manifold and breathing valve system. For positive pressure respirators, you will need to obtain an additional fitting, available from the respirator manufacturer, to convert the facepiece to negative pressure

PROPOSED

Controlled Negative Pressure (CNP) Test Procedure
<ul style="list-style-type: none"> To obtain adapters, contact the CNP instrument's distributor, Occupational Health Dynamics, OR the respirator manufacturer.
Test
<p>Important!</p> <p>After the test, you must ask the employee about the comfort of the respirator AND if the respirator has become unacceptable, another size or model must be chosen and tested.</p> <ol style="list-style-type: none"> Explain the test procedure to the employee. Train the employee on how to hold a breath for at least 20 seconds. Prepare the respirator for the fit test as follows: <ul style="list-style-type: none"> Remove or prop open the inhalation valves. If a breathing tube is present, disconnect it Replace cartridges, if present, with the manifold and breathing valve adapter

Controlled Negative Pressure (CNP) Test Procedure
<ul style="list-style-type: none"> For positive pressure facepieces, mount the manufacturer's additional fitting followed by the manifold-breathing valve adapter Connect the respirator to the CNP device according to the CNP instrument manufacturer's directions. <ol style="list-style-type: none"> Have the employee put on, adjust, and seal check the respirator. Turn on the instrument AND have the employee stand and perform the fit-test exercises in Table 19. Interpret the test results: <ul style="list-style-type: none"> The test is PASSED IF the overall fit factor obtained is at least 100 for a half facepiece, or at least 500 for a full facepiece The test has FAILED IF the fit factor is less than 100 for a half facepiece; 500 for a full facepiece <ul style="list-style-type: none"> If the test has FAILED you must have the employee select another respirator model or size following the steps in Table 11 AND repeat this procedure, starting at Step 6.

Table 18

Generated Aerosol Test Procedure
<p>Important:</p> <ul style="list-style-type: none"> This is a quantitative (QNFT) fit-test procedure In this method, a test aerosol is used to challenge the facepiece seal while aerosol concentrations inside and outside the facepiece are measured during test exercises Special equipment is needed to generate, disperse, detect, and measure test aerosols.
Test Preparations
<ol style="list-style-type: none"> Test aerosol. <ul style="list-style-type: none"> Use a particulate, for example, corn oil, polyethylene glycol 400, di-2-ethyl hexyl sebacate, or sodium chloride. Instrumentation. <ul style="list-style-type: none"> Do ALL the following: <ul style="list-style-type: none"> Obtain and use aerosol generation, dilution, and measurement systems appropriate for particulates Use an aerosol-generating instrument that will maintain test concentrations within a 10% variation Select a sampling instrument that allows for a computer record or strip chart record to be created <ul style="list-style-type: none"> The record must show the rise and fall of test agent concentration during each inhalation and exhalation at fit factors of at least 2000. Note: Integrators, or computers that integrate the amount of test agent penetration leakage into the respirator for each exercise, may be used if a record of the readings is made. Minimize the time interval between the activity and the recording of the activity so you can clearly connect what you see to what is being recorded. For example, use a small diameter and length of sampling line. Test enclosure. <ul style="list-style-type: none"> Do ALL the following: <ul style="list-style-type: none"> Make sure the enclosure is equipped and constructed to effectively: <ul style="list-style-type: none"> Maintain a uniform concentration of the test agent inside the enclosure. For example, the enclosure must be large enough to allow ALL employees freedom of movement during testing WITHOUT disturbing the test concentration or measurement instrument Keep the test agent from contaminating the air outside the enclosure. For example, use a HEPA filter to purify exhausted air

Generated Aerosol Test Procedure

PROPOSED

- Allow the individual conducting the fit test to view the employee during the test
 - Make sure the tubing used to collect samples from the enclosure AND respirator is the same material, diameter, AND length. This makes the effect of aerosol loss caused by deposition in each sample line equal
 - If sodium chloride is used, relative humidity inside the enclosure must be kept below 50%.

4. Prepare test respirators.

- Do ALL the following:
 - Inspect test respirators regularly for missing parts AND damage
 - Keep test respirators in proper working order
 - Make sure in-mask sampling probes are:
 - Designed and installed so the air sample will be drawn from the employee's breathing zone; midway between the nose and mouth
 - AND
 - The probe extends inside the facepiece at least 1/4 inch
 - Make sure sampling ports such as probes, or adapters on respirators are constructed and installed so they do NOT:
 - Block air flow into the sampling line
 - Leak
 - Interfere with the respirator's fit or performance
- Have high efficiency particulate air (HEPA) filters OR P100 series filter available
 - Replace filters when increased breathing resistance is detected OR when the test agent has altered the filter material's integrity.

Test

Important!

- Throughout the test, maintain the employee's exposure to any test agent below the established exposure limit. Exposures allowed must be based on exposure time and exposure limit duration
- If a single peak penetration exceeds 5% for half facepieces OR 1% for full facepieces:
 - STOP the test
- AND
- Have the employee select another respirator for testing.

5. Have the employee attach filters, put on, adjust, and seal check the respirator.

- Be sure to crimp the sampling line to avoid pressure leaks during the seal check

AND

- Have the employee adjust the respirator straps, without assistance, so the fit is comfortable. Do NOT over tighten.

6. OPTIONAL Step. To save time conduct a screening test to quickly identify poorly fitting respirators.

Note:

You may use a qualitative screening test OR an ambient aerosol condensation nuclei counter instrument in the count mode.

7. Make sure test aerosol concentration is reasonably stable.

- If a canopy or shower curtain enclosure is used, determine stability of the test aerosol concentration AFTER the employee enters the enclosure.

8. Have the employee enter the test enclosure and connect the respirator to the sample lines.

9. Immediately after entering the enclosure measure test aerosol concentration inside the respirator.

- Make sure the peak penetration does NOT exceed 5% for half facepieces, OR 1% for full facepieces.

10. Have employee perform the appropriate fit-test exercises in Table 19.

- Do NOT adjust the respirator once exercises begin.

11. Calculate the overall fit factor as specified in Steps 12-13. The fit test is:

- PASSED IF the minimum fit factor of 100 for half facepieces OR 500 for full facepieces is obtained

OR

PROPOSED

Generated Aerosol Test Procedure	
<ul style="list-style-type: none"> • IF a passing fit factor is NOT obtained, the test has FAILED and you must have the employee select and test another respirator. 	
Calculations	
<p>Important!</p> <ul style="list-style-type: none"> • Do NOT count the grimace exercise measurements during these calculations • Take into account the limitations of instrument detection when determining fit factors. <p>12. Calculate individual fit factors for EACH exercise by applying the following:</p> <p style="margin-left: 40px;">Exercise fit factor (ffE) = $\frac{\text{Average test enclosure concentration}}{\text{Test aerosol concentration inside the respirator}}$</p> <ul style="list-style-type: none"> • To determine the average test enclosure concentration use one of the following methods: <ul style="list-style-type: none"> – Arithmetic average of the concentration before and after each test (an average of two values per entire test) – Arithmetic average of concentration before and after each exercise (an average of two values per exercise) – True average measured continuously during the respirator sample • Determine the test aerosol concentration inside the respirator in one of the following ways: <ul style="list-style-type: none"> – Average peak penetration values. Determine aerosol penetration for each exercise by: <ul style="list-style-type: none"> ■ Using integrators or computers that calculate the actual test agent penetration <li style="text-align: center;">OR ■ Average the peak heights shown on the strip chart recording, graph, or by computer integration – Maximum peak penetration. Use strip chart recordings to determine the highest peak penetration for each exercise and use this value – Area under the peaks. Use computerized integration or other appropriate calculations to integrate the area under individual peaks for each exercise. <p>13. Using individual exercise fit factors (ffE) calculate the overall fit factor by doing ALL of the following:</p> <ul style="list-style-type: none"> • Convert each exercise fit factor to a penetration value • Determine the average penetration value • Convert the average penetration value back to a fit factor <p style="margin-left: 20px;">OR</p> <ul style="list-style-type: none"> • Use this equation to calculate the overall fit factor: <p style="margin-left: 40px;">Overall fit factor = $\frac{n}{1/ffE1 + 1/ffE2 + 1/ffE3 \dots + 1/ffEn}$</p>	

Table 19

Fit-Test Exercises	
<p>Important:</p> <ul style="list-style-type: none"> • This list applies when you use any fit test • Employees tested must perform ALL exercises marked with an "X" as described for the fit-test procedure used <ul style="list-style-type: none"> – Once exercises begin, any adjustments made void the test AND you must begin again – After test exercises are completed, you must ask the employee about the comfort of the respirator. If it has become unacceptable, have the employee choose another one for testing • When the controlled negative pressure procedure is used, STOP and repeat the test if the employee adjusts the respirator OR takes a breath and fails to hold it for 10 seconds • Controlled negative pressure tests conducted according to the method published in 29 CFR 1910.134, Appendix A are an acceptable alternative to the method outlined below. 	

PROPOSED

Fit-Test Exercises			
Description of Required Fit-Test Exercises	Fit-Test Procedures		
	Qualitative Procedures	Quantitative Procedures; EXCEPT the CNPP	Controlled Negative Pressure Procedure (CNPP)
<ul style="list-style-type: none"> • Normal breathing <ul style="list-style-type: none"> – Breathe normally, while standing for one minute 	X	X	
<ul style="list-style-type: none"> • Deep breathing <ul style="list-style-type: none"> – Breathe slowly and deeply while standing for one minute – Take caution to avoid hyperventilating 	X	X	
<ul style="list-style-type: none"> • Head side to side <ul style="list-style-type: none"> – Slowly turn head from side to side while standing for one minute, pausing at each extreme position to inhale – Be careful to NOT bump the respirator 	X	X	
<ul style="list-style-type: none"> • Head up and down <ul style="list-style-type: none"> – Slowly move head up and down while standing for one minute, inhaling in the up position – Be careful to NOT bump the respirator 	X	X	
<ul style="list-style-type: none"> • Talking <ul style="list-style-type: none"> – Talk slowly and loud enough to be heard clearly by the individual conducting fit testing for one minute. Choose ONE of the following: <ul style="list-style-type: none"> ■ Read from a prepared text such as the Rainbow Passage¹ ■ Count backward from 100 ■ Recite a memorized poem or song. 	X	X	
<ul style="list-style-type: none"> • Grimace <ul style="list-style-type: none"> – Smile or frown for fifteen seconds. 		X	
<ul style="list-style-type: none"> • Bending over <ul style="list-style-type: none"> – Bend over to touch toes while standing. Repeat at a comfortable pace for one minute OR – Jog in place for one minute if the test enclosure, such as a hood, does not permit bending over 	X	X	
<ul style="list-style-type: none"> • Normal breathing <ul style="list-style-type: none"> – Breathe normally while standing for one minute 	X	X	
<ul style="list-style-type: none"> • Face forward <ul style="list-style-type: none"> – Premeasurement activity: Stand and breath normally, without talking – Measurement position: Face forward while holding breath for 10 seconds 			X
<ul style="list-style-type: none"> • Bending over <ul style="list-style-type: none"> – Premeasurement activity: While standing, bend over to touch toes – Measurement position: Hold the bending position with face parallel to the floor while holding breath for 10 seconds 			X

PROPOSED

Fit-Test Exercises			
<ul style="list-style-type: none"> • Head shaking <ul style="list-style-type: none"> – Premeasurement activity: Vigorously shake head from side to side for 3 seconds while shouting or making the sound of "BRRRR" loudly – Measurement position: Face forward, while holding breath for 10 seconds 			X
<ul style="list-style-type: none"> • Redon-1 <ul style="list-style-type: none"> – Premeasurement activity: Remove the respirator completely and put it back on – Measurement position: Face forward while holding breath for 10 seconds 			X
<ul style="list-style-type: none"> • Redon-2 <ul style="list-style-type: none"> – Repeat the premeasurement activity and measurement position described in Redon-1 			X

The Rainbow Passage:

"When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond

reach, his friends say he is looking for the pot of gold at the end of the rainbow."

NEW SECTION

WAC 296-307-62015 Follow procedures established for cleaning and disinfecting respirators.

You must:

- Follow the procedure in Table 20 for cleaning and disinfecting respirators.

**Table 20
Respirator Cleaning Procedure**

Step	Task
1.	Remove filters, cartridges, canisters, speaking diaphragms, demand and pressure valve assemblies, hoses, or any components recommended by the manufacturer. <ul style="list-style-type: none"> • Discard or repair any defective parts.
2.	Wash components in warm (43°C (110°F) maximum) water with a mild detergent or with a cleaner recommended by the manufacturer <ul style="list-style-type: none"> • A stiff bristle (not wire) brush may be used to help remove the dirt • If the detergent or cleaner does not contain a disinfecting agent, respirator components should be immersed for two minutes in one of the following: <ul style="list-style-type: none"> – A bleach solution (concentration of 50 parts per million of chlorine). Make this by adding approximately one milliliter of laundry bleach to one liter of water at 43°C (110°F) – A solution of iodine (50 parts per million iodine). Make this in two steps: <ul style="list-style-type: none"> ■ First, make a tincture of iodine by adding 6-8 grams of solid ammonium iodide and/or potassium iodide to 100 cc of 45% alcohol approximately ■ Second, add 0.8 milliliters of the tincture to one liter of water at 43°C (110°F) to get the final solution – Other commercially available cleansers of equivalent disinfectant quality when used as directed, if their use is recommended or approved by the respirator manufacturer.
3.	Rinse components thoroughly in clean, warm (43°C (110°F) maximum), preferably, running water. <p>Note: The importance of thorough rinsing cannot be overemphasized. Detergents or disinfectants that dry on facepieces could cause dermatitis. In addition, some disinfectants may cause deterioration of rubber or corrosion of metal parts, if not completely removed.</p>
4.	Drain components.

Step	Task
5.	Air-dry components or hand dry components with a clean, lint-free cloth.
6.	Reassemble the facepiece components. • Replace filters, cartridges, and canisters, if necessary (for testing).
7.	Test the respirator to make sure all components work properly.

NEW SECTION

WAC 296-307-62020 Follow procedures established for seal checking respirators.

IMPORTANT:

• User seal checks are NOT a substitute for fit tests. See WAC 296-307-62010 for fit test procedures.

• You may use a seal check procedure recommended by the respirator manufacturer **INSTEAD** of the procedure outlined in Table 21 if you can demonstrate the procedure is based on a scientific study that, for example, demonstrates the procedure effectively identifies respirators that fit poorly when put on or adjusted.

You must:

• Make sure employees perform a user seal check as outlined in Table 21, **EACH TIME** the respirator is worn, to make sure the seal is adequate.

Table 21

User Seal Check Procedure

Important information for employees:

- You need to conduct a seal check **each time** you put your respirator on **BEFORE** you enter the respirator use area. The purpose of a seal check is to make sure your respirator (which has been previously fit tested by your employer) is properly positioned on your face to prevent leakage during use and to detect functional problems
- The procedure below has two parts; a positive pressure check and a negative pressure check. **You must complete both parts each time.** It should only take a few seconds to perform, once you learn it
 - If you cannot pass both parts, your respirator is NOT functioning properly, see your supervisor for further instruction.

Positive pressure check:

1. Remove exhalation valve cover, if removable.
2. Cover the exhalation valve completely with the palm of your hand **WHILE** exhaling gently to inflate the facepiece slightly.
3. The respirator facepiece should remain inflated (indicating a build-up of positive pressure and **NO** outward leakage).
 - If you detect **NO** leakage, replace the exhalation valve cover (if removed), and proceed to conduct the negative pressure check
 - If you detect evidence of leakage, reposition the respirator (after removing and inspecting it), and try the positive pressure check again.

User Seal Check Procedure

Negative pressure check:

4. Completely cover the inhalation opening(s) on the cartridges or canister with the palm(s) of your hands **WHILE** inhaling gently to collapse the facepiece slightly.
 - If you cannot use the palm(s) of your hands to effectively cover the inhalation openings on cartridges or canisters, you may use:
 - Filter seal(s) (if available)
- OR**
- Thin rubber gloves.
5. Once the facepiece is collapsed, hold your breath for 10 seconds **WHILE** keeping the inhalation openings covered.
6. The facepiece should remain slightly collapsed (indicating negative pressure and **NO** inward leakage).
 - If you detect **NO** evidence of leakage, the tightness of the facepiece is considered adequate, the procedure is completed, and you may now use the respirator
 - If you detect leakage, reposition the respirator (after removing and inspecting it) and repeat **BOTH** the positive and negative fit checks.

NEW SECTION

WAC 296-307-622 Definitions.

Air-purifying respirator (APR)

A respirator equipped with an air-purifying element such as a filter, cartridge, or canister, **OR** having a filtering facepiece, for example, a dust mask.

The element or filtering facepiece is designed to remove specific contaminants, such as particles, vapors, or gases, from air that passes through it.

Air-line respirator

An atmosphere-supplying respirator for which breathing air is drawn from a source separate from and not worn by the user, such as:

- A cylinder or a tank
- A compressor
- An uncontaminated environment.

Air supplied respirator (see air-line respirator)

Assigned protection factor (APF)

Indicates the expected level of workplace respiratory protection **WHEN** the respirator is:

- Functioning properly
- AND**
- Fitted to the user
- AND**
- Worn by trained individuals
- AND**

PROPOSED

- Used with the limitations specified on the NIOSH approval label.

Atmosphere-supplying respirator

A respirator that supplies the user with breathing air from sources, such as:

- A cylinder or a tank
- A compressor
- An uncontaminated environment.

Breathing air

Air supplied to an atmosphere-supplying respirator. This air meets the specifications found in WAC 296-307-616.

Canister or cartridge (air-purifying)

Part of an air-purifying respirator that consists of a container holding materials such as fiber, treated charcoal, or a combination of the two, that removes contaminants from the air passing through the cartridge or canister.

Cartridge respirator (see also air-purifying respirator)

An air-purifying respirator equipped with one or more cartridges. These respirators have a facepiece made from silicone, rubber OR other plastic-like materials.

Demand respirator

An atmosphere-supplying respirator that sends breathing air to the facepiece only when suction (negative pressure) is created inside the facepiece by inhalation. Demand respirators are "negative pressure" respirators.

Dust mask

A name used to refer to filtering-facepiece respirators. Dust masks may or may not be NIOSH certified. See filtering facepiece.

Emergency respirator

Respirators suitable for rescue, escape, or other activities during emergency situations.

Emergency situation

Any occurrence that could OR does result in a significant uncontrolled release of an airborne contaminant. Causes of emergency situations include, but are not limited to, equipment failure, rupture of containers, or failure of control equipment.

End-of-service-life indicator (ESLI)

A system that warns the air-purifying respirator user that cartridges or canisters must be changed. An example of an ESLI is a dot on the respirator cartridge that changes color.

Escape-only respirator

A respirator that can only be used to exit during emergencies. Look for this use limitation on the respirator's NIOSH approval label.

Exposed, or exposure

The contact an employee has with a toxic substance, harmful physical agent, or oxygen deficient condition. Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Filter

Fibrous material that removes dust, spray, mist, fume, fog, smoke particles, OR other aerosols from the air.

Filtering-facepiece respirator

A tight-fitting, half-facepiece, negative-pressure, particulate air-purifying respirator with the facepiece MAINLY composed of filter material. These respirators do not use cartridges or canisters and may have sealing surfaces composed

of rubber, silicone or other plastic-like materials. They are sometimes referred to as "dust masks."

Fit factor

A number providing an estimate of fit for a particular respiratory inlet covering to a specific individual during quantitative fit testing.

Fit test (see also qualitative fit test and quantitative fit test)

Fit testing is an activity where the facepiece seal of a respirator is challenged, using a WISHA accepted procedure, to determine if the respirator provides an adequate seal.

Full-facepiece respirator

A tight-fitting respirator that covers the wearer's nose, mouth, and eyes.

Gas mask

An air-purifying respirator equipped with one or more canisters. These respirators have a facepiece made from silicone, rubber OR other plastic-like materials.

Half-facepiece respirator

A tight-fitting respirator that only covers the wearer's nose and mouth.

Helmet

The rigid part of a respirator that covers the wearer's head AND also provides head protection against impact or penetration.

High-efficiency particulate air filter (HEPA)

A powered air purifying respirator (PAPR) filter that removes at least 99.97% of monodisperse dioctyl phthalate (DOP) particles with a mean particle diameter of 0.3 micrometer from contaminated air.

Note: Filters designated, under 42 CFR Part 84, as an "N100," "R100," or "P100" provide the same filter efficiency (99.97%) as HEPA filters.

Hood

The part of a respirator that completely covers the wearer's head and neck AND may also cover some or all of the shoulders and torso.

Immediately dangerous to life or health (IDLH)

An atmospheric condition that would:

- Cause an immediate threat to life
- OR
- Cause permanent or delayed adverse health effects

OR

- Interfere with an employee's ability to escape.

Licensed healthcare professional (LHCP)

An individual whose legally permitted scope of medical practice allows him or her to provide SOME OR ALL of the healthcare services required for respirator users' medical evaluations.

Loose-fitting facepiece

A respiratory inlet covering that is designed to form a partial seal with the face.

Negative-pressure respirator

Any tight-fitting respirator in which the air pressure inside the facepiece is less than the air pressure outside the respirator during inhalation.

NIOSH

The National Institute for Occupational Safety and Health. NIOSH is the federal agency that certifies respirators for occupational use.

Oxygen deficient

An atmosphere with an oxygen content below 19.5% by volume.

Permissible exposure limit (PEL)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful agents that must not be exceeded. PELs are specified in applicable WISHA chapters.

Positive-pressure respirator

A respirator in which the air pressure inside the respiratory inlet covering is greater than the air pressure outside the respirator.

Powered air-purifying respirators (PAPRs)

An air-purifying respirator equipped with a blower that draws ambient air through cartridges or canisters. These respirators, as a group, are NOT classified as positive pressure respirators and must not be used as such.

Pressure-demand respirator

A positive-pressure atmosphere-supplying respirator that sends breathing air to the respiratory inlet covering when the positive pressure is reduced inside the facepiece by inhalation or leakage.

Qualitative fit test (QLFT)

A test that determines the adequacy of respirator fit for an individual. The test relies on the employee's ability to detect a test substance. Test results are either "pass" or "fail."

Quantitative fit test (QNFT)

A test that determines the adequacy of respirator fit for an individual. The test relies on specialized equipment that performs numeric measurements of leakage into the respiratory inlet covering. Test results are used to calculate a "fit factor."

Respiratory hazard

Harmful airborne hazards and oxygen deficiency that are addressed in WAC 296-307-624, Identifying and controlling airborne hazards and oxygen deficiency.

Required use

Respirator use:

- That is necessary to protect employees from respiratory hazards

OR

- That the employer decides to require for his or her own reasons. For example, the employer decides to follow more rigorous exposure limits

- The employer for his or her own reasons. For example, the employer decides to follow more rigorous exposure limits, OR the employer is required to follow a medical recommendation.

Respirator

A type of personal protective equipment designed to protect the wearer from harmful airborne hazards, oxygen deficiency, or both.

Respiratory inlet covering

The part of a respirator that forms the protective barrier between the user's respiratory tract and an air-purifying device or breathing air source or both. The respiratory inlet covering may be a facepiece, helmet, hood, suit, or mouthpiece respirator with nose clamp.

Seal check

Actions conducted by the respirator user each time the respirator is put on, to determine if the respirator is properly seated on the face.

Self-contained breathing apparatus (SCBA)

An atmosphere-supplying respirator designed for the breathing air source, to be carried by the user.

Service-life

The period of time that a respirator, filter or sorbent, or other respiratory equipment provides adequate protection to the wearer. For example, the period of time that sorbent cartridge is effective for removing a harmful substance from the air.

Sorbent

Rigid, porous material, such as charcoal, used to remove vapor or gas from the air.

Supplied-air respirator (see air-line respirator)**Tight-fitting facepiece**

A respiratory inlet covering forming a complete seal with the face OR neck. Mouthpiece respirators aren't tight-fitting facepieces.

Voluntary use

Respirator use that is requested by the employee AND permitted by the employer when NO respiratory hazard exists.

Part Y-6**Respiratory Hazards****NEW SECTION****WAC 296-307-624 Scope.**

This part applies **only** if your employees:

- Are exposed to a respiratory hazard

OR

- Could be exposed to one of the specific hazards listed below.

This part applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

- Evaluate employee exposures to determine if controls are needed
- Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material
- Use respirators if controls are not feasible or if they cannot completely remove the hazard.

Definition:**Exposed or exposure:**

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

- Note:** Examples of substances that may be respiratory hazards when airborne include:
- Chemicals listed in Table 3
 - Any substance
 - Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances

- For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer
- That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer
- Atmospheres considered oxygen deficient
- Biological agents such as harmful bacteria, viruses or fungi
- Examples include airborne TB aerosols and anthrax
- Pesticides with a label requirement for respirator use
- Chemicals used as crowd control agents such as pepper spray
- Chemicals present at clandestine drug labs.

These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.

Reference:

- Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE). See WAC 296-307-100, Personal protective equipment, for additional information and requirements.
- If any of the following hazards are present in your workplace, you will need both this part and any of the following specific rules that apply:

Hazard	Rule that applies
Acrylonitrile	WAC 296-62-07336
Arsenic (inorganic)	WAC 296-62-07347
Asbestos	WAC 296-62-077
Benzene	WAC 296-62-07523
Butadiene	WAC 296-62-07460
Cadmium	WAC 296-62-074 through 296-62-07449 or 296-155-174
Carcinogens	Chapter 296-62 WAC, Part F
Coke ovens	Chapter 296-62 WAC, Part O
Cotton dust	Chapter 296-62 WAC, Part N
1,2-Dibromo-3-chloropropane	WAC 296-62-07342
Ethylene oxide	WAC 296-62-07355
Formaldehyde	WAC 296-62-07540
Lead	WAC 296-62-07521 or 296-155-176
Methylene chloride	WAC 296-62-07470
Methylenedianiline	WAC 296-62-076 or 296-155-173
Thiram	WAC 296-62-07519
Vinyl chloride	WAC 296-62-07329

NEW SECTION

WAC 296-307-626 Evaluate and control employee exposures.

Summary:

Your responsibility:

To protect your employees from exposure to respiratory hazards in the workplace by identifying and controlling the hazards.

You must:

- Identify and evaluate employee exposures
WAC 296-307-62605
- Control employee exposures
WAC 296-307-62610

Use respirators

WAC 296-307-62615

Notify employees

WAC 296-307-62620

Permissible exposure limits of air contaminants

WAC 296-307-62625.

NEW SECTION

WAC 296-307-62605 Identify and evaluate respiratory hazards.

You must:

- Make sure employees are protected from potentially hazardous exposure while you perform your evaluation
- Perform your evaluation without considering the protection provided to employees by a respirator
- Determine the form of the hazard, such as dust, mist, gas, oxygen deficiency, or biological agent

• Make sure you consider:

- Potential emergency and rescue situations that may occur, such as equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error

- Workplace conditions such as work processes, types of material, control methods, work practices and environmental conditions.

• Determine or reasonably estimate whether any employee is or could be exposed to any of the following:

- Any airborne substance above a permissible exposure limit (PEL) listed in Table 3

- A substance at or above the action level (AL) specified in the rule for that substance

- Any other respiratory hazard.

• Use any of the following to determine employee exposure:

- Information that would allow an estimate of the level of employee exposure, such as MSDSs or pesticide labels, observations, measurements or calculations

- Data demonstrating that a particular product, material or activity cannot result in employee exposure at or above the AL or PEL

- Personal air samples that represent an employee's usual or worst case exposure for the entire shift.

- Note:**
- Rules for specific substances may contain additional requirements for determining employee exposure.
 - Use methods of sampling and analysis that have been validated by the laboratory performing the analysis.
 - Samples from a representative group of employees may be used for other employees performing the same work activities when the duration and level of exposure are similar.

You must:

• Consider the atmosphere to be immediately dangerous to life or health (IDLH) when you cannot determine or reasonably estimate employee exposure

• Make sure employee exposure, to 2 or more substances with additive health effects, is evaluated using this formula:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots + \frac{C_n}{L_n}$$

The symbol	Is the . . .
E	Equivalent exposure for the mixture. When the value of E is greater than 1, a respiratory hazard is present.
C	Concentration of a particular substance.
L	TWA, STEL, or ceiling for that substance from Table 3.

NEW SECTION

WAC 296-307-62610 Control employee exposures.

You must:

• Use feasible controls to protect employees from exposure to respiratory hazards by:

– Reducing employee exposure to a level that removes the respiratory hazard, such as to a level below the permissible exposure limit (PEL) in Table 3;

OR

– Reducing the exposure to the lowest achievable level, when the respiratory hazard cannot be removed.

Note: The following table gives you examples of control methods.

**Table 1
Examples of Possible Controls**

Control:	For example:
Using a different chemical (substitution)	<ul style="list-style-type: none"> • Choose a chemical with a lower evaporation rate or vapor pressure. • Choose a chemical without hazardous ingredients.
Changing a process to lessen emissions	<ul style="list-style-type: none"> • Use hand rolling or paint dipping instead of paint spraying. • Bolt items instead of welding them.
Separating employees from emissions areas and sources	<ul style="list-style-type: none"> • Use control rooms. • Build an enclosure around process machinery or other emissions sources. • Automate a process.
Removing emissions at or near the source (local exhaust ventilation)	<ul style="list-style-type: none"> • Install exhaust hoods or slots to capture emissions. • Use an exhausted enclosure (like a blasting cabinet or laboratory hood).
Diluting and removing emissions in the work area (general exhaust ventilation)	<ul style="list-style-type: none"> • Allow natural air movement to create an adequate airflow through an area. • Use mechanical fans.

Control:	For example:
Modify work practices	<ul style="list-style-type: none"> • Change the position of the worker relative to the work so fumes, vapors, or smoke do not go into their face.
Rotate employees – Some specific rules prohibit the use of this control method	<ul style="list-style-type: none"> • Move employees to another job that is without exposure, on a schedule to keep their total exposure below the permissible exposure limit.

PROPOSED

NEW SECTION

WAC 296-307-62615 Use respirators.

You must:

• Require employees to use respiratory protection when respiratory hazards have not been removed using feasible controls. For example, use respirators at any of the following times:

- While controls are being evaluated or put in place
- When the respiratory hazard is not completely removed
- When controls are **not** feasible.

Reference: See WAC 296-307-594, Respirators, for respirator program requirements.

NEW SECTION

WAC 296-307-62620 Notify employees.

You must:

• Notify employees who are or may be exposed to respiratory hazards, as specified in Table 2.

Note: • The notification may be provided either individually, to a group, or by posting of results in an appropriate location that's accessible to affected employees.

**Table 2
Notification Requirements**

Notify employees of:	As follows:
Any exposure result above a permissible exposure limit (PEL)	Within five business days, after the employee's exposure result is known to the employer
The corrective action being taken to reduce employee exposure to or below the PEL AND The schedule for completion of the corrective action and any reasons why exposures cannot be lowered to below the PEL	Within fifteen business days, after the employee's exposure result is known to the employer
An exposure to these substances:	In writing, as specified in the rule specific to the substance

PROPOSED

Notify employees of:	As follows:
<ul style="list-style-type: none"> • Acrylonitrile • Arsenic (inorganic) • Asbestos • Benzene • Butadiene • Cadmium • Coke oven emissions • Cotton dust • 1,2-Dibromo-3-chloropropane • Ethylene oxide • Formaldehyde • Lead • Methylene chloride • Methylenedianiline • Vinyl chloride 	

NEW SECTION

WAC 296-307-62625 Permissible exposure limits of air contaminants.

IMPORTANT:

The following information applies to Table 3, Permissible Exposure Limits for Air Contaminants.

- Exposure needs to be determined from personal air samples taken in the breathing zone or from monitoring representative of the employee's breathing zone.

- Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

- Mg/m³ refers to milligrams of substance per cubic meter of air.

- For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for

individual compounds of the metal are not provided. For more information about CAS registry numbers see the website: <http://www.cas.org>.

- Time weighted averages (TWA₈) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8 hours the TWA₈ needs to be determined using the 8 continuous hours with the highest average concentration.

- Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen-minute period, unless another time period is noted in Table 3.

- The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

- An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

- Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-307-100.

- The respirable fraction of particulate is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m ³	10 mg/m ³	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m ³	0.09 mg/m ³	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Acrylonitrile (Vinyl cyanide) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pyro powders	—	5 mg/m ³	10 mg/m ³	—	—
Welding fumes	—	5 mg/m ³	10 mg/m ³	—	—
Soluble salts	—	2 mg/m ³	4 mg/m ³	—	—
Alkyls (NOC)	—	2 mg/m ³	4 mg/m ³	—	—
Aluminum oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m ³	0.6 mg/m ³	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m ³	20 mg/m ³	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10 mg/m ³	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m ³	1.5 mg/m ³	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m ³	0.9 mg/m ³	—	—
Argon	7440-37-1	Simple asphyxiant	—	—	—
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsenic, inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	0.01 mg/m ³	—	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos (see WAC 296-62-077)	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m ³	10 mg/m ³	—	—
Atrazine	1912-24-9	5 mg/m ³	10 mg/m ³	—	—
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Azodrin (Monocrotophos)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Baygon (Propoxur)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benzene (see WAC 296-62-07523)	71-43-2	1 ppm	5 ppm	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Benzoyl peroxide	94-36-0	5 mg/m ³	10 mg/m ³	—	—
Benzyl chloride	100-44-7	1 ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m ³	0.005 mg/m ³ (30 min.)	0.025 mg/m ³	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Bismuth telluride, Se-doped	—	5 mg/m ³	10 mg/m ³	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m ³	3 mg/m ³	—	—
Decahydrate	1303-96-4	5 mg/m ³	10 mg/m ³	—	—
Pentahydrate	12179-04-3	1 mg/m ³	3 mg/m ³	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Boron tribromide	10294-33-4	—	—	1 ppm	—
Boron trifluoride	6737-07-2	—	—	1 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromochloromethane (Chlorobromomthane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
Butyl cellosolve (2-Butoxy ethanol)	111-76-2	25 ppm	38 ppm	—	—
tert-Butyl chromate (as CrOs)	1189-85-1	—	—	0.1 mg/m ³	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074)	1306-19-0	0.005 mg/m ³	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	0.005 mg/m ³	—	—	—
Calcium arsenate (see WAC 296-62-07347)	—	0.01 mg/m ³	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium cyanamide	156-62-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Calcium hydroxide	1305-62-0	5 mg/m ³	10 mg/m ³	—	—
Calcium oxide	1305-78-8	2 mg/m ³	4 mg/m ³	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Camphor (synthetic)	76-22-2	2 mg/m ³	4 mg/m ³	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m ³	3 mg/m ³	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Captan	133-06-2	5 mg/m ³	10 mg/m ³	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Carbon black	1333-86-4	3.5 mg/m ³	7 mg/m ³	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.1 ppm	0.3 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellosolve acetate (2-Ethoxyethylacetate)	111-15-9	5 ppm	10 ppm	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cesium hydroxide	21351-79-1	2 mg/m ³	4 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Chlordane	57-74-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m ³	1.5 mg/m ³	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
1-Chloro-2, 3-epoxypropane (Epichlorohydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride) (See WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Chromic acid and chromates (as CrO ₃)	Varies with compound	0.1 mg/m ³	0.3 mg/m ³	—	—
Chromium, soluble, chromic and chromous salts (as Cr)	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromium (VI) compounds (as Cr)	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Coal dust (less than 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	2 mg/m ³	4 mg/m ³	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Coal tar pitch volatiles (benzene soluble fraction) (Particulate polycyclic aromatic hydrocarbons)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m ³	0.15 mg/m ³	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m ³	0.3 mg/m ³	—	—
Coke oven emissions (see WAC 296-62-200)	—	0.15 mg/m ³	—	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Dusts and mists	—	1 mg/m ³	3 mg/m ³	—	—
Cotton dust (raw) (waste sorting, blending, cleaning, willowing and garetting) (see WAC 296-62-14533)	—	1 mg/m ³	—	—	—
Corundum (Aluminum oxide)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Crufomate	299-86-5	5 mg/m ³	10 mg/m ³	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m ³	4 mg/m ³	—	—
Cyanide (as CN)	Varies with compound	5 mg/m ³	10 mg/m ³	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m ³	3.0 mg/m ³	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	10 mg/m ³	20 mg/m ³	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
DBCP (1,2-Dibromo-3-chloropropane) (See WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
DDVP, (Dichlorvos)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dasanit (Fensulfthion)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1, 2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m ³	10 mg/m ³	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—
Dichlorodiphenyltri- chloroethane (DDT)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m ³	0.4 mg/m ³	—	—
1, 1-Dichloroethane (Ethylidene chloride)	75-34-3	100 ppm	150 ppm	—	—
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride) (See WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
Dichlorophenoxyacetic acid (2, 4-D)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Dieldrin	60-57-1	0.25 mg/m ³	0.75 mg/m ³	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m ³	10 mg/m ³	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Difolatan (Captafol)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo benzene (see WAC 296-62-073)	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	100 ppm	150 ppm	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m ³	10 mg/m ³	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m ³	0.6 mg/m ³	—	X
3, 5-Dinitro-o-toluamide (Dinitolmide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrotoluene	25321-14-6	1.5 mg/m ³	3 mg/m ³	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m ³	20 mg/m ³	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m ³	1.5 mg/m ³	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m ³	10 mg/m ³	—	—
Disulfiram	97-77-8	2 mg/m ³	4 mg/m ³	—	—
Disulfoton	298-04-4	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m ³	20 mg/m ³	—	—
Diuron	330-54-1	10 mg/m ³	20 mg/m ³	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Endrin	72-20-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Epichlorhydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X
EPN	2104-64-5	0.5 mg/m ³	1.5 mg/m ³	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanol (Ethyl alcohol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m ³	1.2 mg/m ³	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-hepatone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1 ppm	X
Ethylenediamine (1,2- Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m ³	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Ethylene oxide (see WAC 296-62-07359)	75-21-8	1 ppm	5 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m ³	0.3 mg/m ³	—	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Fenthion	55-38-9	0.2 mg/m ³	0.6 mg/m ³	—	X
Ferbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m ³	20 mg/m ³	—	—
Ferrovandium dust	12604-58-9	1 mg/m ³	3 mg/m ³	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m ³	5 mg/m ³	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m ³	0.3 mg/m ³	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75 ppm	2 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furadon (carbofuran)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m ³	20 mg/m ³	—	—
Gluteraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m ³	20 mg/m ³	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m ³	5 mg/m ³	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Hafnium	7440-58-6	0.5 mg/m ³	1.5 mg/m ³	—	—
Helium	—	Simple asphyxiant	—	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Heptachlor	76-44-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	4.7 ppm	—	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m ³	0.3 mg/m ³	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe) Total particulate	1309-37-1	—	—	—	—
	—	5 mg/m ³	10 mg/m ³	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m ³	3 mg/m ³	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Ketene	463-51-4	0.5 mg/m ³	1.5 mg/m ³	—	—
Lannate (Methomyl)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Lead, inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m ³	—	—	—
Lead arsenate (as Pb) (see WAC 296-62-07347)	3687-31-8	0.05 mg/m ³	—	—	—
Lead chromate (as Pb)	7758-97-6	0.05 mg/m ³	—	—	—
Limestone	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Lindane	58-89-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Lithium hydride	7580-67-8	0.025 mg/m ³	0.075 mg/m ³	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Malathion	121-75-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compounds (as Mn)	7439-96-5	—	—	5 mg/m ³	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m ³	3 mg/m ³	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
MBOCA (4, 4'-Methylene bis (2-chloro-aniline)) (see WAC 296-62-073)	101-14-4	—	—	—	X
MDA (4, 4-Methylene dianiline) (see WAC 296-62-076)	101-77-9	0.01 ppm	0.1 ppm	—	X
MDI (Methylene bisphenyl isocyanate) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
MEK (Methyl ethyl ketone) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
MEKP (Methyl ethyl ketone peroxide)	1338-23-4	—	—	0.2 ppm	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	0.1 mg/m ³	0.3 mg/m ³	—	X
Organo-alkyl compounds	—	0.01 mg/m ³	0.03 mg/m ³	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Vapor	—	0.05 mg/m ³	0.15 mg/m ³	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methanol (Methyl alcohol)	67-56-1	200 ppm	250 ppm	—	X
Methomyl (Iannate)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
2-Methoxyethyl acetate (Methyl cellosolve acetate)	110-49-6	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m ³	10 mg/m ³	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl methyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylcyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl demeton	8022-00-2	0.5 mg/m ³	1.5 mg/m ³	—	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA) (see WAC 296-62-073)	101-14-4	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane) (see WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
4, 4-Methylene dianiline (MDA) (see WAC 296-62-076)	101-77-9	0.01 ppm	0.1 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Metribuzin	21087-64-9	5 mg/m ³	10 mg/m ³	—	—
Mica (Silicates) Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Insoluble compounds	—	10 mg/m ³	20 mg/m ³	—	—
Monochlorobenzene (Chlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Metal and insoluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Soluble compounds	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Nicotine	54-11-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Nitrapyrin (2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m ³	6 mg/m ³	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m ³	1.5 mg/m ³	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen oxide (Nitrous oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m ³	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m ³	10 mg/m ³	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m ³	2 mg/m ³	—	—
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paper fiber (Cellulose)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Paraffin wax fume	8002-74-2	2 mg/m ³	4 mg/m ³	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7	0.1 mg/m ³	0.3 mg/m ³	—	X
	1910-42-5	—	—	—	—
	2074-50-2	—	—	—	—
Parathion	56-38-2	0.1 mg/m ³	0.3 mg/m ³	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Particulate polycyclic aromatic hydrocarbons (benzene soluble fraction) (coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentachlorophenol	87-86-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Petroleum distillates (Naptha, rubber solvent)	—	100 ppm	150 ppm	—	—
Phenacyl chloride (a-Chloroacetophenone)	532-21-4	0.05 ppm	0.15 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m ³	10 mg/m ³	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m ³	0.3 mg/m ³	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenylhydrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m ³	0.2 mg/m ³	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.3 ppm	—	—
Phosphine	7803-51-2	0.3 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m ³	3 mg/m ³	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m ³	3 mg/m ³	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m ³	10 mg/m ³	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Picric acid (2, 4, 6-Trinitrophenol)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Pindone (2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m ³	10 mg/m ³	—	—
Pival (Pindone)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m ³	3 mg/m ³	—	—
Soluble salts	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Polychlorobiphenyls (Chlorodiphenyls)	—	—	—	—	—
42% Chlorine (PCB)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
54% Chlorine (PCB)	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m ³	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2- Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m ³	10 mg/m ³	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Pyrocatechol (Catechol)	120-80-9	5 ppm	10 ppm	—	X
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m ³	3 mg/m ³	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—
Insoluble compounds, metal fumes and dusts	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Soluble compounds, salts	—	0.001 mg/m ³	0.003 mg/m ³	—	—
Ronnel	299-84-3	10 mg/m ³	20 mg/m ³	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Rotenone	83-79-4	5 mg/m ³	10 mg/m ³	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sevin (Carbaryl)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m ³	12 mg/m ³	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Silicates (less than 1% crystalline silica)	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m ³	0.03 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Sodium azide (as HN ₃ or NaN ₃)	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m ³	10 mg/m ³	—	—
Sodium-2, 4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	—	—	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m ³	0.15 mg/m ³	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m ³	—
Sodium metabisulfite	7681-57-4	5 mg/m ³	10 mg/m ³	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m ³	0.45 mg/m ³	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisins	9014-01-1	—	0.00006 mg/m ³ (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m ³	3 mg/m ³	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m ³	3 mg/m ³	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T	93-76-5	10 mg/m ³	20 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m ³	10 mg/m ³	—	—
TDI (Toluene-2, 4-diisocyanate)	584-84-9	0.005 ppm	0.02 ppm	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temephos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m ³	4 mg/m ³	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m ³	10 mg/m ³	—	—
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m ³	0.3 mg/m ³	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Thiodan (Endosulfan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m ³	10 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds	7440-31-5	2 mg/m ³	4 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Organic compounds	7440-31-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m ³	4 mg/m ³	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
TNT (2, 4, 6-Trinitrotoluene)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1, 1, 1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane (Fluorotrichloromethane)	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m ³	10 mg/m ³	—	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2, 4, 6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 4, 6-Trinitrophenyl-methylnitramine (Tetryl)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Triphenyl amine	603-34-9	5 mg/m ³	10 mg/m ³	—	—
Triphenyl phosphate	115-86-6	3 mg/m ³	6 mg/m ³	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Insoluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Insoluble compounds	—	0.2 mg/m ³	0.6 mg/m ³	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V2O5)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Welding fumes (total particulate)	—	5 mg/m ³	10 mg/m ³	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenics)	—	5 mg/m ³	10 mg/m ³	—	—
Allergenics (e.g. cedar, mahogany and teak)	—	2.5 mg/m ³	5 mg/m ³	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m ³	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m ³	3 mg/m ³	—	—
Zinc chloride fume	7646-85-7	1 mg/m ³	2 mg/m ³	—	—
Zinc chromate (as CrO3)	Varies with com- pound	0.05 mg/m ³	—	0.1 mg/m ³	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Respirable fraction	—	5 mg/m ³	10 mg/m	—	—
Zinc oxide fume	1314-13-2	5 mg/g ³	10 mg/m ³	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m ³	10 mg/m ³	—	—

NEW SECTION

WAC 296-307-628 Definitions.

Ceiling - An exposure limit, measured over the shortest time period feasible, that must not be exceeded during any part of the employee's workday.

Dust - Solid particles suspended in air. Dusts are generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.

Exposed or exposure - The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition. Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Fume - Solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc.

Gas - A normally formless fluid which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Mist - Liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming, spraying or atomizing.

Oxygen deficient - An atmosphere with an oxygen content below 19.5% by volume.

Permissible exposure limits (PEL) - Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Short-term exposure limit (STEL) - An exposure limit averaged over a short time period (usually measured for 15 minutes) that must not be exceeded during any part of an employee's workday.

Time weighted average (TWA₈) - An exposure limit averaged over 8 hours that must not be exceeded during an employee's workday.

Toxic substance - Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

- Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS)

- Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer.

The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Vapor - The gaseous form of a substance that is normally in the solid or liquid state.

Part Y-7

Hearing Loss Prevention (Noise)

NEW SECTION

WAC 296-307-630 Scope. The purpose of this part is to:

- Prevent employee hearing loss by minimizing employee noise exposures

AND

- Make sure employees exposed to noise are protected. These goals are accomplished by:
 - Measuring and computing the employee noise exposure from all equipment and machinery in the workplace, as well as any other noise sources in the work area
 - Protecting employees from noise exposure by using feasible noise controls
 - Making sure employees use hearing protection, if you cannot feasibly control the noise
 - Training employees about hearing loss prevention
 - Evaluating your hearing loss prevention efforts by tracking employee hearing or periodically reviewing controls and protection
- Making appropriate corrections to your program.

Reference: Table 1 will help you determine the hearing loss prevention requirements for your workplace. For the specific requirements associated with Noise Evaluation Criteria, see WAC 296-307-63410 of this part.

**Table 1
Noise Evaluation Criteria**

Criteria	Description	Requirements
85 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program	<ul style="list-style-type: none"> - Hearing protection - Training - Audiometric testing

PROPOSED

PROPOSED

Criteria	Description	Requirements
90 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace	<ul style="list-style-type: none"> - Noise controls AND - Hearing protection - Training - Audiometric testing
115 dBA measured using slow response	Extreme noise level (greater than one second in duration)	<ul style="list-style-type: none"> - Hearing protection - Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration)	Hearing protection

HEARING LOSS PREVENTION PROGRAM

NEW SECTION

WAC 296-307-632 Summary.

Your responsibility:

To prevent employee hearing loss by minimizing, and providing protection from, noise exposures.

You must:

Conduct employee noise exposure monitoring
WAC 296-307-63205

Control employee noise exposures that equal or exceed 90 dBA TWA₈

WAC 296-307-63210

Make sure employees use hearing protection when their noise exposure equals or exceed 85 dBA TWA₈

WAC 296-307-63215

Make sure exposed employees receive training about noise and hearing protection

WAC 296-307-63220

Make sure warning signs are posted for areas with noise levels that equal or exceed 115 dBA

WAC 296-307-63225

Arrange for oversight of audiometric testing

WAC 296-307-63230

Identify and correct deficiencies in your hearing loss prevention program

WAC 296-307-63235

Document your hearing loss prevention activities

WAC 296-307-63240.

NEW SECTION

WAC 296-307-63205 Conduct employee noise exposure monitoring.

You must:

• Conduct employee noise exposure monitoring to determine the employee's actual exposure when reasonable information indicates that any employee's exposure may equal or exceed 85 dBA TWA₈.

Note:

- Representative monitoring may be used where several employees perform the same tasks in substantially similar conditions
- Examples of information or situations that can indicate exposures which equal or exceed 85 dBA TWA₈ include:
 - Noise in the workplace that interferes with people speaking, even at close range
 - Information from the manufacturer of equipment you use in the workplace that indicates high noise levels for machines in use
 - Reports from employees of ringing in their ears or temporary hearing loss
 - Warning signals or alarms that are difficult to hear
 - Work near abrasive blasting or jack hammering operations
 - Use of tools and equipment such as the following:
 - Heavy equipment or machinery
 - Fuel-powered hand tools
 - Compressed air-driven tools or equipment in frequent use
 - Power saws, grinders or chippers
 - Powder-actuated tools.

You must:

• Follow applicable guidance in WAC 296-307-634 when conducting noise exposure monitoring

• Make sure your sampling for noise exposure monitoring identifies:

- All employees whose exposure equals or exceeds the following:

- 85 dBA TWA₈ (noise dosimetry, providing an average exposure over an eight-hour time period)
- 115 dBA (slow response sound level meter, identifying short-term noise exposures)
- 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).

- Exposure levels for selection of hearing protection.

• Provide exposed employees and their representatives with an opportunity to observe any measurements of employee noise exposure that are conducted

• Notify each employee whose exposure equals or exceeds 85 dBA TWA₈ of the monitoring results within five working days of when you receive the results

• Conduct additional noise monitoring whenever a change in production, process, equipment or controls, may reasonably be expected to result in:

- Additional employees whose exposure equals or exceeds 85 dBA TWA₈

- Employees exposed to higher level of noise requiring more effective hearing protection.

Note:

- Conditions that may be expected to increase exposure include:
- Adding machinery to the work area
 - Increasing production rates
 - Removal or deterioration of noise control devices
 - Increased use of noisy equipment
 - Change in work schedule
 - Change of job duties.

NEW SECTION

WAC 296-307-63210 Control employee noise exposures that equal or exceed 90 dBA TWA₈.

IMPORTANT:

Hearing protection provides a barrier to noise and protects employees but is not considered a control of the noise hazard. Separate requirements apply to hearing protection and are found in WAC 296-307-63215.

You must:

• Reduce employee noise exposure, using feasible controls, wherever exposure equals or exceeds 90 dBA TWA₈.

- Note:**
- Once noise exposures are brought below 90 dBA TWA₈, no further reduction is required. However, further reduction of noise may reduce the need for other hearing loss prevention requirements
 - Controls that eliminate noise at the source or establish a permanent barrier to noise are typically more reliable. For example:
 - Replacing noisy equipment with quiet equipment
 - Using silencers and mufflers
 - Installing enclosures
 - Damping noisy equipment and parts.
 - Other controls and work practices may also be useful for reducing noise exposures. Examples include:
 - Employee rotation
 - Limiting use of noisy equipment
 - Rescheduling work.

NEW SECTION

WAC 296-307-63215 Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA₈.

You must:

• Make sure employees wear hearing protectors that will provide sufficient protection when exposure equals or exceeds:

- 85 dBA TWA₈ (noise dosimetry, providing an average exposure over an eight-hour time period)
- 115 dBA (slow response sound level meter, identifying short-term noise exposures)
- 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).

• Provide employees with an appropriate selection of hearing protectors:

- The selection must include at least two distinct types (such as molded earplugs, foam earplugs, custom-molded earplugs, earcaps, or earmuffs) for each exposed employee and must be sufficient to cover:

■ Different levels of hearing protection needed in order to reduce all employee exposures to a level below 85 dBA TWA₈

- Different sizes
 - Different working conditions.
- Consider requests of the employees regarding:
- Physical comfort
 - Environmental conditions
 - Medical needs
 - Communication requirements.

Note: Hearing protector selection should include earplugs, earcaps and earmuffs.

You must:

- Provide hearing protection at no cost to employees
- Supervise employees to make sure that hearing protection is used correctly
- Make sure hearing protectors are:
 - Properly chosen for fit
 - Replaced as necessary.
- Make sure all hearing protection is sufficient to reduce the employee's equivalent eight-hour noise exposure to 85 dBA or less. When using the A-weighted exposure measurements, reported as "dBA TWA₈," the reduction in noise exposure by hearing protectors is given by Table 2:

**Table 2
Effective Protection of Hearing Protectors**

Type of hearing protection	Effective protection
Single hearing protection (earplugs, earcaps or earmuffs)	7 dB less than the manufacturer assigned noise reduction rating (NRR); for example, earplugs with an NRR of 20 dB are considered to reduce employee exposures of 95 dBA TWA ₈ to 82 dBA TWA ₈
Dual hearing protection (earplug and earmuff worn together)	2 dB less than the higher NRR of the two protectors; for example, earplugs with an NRR of 20 dB and earmuffs with an NRR of 12 dB are considered to reduce employee exposures of 100 dBA TWA ₈ to 82 dBA TWA ₈

• In addition to protection based on daily noise dose, make sure hearing protection has an NRR of at least 20 dB when exposures involve noise that equals or exceeds 115 dBA (slow response sound level meter) or 140 dBC (fast response sound level meter).

Note: You may also evaluate hearing protection by using the other methods given in the NIOSH *Compendium of Hearing Protection* (DHHS (NIOSH)) Publication No. 95-105 or online at <http://www.cdc.gov/niosh/topics/noise/hpcomp.html>. These methods require additional monitoring and are more complex, but provide a more thorough evaluation of protection. This may be useful in cases where communication is critical or for evaluating hearing protection for employees with hearing impairment.

NEW SECTION

WAC 296-307-63220 Make sure exposed employees receive training about noise and hearing protection.

You must:

- Train all employees whose noise exposure equals or exceeds 85 dBA TWA₈
- Provide training when an employee is first assigned to a position involving noise exposure that equals or exceeds 85 dBA TWA₈ and at least annually after that

PROPOSED

- Update information provided in the training program to be consistent with changes in controls, hearing protectors and work processes

- Make sure your noise and hearing protection training includes:

- The effects of noise on hearing (including both occupational and nonoccupational exposures)
- Noise controls used in your workplace
- The purpose of hearing protectors: The advantages, disadvantages, and attenuation of various types
- Instructions about selecting, fitting, using, and caring for hearing protection
- The purpose and procedures for program evaluation including audiometric testing and hearing protection auditing when you choose to rely upon auditing (see WAC 296-307-638)
- The employees' right to access records kept by the employer.
- Maintain a written program describing initial and refresher training.

NEW SECTION

WAC 296-307-63225 Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA.

You must:

- Make sure warning signs are posted at the entrances or boundaries of all well-defined work areas where employees may be exposed to noise that equals or exceeds 115 dBA (measured using a sound level meter with slow response).
 - Warning signs must clearly indicate that the area is a high noise area and that hearing protectors are required.

NEW SECTION

WAC 296-307-63230 Arrange for oversight of audiometric testing.

You must:

- Make sure audiometric testing as described by WAC 296-307-636 is supervised and reviewed by one of the following licensed or certified individuals:
 - An audiologist
 - An otolaryngologist
 - Another qualified physician.
- Make sure audiograms are conducted by one of the above individuals or by a technician certified by the Council of Accreditation in Occupational Hearing Conservation (CAOHC) and responsible to a qualified reviewer.

NEW SECTION

WAC 296-307-63235 Identify and correct deficiencies in your hearing loss prevention program.

You must:

- Use audiometric testing to identify hearing loss, which may indicate program deficiencies
- Take appropriate actions when deficiencies are found with your program.
 - A deficiency may be indicated when:

- Any employee experiences measurable hearing loss indicated by a standard threshold shift

OR

- Any employee isn't wearing appropriate hearing protection during an audit when auditing is used in place of baseline audiograms for short term employees (see WAC 296-307-638, Option to audiometric testing).

Note: A standard threshold shift or audit deficiency does not necessarily indicate that a significant hearing loss has occurred. These criteria are intended to help identify where there may be flaws in your hearing loss prevention program that can be fixed before permanent hearing loss occurs.

There are additional statistical tools and tests that may be used to improve the effectiveness of your program. Staff conducting audiometric testing and auditing may be able to suggest additional ways to improve your hearing loss prevention program and tailor it to your worksite.

You must:

- Evaluate the following, at a minimum, when responding to a standard threshold shift:
 - Employee noise exposure measurements
 - Noise controls in the work area
 - The selection of hearing protection available and refit employees as necessary
 - Employee training on noise and the use of hearing protection and conduct additional training as necessary.

Reference: You may use the option of auditing hearing protection (see WAC 296-307-638) for employees hired or transferred to jobs with noise exposure for less than one year. You may also use audiograms provided by a third-party hearing loss prevention program in some circumstances. Details of these program options are found in WAC 296-307-638, Options to audiometric testing.

NEW SECTION

WAC 296-307-63240 Document your hearing loss prevention activities.

You must:

- Create and retain records documenting noise exposures. Include, at a minimum:
 - Exposure measurements required by this part for at least two years and for as long as you rely upon them to determine employee exposure
 - Audiometric test records for the duration of employment for the affected employees
 - Hearing protection audits, if you choose to rely upon them, for the duration of employment of the affected employees.

Note: • You need to keep as complete a record as possible. Records developed under previous rules or in other jurisdictions need to be kept, even when they do not fulfill the full requirements of this part. Similarly, records found to have errors in collection or processing need to be kept if they provide an indication of employee exposure or medical condition not found in other records

• You may want to consider your other business needs, such as worker's compensation claims management, before discarding these records.

NOISE MEASUREMENT AND COMPUTATION

NEW SECTION

WAC 296-307-634 Summary.

Your responsibility:

Conduct noise monitoring or measurement to evaluate employee exposures in your workplace.

You must:

Make sure that noise-measuring equipment meets recognized standards

WAC 296-307-63405

Measure employee noise exposure

WAC 296-307-63410

Use these equations when estimating full-day noise exposure from sound level measurements

WAC 296-307-63415.

NEW SECTION

WAC 296-307-63405 Make sure that noise-measuring equipment meets recognized standards.

You must:

• Make sure that noise dosimetry equipment meets these specifications:

– Dosimeters must be equipment class 2AS-90/80-5 of the American National Rule Specification for Personal Noise Dosimeters, ANSI S1.25-1991, such dosimeters are normally marked "Type 2."

Note: Make sure any dosimeter you use is Type 2 equipment that:

- Uses slow integration and A-weighting of sound levels.
- Has the criterion level set to 90 dB, so the dosimeter will report a constant 8-hour exposure at 90 dBA as a 100% dose.
- Has the threshold level set at 80 dB, so the dosimeter will register all noise above 80 dB.
- Uses a 5 dB exchange rate for averaging of noise levels over the sample period.

You must:

• Make sure that sound level meters meet these specifications:

– American National Standard Specification for Sound Level Meters, S1.4-1984, Type 2 requirements for sound level meters, such sound level meters are normally marked "Type 2."

■ For continuous noise measurements, the meter must be capable of measuring A-weighted sound levels with slow response

■ For impulse or impact noise measurements, the meter must be capable of indicating maximum C-weighted sound level measurements with fast response.

• Calibrate dosimeters and sound level meters used to monitor employee noise exposure:

– Before and after each day's use

AND

– Following the instrument manufacturer's calibration instructions.

Note: • You may conduct dosimetry using an exchange rate less than 5 dB and compare the results directly to the noise evaluation criteria in Table 1

• For measuring impulse and impact noise you may also use a sound level meter set to measure maximum impulse C-weighted sound levels or peak C-weighted sound levels.

NEW SECTION

WAC 296-307-63410 Measure employee noise exposure.

IMPORTANT:

A noise dosimeter is the basis for determining total daily noise exposure for employees. However, where you have constant noise levels, you may estimate employee noise exposure using measurements from a sound level meter. Calculation of the employee noise exposure must be consistent with WAC 296-307-63415.

You must:

• Include all:

– Workplace noise from equipment and machinery in use

– Other noise from sources necessary to perform the work

– Noise outside the control of the exposed employees.

• Use a noise dosimeter when necessary to measure employee noise dose

• Use a sound level meter to evaluate continuous and impulse noise levels

• Identify all employees whose exposures equal or exceed the Noise Evaluation Criteria as follows:

Noise Evaluation Criteria

Criteria	Description	Requirements
85 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program	– Hearing protection – Training – Audiometric testing
90 dBA TWA ₈	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace	Noise controls (in addition to the requirements for 85 dBA TWA ₈)
115 dBA measured using slow response	Extreme noise level (greater than one second in duration)	– Hearing protection – Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration)	Hearing protection

PROPOSED

NEW SECTION

WAC 296-307-63415 Use these equations when estimating full-day noise exposure from sound level measurements.

You must:

- Compute employee's full-day noise exposure by using the appropriate equations from Table 3 "Noise Dose Computation" when using a sound level meter to estimate noise dose.

**Table 3
Noise Dose Computation**

Description	Equation
Compute the noise dose based on several time periods of constant noise during the shift	The total noise dose over the work day, as a percentage, is given by the following equation where C_n indicates the total time of exposure at a specific noise level, and T_n indicates the reference duration for that level. $D = 100 * ((C_1/T_1) + (C_2/T_2) + (C_3/T_3) + \dots + (C_n/T_n))$
The reference duration is equal to the time of exposure to continuous noise at a specific sound level that will result in a one hundred percent dose	The reference duration, T, for sound level, L, is given in hours by the equation: $T = 8 / (2^{((L - 90)/5)})$
Given a noise dose as a percentage, compute the equivalent eight-hour time weighted average noise level	The equivalent eight-hour time weighted average, TWA_8 , is computed from the dose, D, by the equation: $TWA_8 = 16.61 * \text{Log}_{10}(D/100) + 90$

AUDIOMETRIC TESTING

NEW SECTION

WAC 296-307-636 Summary.

Your responsibility:

To conduct audiometric testing of employees exposed to noise to make sure that their hearing protection is effective.

You must:

- Provide audiometric testing at no cost to employees
WAC 296-307-63605
- Establish a baseline audiogram for each exposed employee
WAC 296-307-63610
- Conduct annual audiograms
WAC 296-307-63615
- Review audiograms that indicate a standard threshold shift
WAC 296-307-63620

Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing

WAC 296-307-63625

Make sure a record is kept of audiometric tests

WAC 296-307-63630

Make sure audiometric testing equipment meets these requirements

WAC 296-307-63635.

NEW SECTION

WAC 296-307-63605 Provide audiometric testing at no cost to employees.

You must:

- Provide audiograms, including any required travel or necessary additional examinations or testing, at no cost to exposed employees.

NEW SECTION

WAC 296-307-63610 Establish a baseline audiogram for each exposed employee.

You must:

- Conduct a baseline audiogram when an employee is first assigned to work involving noise exposures that equal or exceed 85 dBA TWA_8 .
 - Make sure this audiogram is completed no more than one hundred eighty days after the employee is first assigned
- OR**
- Make sure employee is covered by a hearing protection audit program (as described by WAC 296-307-638 and available as an alternative only for employees hired for less than one year).

Note: Employers who utilize mobile test units are allowed up to one year to obtain a valid baseline audiogram for each exposed employee. The employees must still be given training and hearing protection as required by this part.

You must:

- Make sure employees are not exposed to workplace noise at least fourteen hours before testing to establish a baseline audiogram.
 - Hearing protectors may be used to accomplish this.
- Notify employees of the need to avoid high levels of nonoccupational noise exposure (such as loud music, headphones, guns, power tools, motorcycles, etc.) during the fourteen-hour period immediately preceding the baseline audiometric examination.

NEW SECTION

WAC 296-307-63615 Conduct annual audiograms.

You must:

- Conduct annual audiograms for employees as long as they continue to be exposed to noise that equals or exceeds 85 dBA TWA_8 .

Note: Annual audiometric testing may be conducted at any time during the work shift. By conducting the annual audiogram during the work shift with the employee exposed to typical noise for their job, the test may record a temporary threshold shift. This makes the test more sensitive to potential hearing loss and may help you improve employee protec-

PROPOSED

tion before a permanent threshold shift occurs. A suspected temporary shift is one reason an employer may choose to retest employee hearing.

You must:

- Make sure each employee is informed of the results of his or her audiometric test.
 - Include whether or not there has been a hearing level decrease or improvement since their previous test.
- Make sure each employee's annual audiogram is compared to his or her baseline audiogram by an audiologist, otolaryngologist, another qualified physician, or the technician conducting the test to determine if a standard threshold shift has occurred.
 - If the annual audiogram indicates that an employee has suffered a standard threshold shift, you may obtain a retest within thirty days and consider the results of the retest as the annual audiogram.
- Make sure that an audiologist, otolaryngologist, or other qualified physician sees any annual audiogram that indicates a standard threshold shift.

NEW SECTION

WAC 296-307-63620 Review audiograms that indicate a standard threshold shift.

You must:

- Make sure the healthcare professional supervising audiograms has:
 - A copy of this part
 - The baseline audiogram and most recent audiogram of the employee to be evaluated
 - Background noise level records for the testing room
 - Calibration records for the audiometer.
 - Obtain an opinion from the healthcare professional supervising audiograms as to whether the audiograms indicate possible occupational hearing loss and any recommendations for changes in hearing protection.
 - Pay for any clinical audiological evaluation or otological examination required by the reviewer, if:
 - Additional review is necessary to evaluate the cause of hearing loss
- OR**
- If there is indication of a medical condition of the ear caused or aggravated by the wearing of hearing protectors.
 - Inform the employee in writing of the existence of a standard threshold shift within twenty-one calendar days of the determination.
 - Make arrangements for the reviewer to communicate to the employee any suspected medical conditions that are found unrelated to your workplace. This information is confidential and must be handled appropriately.

NEW SECTION

WAC 296-307-63625 Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing.

You must:

- Keep the baseline audiogram without revision, unless a qualified reviewer determines:

- The standard threshold shift revealed by the audiogram is persistent

OR

- The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

NEW SECTION

WAC 296-307-63630 Make sure a record is kept of audiometric tests.

You must:

- Retain a legible copy of all employee audiograms conducted under this part.
 - Make sure the record includes:
 - Name and job classification of the employee
 - Date of the audiogram
 - The examiner's name
 - Date of the last acoustic or exhaustive calibration of the audiometer
 - Employee's most recent noise exposure assessment
 - The background sound pressure levels in audiometric test rooms.

NEW SECTION

WAC 296-307-63635 Make sure audiometric testing equipment meets these requirements.

You must:

- Use 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 must be taken separately for each ear
 - Supra-aural headphones must be used.
- Conduct audiometric tests with audiometers (including microprocessor audiometers) that meet the specifications of, and are maintained and used according to, American National Standard Specification for Audiometers, S3.6-1996
 - Check the functional operation of the audiometer each day before use by doing all of the following:
 - Make sure the audiometer's output is free from distorted or unwanted sound
 - Test either a person with known, stable hearing thresholds or a bio-acoustic simulator
 - Perform acoustic calibration for deviations of 10 dB or greater.
 - Audiometer calibration must be checked acoustically at least annually to verify continued conformance with ANSI S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check
 - An exhaustive calibration must be performed at least every two years according to the American National Standard Specification for Audiometers, S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from the calibration
 - Provide audiometric test rooms that meet the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms using the following table of Maximum Ambient Sound Pressure Levels:

Table 4
Maximum Ambient Sound Pressure Levels

Frequency (Hz)	500	1000	2000	4000	8000
Sound Pressure Level (dB)	40	40	47	57	62

Note: The American Industrial Hygiene Association and National Hearing Conservation Association recommend conducting audiograms using the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms with adjustments at only 500 Hz and below.

OPTIONS TO AUDIOMETRIC TESTING

NEW SECTION

WAC 296-307-638 Summary.

Your responsibility:

This section provides options to baseline audiometric testing for employees assigned to duties with noise exposures for **less than one year**. These program options may also be used to provide added assessment of longer-term employees in addition to audiometric testing.

The requirements of this section apply only if you decide to use auditing or a third-party hearing loss prevention program and do not conduct baseline audiometric testing for those employees.

Hearing Protection Audits

You must:

Conduct hearing protection audits at least quarterly
WAC 296-307-63805

Make sure staff conducting audits are properly trained
WAC 296-307-63810

Assess the hearing protection used by each employee during audits

WAC 296-307-63815

Document your hearing protection audits

WAC 296-307-63820

Third-Party Audiometric Testing

You must:

Make sure third-party hearing loss prevention programs meet the following requirements

WAC 296-307-63825

IMPORTANT:

Hearing protection audits are a tool for use in evaluating your hearing loss prevention program in cases where audiometric testing does not provide a useful measure. For example, if most of your employees are hired on a temporary basis for a few months at a time, audiometric testing may not identify the small changes in hearing acuity that could occur. Auditing provides an alternative to audiometric testing in these cases.

Auditing is not required unless you use it in place of baseline audiometric testing for employees hired for a period of **less than one year** and is permitted as a substitute for audiometric testing only for these employees.

Third-party hearing loss prevention programs are full hearing loss prevention programs and are distinct from audiometric testing provided by third parties as part of your own hearing loss prevention program. These programs may be organized by labor groups, trade associations, labor-management cooperatives, or other organizations to:

- Cover a specific group of employees

OR

• Combine efforts for several employers with common employees.

Although you remain responsible for the program, third-party programs can have at least two benefits over running your own program:

- The audiometric testing is portable between the participating employers so new testing will not be needed when an employee changes employers

- Employees who only work for short periods for any one employer can be monitored under the group program over a longer period of time increasing the effectiveness of the audiometric testing in preventing hearing loss for these employees.

NEW SECTION

WAC 296-307-63805 Conduct hearing protection audits at least quarterly.

You must:

- Conduct audits at least quarterly to provide a representative assessment of your workplace

- The assessment is representative if it:

- Covers all processes and work activities in your business at full production levels

AND

- Covers all employees present on the audit day.
- If your business is mobile or involves variable processes, auditing may need to be repeated more often than quarterly

- Auditing does not need to be repeated more than monthly as long as a reasonable effort is made to cover:

- The activities with greatest exposure

AND

- As many employees as possible.

- Assess exposures and hearing protection for the full shift for each employee covered at the time of the audit.

NEW SECTION

WAC 296-307-63810 Make sure staff conducting audits are properly trained.

You must:

- Make sure staff conducting hearing protection audits:
 - Can demonstrate competence in:
 - Evaluating hearing protection attenuation
 - Evaluating hearing protector choices
 - Assessing the correct use of hearing protectors.
 - Are certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC) or have training in the following areas:

- Noise and hearing loss prevention
- Washington state noise regulations
- Hearing protectors

PROPOSED

- Fitting of hearing protectors
- Basic noise measurement
- Hearing loss prevention recordkeeping.

NEW SECTION

WAC 296-307-63815 Assess the hearing protection used by each employee during audits.

You must:

- Confirm that:
 - Current site conditions during audits are consistent with conditions existing during noise monitoring
 - The hearing protection used by the employee is sufficient and appropriate for the conditions
 - The hearing protection is worn properly
 - The employees are satisfied with the performance and comfort of the hearing protection.

NEW SECTION

WAC 296-307-63820 Document your hearing protection audits.

You must:

- Keep a record of audit results for each employee assessed for the length of their employment and for the length of time you will rely upon the audit results
- Include the following information in the record:
 - The make and model of the hearing protectors
 - The size of the protectors
 - Average noise exposure of the employee
 - Any problems found with use of the hearing protection
 - Any comments or complaints from the employee regarding the hearing protection.

THIRD-PARTY AUDIOMETRIC TESTS

NEW SECTION

WAC 296-307-63825 Make sure third-party hearing loss prevention programs meet the following requirements.

IMPORTANT:

Third-party hearing loss prevention programs are intended:

- For short-term employees hired or assigned to duties having noise exposures **for less than one year**

AND

- For seasonal employees.

However, other employees may be included as long as you meet all requirements for hearing loss follow-ups and recordkeeping.

You must:

- Make sure that the third-party program is:
 - Equivalent to an employer program as required by this part

AND

- Uses audiometric testing to evaluate hearing loss.
- Make sure a licensed or certified audiologist, otolaryngologist, or other qualified physician administers the third-party program

- Make sure the third-party program has written procedures for:
 - Communicating with participating employers of program requirements
 - Follow-up procedures for detected hearing loss
 - Annual review of participating employer programs.

- Make sure the following program elements are corrected by you or the third-party program when deficiencies are found:

- Noise exposures
- Hearing protection
- Employee training
- Noise controls.

- Obtain a review of your hearing loss prevention program at least once per year, conducted by the third-party program administrator or their representative, in order to:

- Identify any tasks needing a revised selection of hearing protection

AND

- Provide an overall assessment of the employers' hearing loss prevention activities.

NEW SECTION

WAC 296-307-640 Noise definitions.

A-weighted - An adjustment to sound level measurements that reflects the sensitivity of the human ear. Used for evaluating continuous or average noise levels.

Audiogram - A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.

Audiologist - A professional, specializing in the study and rehabilitation of hearing, who is certified by the American Speech, Hearing, and Language Association, or the American Academy of Audiology, and is licensed by the state board of examiners.

Baseline audiogram - The audiogram against which future audiograms are compared. The baseline audiogram is collected when an employee is first assigned to work with noise exposure. The baseline audiogram may be revised if persistent standard threshold shift (STS) of improvement is found.

Continuous noise - Noise with peaks spaced no more than one second apart. Continuous noise is measured using sound level meters and noise dosimeters with the slow response setting.

Criterion sound level - A sound level of ninety decibels. An eight-hour exposure to constant 90 dBA noise is a one hundred percent noise dose exposure.

C-weighted - An adjustment to sound level measurements that evenly represents frequencies within the range of human hearing. Used for evaluating impact or impulse noise.

Decibel (dB) - Unit of measurement of sound level. A-weighting, adjusting for the sensitivity of the human ear, is indicated as "dBA." C-weighting, an even reading across the frequencies of human hearing, is indicated as "dBC."

Fast response - A setting for a sound level meter that will allow the meter to respond to noise events of less than one second. Used for evaluating impulse and impact noise levels.

Hertz (Hz) - Unit of measurement of frequency, numerically equal to cycles per second.

Impulsive or impact noise - Noise levels which involve maxima at intervals greater than one second. Impulse and impact noise are measured using the fast response setting on a sound level meter.

Noise dose - The total noise exposure received by an employee during their shift. It can be expressed as a percentage indicating the ratio of exposure received to the noise exposure received in an eight-hour exposure to constant noise at 90 dBA. It may also be expressed as the sound level that would produce the equivalent exposure during an eight-hour period (TWA₈).

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.

Occupational hearing loss - A reduction in the ability of an individual to hear either caused or contributed to by exposure in the work environment.

Otolaryngologist - A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat.

Permanent threshold shift - A hearing level change that has become persistent and is not expected to improve.

Qualified reviewer - An audiologist, otolaryngologist, or other qualified physician who has experience and training in evaluating occupational audiograms.

Slow response - A setting for sound level meters and dosimeters in which the meter does not register events of less than about one second. Used for evaluating continuous and average noise levels.

Sound level - The intensity of noise as indicated by a sound level meter.

Sound level meter - An instrument that measures sound levels.

Standard threshold shift (STS) - A hearing level change, relative to the baseline audiogram, of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.

Temporary threshold shift - A hearing level change that improves. A temporary threshold shift may occur with exposure to noise and hearing will return to normal within a few days. Temporary threshold shifts can be indicators of exposures that lead to permanent hearing loss.

TWA₈ - Equivalent eight-hour time-weighted average sound level - That sound level, which if constant over an eight-hour period, would result in the same noise dose measured in an environment where the noise level varies.

**Part Y-8
Confined Spaces**

NEW SECTION

WAC 296-307-642 Scope. This part applies to all confined spaces and provides requirements to protect employees from the hazards of entering and working in confined spaces. This part applies in any of the following circumstances:

- You have confined spaces in your workplace.
- Your employees will enter another employer's confined spaces.
- A contractor will enter your confined spaces.
- You provide confined space rescue services.

You can use Table 1 to help you decide which requirements to follow for confined spaces.

**Table 1
Requirements for Confined Spaces**

For confined spaces that are	The requirements in the following sections apply					
	644	646	648	650	652	654
Permit-required confined spaces	X	X	X	X	X	X
Entered by a contractor	X	X	X	X	X	X
Nonpermit confined spaces	X					X
Never entered	X					
If you only:						
Use alternate entry procedures	X	X	X		X	
Have a contractor enter your space	X					
Are a rescue service provider		X	X	X		

Definition:

A **confined space** is a space that is ALL of the following:

- Large enough and arranged so an employee could fully enter the space and work.
- Has limited or restricted entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, excavations, and pits.
- Not primarily designed for human occupancy.

Note:

- Requirements in other chapters may apply to your work. You will find some safety and health requirements are addressed on a broad level in this part, while being addressed for a specific application in another rule. When this happens, both requirements apply and should not conflict. When a conflict does occur, you need to follow the more specific requirement.
- If you are uncertain which requirements to follow, contact your local labor and industries (L&I) office.

PROPOSED

NEW SECTION

WAC 296-307-644 Summary. Identifying and controlling permit-required confined spaces.

Your responsibility:

To identify your permit-required confined spaces and control employee entry.

You must:

Identify permit-required confined spaces.

WAC 296-307-64402

Inform employees and control entry to permit-required confined spaces.

WAC 296-307-64404

Follow these requirements when you contract with another employer to enter your confined space.

WAC 296-307-64406NEW SECTION

WAC 296-307-64402 Identify permit-required confined spaces.

IMPORTANT:

If your workplace contains only nonpermit confined spaces and your employees do not enter another employer's confined space, you may follow only the requirements in:

- WAC 296-307-644, Identifying and controlling permit-required confined spaces; and
- WAC 296-307-654, Nonpermit confined space requirements.

You must:

- Identify all permit-required confined spaces in your workplace.
- Assume any confined space is a permit-required confined space, unless you determine the space to be a nonpermit confined space.

– If you enter the space to determine the hazards, follow the requirements in WAC 296-307-650, Permit entry procedures.

– If you evaluate the confined space and there are no potential or actual hazards, you can consider it to be a nonpermit confined space.

- Document your determination that the space is nonpermit, as required by WAC 296-307-654.

Definitions:

A **permit-required confined space or permit space** is a confined space that has one or more of the following characteristics capable of causing death or serious physical harm:

- Contains or has a potential to contain a hazardous atmosphere.
- Contains a material with the potential for engulfing someone who enters the space.
- Has an internal configuration that could allow someone entering to be trapped or asphyxiated by inwardly converging walls or by a floor, which slopes downward and tapers to a smaller cross-section.

– Contains any physical hazard. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.

– Contains any other recognized safety or health hazard that could either:

- Impair the ability to self rescue;

OR

- Result in a situation that presents an immediate danger to life or health.

A **nonpermit confined space** is a confined space that does NOT contain actual hazards or potential hazards capable of causing death or serious physical harm.

NEW SECTION

WAC 296-307-64404 Inform employees and control entry to permit-required confined spaces.

You must:

(1) Provide information about confined spaces as follows:

- Make available to affected employees and their authorized representatives all information and documents required by this part.
- Inform affected employees about the existence, location, and danger of any permit-required confined spaces in your workplace by:
 - Posting danger signs; or
 - Using any other equally effective means to inform employees.

Note: A sign reading "Danger-Permit Required Confined Space, DO NOT ENTER" or using pictures or other similar wording employees can understand would satisfy the requirement for a sign.

You must:

(2) Take effective measures to prevent unauthorized employees from entering permit-required confined spaces.

Note: Examples of measures to prevent employee entry include padlocks, bolted covers, special tools to remove covers, and providing employee training.

NEW SECTION

WAC 296-307-64406 Follow these requirements when you contract with another employer to enter your confined space.

IMPORTANT:

The contractor is responsible for following all confined space requirements in this part and in other rules that apply.

You must:

• Do all of the following if you arrange to have another employer (contractor) perform work that involves entry into your permit-required confined space:

– Inform the contractor:

■ That the workplace contains permit-required confined spaces and entry is allowed only if the applicable requirements of this part are met.

■ Of the identified hazards and your experience with each permit-required confined space.

■ Of any precautions or procedures you require for the protection of employees in or near spaces where the contractor will be working.

– Coordinate entry operations with the contractor, when either employees or employers from the different companies will be working in or near permit-required confined spaces.

– Discuss entry operations with the contractor when they are complete. Include the following in your discussion:

- The program followed during confined space entry; and
- Any hazards confronted or created.

PERMIT-REQUIRED CONFINED SPACE PROGRAM

NEW SECTION

WAC 296-307-646 Summary.

Your responsibility:

To develop your permit-required confined space program and practices.

IMPORTANT:

This section applies if employees will enter a permit-required confined space.

You must:

Develop a written permit-required confined space program.

WAC 296-307-64602

Meet these additional requirements if your employees enter another employer's confined space.

WAC 296-307-64604

NEW SECTION

WAC 296-307-64602 Develop a written permit-required confined space program.

IMPORTANT:

• Identify and evaluate the hazards of permit-required confined spaces and the work performed, to assist you in developing your entry program.

You must:

• Develop a written program, before employees enter, that describes the means, procedures, and practices you use for the safe entry of permit-required confined spaces as required by this part. Include the following when applicable to your confined space entry program:

- Documentation of permit entry procedures.
- Documentation used for alternate entry procedures.
- How to reclassify permit-required confined spaces to nonpermit spaces.
- Designation of employee roles, such as entrants, attendants, entry supervisors, rescuers, or those who test or monitor the atmosphere in a permit-required space.
- Identification of designated employee duties.
- Training employees on their designated roles.
- How to identify and evaluate hazards.
- Use and maintenance of equipment.
- How to prevent unauthorized entry.
- How to coordinate entry with another employer.
- How to rescue entrants.

Note: For alternate entry, your written program only needs to meet the requirements of WAC 296-307-648, Employee training, and WAC 296-307-652, Alternate entry procedures, of this part.

You must:

- Consult with affected employees and their authorized representatives when developing and implementing all aspects of your permit-required confined space program.
- Make the written program available to employees and their authorized representatives.

- Update your written program as necessary.

NEW SECTION

WAC 296-307-64604 Meet these additional requirements if your employees enter another employer's confined space.

You must:

• Obtain any available information about permit-required confined space hazards and entry operations from the host employer.

• Coordinate entry operations with any other employers whose employees will be working in or near the permit-required confined space.

• Inform the host employer, either through a debriefing or during entry operations, about:

- The entry program you will follow; and
- Any hazards you confronted or created in the space during entry operations.

EMPLOYEE TRAINING

NEW SECTION

WAC 296-307-648 Summary.

Your responsibility:

To make sure employees are trained to perform their designated roles safely.

You must:

Provide employee training.

WAC 296-307-64802

Certify employee proficiency.

WAC 296-307-64804

NEW SECTION

WAC 296-307-64802 Provide employee training.

You must:

• Provide training to each employee involved in permit-required confined space activities, so they acquire the understanding, knowledge and skills necessary to safely perform assigned duties.

– Establish employee proficiency in their confined space duties.

– Introduce new or revised procedures as necessary.

- Note:**
- Employers can determine employee proficiency by:
 - Observing employee performance during training exercises that simulate actual confined space conditions.
 - A comprehensive written examination; or
 - Any other method that is effective for the employer.

You must:

• Provide training at the following times:

- Before an employee is first assigned to duties covered by this part.
- Before there is a change in an employee's assigned duties.
- When there is a permit-required confined space hazard for which the employee has not already been trained.
- If you have reason to believe that there are either:

- Deviations from your procedures for permit-required confined space entry; or

- Employee knowledge or use of your procedures is inadequate.

NEW SECTION**WAC 296-307-64804 Certify employee proficiency.****You must:**

- Certify employee proficiency in their assigned duties.
- Make sure the certification:
 - Contains each employee's name, the trainer's written or electronic signature or initials, and the dates of training.
 - Is available for inspection by employees and their authorized representatives.

PERMIT ENTRY PROCEDURES**NEW SECTION****WAC 296-307-650 Summary.****Your responsibility:**

To establish procedures for the safe permit-required entry of confined spaces.

Implement procedures for entry permits.

WAC 296-307-65002

Use an entry permit that contains all required information.

WAC 296-307-65004

Keep and review your entry permits.

WAC 296-307-65006

Prevent unauthorized entry.

WAC 296-307-65008

Provide, maintain, and use proper equipment.

WAC 296-307-65010

Evaluate and control hazards for safe entry.

WAC 296-307-65012

Make sure you have adequate rescue and emergency services available.

WAC 296-307-65014

Use nonentry rescue systems or methods whenever possible.

WAC 296-307-65016

Make sure entry supervisors perform their responsibilities and duties.

WAC 296-307-65018

Provide an attendant outside the permit-required confined space.

WAC 296-307-65020

Make sure entrants know the hazardous conditions and their duties.

WAC 296-307-65022

Implement procedures for ending entry.

WAC 296-307-65024**NEW SECTION**

WAC 296-307-65002 Implement procedures for entry permits.

You must:

- Identify and evaluate, before employees enter, potential hazards from:
 - The permit-required confined space; and

– The work to be performed.

- Complete an entry permit before entry is authorized, documenting that you have completed the means, procedures and practices necessary for safe entry and work.

- Make sure that entrants or their representatives have an opportunity to observe any monitoring or testing, or any actions to eliminate or control hazards, performed to complete the permit.

- Identify the entry supervisor.

- Make sure the entry supervisor signs the entry permit, authorizing entry, before the space is entered.

- Make the completed permit available to entrants or their authorized representatives at the time of entry.

- Do this by either posting the completed permit at the entry location, or by any other equally effective means.

- Make sure the duration of the permit does not exceed the time required to complete the assigned task or job identified on the permit.

- Note any problems encountered during an entry operation on the permit. Use the information to make appropriate revisions to your program, entry operations, means, systems, procedures and practices.

NEW SECTION

WAC 296-307-65004 Use an entry permit that contains all required information.

You must:

- Make sure your entry permit identifies **all** of the following that apply to your entry operation:

- The space to be entered.

- Purpose of the entry.

- Date and the authorized duration of the entry permit.

- Hazards of the space to be entered.

- Acceptable entry conditions.

- Results of initial and periodic tests performed to evaluate and identify the hazards and conditions of the space, accompanied by the names or initials of the testers and by an indication of when the tests were performed.

- Appropriate measures used before entry to isolate the space, and eliminate or control hazards.

- Examples of appropriate measures include the lockout or tagging of equipment and procedures for purging, inerting, ventilating, and flushing permit-required confined spaces.

- Names of entrants and current attendants.

- Other means include the use of rosters or tracking systems as long as the attendant can determine quickly and accurately, for the duration of the permit, which entrants are inside the space.

- The current entry supervisor.

- A space for the signature or initials of the original supervisor authorizing entry.

- Communication procedures for entrants and attendants to maintain contact during the entry.

- Equipment provided for safe entry, such as:

- Personal protective equipment (PPE).

- Testing equipment.

- Communications equipment.

- Alarm systems.

- Rescue equipment.

- Rescue and emergency services available, and how to contact them. Include equipment to use, and names and contact information.
- Other information needed for safety in the particular confined space.
- Additional permits issued for work in the space, such as for hot work.

NEW SECTION

WAC 296-307-65006 Keep and review your entry permits.

You must:

- Keep entry permits for at least one year.
- Keep entry permits or other atmospheric monitoring records that show the actual atmosphere an employee entered or worked in, as employee exposure records.
- Review your permit-required confined space entry program as follows:
 - Conduct a review when you have any reason to believe your entry program may not protect employees, and revise your program before allowing subsequent entries.

Note: Examples of circumstances requiring the review of your program include the following:

- There is unauthorized entry of a permit space.
- A permit space hazard not covered by the permit is found.
- A condition prohibited by the permit occurs.
- An injury or near-miss occurs during entry.
- There is a change in the use or configuration of a permit space.
- An employee complains about the effectiveness of the program.

You must:

- Review canceled entry permits within one year following each entry to evaluate:
 - Your permit-required confined space program.
 - The protection provided to employees entering permit-required confined spaces.
- Update your written permit-required confined space entry program as necessary.

Note: Employers may perform a single annual review covering all entries performed during a twelve-month period. If no entry is performed during a twelve-month period, no review is necessary.

NEW SECTION

WAC 296-307-65008 Prevent unauthorized entry.

You must:

- Implement measures necessary to prevent unauthorized entry into permit-required confined spaces, when conducting authorized entry.

Note:

- When removing entrance covers to open the confined space, protect entrants and those outside the confined space from hazards.
- Examples of measures to prevent unauthorized entry are signs, barricades, warning tape, and an attendant.

NEW SECTION

WAC 296-307-65010 Provide, maintain, and use proper equipment.

You must:

- Provide the equipment in Table 2, when needed and at no cost to employees.
- Make sure that employees use provided equipment properly.
- Maintain the provided equipment.

**Table 2
Equipment Provided to Employees at No Cost**

Type of equipment	For
Testing and monitoring equipment	Evaluating permit-required confined space conditions
Ventilating equipment	Obtaining and maintaining acceptable entry conditions
Communication equipment	Effective communication between the attendant and the entrants and to initiate rescue when required
Personal protective equipment (PPE)	Protecting employees from hazards of the space or the work performed
Lighting equipment	Employees to see well enough to work safely and to exit the space quickly in an emergency
Barriers or shields, such as pedestrian, vehicle or other barriers	Protecting employees from hazards outside of the space
Ladders	Safe entry and exit by entrants
Rescue and emergency equipment, except for equipment provided by the rescue service provider	Safe and effective rescue
Any other equipment	Safe entry into and rescue from permit-required confined spaces

NEW SECTION

WAC 296-307-65012 Evaluate and control hazards for safe entry.

- Evaluate and control hazards for safe entry into permit-required confined spaces by doing all the following:
 - Test for atmospheric hazards, in this order:
 - Oxygen.
 - Combustible gases and vapors.
 - Toxic gases and vapors.
 - Provide each entrant or their authorized representative an opportunity to observe any of the following:
 - Preentry testing.
 - Subsequent testing.
 - Monitoring of permit-required spaces.
 - Reevaluate the permit-required space in the presence of any entrant, or their authorized representative, who requests this to be done because they have reason to believe that the evaluation of that space may not have been adequate.

PROPOSED

- Upon request, immediately provide each entrant or their authorized representative, with the results of any testing required by this rule.
- Continuously monitor conditions in areas where entrants are working, when isolation of the space is not feasible.
- Examples would be a large space or space that is part of a continuous system, such as a sewer.
- Evaluate space conditions during entry as follows:

Table 3
Evaluating Space Conditions

You must:	In order to
Test conditions before entry	Determine that acceptable entry conditions exist before entry is authorized by the entry supervisor
Test or evaluate space conditions during entry	Determine that acceptable entry conditions are being maintained during entry operations
Evaluate entry operations	Make sure entrants of more than one employer working at the same time in or around a permit-required confined space, do not endanger each other

IMPORTANT:

This section applies to both:

- Employers whose employees use permit entry procedures; and
- Employers who provide rescue services.

NEW SECTION

WAC 296-307-65014 Make sure you have adequate rescue and emergency services available.

You must:

- (1) Make sure you have adequate rescue and emergency services available during your permit-required confined space entry operations.
 - Evaluate and select rescue teams or services who can:
 - Respond to a rescue call in a timely manner. Timeliness is based on the identified hazards. Rescuers must have the capability to reach potential victims within an appropriate time frame based on the identified permit space hazards.
 - Proficiently rescue employees from a permit-required confined space in your workplace. Rescuers must have the appropriate equipment for the type of rescue.
 - Make sure that at least one member of the rescue team or service holds a current certification in first aid and cardiopulmonary resuscitation (CPR).
 - Inform each rescue team or service about the hazards they may confront when called to perform rescue.
 - Provide the rescue team or service with access to all permit spaces from which rescue may be necessary.
 - This will allow them to develop appropriate rescue plans and to practice rescue operations.

Note: What will be considered timely will vary according to the specific hazards involved in each entry. For example, WAC 296-307-594, Respirators, requires that employers provide a standby person or persons capable of immediate action to

rescue employee(s) for work areas considered to contain an IDLH atmosphere.

You must:

- (2) Provide employees, assigned to provide permit-required confined space rescue and emergency services, with:
 - Personal protective equipment (PPE) needed for safe entry.
 - Other equipment required to conduct rescues safely.
 - Training so they are:
 - Proficient in the use of the PPE and other equipment.
 - Proficient as an entrant of permit-required confined spaces.
 - Able to safely perform assigned rescue and emergency duties.
 - Knowledgeable in basic first aid and cardiopulmonary resuscitation (CPR).
 - Practice sessions for permit-required confined space rescues at least once every twelve months where dummies, manikins, or actual persons are removed from either:
 - The actual permit spaces; or
 - Representative permit spaces that simulate the opening size, configuration, and accessibility, of permit spaces where rescue will be performed.
- (3) Establish procedures for:
 - Contacting rescue and emergency services.
 - Rescuing entrants from permit-required confined spaces.
 - Providing necessary emergency services to rescued entrants.
 - Preventing unauthorized persons from attempting a rescue.

NEW SECTION

WAC 296-307-65016 Use nonentry rescue systems or methods whenever possible.

You must:

- Use nonentry retrieval systems or methods to rescue entrants in a permit-required confined space unless this:
 - Would increase the overall risk of injury to entrants; or
 - Would not contribute to the rescue of the entrant.
- Make sure each entrant uses a chest or full-body harness, with a retrieval line attached to the harness at one of the following locations:
 - At the center of the employee's back, near shoulder level.
 - Above the employee's head.
 - At another point which presents a profile small enough for the successful removal of the employee.
- Attach the retrieval line to a mechanical device or fixed point outside the space, so rescue can begin as soon as necessary.
- Make sure a mechanical device is available to retrieve entrants from vertical spaces more than five feet (1.52 m) deep.

Note: When you can demonstrate that the use of a chest or full-body harness is not feasible or creates a greater hazard, then you may use wristlets or another method shown to be the safest and most effective alternative.

PROPOSED

NEW SECTION**WAC 296-307-65018 Make sure entry supervisors perform their responsibilities and duties.****You must:**

- Make sure that an entry supervisor:
 - Authorizes the entry into a permit-required confined space by signing the entry permit.
 - Oversees entry operations.
 - Knows about the hazards that may be faced during entry, including the mode, signs or symptoms, and consequences of the exposure.
 - Verifies and checks **all** of the following:
 - The appropriate entries have been made on the permit.
 - All tests specified by the permit have been conducted.
 - All procedures and equipment specified by the permit are in place before approving the permit and allowing entry to the space.
 - Terminates the entry and cancels the permit when:
 - The assigned task or job has been completed.
 - A condition in the space that is not covered by the entry permit is discovered.
 - Verifies that rescue services are available and that there is a way to contact them.
 - Removes unauthorized individuals who enter or attempt to enter the permit-required confined space during entry operations.
 - Determines that entry operations remain consistent with the terms of the entry permit and acceptable entry conditions are maintained:
 - Whenever responsibility for a permit-required space entry operation is transferred; and
 - At regular intervals dictated by the hazards and operations performed within the space.

- Note:**
- Make sure entry supervisors have the required knowledge and proficiency to perform the job duties and responsibilities required by this part.
 - The entry supervisor may also perform other duties under this part, such as attendant or entrant, if they are trained and proficient in those duties.
 - The responsibility of the entry supervisor may be passed from one supervisor to another during an entry operation.

NEW SECTION**WAC 296-307-65020 Provide an attendant outside the permit-required confined space.****IMPORTANT:**

- The number of attendants assigned should be tailored to the requirements of the space and the work performed.
- You need to assess if it is appropriate or possible to have multiple permit spaces monitored by a single attendant, or have an attendant stationed at a location outside each space. Video cameras and radios are examples of tools that may assist an attendant monitoring more than one space.
- Attendants may be stationed at any location outside the permit-required confined space if the duties described in this section can be effectively performed for each space that is monitored.

You must:

- Provide at least one attendant outside the permit-required confined space during entry operations.
- Make sure each permit-required confined space attendant:
 - Understands the hazards that may be faced during entry, including the mode, signs or symptoms, and results of exposure to the hazards.
 - Is aware of the behavioral effects of exposure to the hazard.
 - Continuously maintains an accurate count of entrants in the space.
 - Maintains an accurate record of who is in the permit-required confined space.
 - Communicates with entrants as necessary to monitor their status or alert them of the need to evacuate the space.
 - Monitors activities inside and outside the space to determine if it is safe for entrants to remain in the space.
 - Orders entrants to evacuate the space immediately if **any** of the following conditions occur:
 - A prohibited condition.
 - The behavioral effects of hazardous exposure on an entrant.
 - A situation outside the space that could endanger entrants.
 - The attendant cannot effectively and safely perform all the duties required in this part.
 - Takes the following actions when unauthorized persons approach or enter a space:
 - Warns unauthorized persons to stay away from the space.
 - Tells the unauthorized persons to exit immediately if they have entered the space.
 - Informs entrants and the entry supervisor if unauthorized persons have entered the space.
 - Performs nonentry rescues as specified by your rescue procedure.
 - Has the means to respond to an emergency affecting one or more of the permit spaces being monitored without preventing performance of the attendant's duties to the other spaces being monitored.
 - Carries out no duties that might interfere with their primary duty to monitor and protect the entrants.
 - Calls for rescue and other emergency services as soon as entrants may need assistance to escape from the space.
 - Monitors entry operations until relieved by another attendant or all entrants are out of the space.

NEW SECTION**WAC 296-307-65022 Make sure entrants know the hazardous conditions and their duties.****You must:**

- Make sure that all entrants:
 - Know the hazards they may face during entry, including the mode, signs or symptoms, and results of exposure to the hazards.
 - Use equipment properly.
 - Communicate with the attendant as necessary so the attendant can:

- Monitor entrant status.
- Alert entrants of the need to evacuate.
- Alert the attendant whenever either of these situations exist:
 - A warning sign or symptom of exposure to a dangerous situation such as, behavioral changes, euphoria, giddiness potentially from lack of oxygen or exposure to solvents.
 - A prohibited condition.
 - Exit from the permit-required confined space as quickly as possible when one of the following occurs:
 - The attendant or entry supervisor gives an order to evacuate.
 - The entrant recognizes any warning sign or symptom of exposure to a dangerous situation.
 - The entrant detects a prohibited condition.
 - An evacuation alarm is activated.

NEW SECTION

WAC 296-307-65024 Implement procedures for ending entry.

You must:

- Make sure you terminate the entry when entry operations are completed, including securing an entrance cover and canceling the permit.

NEW SECTION

WAC 296-307-652 Alternate entry procedures.

Summary:

Your responsibility:

To choose alternate entry procedures for spaces where the only hazard is a hazardous atmosphere.

IMPORTANT:

In addition to this section, you also need to meet the requirements in the following sections of this part:

- WAC 296-307-644, Identifying and controlling permit-required confined spaces.
- WAC 296-307-646, Permit-required confined space program.
- WAC 296-307-648, Employee training.

You must:

Make sure the following conditions are met if using alternate entry procedures.

WAC 296-307-65202

Follow these alternate entry procedures for permit-required confined spaces.

WAC 296-307-65204

NEW SECTION

WAC 296-307-65202 Make sure the following conditions are met if using alternate entry procedures.

You must:

- Make sure, when using alternate entry procedures, instead of permit entry procedures, that you have monitoring and inspection data that supports the following:
 - That the only hazard of the permit-required confined space is an actual or potentially hazardous atmosphere.

– That continuous forced air ventilation alone is all that is needed to maintain the permit-required confined space for safe entry.

- Make sure an entry to obtain monitoring and inspection data or to eliminate hazards is performed according to WAC 296-307-500, Permit entry procedures.

- Make sure all documentation produced is available to each affected employee and their authorized representative.

NEW SECTION

WAC 296-307-65204 Follow these alternate entry procedures for permit-required confined spaces.

You must:

- Use the following alternate entry procedures:
 - Eliminate any unsafe conditions before removing an entrance cover.

- When entrance covers are removed, promptly guard the opening with a railing, temporary cover, or other temporary barrier to prevent accidental falls through the opening and protect entrants from objects falling into the space.

- Certify that preentry measures have been taken (such as safe removal of the cover and having protection needed to gather preentry data), with the date, location of the space, and signature of the person certifying.

- Make the preentry certification available before entry to each entrant.

- Before an employee enters the confined space, test the internal atmosphere with a calibrated, direct-reading instrument for all of the following, in this order:

- Oxygen content.
- Flammable gases and vapors.
- Potential toxic air contaminants.

- Provide entrants, or their authorized representatives, with an opportunity to observe the preentry and periodic testing.

- Make sure the atmosphere within the space is not hazardous when entrants are present.

- Use continuous forced air ventilation, as follows:

- Wait until the forced air ventilation has removed any hazardous atmosphere before allowing entrants into the space.

- Direct forced air ventilation toward the immediate areas where employees are, or will be, and continue ventilation until all employees have left the space.

- Provide the air supply from a clean source and make sure it does not increase hazards in the space.

- Test the atmosphere within the space as needed to make sure hazards do not accumulate.

- If a hazardous atmosphere is detected during entry, do all of the following:

- Evacuate employees from the space immediately.
- Evaluate the space to determine how the hazardous atmosphere developed.

- Implement measures to protect employees from the hazardous atmosphere before continuing the entry operation.

- Verify the space is safe for entry before continuing the entry operation.

NEW SECTION**WAC 296-307-654 Nonpermit confined spaces requirements.****Summary:****IMPORTANT:**

A confined space may be classified as a nonpermit confined space for as long as the hazards remain eliminated. Once a hazard is present, you must follow all requirements of this part that apply.

Your responsibility:

To make sure any space you classify as nonpermit does not have the potential to contain serious health or safety hazards.

You must:

Follow these requirements when classifying a confined space as a nonpermit confined space.

WAC 296-307-65402

Reevaluate nonpermit confined spaces if hazards develop.

WAC 296-307-65404NEW SECTION**WAC 296-307-65402 Follow these requirements when classifying a confined space as a nonpermit confined space.****You must:**

• Make sure the confined space meets these conditions to be classified as nonpermit confined spaces:

- The confined space does not contain an actual or potential hazardous atmosphere.
- The confined space does not contain hazards capable of causing death or serious physical harm. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.

– If you must enter to remove hazards, the space must be treated as a permit-required confined space until hazards have been eliminated.

- Note:**
- Controlling atmospheric hazards through forced air ventilation does not eliminate the hazards.
 - You should evaluate the use of lockout-tagout, as covered in WAC 296-307-320, to determine if using it fully eliminates the hazard.
 - You are allowed to use alternate entry procedures covered in WAC 296-307-652, if you can demonstrate that forced air ventilation alone will control all hazards in the space.

You must:

• Document how you determined the confined space contained no permit-required confined space hazards. Certify this documentation with the following:

- Date.
 - Location of the space.
 - Signature of the person making the determination.
- Make the certification available to each entrant, or their authorized representative.

- Note:** This certification must be completed every time a permit-required confined space is reclassified as a nonpermit space.

NEW SECTION**WAC 296-307-65404 Reevaluate nonpermit confined spaces if hazards develop.****You must:**

• Reclassify a nonpermit confined space to a permit-required confined space, if necessary, when changes in the use or configuration of the space increase the hazards to entrants.

• Make sure all employees exit the space if hazards develop. You must then reevaluate the space and determine whether it must be reclassified as a permit-required confined space.

NEW SECTION**WAC 296-307-656 Definitions.****Acceptable entry conditions:**

The conditions that must exist in a permit-required confined space to allow safe entry and work.

Attendant:

An individual stationed outside one or more permit-required confined spaces to monitor the entrants.

Blanking or blinding:

The absolute closure of a pipe, line, or duct by fastening a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore. It is capable of withstanding the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

Confined space:

A space that is **all** of the following:

- Large enough and arranged so an employee could fully enter the space and work.
- Has limited or restricted entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, excavations, and pits.
- Not primarily designed for human occupancy.

Double block and bleed:

The closure of a line, duct, or pipe by closing and locking or tagging two in-line valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

Emergency:

Any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit-required confined space that could endanger authorized entrants.

Engulfment:

The surrounding capture of a person by a liquid or finely divided (flowable) solid substance that can be inhaled to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

Enter (entry):

The action by which a person passes through an opening into a permit-required confined space and includes work activities in that space. Entry is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

- Note:** If the opening is large enough for the worker to fully enter the space, a permit is required even for partial body entry.

Permits are not required for partial body entry where the opening is not large enough for full entry, although other rules such as lockout-tagout, WAC 296-307-320 or respiratory hazards, WAC 296-307-624 may apply.

Entrant:

An employee who is authorized by the employer to enter a permit-required confined space.

Entry permit (permit):

The written or printed document that is provided by you to allow and control entry into a permit-required confined space and that contains the information required in WAC 296-307-650, Permit entry procedures.

Entry supervisor:

The person (such as the employer, crew leader, or crew chief) responsible for:

- Determining if acceptable entry conditions are present at a permit-required confined space where entry is planned;
- Authorizing entry and overseeing entry operations; and
- Terminating entry as required.

Hazardous atmosphere:

An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit-required confined space), injury, or acute illness caused by one or more of the following:

- Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL).
- Airborne combustible dust at a concentration that meets or exceeds its LFL.

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52 m) or less.

- Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent.
- Atmospheric concentration of any substance which may exceed a permissible exposure limit. For additional information about atmospheric concentration, see chapter 296-62 WAC, Parts F, G, and I, General occupational health standards and WAC 296-307-624, Respiratory hazards.

Note: An airborne concentration of a substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this definition.

- Any other atmospheric condition that is immediately dangerous to life or health.

Note: You can find guidance on establishing acceptable atmospheric conditions for air contaminants, which have no WISHA-determined doses or permissible exposure limits using other sources of information, such as:

- Material safety data sheets required by WAC 296-307-550, Employer chemical hazard communication.
- Published information.
- Internal documents.

Hot work permit:

A written authorization to perform operations, for example, riveting, welding, cutting, burning, and heating, that can provide a source of ignition.

Immediately dangerous to life or health (IDLH):

Any of the following conditions:

- An immediate or delayed threat to life.
- Anything that would cause irreversible adverse health effects.

- Anything that would interfere with an individual's ability to escape unaided from a permit-required confined space.

Note: Some materials - hydrogen fluoride gas and cadmium vapor, for example - may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse twelve to seventy-two hours after exposure. The victim "feels normal" after recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health (IDLH).

Inerting:

The displacement of the atmosphere in a permit-required confined space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

Note: This procedure produces an IDLH oxygen-deficient atmosphere.

Isolation:

The process by which a permit-required confined space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

Line breaking:

The intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

Nonpermit confined space:

A confined space that does NOT contain actual hazards or potential hazards capable of causing death or serious physical harm.

Oxygen deficient atmosphere:

An atmosphere containing less than 19.5 percent oxygen by volume.

Oxygen enriched atmosphere:

An atmosphere containing more than 23.5 percent oxygen by volume.

Permit-required confined space or permit space:

A confined space that has one or more of the following characteristics capable of causing death or serious physical harm:

- Contains or has a potential to contain a hazardous atmosphere.
- Contains a material with the potential for engulfing someone who enters.
- Has an internal configuration that could allow someone entering to be trapped or asphyxiated by inwardly converging walls or by a floor, which slopes downward and tapers to a smaller cross section.
- Contains any physical hazard. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.
- Contains any other recognized serious safety or health hazard that could either:
 - Impair the ability to self-rescue; or
 - Result in a situation that presents an immediate danger to life or health.

Permit-required confined space program:

An overall program for:

- Controlling and appropriately protecting employees from permit-required confined space hazards; and
- Regulating employee entry into permit-required confined spaces.

Prohibited condition:

Any condition in a permit-required confined space that is not allowed by the permit during the authorized entry period.

Rescue service:

The personnel designated to rescue employees from permit-required confined spaces.

Retrieval system:

The equipment used for nonentry rescue of persons from permit-required confined spaces, such as a retrieval line, full-body harness or wristlets, and a lifting device or anchor.

Testing:

The process of identifying and evaluating the hazards that entrants may be exposed to in a permit-required confined space. Testing includes specifying the tests that are to be performed in the permit-required confined space.

Note: Testing allows employers to devise and implement adequate controls to protect entrants during entry, and to determine if acceptable entry conditions are present.

Part Y-9**Occupational Exposure to Bloodborne Pathogens****NEW SECTION**

WAC 296-307-686 Scope. This part provides requirements to protect employees from exposure to blood or other potentially infectious materials (OPIM) that may contain bloodborne pathogens. Examples of bloodborne pathogens are the human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

This part applies to you if you have employees with occupational exposure to blood or OPIM, even if no actual exposure incidents have occurred.

Definitions:

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

Parenteral contact occurs when mucous membranes or skin is pierced by needlesticks, human bites, cuts, or abrasions.

NEW SECTION**WAC 296-307-688 Planning.****Summary:****Your responsibility:**

To plan ways to protect your employees from the risk of exposure to blood or other potentially infectious materials.

You must:

Determine if you have employees with occupational exposure

WAC 296-307-68805

Develop and implement a written exposure control plan

WAC 296-307-68810.

NEW SECTION

WAC 296-307-68805 Determine if you have employees with occupational exposure.

You must:

• Prepare a written exposure determination if your employees have occupational exposure to blood or other potentially infectious materials (OPIM).

– This determination must be made without considering the use of personal protective equipment (PPE).

• Make sure the exposure determination contains:

– A list of job classifications where all employees have occupational exposure;

– A list of job classifications where some employees have occupational exposure and a description of all tasks and procedures or groups of related tasks and procedures with occupational exposure for these employees.

NEW SECTION

WAC 296-307-68810 Develop and implement a written exposure control plan.

You must:

• Establish a written exposure control plan designed to eliminate or minimize employee exposure in your workplace.

Note: The elements of your exposure control plan may be located in other documents such as policies and procedures. Make sure to reference their location in your plan.

You must:

• Make sure the plan contains at least the following elements:

– The exposure determination, WAC 296-307-68805

– A procedure for evaluating the circumstances surrounding exposure incidents, including documentation of the routes of exposure, and the circumstances under which the exposure incident happened

– How and when you will implement applicable requirements of this rule.

Note: The implementation dates need to be included only until your exposure control plan is fully implemented or when you are adding new requirements to your plan.

You must:

• Document the infection control system used in your workplace to protect employees from exposure to blood or OPIM.

– Use universal precautions or other at least as effective infection control systems.

Note: Universal precautions is an infection control system that considers the blood and OPIM from all persons as containing a bloodborne disease, whether or not the person has been identified as having a bloodborne disease. Other effective infection control systems include standard precautions, universal blood-body fluid precautions, and body substance isolation. These methods define all body fluids and substances as infectious. They incorporate not

only the fluids and materials covered by universal precautions and this part, but expand coverage to include all body fluids and substances.

You must:

- Make sure the exposure control plan is reviewed and updated:

- At least annually

AND

- Whenever necessary to:

- Reflect new or modified tasks and procedures which affect occupational exposure

- Reflect new or revised job classifications with occupational exposure.

- Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens

- Make sure a copy of the exposure control plan is accessible at the workplace, when exposed employees are present. For example, if the plan is stored only on a computer, all exposed employees must be trained to operate the computer.

- Make sure a copy of the plan is provided to the employee or their representative within fifteen days of their request for a copy.

NEW SECTION

WAC 296-307-690 Training.

Summary:

Your responsibility:

To train your employees about their risk of exposure to bloodborne pathogens and ways to protect themselves.

You must:

Provide training to your employees

WAC 296-307-69005

Provide additional training

WAC 296-307-69010

Maintain training records

WAC 296-307-69015.

NEW SECTION

WAC 296-307-69005 Provide training to your employees.

You must:

- Make sure all employees with occupational exposure participate in a training program that is:

- Provided at no cost to them

- Conducted during compensated working hours.

- Provide training when any of the following occur:

- Before assigning tasks where occupational exposure might occur

- At least annually and within one year of the previous training.

- Make sure the content and vocabulary of your training materials are appropriate to the educational level, literacy, and language of your employees

- Make sure the person conducting the required training is knowledgeable about the subject matter as it relates to your workplace

- Make sure the training program contains at least the following elements:

- An accessible copy of this part and an explanation of the contents

- A general explanation of the epidemiology and symptoms of bloodborne diseases

- An explanation of how bloodborne pathogens are transmitted

- An explanation of your exposure control plan and how the employee can obtain a copy of the written plan

- An explanation of how to recognize tasks and other activities that could involve exposure to blood and other potentially infectious materials (OPIM)

- An explanation of the use and limitations of methods that will prevent or reduce exposure including:

- Equipment and safer medical devices

- Work practices

- Personal protective equipment

- Information about personal protective equipment (PPE) including:

- The types

- Proper use and limitations

- Selection

- Location

- Putting it on and taking it off

- Handling

- Decontamination

- Disposal

- Information about the hepatitis B vaccine, including:

- Information about its effectiveness

- Safety

- Method of administration

- The benefits of being vaccinated

- Offered at no cost to the employee for the vaccine and vaccination

- Information about what actions to take and persons to contact when exposure to blood or OPIM occurs outside of the normal scope of work

- An explanation of the procedure to follow if an exposure incident occurs, including:

- The method of reporting the incident

- The medical evaluation and follow-up that will be available

- Information about the post-exposure evaluation and follow-up procedure following an exposure incident

- An explanation of the signs and labeling or color-coding required by this part

- An opportunity for interactive questions and answers with the trainer at the time of the training session.

Note: This may be person-to-person, by telephone, or by e-mail, as long as the employee can both ask and receive answers during the training session.

NEW SECTION

WAC 296-307-69010 Provide additional training.

You must:

- Provide additional training when you add or change tasks or procedures that affect the employee's occupational exposure.

Note: This training may be limited to the changes in tasks and procedures.

NEW SECTION**WAC 296-307-69015 Maintain training records.****You must:**

- Maintain training records for three years from the date of the training
- Include the following information in your training records:
 - Dates of the training sessions
 - Contents or a summary of the training sessions
 - Names and qualifications of persons conducting the training
 - Names and job titles of all persons attending the training sessions.
- Provide these employee-training records upon request for examination and copying to any of the following:
 - Employees
 - Employee representatives.

NEW SECTION**WAC 296-307-692 Hepatitis B virus (HBV) vaccinations. Summary:****Your responsibility:**

To make the vaccination available to your employees so they are protected from the hepatitis B virus (HBV).

You must:

Make hepatitis B vaccination available to employees
WAC 296-307-69205

Obtain a copy of the health care professional's written opinion for hepatitis B vaccination and provide it to the employee

WAC 296-307-69210.

NEW SECTION**WAC 296-307-69205 Make hepatitis B vaccination available to employees.****Exemption:**

- You are not required to provide the hepatitis B vaccination series to employees who meet any of the following:
 - The employee has previously received the complete hepatitis B vaccination series
 - An antibody test has revealed that the employee is immune to hepatitis B
 - There are medical reasons not to give the vaccine.
- You are not required to provide the hepatitis B vaccination series to employees assigned to provide first aid only as a secondary duty, when you do all of the following:
 - Make hepatitis B vaccination available to all unvaccinated first-aid providers who render assistance in any situation involving the presence of blood or OPIM.
 - Vaccination must be made available as soon as possible, but no later than twenty-four hours after the incident.
 - Provide a reporting procedure that ensures all first-aid incidents that involve the presence of blood or OPIM are reported before the end of the work shift
 - Document first-aid incidents that involve blood or OPIM, include at least:
 - The names of all first-aid providers who rendered assistance

- The time and date of the first-aid incident

- A description of the first-aid incident.

• Make sure that the hepatitis B vaccination series is available to all employees who have occupational exposure and that it is:

- Available at no cost to the employee
- Available to the employee at a reasonable time and location
 - Administered by or under the supervision of a licensed physician or by another licensed healthcare professional
 - Provided according to recommendations of the United States Public Health Service that are current at the time these evaluations and procedures take place
 - Available to any employee who initially declines the vaccination but later decides to accept it while they are still covered by this part
 - Made available after the employee has received training required by this part and within ten working days of initial assignment.

You must:

- Make sure participation in a prevaccination screening program for antibody status is not a condition for receiving hepatitis B vaccination.
- Make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (Act) (CLIA).
- Make sure employees who decline the hepatitis B vaccination, offered by you, sign a form with this statement:

"I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me."

NEW SECTION**WAC 296-307-69210 Obtain a copy of the healthcare professional's written opinion for hepatitis B vaccination and provide it to the employee.****You must:**

- Obtain and provide the employee a copy of the evaluating healthcare professional's written opinion for hepatitis B vaccination within fifteen days of the employee's evaluation.

Note:

- If the healthcare professional provides the written opinion directly to the employee, you do not need to do so.
- If the employee's personal healthcare professional completes the evaluation, you are not required to obtain the healthcare professional's written opinion.

You must:

- Make sure the healthcare professional's written opinion is limited to whether a hepatitis B vaccination is indicated and if the employee has received this vaccination
- Make sure that all other findings or diagnoses remain confidential and are not included in the written report.

Reference: Requirements for the healthcare professional's written opinion on post-exposure evaluation can be found in WAC 296-307-69830.

- Containers of blood, blood components, or blood products that are labeled with their contents and have been released for transfusion or other clinical use.
- Extracted teeth, gallstones, kidney stones, or other tissues and body substances that are given to patients.

NEW SECTION

WAC 296-307-694 Control employee exposure.

Summary:

Your responsibility:

To use feasible controls to eliminate or minimize occupational exposure to blood or other potentially infectious materials (OPIM).

IMPORTANT:

If occupational exposure remains after implementing these controls, personal protective equipment must be used. See WAC 296-307-696, Personal protective equipment.

You must:

Minimize splashing, spraying, splattering and generation of droplets

WAC 296-307-69405

Make sure items are appropriately labeled

WAC 296-307-69410

Make sure employees clean their hands

WAC 296-307-69415

Prohibit food, drink, and other personal activities in the work area

WAC 296-307-69420

Examine and label contaminated equipment

WAC 296-307-69425

Make sure your worksite is maintained in a clean and sanitary condition

WAC 296-307-69430

Handle regulated waste properly and safely

WAC 296-307-69435

Handle contaminated laundry properly and safely

WAC 296-307-69440.

NEW SECTION

WAC 296-307-69405 Minimize splashing, spraying, splattering, and generation of droplets.

You must:

• Make sure all procedures involving blood or OPIM are performed so splashing, spraying, spattering, and generation of droplets are minimized.

– Examples include:

• Use of personal protective equipment when contact with blood or OPIM is reasonably anticipated

■ Making sure cleaning procedures do not generate unnecessary splashes, spraying, spattering, or generation of droplets.

NEW SECTION

WAC 296-307-69410 Make sure items are appropriately labeled.

Exemptions: The following are exempt from the labeling requirements of this part:

- Individual containers placed in an appropriately labeled secondary container.
- Regulated waste that has been decontaminated.

You must:

- Attach appropriate labels to:
 - Containers used to store, transport, or ship blood or other potentially infectious materials (OPIM) including:
 - Contaminated equipment
 - Laundry bags and containers
 - Regulated waste containers.
- Make sure that labels:
 - Include the following symbol:



- Are all or mostly fluorescent orange or orange-red with lettering and symbol in a contrasting color
- Are attached to the container by string, wire, adhesive, or other method so they can't become lost or accidentally removed.

Note: Red bags or red containers may be substituted for labels as long as they're:

- Covered in the exposure control plan.
- Communicated to all affected employees (including employees of laundry services, disposal services, and transport companies) whether they're your employees or not.
- The label does not always need to be attached to each individual container.
- For example, a cart carrying specimen containers could be labeled, rather than each individual container.

NEW SECTION

WAC 296-307-69415 Make sure employees clean their hands.

You must:

(1) Provide handwashing facilities that are readily accessible to employees, wherever feasible. If handwashing facilities are not feasible, provide either one of the following:

- Antiseptic towelettes
- Antiseptic hand rub product along with clean cloth/paper towels.

(2) Make sure employees clean their hands as soon as feasible after removing gloves and whenever there is the potential for contact with blood or other potentially infectious materials (OPIM). Do one of the following:

- Wash with soap and water
- Use an appropriate waterless antiseptic hand rub product or towelettes, provided there are no signs of visible contamination

• Use an appropriate waterless antiseptic hand rub product or towelettes followed by washing with soap and water as soon as possible, when hands are visibly contaminated and handwashing facilities are not immediately available.

Note: An appropriate waterless antiseptic hand rub product is one that contains a 60-95% alcohol solution (isopropanol or ethanol).

You must:

(3) Make sure employees wash any skin with soap and water, or flush mucous membranes with water as soon as feasible following contact with blood or OPIM.

NEW SECTION

WAC 296-307-69420 Prohibit food, drink, and other personal activities in the work area.

You must:

• Make sure eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is occupational exposure.

• Make sure food and drink are not kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where there is a potential for exposure to blood or other potentially infectious materials (OPIM).

NEW SECTION

WAC 296-307-69425 Examine and label contaminated equipment.

You must:

• Examine equipment which could become contaminated with blood or other potentially infectious materials (OPIM) before servicing or shipping.

– Decontaminate this equipment and its parts as necessary unless you can demonstrate that decontamination is not feasible

– Attach an easily seen biohazard label to the equipment stating which portions remain contaminated.

Reference: Requirements for appropriate labels and color-coding are found in WAC 296-307-69410.

You must:

• Make sure that information on contaminated equipment is communicated to all affected employees, the servicing representative, and the manufacturer as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

NEW SECTION

WAC 296-307-69430 Make sure your worksite is maintained in a clean and sanitary condition.

You must:

• Clean and decontaminate environmental and working surfaces and all equipment after contact with blood or other potentially infectious materials (OPIM).

– Decontaminate work surfaces with an appropriate disinfectant at these times:

■ After completion of a procedure

■ Immediately or as soon as possible when surfaces are clearly contaminated or after any spill of blood or OPIM

• Inspect and clean (on a regularly scheduled basis) all bins, pails, cans, and similar receptacles intended for reuse that have a reasonable likelihood for becoming contaminated with blood or OPIM.

– Clean and decontaminate these types of receptacles immediately or as soon as possible when they are visibly contaminated.

• Use a brush and dustpan, tongs, forceps, or other mechanical means to clean up broken glassware that may be contaminated.

Note: An appropriate disinfectant is one that is effective against tuberculosis or HBV and HIV such as:

• Diluted bleach solution (1:10 or 1:100).

– Use the 1:10 bleach solution for spills and the 1:100 bleach solution for routine cleaning

– You can make your own bleach solution. Using household bleach (5.25% sodium hypochlorite) follow these directions:

■ For a 1:100 solution add 2 teaspoons (10 ml) to a container, then add water to make a quart (946 ml). For a 1:10 solution, add 1/3 cup (79 ml) and 1 tablespoon (15 ml) in a container, then add water to make a quart (946 ml)

■ EPA registered tuberculocidals (List B)

■ Sterilants (List A)

■ Products registered against HIV/HBV (List D).

Any of the above products are considered effective when used according to the manufacturers' instructions. Higher level disinfection may be required depending on the agent or level of decontamination.

NEW SECTION

WAC 296-307-69435 Handle regulated waste properly and safely.

Definition:

Regulated waste is any of the following:

• Liquid or semiliquid blood or other potentially infectious materials (OPIM)

• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed

• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling

You must:

• Make sure regulated waste is placed in containers that are all of the following:

– Closable

– Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping

– Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping

– Placed in a second container if outside contamination of the primary regulated waste container occurs.

• The second container must meet these requirements.

– Appropriately labeled or color-coded.

• Dispose of all regulated waste according to applicable state and county regulations.

NEW SECTION

WAC 296-307-69440 Handle contaminated laundry properly and safely.

You must:

- Handle laundry contaminated with blood or other potentially infectious material (OPIM) as little as possible and with a minimum of agitation

- Bag contaminated laundry or put it into a container at the location where it was used

- Do not sort or rinse at the location of use

- Place and transport contaminated laundry in bags or containers that are properly labeled or color-coded

- If your facility ships contaminated laundry off-site to a second facility that does not use an infection control or isolation system when handling all of their soiled laundry, your facility must place the laundry in red bags or containers that are appropriately labeled.

Note: If your facility uses an infection control or isolation system in the handling of all soiled laundry, you can use alternative labeling or color-coding so employees recognize that the containers need to be handled using these precautions.

Reference: Requirements for appropriate labels and color-coding are found in WAC 296-307-69410 of this chapter.

You must:

- Place and transport wet contaminated laundry that is likely to soak through or leak to the outside, in bags or containers that will prevent such leakage.

Reference: You need to follow additional requirements to make sure that employees who have contact with contaminated laundry wear protective gloves and other personal protective equipment (PPE) as appropriate, see WAC 296-307-696, Personal protective equipment.

NEW SECTION

WAC 296-307-696 Personal protective equipment (PPE). Summary:

Your responsibility:

To provide and make sure personal protective equipment is used when work practices and controls will not fully protect your employees from the risk of exposure to blood or other potentially infectious materials.

You must:

Provide and make sure that personal protective equipment is used when there is occupational exposure

WAC 296-307-69605

Make sure gloves are worn

WAC 296-307-69610

Make sure masks, eye protection, and face shields are worn

WAC 296-307-69615

Wear appropriate protective clothing

WAC 296-307-69620

Make resuscitator devices available

WAC 296-307-69625

Maintain personal protective equipment

WAC 296-307-69630.

NEW SECTION

WAC 296-307-69605 Provide and make sure personal protective equipment is used when there is occupational exposure.

You must:

- Provide at no cost to employees, appropriate personal protective equipment such as:

- Gloves
- Gowns
- Face shields or a combination of masks and eye protection
- Mouthpieces
- Resuscitation bags
- Pocket masks
- Other ventilation devices.

Note: • PPE is considered "appropriate" only if it does NOT permit blood or other potentially infectious materials (OPIM) to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

You must:

- Make sure that employees use appropriate PPE.
 - In rare and extraordinary circumstances, employees can briefly and temporarily choose not to use PPE. If in their professional judgment, they believe that using PPE would prevent the delivery of healthcare or public safety services OR pose an increased hazard to themselves or coworkers.
 - If the employee makes this judgment, you must investigate and document to determine if changes can be made to prevent future occurrences of the same situation
 - Make sure that appropriate PPE, in sizes to fit your employees, is readily accessible at the worksite or issued to employees
 - Make sure employees remove all PPE before leaving the work area.

NEW SECTION

WAC 296-307-69610 Make sure gloves are worn.

You must:

- Make sure gloves appropriate to the situation are worn when:
 - It can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials (OPIM), mucous membranes, or skin that is not intact
 - Handling or touching contaminated items or surfaces
 - Make sure employees who are allergic to the gloves that are normally provided have ready access to at least one of the following:
 - Nonlatex gloves
 - Glove liners
 - Powderless gloves
 - Other similar alternatives.
 - Replace disposable (single use) gloves such as surgical or examination gloves:
 - As soon as practical when contaminated
 - As soon as practical if they are torn or punctured
 - When their ability to function as a barrier is compromised.
 - Make sure disposable (single use) gloves are used only once
 - Discard utility gloves if they are cracked, peeling, torn, punctured, or show other signs of deterioration or when their ability to function as a barrier is compromised.

– You may decontaminate utility gloves for reuse if they can continue to function as a barrier.

NEW SECTION

WAC 296-307-69615 Make sure appropriate masks, eye protection, and face shields are worn.

You must:

- Make sure either chin-length face shields or a combination of masks and eye protection are used, whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials (OPIM) may be generated and eyes, nose, or mouth contamination can be reasonably anticipated.

Note: Examples of eye protection devices include goggles and glasses with solid side shields.

NEW SECTION

WAC 296-307-69620 Wear appropriate protective clothing.

You must:

- Make sure appropriate protective clothing is worn when splashes to skin or clothes are reasonably anticipated. The type and characteristics will depend upon the sort of work being done and how much exposure is anticipated.

Note:

- Examples of protective clothing include:
 - Gowns
 - Aprons
 - Similar outer garments
 - Shoe covers or boots.

You must:

- Remove a garment as soon as feasible if blood or other potentially infectious materials (OPIM) penetrate it.

NEW SECTION

WAC 296-307-69625 Make resuscitator devices available.

You must:

- Make resuscitator (emergency ventilation) devices readily available and accessible to employees who can reasonably be expected to perform resuscitation procedures.

Note:

- Examples of resuscitator devices include:
 - Masks
 - Mouthpieces
 - Resuscitation bags
 - Shields/overlay barriers.

NEW SECTION

WAC 296-307-69630 Maintain personal protective equipment.

You must:

- Clean, repair, replace, launder, and dispose of personal protective equipment required by this part, at no cost to the employee

- Make sure when PPE is removed, it is placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

Note: Contaminated personal clothing is considered PPE for the purposes of this section.

NEW SECTION

WAC 296-307-698 Post-exposure requirements.

Summary:

Your responsibility:

To make sure employees who have been exposed to blood or other potentially infectious materials (OPIM) have appropriate post-exposure evaluation and follow-up available.

You must:

Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident

WAC 296-307-69805

Test the blood of the source person

WAC 296-307-69810

Provide the results of the source person's blood test to the exposed employee

WAC 296-307-69815

Collect and test the blood of the exposed employee

WAC 296-307-69820

Provide information to the healthcare professional evaluating the employee

WAC 296-307-69825

Obtain and provide a copy of the healthcare professional's written opinion on post-exposure evaluation to the employee

WAC 296-307-69830.

NEW SECTION

WAC 296-307-69805 Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident.

You must:

- Make immediately available a confidential post-exposure evaluation and follow-up to all employees with occupational exposure to blood or OPIM who report an exposure incident.

Definition:

Exposure incident. Means a specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

You must:

- Make sure that the post-exposure medical evaluation and follow-up are all of the following:

- Immediately available following an exposure incident

- Confidential

- At no cost to the employee

- At a reasonable time and place

- Administered by or under the supervision of a licensed physician or by another licensed healthcare professional

- Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place.

- Make sure that the evaluation and follow-up includes AT LEAST these elements:

- Documentation of the routes of exposure, and the circumstances under which the exposure incident happened

– Identification and documentation of the source individual, unless you can establish that identification is infeasible or prohibited by state or local law

– Collection and testing of blood to detect the presence of HBV and HIV

– Post-exposure preventive treatment, when medically indicated, as recommended by the United States Public Health Service

– Counseling

– Evaluation of reported illnesses.

• Make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (Act) (CLIA).

Note: The employer or a third-party healthcare provider identified by the employer may do the evaluation.

NEW SECTION

WAC 296-307-69810 Test the blood of the source person.

Exemption: When the source individual is already known to be infected with HBV or HIV, you do not need to test their status.

You must:

• Arrange to test the source individual's blood for HBV and HIV as soon as feasible after getting their consent.

– If you do not get consent, you must establish that legally required consent can not be obtained

– When the law does not require the source individual's consent, their blood, if available, must be tested and the results documented.

Note: • Your local health authority enforces rules regarding HIV testing and consent which are found in WAC 246-100-206, Special diseases—Sexually transmitted diseases, and WAC 246-100-207, Human immunodeficiency virus (HIV) testing.

These rules can be found at: <http://www.leg.wa.gov/wac> and click on Title 246 WAC.

• Source testing: According to the Centers for Disease Control and Prevention (CDC), hepatitis C virus (HCV) infection is the most common chronic bloodborne infection in the United States. The CDC recommends testing of the source person for the presence of anti-HCV antibody. (Updated *U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HBV, HCV, and HIV and Recommendations for Postexposure Prophylaxis*, MMWR, June 29, 2000/50(RR11); 1-42.)

NEW SECTION

WAC 296-307-69815 Provide the results of the source person's blood test to the exposed employee.

You must:

• Make sure the results of the source person's blood test are provided to the exposed employee, if possible

• Make sure the exposed employee is informed of applicable laws and regulations regarding disclosure of the identity and infection status of the source person.

Note: • Law and regulations that currently apply are:
– Chapter 70.02 RCW, Medical records—Healthcare information access and disclosure.
– Chapter 70.24 RCW, Control and treatment of sexually transmitted diseases.

– Both rules can be found at <http://www.leg.wa.gov/wac> and click on Title 70 WAC to find these rules.

NEW SECTION

WAC 296-307-69820 Collect and test the blood of the exposed employee.

You must:

• Arrange to have the exposed employee's blood collected and tested as soon as feasible after consent is obtained.

– If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample must be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee chooses to have the baseline sample tested, it must be done as soon as possible.

NEW SECTION

WAC 296-307-69825 Provide information to the healthcare professional evaluating the employee.

You must:

• Provide ALL of the following information to the healthcare professional evaluating an employee after an exposure incident:

– A copy of WAC 296-307-698

– A description of the job duties the exposed employee was performing when exposed

– Documentation of the routes of exposure and circumstances under which exposure occurred

– Results of the source person's blood testing, if available

– All medical records that you are responsible to maintain, including vaccination status, relevant to the appropriate treatment of the employee.

Reference: Requirements for the healthcare professional's written opinion for hepatitis B vaccinations can be found in WAC 296-307-69210.

Note: You may meet the requirement to provide a copy of WAC 296-307-698 to the healthcare professional by giving them the <http://www.lni.wa.gov/rules/>, as long as their office has a computer and access to the labor and industries' website.

NEW SECTION

WAC 296-307-69830 Obtain and provide a copy of the healthcare professional's written opinion on post-exposure evaluation to the employee.

You must:

• Obtain and provide to the employee a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of their evaluation.

Note: • If the healthcare professional provides the written opinion directly to the employee, you do not need to do so
• If the employee's personal healthcare professional completes the evaluation, you are not required to obtain the healthcare professional's written opinion.

• Make sure the healthcare professional's written opinion is limited to the following information:

– That the employee has been informed of the results of the evaluation

– That the employee has been told about any medical conditions resulting from exposure to blood or other poten-

tially infectious materials (OPIM) which need further evaluation or treatment.

- Make sure that all other findings or diagnoses remain confidential and are NOT included in the written report.

NEW SECTION

WAC 296-307-700 Records.

Summary:

Your responsibility:

To obtain and maintain required records.

You must:

Establish and maintain medical records
WAC 296-307-70005.

NEW SECTION

WAC 296-307-70005 Establish and maintain medical records.

You must:

- Establish and maintain an accurate medical record for each employee with occupational exposure
- Make sure this record includes ALL of the following that apply:
 - Name and Social Security number of the employee
 - A copy of the employee's hepatitis B vaccination status, including the dates of all the hepatitis B vaccinations
 - Any medical records related to the employee's ability to receive vaccinations
 - The HBV declination statement
 - A copy of all results of examinations, medical testing, and follow-up procedures related to post-exposure evaluations
 - Your copy of the healthcare professional's written opinion
 - A copy of the information provided to the healthcare professional as required.
- Make sure that employee medical records are:
 - Kept confidential
 - Not disclosed or reported to any person, without the employee's written consent, except as required by this section or as may be required by law.

Note:

- In some industries, a medical record is also known as the employee health file.
- You may contract with the medical professional responsible for hepatitis B vaccination and post-exposure evaluation to maintain employee records.

NEW SECTION

WAC 296-307-702 Definitions.

Blood

Human blood, human blood components and products made from human blood. Also included are medications derived from blood, such as immune globulins, albumin, and factors 8 and 9.

Bloodborne pathogens

Pathogenic microorganisms that are present in human blood and can cause disease in humans. Examples of these pathogens include:

- Human immunodeficiency virus (HIV)

- Hepatitis B virus (HBV)
- Hepatitis C virus, malaria
- Syphilis
- Babesiosis
- Brucellosis
- Leptospirosis
- Arboviral infections
- Relapsing fever
- Creutzfeldt-Jakob Disease
- Human T-lymphotrophic virus Type I
- Viral Hemorrhagic Fever.

Clinical laboratory

A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials (OPIM).

Contaminated

The presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

Contaminated laundry

Laundry that has been soiled with blood or other potentially infectious materials (OPIM) or may contain contaminated sharps.

Decontamination

The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Exposure incident

A specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

Handwashing facilities

A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

Licensed healthcare professional

A person whose legally permitted scope of practice allows him or her to independently perform the activities required by this rule.

Occupational exposure

Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

Other potentially infectious materials (OPIM)

Includes all of the following:

- Human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that's visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
 - Any unfixed tissue or organ (other than intact skin) from a human (living or dead);
 - HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solu-

tions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV;

- Blood and tissues of experimental animals infected with bloodborne pathogens.

Parenteral contact

When mucous membranes or skin is pierced by needles, human bites, cuts, or abrasions.

Personal protective equipment (PPE)

Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (for example, uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be PPE.

Regulated waste

Regulated waste is any of the following:

- Liquid or semiliquid blood or other potentially infectious materials (OPIM)
- Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed
- Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
- Contaminated sharps
- Pathological and microbiological wastes containing blood or OPIM.

Secondary duty

Any job expectation outside the primary job duties assigned to that position.

Source person

A person, living or dead, whose blood or other potentially infectious materials may be a source (OPIM) of occupational exposure to the employee. Examples include:

- Hospital and clinic patients
- Clients in institutions for the developmentally disabled
- Trauma victims
- Clients of drug and alcohol treatment facilities
- Residents of hospices and nursing homes
- Human remains
- Individuals who donate or sell blood or blood components.

Universal precautions

An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Note: Universal Blood-Body Fluid Precautions, Body Substance Isolation, and Standard Precautions expand on the concept of universal precautions to include all body fluids and substances as infectious. These concepts are acceptable alternatives to universal precautions.

Part Y-10

Emergency Response

NEW SECTION

WAC 296-307-704 Scope. What is the purpose of WAC 296-307-704, Emergency response to hazardous substance releases?

To state the minimum requirements that help you protect the safety and health of your employees during a response to

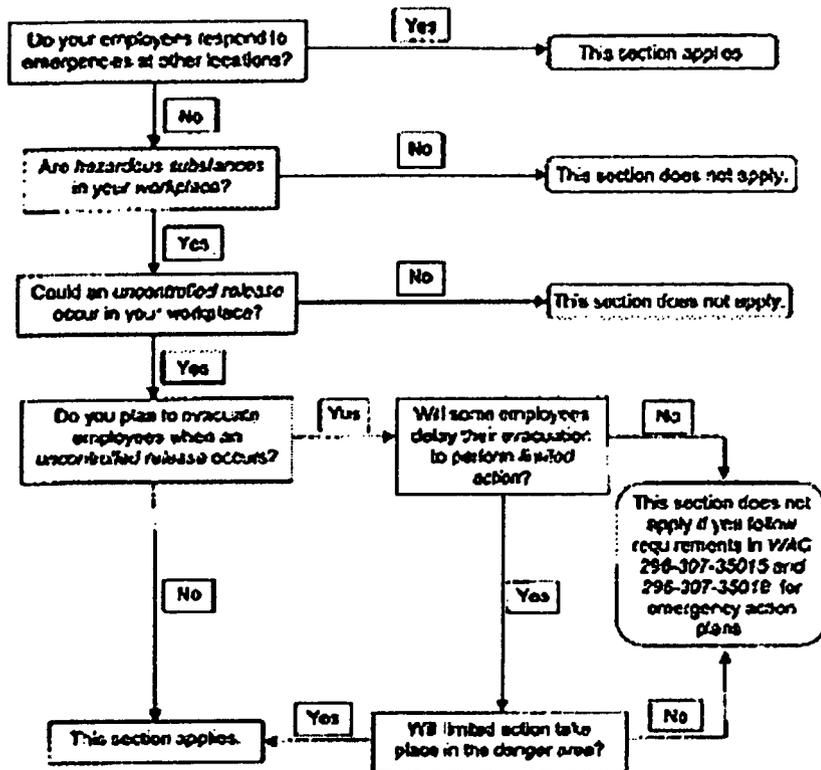
hazardous substance releases in your workplace or any other location.

Do the requirements of this rule apply to your workplace?

This section applies if your employees are, or could become, involved in responding to uncontrolled releases of hazardous substances in your workplace or any other location. Use the scope flow chart, and definitions that follow, to determine if this section applies to your workplace(s). Defined words are *italicized* in the flow chart.

PROPOSED

296-307 Scope Flowchart



*The flow chart references other rules applicable to your workplace depending on conditions and hazards.

Examples include:

- WAC 296-62-400, Hazardous chemicals in laboratories
- WAC 296-307-594, Respiratory protection.

Definitions applicable to the flow chart (see WAC 296-307-70480 for additional definitions used in this section):

Danger area

Areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist

OR

- High levels of exposure to toxic substances could exist

OR

- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a substance.

Emergency response

A response to an anticipated release of a hazardous substance that is, or could become, an *uncontrolled release*.

Hazardous substance

Any biological, radiological, or chemical substance that can have adverse effects on humans. (See WAC 296-307-70480 for a more specific definition.)

Immediately dangerous to life or health (IDLH)

Any atmospheric condition that would:

- Cause an immediate threat to life
- Cause permanent or delayed adverse health effects
- Interfere with an employee's ability to escape.

Incidental release

A release that can be safely controlled at the time of the release and does not have the potential to become an *uncontrolled release*.

Example of a situation that results in an incidental release:

A tanker truck is receiving a load of hazardous liquid when a leak occurs. The driver knows the only hazard from the liquid is minor skin irritation. The employer has trained the driver on procedures and provided equipment to use for a release of this quantity. The driver puts on skin protection and stops the leak. A spill kit is used to contain, absorb, and pick up the spilled material for disposal.

Limited action

Action necessary to:

- Secure an operation during emergency responses,
- OR
- Prevent an incident from increasing in severity.

Examples include shutting down processes and closing emergency valves.

Release

A spill, leak, or other type of hazardous substance discharge.

PROPOSED

Uncontrolled release

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion or chemical exposure) are not considered to be uncontrolled releases.

Examples of conditions that could create a significant safety and health risk:

- Large-quantity releases
- Small-releases that could be highly toxic
- Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.

Example of an uncontrolled release:

A forklift driver knocks over a container of a solvent-based liquid, releasing the contents onto the warehouse floor. The driver has been trained to recognize the vapor is flammable and moderately toxic when inhaled. The driver has not been trained or provided appropriate equipment to address this type of spill. In this situation, it is not safe for the driver to attempt a response. The driver needs to notify someone of the release so an emergency response can be initiated.

Workplace

- A fixed facility
- OR**
- A temporary location (such as a traffic corridor)
- OR**
- Locations where employees respond to emergencies.

Summary:**Your responsibility:**

To anticipate, plan for, and manage emergency response operations so employees are protected from hazardous substances and conditions.

Note: Other chapters may apply to your workplace, such as:
• Chapter 296-62 WAC, General occupational health standards.

You will find some safety and health requirements (for example, personal protective equipment) are addressed on a general level in the core rules, while being addressed for a specific application in this section. When this happens, both requirements apply and should not conflict.

If you are uncertain which requirements to follow, you must comply with the more protective requirement. Contact your local L&I office if you need assistance in making this determination.

You must:

- WAC 296-307-70410 Planning
- WAC 296-307-70415 Training
- WAC 296-307-70420 Medical surveillance
- WAC 296-307-70425 Keep records
- WAC 296-307-70430 Incident requirements
- WAC 296-307-70435 Implement and maintain an incident command system (ICS) (incident command system)

WAC 296-307-70440 Prepare skilled support personnel
WAC 296-307-70445 Make sure the incident commander oversees activities during the response

WAC 296-307-70450 Use the buddy system in danger areas

WAC 296-307-70455 Provide rescue and medical assistance

WAC 296-307-70460 Personal protective equipment
WAC 296-307-70465 Control hazards created by personal protective equipment (PPE)

WAC 296-307-70470 Use personal protective equipment (PPE) properly

WAC 296-307-70475 Postemergency response

WAC 296-307-70480 Definitions.

NEW SECTION

WAC 296-307-70410 Planning. Develop an emergency response plan.

- Note:**
- You may already have an emergency response plan, such as required by chapter 296-843 WAC, Hazardous waste operations or by state and locally coordinated response efforts (Section 303 of Superfund Amendments and Reauthorization Act (SARA), Title III). You may use those plans to comply with this section, if they include the items listed below.
 - Before a written emergency response plan can be developed, you will need to anticipate the types of uncontrolled releases that employees could encounter in your workplace(s).

You must:

(1) Make sure your plan is written and adequately addresses, as a minimum, all of the following:

- Preemergency planning and coordination with additional responders (including personnel from other employers such as: Fire departments, law enforcement agencies, emergency medical services, and state or federal agencies).
- Personnel roles, (see Table 1) and lines of authority and communications for all affected parties including responders.
- Employee training (see WAC 296-307-70415, train your employees), for more detail:

- Note:**
- Responders' level of training depends on the duties and roles the employer assigns.
 - Training for the employees' role should address the competencies specified in Tables 3 through 6.
 - Training on specific substances may be appropriate depending on the number and characteristics of hazardous substances expected to be encountered. For example, if employees may only respond to one substance, you could provide training (covering the knowledge and skills specified in Tables 3 through 6) relevant to that single substance. If employees might respond to a range of hazardous substances, training may be required to cover categories of hazardous substances.

You must:

- Videos and automated training methods (for example: Interactive computer based programs) may be used in training; however, instructors must be readily available to:
 - Encourage and provide responses to questions for the benefit of the group
 - Evaluate employees' understanding of the material
 - Provide instructional interaction to the group.
- Emergency recognition

PROPOSED

- Immediate emergency procedures including:
 - Methods of alerting employees (see WAC 296-307-345, Employee alarm systems) and outside responders
 - Procedures for limited action (emergency prevention).

Note: *Limited action* includes shutting down processes, closing emergency valves and other critical actions to secure the operation, or prevent the incident from increasing in severity.

Limited Action and Employee Roles	
If . . .	Then employees involved would be:
Limited action could be conducted in the danger area	Considered emergency responders
Limited action will not be conducted in IDLH conditions	Considered evacuees, not emergency responders

- Details of who will evacuate immediately and who will remain behind for limited action
- Evacuation routes and procedures
- How to establish safe distances and places of refuge (for example, during emergency response the incident commander (IC) decides to make changes based on new developments, i.e., changes in the wind direction).

You must:

- Methods of securing and controlling access to the site
- Emergency medical treatment and first aid
- A complete personal protective equipment (PPE) program that addresses:
 - Selection of PPE including selection criteria to be used and the identification, specified use and limitations of the PPE selected
 - Training on proper use of PPE (including maintenance)

- Hazards created by wearing PPE including heat stress during temperature extremes, and/or other appropriate medical considerations
- Criteria used for determining the proper fit of PPE
- Procedures covering proper use of PPE including procedures for inspection, putting it on (donning) and removing it (doffing)
- Maintenance of PPE including procedures for decontamination, disposal and storage
- Methods used to evaluate the effectiveness of your PPE program.

Note:

- If a manufacturer's printed information or WISHA rule adequately addresses procedural requirements (such as donning or doffing for PPE), it is not necessary to rewrite this into your program; simply attach the printed information.
- You may use written procedures provided by the equipment manufacturer when they meet the requirements of other chapters, including chapter 296-307 WAC, Part Y-5, Respirators.

- Emergency equipment
- Emergency response procedures
- Decontamination procedures determined by a hazardous materials specialist or other qualified individual
- Methods to critically assess the response and conduct appropriate follow-up.

You must:

(2) Make your written emergency response plan available to employees, their representatives, and WISHA personnel for inspecting or copying.

Note: In situations where multiple employers could respond to an incident, all plans should consistently address:

- Who will be designated as the incident commander (IC)
- AND
- If, when, and how transfer of the incident commander (IC) position will take place.

Table 1 Roles and Duties of Emergency Responders	
If the employee's role is:	Then all the following apply. They:
First responder at the awareness level	<ul style="list-style-type: none"> • Are likely to witness or discover a hazardous substance release • Are trained to initiate an emergency response by notifying the proper authorities of the release • Take no further action beyond notifying the authorities
First responder at the operations level	<ul style="list-style-type: none"> • Respond to actual or potential releases in order to protect nearby persons, property, and/or the environment from the effects of the release • Are trained to respond defensively, without trying to stop the release • May try to: <ul style="list-style-type: none"> - Confine the release from a safe distance - Keep it from spreading - Protect others from hazardous exposures
Hazardous materials technician	<ul style="list-style-type: none"> • Respond to releases or potential releases, with the intent of stopping the release • Are trained to approach the point of release offensively in order to, either: <ul style="list-style-type: none"> - Plug - Patch - Stop the release using other methods

PROPOSED

**Table 1
Roles and Duties of Emergency Responders**

If the employee's role is:	Then all the following apply. They:
Hazardous materials specialist	<ul style="list-style-type: none"> • Respond along with, and provide support to, hazardous materials technicians • Are required to have more specific knowledge of hazardous substances than a hazardous materials technician • Act as the site activity liaison when federal, state, local, and other government authorities participate
Incident commander	<ul style="list-style-type: none"> • Have ultimate responsibility for: <ul style="list-style-type: none"> - Direction - Control - Coordination of the response effort - Will assume control of the incident beyond the first responder awareness level
Specialist employee	<ul style="list-style-type: none"> • Are a technical, medical, environmental, or other type of expert • May represent a hazardous substance manufacturer, shipper, or a government agency • May be present at the scene or may assist from an off-site location • Regularly work with specific hazardous substances • Are trained in the hazards of specific substances • Are expected to give technical advice or assistance to the incident commander or incident safety officer, when requested
Skilled support personnel	<ul style="list-style-type: none"> • Are needed to perform an immediate, specific emergency support task at the site • Are skilled in the operation of equipment including: <ul style="list-style-type: none"> - Earth moving equipment - Cranes - Hoisting equipment
Incident safety officer	<ul style="list-style-type: none"> • Are designated by the incident commander • Are knowledgeable in operations being implemented at the site • Have specific responsibility to <ul style="list-style-type: none"> - Identify and evaluate hazards - Provide direction on employee safety matters

NEW SECTION

WAC 296-307-70415 Training.

Train your employees

Note:

- Use Tables 3 through 6 to identify your employees' training competencies.
- You may conduct training internally, or use outside training services to comply with this section.
- When outside trainers are hired, you are still responsible for making sure the requirements of this section are met. For example, employers may compare the course outline to the competencies listed in Tables 3 through 6.

You must:

• Make sure employees are appropriately trained for their assigned roles and duties as follows:

Exemption: Skilled support employees are not covered by the training requirements of this section (see WAC 296-307-70440).

Initial training:

• Provide initial training before the employee is allowed to participate in an actual emergency response operation.

Note: When first responders at the awareness or operations level have sufficient experience to objectively demonstrate com-

petencies specified in Table 3, you may accept experience instead of training.

- Make sure initial training adequately addresses the competencies in Tables 3 through 6 and the minimum training durations in Table 2.

- Certify that employees objectively demonstrate competencies specified in Tables 3 through 6 (except for employees trained as first responders at the awareness level).

You must:

Retraining (refresher) training:

- Provide retraining annually.
- Make sure retraining covers necessary content.
- Document training or demonstrated competency.

Note: Retraining is not required when employees demonstrate competencies annually and a record is kept of the demonstration methodology used.

You must:

Trainer qualifications:

- Verify trainers have satisfactorily completed an instructors' training course for the subjects they teach. For example, courses offered by the United States National Academy, or equivalent courses are acceptable.

OR

- Have the educational and instructional experience necessary for training.

Specialist employees:

- Specialist employees who have been sent to the scene to advise or assist must receive training or demonstrate competency in their specialty, annually.

PROPOSED

Table 2 Minimum Training Durations for all Responders	
If you are a:	Then:
First responder at the awareness level	Training duration needs to be sufficient to provide the required competencies
First responder at the operations level	You need a minimum of 8 hours training (see Table 3)
Hazardous materials technician	You need a minimum of 24 hours training (see Table 4)
Hazardous materials specialist	You need a minimum of 24 hours training (see Table 4)
Incident commander	You need a minimum of 24 hours training (see Table 5)

Table 3 Competencies for First Responders at the Awareness Level and Operations Level		
Employees must be able to show they:	When they are designated as First Responders at the:	
	Awareness Level	Operations Level
Understand what hazardous substances are and their associated risks.	X	X
Recognize the presence of hazardous substances in an emergency.	X	X
Can identify the hazardous substances, when possible.	X	X
Understand the potential consequences of hazardous substances in an emergency.	X	X
Understand the role of a first responder at the awareness level as described in: <ul style="list-style-type: none"> • The employer's emergency response plan, including site security and control. • The United States Department of Transportation's Emergency Response Guidebook. (<i>Search at: http://www.dot.gov</i>) 	X	X
Can use The United States Department of Transportation's Emergency Response Guidebook.	X	X
Recognize the need for additional resources and the need to notify the incident's communication center accordingly.	X	X
Know basic hazard and risk assessment techniques.		X
Can select and use personal protective equipment (PPE) appropriate for first responder operations level.		X
Understand basic hazardous materials terms.		X
Can perform basic control, containment, and/or confinement operations within the capabilities of the resources and PPE available.		X
Can implement decontamination procedures to their level of training.		X
Understand relevant standard operating and termination procedures.		X

Table 4 Competencies for Hazardous Materials Technicians and Hazardous Materials Specialist		
Employees must be able to show they:	When they are designated as a Hazardous Materials:	
	Technician	Specialist
Have the competencies specified for the first responder operations level. (See Table 3)	X	X
Can implement an employer's emergency response plan.	X	X

PROPOSED

**Table 4
Competencies for Hazardous Materials Technicians and Hazardous Materials Specialist**

Can function within their assigned role in the incident command system.	X	X
Understand hazard and risk assessment techniques.	X	X
Understand basic chemical and toxicological terminology and behavior.	X	X
Can use field survey instruments and equipment to classify, identify, and verify materials at the incident.	X	X
Can select and use personal protective equipment (PPE) appropriate for hazardous materials technicians.	X	X
Can perform advance control, containment, and/or confinement operations within the capabilities of the resources and PPE available.	X	X
Can implement decontamination procedures to their level of training.	X	X
Understand termination procedures.	X	X
Can implement the local emergency response plan.		X
Know of the state emergency response plan.		X
Can develop a site safety and control plan.		X
Understand chemical, radiological, and toxicological terminology and behavior.		X
Understand in-depth hazard and risk techniques.		X
Can use advanced survey instruments and equipment to classify, identify and verify materials at the incident.		X
Can select and use proper specialized chemical PPE given to hazardous materials specialists.		X
Can perform specialized control, containment, and/or confinement operations within the capabilities of the resources and PPE available.		X
Can determine decontamination procedures.		X

**Table 5
Competencies for Incident Commanders**

Employees designated as Incident Commanders must be able to show they:
• Have competencies specified for the First Responder Operations Level. (See Table 3.)
• Know of the state emergency response plan and the Federal Regional Response Team.
• Can implement the local emergency response plan.
• Can implement the employer's emergency response plan.
• Have knowledge of the incident command system (ICS) and understand how they relate to it.
• Can implement the employer's ICS.
• Understand the hazards and risks associated with employees working in chemical protective clothing.
• Understand the importance of decontamination procedures.
Note: If the first employee arriving at the scene is not trained as an IC, they may take control of the incident within their designated role and training level.

**Table 6
Competencies for Specialist Employees**

Employees designated as Specialist Employees must be able to show they:
• Have current knowledge in their field regarding safety and health practices relating to the specific hazardous substances.
• Have the knowledge of the ICS and understand how they relate to it.
• Understand the care and use of personal protective equipment (PPE).

NEW SECTION

WAC 296-307-70420 Medical surveillance. Provide medical surveillance to employees.

You must:

(1) Provide medical surveillance for employees to comply with Tables 7 and 8, and the following:

- Make medical surveillance available at:
 - Reasonable times and places.
 - No cost to employees, including travel associated costs such as mileage, gas or bus fare if the employee is required to travel off site

AND

– Wages for additional time spent outside of employees' normal work hours.

- Make sure a licensed physician performs or supervises exams and procedures.
- Give complete information to the examining physician including:
 - A copy of this section.
 - A description of the employee's duties that relate to hazardous substance exposure.
 - The hazardous substance exposure levels anticipated for the employee.
 - A description of the personal protective equipment (PPE) the employee could use.
 - Information available from previous medical examinations.
 - The medical evaluation information required by chapter 296-307 WAC, Part Y-5, Respirators.
- Medical exams must include, at a minimum:
 - A medical history.

- A work history (or updated history if on file).
- A special emphasis on:
 - Assessment of symptoms related to handling hazardous substances.
 - Health hazards.
 - Evaluation of fitness for duty (including the ability to wear any personal protective equipment (PPE) or other conditions that may be expected at the workplace).
- Other content as determined by the examining physician.

Note: The physician should consult the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* and the *Medical Management Guidelines for Acute Chemical Exposure* (search OSHA website: <http://www.osha.gov>).

You must:

- (2) Obtain the physician's written opinion and give a copy to the employee that includes:
- A statement of whether or not medical conditions were found which would increase the employee's risk for impairment during emergency response work or respirator use.
 - Do not include specific findings or diagnoses unrelated to occupational exposures.
 - Limitations recommended to the employee's assigned work, if any.
 - Exam and test results if the employee requests this information.
 - A statement that affirms the employee has been confidentially informed of medical exam results (including medical conditions requiring follow-up).

Table 7 Medical Surveillance for Employee Categories	
If the employee is covered by this section and is:	Then you must:
<ul style="list-style-type: none"> • Exposed for at least 30 days a year to health hazards or hazardous substances at or above the permissible exposure limit or published exposure levels (even when respirators are used), <p>OR</p> <ul style="list-style-type: none"> • Required to wear a respirator for at least 30 days a year.* 	<ul style="list-style-type: none"> • Offer standard medical surveillance as specified in Table 8.*
<ul style="list-style-type: none"> • A hazardous materials (HAZMAT) team member. • A hazardous materials specialist. 	<ul style="list-style-type: none"> • Provide standard medical surveillance as specified in Table 8.
<ul style="list-style-type: none"> • An emergency responder who shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances during an incident. 	<ul style="list-style-type: none"> • Provide incident-specific medical surveillance as specified in Table 8.
<ul style="list-style-type: none"> • Not an emergency responder and: <ul style="list-style-type: none"> – May be injured. – Shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances. – May have been exposed to hazardous substances at concentrations above the permissible exposure limits (PELs) or the published exposure levels without appropriate PPE. 	<ul style="list-style-type: none"> • Offer incident-specific medical surveillance as specified in Table 8.

*Note: A medical evaluation for respirator use is required by chapter 296-307 WAC, Part Y-4, Respiratory protection, for those employees who have not been cleared for respirator use during medical surveillance activities.

PROPOSED

Table 8
Frequency of Exams and Consultations

If the employee is covered by:	Then medical surveillance must include:
<ul style="list-style-type: none"> • Standard medical surveillance 	<p>Exams and consultations:</p> <ul style="list-style-type: none"> • Before assignment. <p>Note: If the employee is a hazardous materials (HAZMAT) team member or a hazardous materials specialist, the employee must receive a baseline physical examination.</p> <ul style="list-style-type: none"> • At least once every 12 months after their initial assignment unless the physician believes a shorter, or longer interval (but no more than 24 months) is appropriate. • Whenever employees are reassigned to an area where they will no longer be covered by medical surveillance and they have not been examined within the past 6 months. • As soon as possible after an employee reports: <ul style="list-style-type: none"> – Signs or symptoms of possible overexposure to hazardous substances or health hazards. – Injury. – Exposure above the permissible exposure limits or published exposure levels. • At the termination of their employment unless they were examined within the past 6 months.
<ul style="list-style-type: none"> • Incident-specific medical surveillance 	<p>Medical consultations and exams:</p> <ul style="list-style-type: none"> • As soon as possible following the incident or development of signs or symptoms. • At additional times, if the physician determines follow-up is medically necessary.

PROPOSED

NEW SECTION

WAC 296-307-70425 Keep records.

You must:

- Keep a record of:
 - Name and Social Security number of the employee receiving medical surveillance
 - Physicians' written opinions, recommended limitations, and results of examinations and tests
 - Any employee medical complaints regarding hazardous substance exposures
 - A copy of all information given to the examining physician (except a copy of this section).

NEW SECTION

WAC 296-307-70430 Incident requirements. Recognize emergencies and initiate a response.

You must:

- Make sure employees follow procedures in your emergency response plan to:
 - Recognize when an emergency response must be initiated
 - Notify employees, and others designated in your plan, of the release
 - Follow immediate emergency procedures
 - Prevent the incident from increasing in severity or to secure the operation.

NEW SECTION

WAC 296-307-70435 Implement and maintain an incident command system (ICS).

You must:

- (1) Make sure a single individual, acting as the incident commander (IC), is in charge of the site-specific incident command system (ICS) and acts within their designated role and training level.

Note:

- For multiemployer worksites:
 - The IC has responsibility for controlling emergency response operations at the site for all employers.
 - Emergency response plans should be consistent in designating who assumes the IC position.
 - If the first employee arriving at the scene is not trained as an IC (see Table 5, Training Requirements for Incident Commanders and Specialist Employees, WAC 296-307-70415), they may take control of the incident within their designated role and training level.

You must:

- (2) Make sure all employers' emergency responders and their communications are coordinated and controlled by the IC.

Note:

- The IC may delegate tasks to subordinates (within their training level).

You must:

- (3) Make sure each employer at the scene has designated a representative to assist the IC.
- (4) Establish security and control of the site as specified in your written emergency response plan.

NEW SECTION**WAC 296-307-70440 Prepare skilled support personnel.**

Note: The duties of skilled support personnel are described in Table 1, Roles and Duties of Emergency Responders.

You must:

(1) Make sure that your skilled support personnel (including those employees who are not regularly employed by you) who could be exposed to on-scene hazards are given an initial briefing at the site before they participate in any emergency response. The initial briefing must include:

- What chemical hazards are involved
- What duties are to be performed
- Instruction in the wearing of appropriate personal protective equipment.

Note: Skilled support personnel do not need to comply with the other training requirements of this section.

You must:

(2) Make sure the safety and health precautions given to your employees are also given to skilled support personnel.

NEW SECTION**WAC 296-307-70445 Make sure the incident commander oversees activities during the response. The employer of the incident commander (IC) must:**

(1) Identify all hazardous substances and conditions present, within their training level, using site analysis and maximum exposure limits, when appropriate.

(2) Implement emergency response procedures appropriate to the hazardous substances and conditions present, such as:

- Procedures that address the use of engineering controls, hazardous substance handling, and new technologies
- Procedures that address decontamination
- Procedures that address PPE
- Procedures that limit the number of personnel to those who are actively performing emergency response operations, in areas where exposure could exist.

(3) Designate an incident safety officer (ISO).

• Make sure the ISO demonstrates knowledge about operations being implemented at the emergency response site. They must:

- Identify and evaluate hazards
- Communicate with the IC about hazards, immediately informing the IC of corrective actions that must be taken when conditions are judged to be:

■ An imminent danger

OR

■ Immediately dangerous to life or health (IDLH).

- Provide direction about the safety of operations.

NEW SECTION**WAC 296-307-70450 Use the buddy system in danger areas.****You must:**

• Make sure operations and tasks (including limited actions) in danger areas are conducted using the buddy system in teams of two or more.

Definition:

Danger areas are areas where conditions pose a serious danger to employees, such as areas where:

• Immediately dangerous to life or health (IDLH) conditions could exist.

OR

• High levels of exposure to toxic substances could exist.

OR

• There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL) of a hazardous substance.

NEW SECTION**WAC 296-307-70455 Provide rescue and medical assistance.****You must:**

(1) Provide stand-by employees equipped with the same level of personal protective equipment (PPE) as the entrants, for assistance or rescue.

Note: • The buddy system applies to stand-by employees (WAC 296-307-70450).

• One of the two stand-by employees can be assigned to another task provided it does not interfere with the performance of the stand-by role.

• Rescue equipment should be selected and provided based on the types of rescue situations that could occur.

You must:

(2) Make sure employees trained in first aid are readily available with necessary medical equipment and have a way to transport the injured.

Note: • Employers who designate and train their employees to provide first aid are covered by chapter 296-307 WAC, Part Y-9, bloodborne pathogens.

NEW SECTION**WAC 296-307-70460 Personal protective equipment.**

Note: • Only properly trained employees should select PPE. Hazardous materials technicians and hazardous materials specialists can select PPE within the competencies specified in Table 4.

• Selection requirements in other PPE rules also apply, including:

- Chapter 296-307 WAC, Part Y-5, Respirators.
- Chapter 296-305 WAC, Safety standards for fire fighting.

You must:

• Provide employees with appropriate PPE and make sure it is used if hazards could be present.

• Select PPE (such as respirators, gloves, protective suits and other PPE) based on:

– An evaluation of the performance characteristics (such as breakthrough time and hazardous substance-specificity of the material or item) relevant to the requirements and limitations of the site.

– Task-specific conditions and durations.

– The hazards and potential hazards of the site (see Table 9, Selecting PPE for Specific Hazards).

- Select totally encapsulating chemical protective (TECP) suits, as specified in Table 9, that:
 - Maintain positive air pressure.
 - Prevent inward test gas leakage of more than 0.5 per-cent.

Note: Follow the manufacturer's recommended procedure for testing a TECP suit's ability to maintain positive air pressure and prevent inward gas leakage. Other established test protocols for these suits, for example NFPA 1991 and ASTM F1052-97, may also be used.

PROPOSED

Table 9 Selecting PPE for Specific Hazards	
If:	Then use:
<ul style="list-style-type: none"> • Inhalation hazards could be present. 	<ul style="list-style-type: none"> • Positive-pressure (pressure-demand) self-contained breathing apparatus (SCBA) <p>OR</p> <ul style="list-style-type: none"> • A decreased level of respiratory protection only when the incident commander determines, from air monitoring results, that employees will be adequately protected.
Chemical exposure levels will create a substantial possibility of: <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	Either positive-pressure (pressure-demand): <ul style="list-style-type: none"> • SCBA • Air-line respirators equipped with an escape air supply.
Skin absorption of a hazardous substance may result in a substantial possibility of: <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	Protection equivalent to Level A including a totally encapsulating chemical protective (TECP) suit.

NEW SECTION

WAC 296-307-70465 Control hazards created by personal protective equipment (PPE).

- You must:**
- Control hazards created by the use of PPE, including:
 - Heat stress due to extremely high temperatures.
 - Any other employee health hazard and consideration.

NEW SECTION

WAC 296-307-70470 Use personal protective equipment (PPE) properly.

- You must:**
- (1) Make sure employees inspect PPE before, during and after use, following your plan's procedures.
 - (2) Make sure employees put on (don) and remove (doff) PPE following your plan's procedures.
 - (3) Make sure employees do not interchange self-contained breathing apparatus (SCBA) air cylinders from different manufacturers, unless all of the following apply:
 - There is a life-saving emergency
 - You need a supplemental air supply
 - The cylinders are of the same capacity and pressure rating.
 - (4) Make sure compressed air cylinders used with SCBAs meet the testing and service life requirements of the United States Department of Transportation (USDOT). Search at: <http://www.dot.gov>.

Note: You can also check with the cylinder manufacturers to obtain USDOT test and service life specifications.

You must:

(5) Make sure PPE is maintained in a safe and reliable condition using your plan's procedures. PPE maintenance includes:

- Decontamination
- Cleaning
- Inspection
- Identification of damage or defects
- Parts repair or replacement
- Storage or disposal.

NEW SECTION

WAC 296-307-70475 Postemergency response.

IMPORTANT:

Postemergency response is the stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.

When cleanup is done by the employees who were part of the initial emergency response, the employees are not covered by this section (however, training, PPE and other requirements in WAC 296-307-70460 through 296-307-70470 apply to these employees).

You must:

- (1) Follow Table 10 to determine which requirements apply to your postemergency response activities.
- (2) Maintain clean-up equipment as specified in Table 10.

PROPOSED

Table 10 Rules that Apply to Postemergency Response Activities	
When postemergency response cleanup is performed by employees who were not part of the initial emergency response and:	The following rules or requirements apply:
It is necessary to remove hazardous substances, health hazards and contaminated materials (example: Soil) from the site.	Chapter 296-307 WAC, Part Y-9, Hazardous waste operations and treatment, storage and disposal facilities.
Cleanup is done on plant property using plant or workplace employees AND It is not necessary to remove hazardous substances, health hazards and contaminated materials from the site.	For training: <ul style="list-style-type: none"> • WAC 296-307-35015 and 296-307-35018, Employee emergency action plans • Chapter 296-307 WAC, Part Y-4, Respiratory protection • WAC 296-307-550, Employer chemical hazard communication • Other appropriate training requirements relevant to personal protective equipment (PPE) and decontamination For equipment: <ul style="list-style-type: none"> • Make sure that all equipment used for clean-up work is serviced and inspected before use.

NEW SECTION

WAC 296-307-70480 Definitions. The following definitions are specific to this section:

Annually

Any twelve-month cycle.

Buddy system

A system of organizing employees (who enter or stand by danger areas) into work groups, so each employee can be observed by at least one other member of the group. The purpose of this system is to provide rapid assistance to employees in an emergency.

Clean-up operation(s)

An operation where hazardous substances are removed, contained, incinerated, neutralized, stabilized, cleared up or, in any other manner, processed or handled with the goal of making the site safer for people or the environment.

Danger area

Areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist

OR

- High levels of exposure to toxic substances could exist

OR

- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a substance.

Decontamination

Removing hazardous substances from employees and their equipment so potential adverse health effects will not occur. **Emergency response**

An organized response to an anticipated release of a hazardous substance that is, or could become, an uncontrolled release.

Emergency response plan

A written plan that requires coordination between emergency response participants, and contains procedures, criteria, and other information that will be applied to emergency

response operations. Each employer's plan should be compatible with local and state plans.

Engineering controls

Methods of controlling employee exposures by modifying the source or reducing the quantity of contaminants.

Hazardous materials team (HAZMAT team)

A group of employees who are expected to perform responses to releases, or possible releases, of hazardous substances for the purpose of control and stabilization. As a result of their duties, HAZMAT team members may have close contact with hazardous substances.

Note: A HAZMAT team may be a separate component of a fire brigade or fire department.

Hazardous substance

Any of the following substances that could adversely affect an exposed employee's health or safety:

- Substances defined under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) or "Superfund" Act (visit: <http://www.epa.gov>)

- Biological or other disease-causing agents released that could reasonably be expected to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in a person or their offspring when the person:
 - Is directly exposed to the agent in the environment
 - Directly ingests, inhales, or assimilates the agent from the environment
 - Indirectly ingests the agent through a food chain

- Substances listed by the United States Department of Transportation as hazardous materials under Title 49 (Transportation) in the Code of Federal Regulations (CFR), Part 172, section 101 and appendices (visit: <http://www.nara.gov> and search for "List of CFR subjects")

- Hazardous wastes as defined in this section.

Hazardous waste

A substance designated by chapter 173-303 WAC, Dangerous waste regulations, department of ecology, as a dangerous waste or an extremely hazardous waste and any waste fitting the definition of "health hazard" in this section.

Note: For department of ecology regulations, visit: <http://www.ecy.wa.gov>.

Health hazard

A chemical, a mixture of chemicals, or a pathogen for which there is statistically significant evidence, based on at least one study conducted according to established scientific principles, that acute or chronic health effects may occur in exposed employees.

The term "health hazard" includes stress due to temperature extremes and chemicals that are:

- Carcinogens
- Toxic or highly toxic agents
- Reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, or neurotoxins
- Agents acting on the hematopoietic system agents that damage lungs, skin, eyes, or mucous membranes. (Detailed definitions of these chemical terms can be found in the Safety and health core rules, WAC 296-307-550, chemical hazard communication.)

Immediately dangerous to life or health (IDLH)

Any atmospheric condition that would:

- Cause an immediate threat to life

OR

- Cause permanent or delayed adverse health effects

OR

- Interfere with an employee's ability to escape.

Incident command system (ICS)

An organized approach to control and manage operations at an emergency response incident.

Incidental release

A release that can be safely controlled at the time of the release and does not have the potential to become an uncontrolled release.

Note: Example of a situation that results in an incidental release: A tanker truck is receiving a load of hazardous liquid when a leak occurs. The driver knows the only hazard from the liquid is minor skin irritation. The employer has trained the driver on procedures and provided equipment to use for a release of this quantity. The driver puts on skin protection and stops the leak. A spill kit is used to contain, absorb, and pick up the spilled material for disposal.

Limited action

Action necessary to:

- Secure an operation during emergency responses,

OR

- Prevent an incident from increasing in severity.

Examples include shutting down processes and closing emergency valves.

Lines of authority

A preestablished ranking of individuals, qualified to assume a commanding role during an emergency response, noted in an emergency response plan and implemented during a response. This is most important when responders from multiple employers could participate in an emergency response.

Lower explosive limit (LEL)

See lower flammable limit (LFL).

Lower flammable limit (LFL)

The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent (by volume) of the material in air (or other oxidant).

Must

Must means mandatory.

Permissible exposure limit (PEL)

Means the established time-weighted-average (TWA) concentration or ceiling concentration of a contaminant that must not be exceeded.

The exposure, inhalation, or dermal permissible limit specified in chapter 296-307 WAC, Part Y-6, Respiratory hazards.

Personal protective equipment (PPE)

Protective items designed to be worn by the user to protect them against airborne, skin contact and other hazards. This includes items such as respiratory protection, protective suits, gloves, eye protection, etc.

Postemergency response

The stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.

Published exposure level

Exposure limits published in "National Institute for Occupational Safety and Health (NIOSH) Recommendations for Occupational Safety and Health" (DHHS publication #92-100, 1992).

If an exposure limit is not published by NIOSH, then "published exposure level" means the exposure limits published by the American Conference of Governmental Industrial Hygienists (ACGIH) in "TLVs and BEIs-Threshold Limit Values for Chemical Substances and Physical Agents" (1999 edition).

Note: Additional exposure levels published by recognized organizations such as the American Industrial Hygiene Association are not required to be observed by this rule; however, they may be a useful resource when a hazardous substance is not covered by NIOSH and ACGIH publications.

Release

A spill, leak, or other type of hazardous substance discharge.

Uncontrolled release

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion or chemical exposure) are not considered to be uncontrolled releases.

Examples of conditions that could create a significant safety and health risk:

Large-quantity releases

Small releases that could be highly toxic

Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.

Example of an uncontrolled release:

A forklift driver knocks over a container of a solvent-based liquid, releasing the contents onto the warehouse floor. The driver has been trained to recognize the vapor is flammable and moderately toxic when inhaled. The driver has not been trained or provided appropriate equipment to address this type of spill. In this situation, it is not safe for the driver to attempt a response. The driver needs to notify someone of the release so an emergency response can be initiated.

Workplace

- A fixed facility
- OR
- A temporary location (such as a traffic corridor)
- OR
- Locations where employees respond to emergencies.

WSR 04-15-141 PROPOSED RULES UTILITIES AND

TRANSPORTATION COMMISSION

[Docket No. UG-011073—Filed July 21, 2004, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-17-048.

Title of Rule and Other Identifying Information: Chapter 480-93 WAC, Gas companies—Safety.

Hearing Location(s): Commission Hearing Room 206, 2nd Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on October 29, 2004, at 9:30 a.m.

Date of Intended Adoption: October 27, 2004.

Submit Written Comments to: Carole J. Washburn, Executive Secretary, P.O. Box 47250, Olympia, WA 98504-7250 or e-mail records@wutc.wa.gov, fax (360) 586-1150, by August 27, 2004. Please include Docket No. UG-011073 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung, by Monday, October 25, 2004, TDD (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules are intended to implement the requirements of Executive Order 97-02, requiring agencies to review significant rules for need; effectiveness and efficiency; clarity; intent and statutory authority; cost and fairness. The proposal repeals some of the existing rules that are no longer necessary, adds rules to clarify existing federal rules which the commission adopts by reference, and includes new rules that are more stringent than federal rules, such as adding "new construction" as an activity included as a covered task. The proposed rules include new rules for defining "timeframes" used throughout the chapter, and addressing protection of exposed plastic pipe.

WAC 480-93-002, proposal deletes this rule and incorporates language in WAC 480-93-007.

WAC 480-93-005, the proposed rule modifies the existing rule by eliminating definitions not pertinent to the commission's jurisdiction, clarifying terms used throughout the chapter, such as "operator," adding a definition for the term "business district," and adding a definition for the term "Master Meter," as is defined in 49 C.F.R. §191.3.

WAC 480-93-007, a new proposed rule incorporating language from WAC 480-93-002.

WAC 480-93-008, a new proposed rule that addresses applicability of the rules.

WAC 480-93-009, a new proposed rule that provides for severability of rules.

WAC 480-93-010, proposal deletes this rule and incorporates language in WAC 480-93-999.

WAC 480-93-012, a new proposed rule that specifies timeframes identified in various rules.

WAC 480-93-015, the proposed rule requires "sniff tests" be conducted at least once monthly and equipment used to perform the test be calibrated in accordance with manufacturer's recommendation. If there is no manufacturer's recommendation, equipment must be tested at least annually.

WAC 480-93-017, rewritten for clarity.

WAC 480-93-018, includes a requirement that pipeline companies update records within six months of completion of construction activity and make them available to company operation personnel.

WAC 480-93-020, this rule is rewritten for clarity and incorporates the requirements of WAC 480-93-030.

WAC 480-93-030, proposal deletes this rule and incorporates language in WAC 480-93-020.

WAC 480-93-040, rewritten for clarity.

WAC 480-93-080, the proposed rule changes the requalification requirement for Appendix C welders from one year to six months, and requires that welders carry identification cards. The rule also disallows Appendix C welders from welding high pressure, large diameter pipes.

WAC 480-93-082, proposal deletes this rule.

WAC 480-93-100, the proposed rule requires companies to identify emergency valves, install such valves in business districts, and near churches, schools, hospitals and emergency buildings, and maintain a written maintenance program detailing the valve selection process, when they will be inspected, and maintenance and operating procedures.

WAC 480-93-110, the proposed rule requires companies to maintain detailed written cathodic protection (CP) procedures. In addition, the rule has been rewritten to clarify state and federal requirements, and adds remedial action timeframes. In addition, the proposed rule requires companies to have a written internal CP program that includes monitoring, and that CP tests be taken when steel pipe is exposed. The proposed [rule] also requires annual monitoring of pipelines that are less than ten feet in length and have been CP protected due to corrosion or leakage, rather than every ten years as required by federal rules.

WAC 480-93-111, proposal deletes this rule and incorporates language in WAC 480-93-110.

WAC 480-93-112, proposal deletes this rule and incorporates language in WAC 480-93-110.

WAC 480-93-115, rewritten for clarity.

WAC 480-93-120, proposal deletes this rule and incorporates language in WAC 480-93-124.

WAC 480-93-124, the proposed rule requires companies to place markers at all railroad, road, irrigation, and drainage ditch crossings, river crossings, creeks, and at all fence lines where a pipeline crosses private property, or where a pipeline or pipeline facility is exposed. In addition the proposed rule requires companies to replace markers within forty-five days of discovery. Companies must also maintain records that identify class locations and where markers are required.

WAC 480-93-130, proposal deletes rule.

WAC 480-93-140, the proposed rule requires companies to follow the manufacturer's recommended installation and maintenance practices of service regulators to insure proper and safe operation. In addition, companies must verify the set points at the initial turn-on.

WAC 480-93-150, proposal deletes rule.

WAC 480-93-155, rewritten for clarity.

WAC 480-93-160, rewritten for clarity.

WAC 480-93-170, rewritten for clarity.

WAC 480-93-175, rewritten for clarity.

WAC 480-93-178, a new proposed rule that requires companies to monitor above-ground temporary installations of plastic pipe. In addition, a new requirement is proposed to keep pipe separated from other utilities when buried, requires a weak-link when pulling pipe so it isn't damaged, and has a maximum ultraviolet light exposure limit.

WAC 480-93-180, rewritten for clarity.

WAC 480-93-183, proposal deletes rule.

WAC 480-93-184, proposal deletes rule.

WAC 480-93-185, rewritten for clarity.

WAC 480-93-186, the proposed rule requires companies to fix leaks and not regrade leaks numerous times. When a leak has been regraded and the same leak is later found at a more severe grade, the leak must be repaired.

WAC 480-93-18601, rewritten for clarity.

WAC 480-93-187, rewritten for clarity.

WAC 480-93-188, the proposed rule specifies that companies must follow the manufacturer's recommendation for calibration, and if an instrument does not have a manufacturer's recommendation for calibration, then it must be calibrated once each month. In addition, section (3)(a) of the rule has been modified to require gas leak surveys in "business districts," as defined in WAC 480-93-005.

WAC 480-93-190, proposal deletes rule and incorporates language in WAC 480-93-200.

WAC 480-93-200, the proposed rule incorporates WAC 480-93-190. The rule is rewritten for clarity and consistency with federal regulations, requires drug and alcohol forms be submitted to the commission, changes the telephonic incident reporting requirement for more serious incidents from six to two hours and reporting for other reportable incidents from six to twenty-four hours. In addition, companies must submit daily reports of construction and repair activities.

WAC 480-93-210, proposal deletes rule.

WAC 480-93-220, proposal deletes rule.

WAC 480-93-223, rewritten for clarity.

WAC 480-93-230, rewritten for clarity.

WAC 480-93-240, proposal makes no change to this rule.

WAC 480-93-999, rewritten to incorporate accurate references. This rule reflects each regulation or standard the commission is adopting, the effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and the availability in which the regulation is found. The commission adopts by reference the definition of the term "covered task" in 49 C.F.R. § 192.801(b), but adds "new construction" to the definition.

Reasons Supporting Proposal: The proposed rules are necessary and reasonable to ensure the safety of gas pipeline operations and to promote safety for the citizens of Washington state from the hazards of gas pipeline operations. In addition, a review of the existing rules and the commission's experience in inspecting pipeline facilities in the state has shown a need for consistency in practices among companies, as well as clarity, and to define the meaning of terms used in federal and state rules. Some of the proposed rules apply more stringent requirements than existing federal rules to address concerns the commission has identified in its experience in inspecting pipeline facilities.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, and 80.28.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Sondra Walsh, Senior Policy Strategist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1286; Implementation and Enforcement: Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Introduction: In August 2001, the Washington Utilities and Transportation Commission (commission) initiated a review of the rules in chapter 480-93 WAC regarding safety of gas company operations. The commission initiated this review in Docket No. UG-011073 pursuant to Executive Order 97-02, which requires agencies to review existing rules for readability and content with attention being paid to clarity, intent, statutory authority, need, effectiveness, efficiency, coordination, cost and fairness. Commission staff reviewed the rules to determine whether the rules provide the results they were originally intended to achieve and whether the rules are consistent with federal and state law. Staff added new rules to provide additional pipeline safety requirements that are more stringent than federal rules contained in 49 C.F.R. Part 192, and to clarify the commission's policies, processes, and procedures or to provide complete information important to regulated companies.

Over the last three years, commission staff has held four stakeholder workshops with interested persons to discuss draft rule language, receive comments, and explore options. Staff has prepared three sets of draft rules and submitted them to stakeholders for comment. Staff believes that the draft rules are now sufficiently developed to recommend that the commission publish them as proposed rules, and proceed to

the next phase of the rule making. When issuing a notice of proposed rules, agencies must provide a copy of the small business economic impact statement (SBEIS) prepared under chapter 19.85 RCW, or explain why an SBEIS was not prepared. *RCW 34.05.320 (1)(k)*.

2. SBEIS Requirements: The Regulatory Fairness Act, codified in chapter 19.85 RCW, provides that an agency must conduct an SBEIS "if the proposed rule will impose more than minor costs on businesses in an industry." *RCW 19.85.030*. An SBEIS is intended to assist agencies in evaluating any disproportionate impacts of the rule making on small businesses. A business is categorized as "small" under the Regulatory Fairness Act if the business employs fifty or fewer employees.

Under *RCW 19.85.040(1)*, agencies must determine whether there is a disproportionate impact on small businesses in the industry, and under *RCW 19.85.030(2)*, consider means to minimize the costs imposed on small businesses. In determining whether there is a disproportionate impact on small businesses, agencies must compare the cost of compliance for small businesses with the cost of compliance for the 10% of businesses that are the largest businesses required to comply with the rule using either the cost per employee, the cost per hour of labor, or the cost per \$100 of sales revenue, as a basis for comparing costs. *See RCW 19.85.040(1)*.

3. SBEIS Evaluation Procedure: Staff determined that it was necessary to prepare an SBEIS for gas safety rules in Docket No. UG-011073 as the proposed rules may impose more than minor costs on pipeline companies operating in Washington state. With the last set of draft rules, the commission mailed a notice to the fifteen natural gas companies under commission jurisdiction for pipeline safety, as well as other stakeholders, providing an opportunity to respond to an SBEIS questionnaire. This notice requested that the affected companies provide information concerning the cost impact of draft rules developed by commission staff for chapter 480-93 WAC, and to provide specific information for each draft rule that the company identifies as causing an impact. Staff received completed surveys in this docket from two natural gas companies and one direct sales company: Puget Sound Energy (PSE), Cascade Natural Gas (CNG), and Camas Mill (Georgia Pacific).

None of the pipeline companies regulated by the commission, including the three companies that responded to the questionnaire, however, are small businesses: Staff has determined that none of the pipeline companies regulated by the commission for safety are categorized as "small" businesses as defined by the Regulatory Fairness Act. Large companies do not have great incentive to respond to the survey or to provide detailed information, because the commission is only required to mitigate the economic impacts of the proposed rules on small businesses. In addition, because the commission regulates pipeline companies for safety under chapter 480-93 WAC, and does not regulate the companies' rates, there are no requirements that pipeline companies submit any financial data to the commission.

To conduct an SBEIS pursuant to the Regulatory Fairness Act, the commission must either determine the cost per employee, the cost per hour of labor or the cost per \$100 of

sales revenue. As discussed above, this information is not known or required to be submitted to the commission under chapter 480-93 WAC. The results of this survey, therefore, should be interpreted with an understanding that the study is based upon limited, and in some cases unverifiable, quantitative data.

The staff conducted its analysis by considering the purpose of the rule, the reason for the new rule or change to the rule, and the cost of compliance asserted by the company. Staff then evaluated whether the cost alleged was reasonable or already a cost of compliance, and in weighing all the information, determined if any mitigation of the requirements of the draft rule were appropriate. Although the commission is not required by *RCW 19.85.030* to mitigate the impact of the rule on large businesses, staff has evaluated the cost of compliance with the draft rules and whether to mitigate the impact of the rules on the fifteen natural gas companies under commission jurisdiction for pipeline safety in order to ensure that the effect of the rule making is fair and does not impose undue financial burden on the affected companies.

4. Compliance Requirements of the Draft Proposed Rules: The proposed rules clarify existing state rules and definitions, and add additional safety requirements to certain federal rules adopted by reference. Specifically, the proposed rules will require gas pipeline companies to:

- Perform monthly odorization tests;
- Calibrate and maintain all equipment when feasible;
- Comply with welding procedures qualified to API standards;
- Require welders be qualified every six months;
- Maintain a detailed written emergency valve maintenance program; and
- Require service valves on churches, schools, hospitals and commercial businesses.

When corrosion is detected on a pipeline, a company must take remedial action within 90 days and take corrosion protection reads on all steel pipe when it is exposed. The rules require companies to install pipeline markers on all railroad crossings, river crossings, creeks, and survey the markers every three years, and maintain the records for ten years. The proposed rules include a new rule for the protection of plastic pipe requiring companies to monitor all above ground installations. In addition, the proposed rules include additional reporting requirements that require companies to report more severe incidents within two hours of discovery and other types of incidents within six to twenty-four hours. The incident reporting requirements will provide data to enable the commission to compile statistics on incidents.

5. Results of the Analysis: Of the fifteen natural gas pipeline companies regulated by the commission, two local distribution companies ("LDCs") and one direct sales company responded to the survey. These companies identified costs associated with ten of the draft rules. These rules and the specific cost impacts identified by the companies are discussed and evaluated in detail below. The companies' responses indicate that the cost of compliance with most of the draft rules appears to be reasonable. The only exception is the estimated cost to comply with the proposed revisions to WAC 480-93-100, which addresses the maintenance of valves and WAC 480-93-188, which addresses gas leak sur-

veys. One company estimates the cost of compliance with these two rules to be very high.

The three responding companies identified compliance costs associated with the following draft rules:

WAC 480-93-005 Business district, the proposed definition clarifies the meaning of the term "business district." Existing federal and state rules use the term "business district" with no associated definition. The term "business district" is used in federal and state rules addressing valve maintenance and leak survey requirements. Given the lack of a definition, companies in Washington state interpret the term differently. The meaning of the term in the proposed definition is based on federal interpretations and a definition adopted by the state of Arizona. The proposed definition requires companies to identify areas where the public congregates for economic, industrial, religious, educational, health, or recreational purposes, and if two buildings are within one hundred yards of each used for these purposes. The proposed definition require companies to identify such areas, install shut off valves and conduct leak surveys at least once annually, but not to exceed fifteen months between surveys.

PSE: The company estimates that the proposed definition will increase the areas they have recognized as business districts to 1,200 and require maintenance on an estimated 10,000 valves. In addition PSE asserts that it will be required to conduct additional leak surveys. PSE's estimated annual compliance cost to identify "business districts" and conduct additional leak surveys where a "business district" is identified will be **\$910,500**.

Discussion: The proposed definition for "business district" affects the proposed valve rule WAC 480-93-100, and the proposed leak survey rule, WAC 480-93-188 (3)(a). As more areas could be designated as business districts under the new definition, valves will now be required on schools, hospitals, churches, and commercial services within a business district, and leak surveys must be conducted at least annually but not to exceed fifteen months. Because of differing interpretations of the term "business district" by companies in the state and the effect of this interpretation on emergency valve identification and maintenance, and conducting leak surveys, the term needs to be better defined. The cost of compliance with the proposed definition in relation to WAC 480-93-100, and WAC 480-93-188 (3)(a) will not be known until after the rule is adopted and companies evaluate the actual number of valves affected by the rule. Given the potential effect of the definition on these two rules, it is appropriate to defer the effective date of the two rules for three years. This mitigation measure is discussed in more detail below.

WAC 480-93-015 Odorization of gas, the proposed rule requires that all gas must be odorized once each month. The proposed requirement will assist companies in verifying the odorant level in gas and determining whether a pipeline is leaking. The existing state rule and current federal rules require odorization to be conducted periodically. In addition, the proposed rule requires odorant testing equipment be calibrated in accordance with the manufacturer's recommendations. Where there is no recommended interval, calibration must be performed at least annually.

Camas Mill (Georgia Pacific), estimated that the cost to comply with the draft rules would be approximately **\$1800**

per year, as it will increase the number of tests from six to twelve per year.

Discussion: The estimated cost of \$1,800 per year to comply with the new requirements of the rule would establish a cost of \$300 per test. Staff believes the cost of \$300 per test to be high. Consistent levels of odorization allow the public or company personnel to detect leaks.

The requirement to "sniff test" once each month will create consistency among companies. Currently companies are testing, on many different timeframes, *e.g.*, bi-monthly, every six months, and yearly. In addition, most LDCs are already testing on a monthly basis.

WAC 480-93-080 Welder and plastic identification and qualification certificates, the proposed rule requires that all C.F.R. Appendix C welders be requalified once every six months as opposed to yearly, and requires an annual requalification test for plastic joiners. Commission inspection records have shown that welders have a higher fail rate when they are qualified only on a yearly basis. The proposed test frequency of every six months will be more consistent with industry welder qualification requirements such as American Society Mechanical Engineers (ASME), Section 9 and American Petroleum Institute (API) 1104, which are referenced in the federal rules. The rule also disallows Appendix C welders from welding high pressure, large diameter pipelines.

Camas Mill (Georgia Pacific): The company responded that the effect of the proposed rule is that welders must physically carry identification cards and may not rely on certificates that are most times filed in the office. The company estimates an annual compliance cost of **\$100**.

PSE: The company reports that the draft proposed rule will require PSE to requalify nineteen fitters on a semi-annual basis as opposed to annually, and estimates an annual compliance cost of **\$4,275**.

Discussion: Staff believes that the estimated cost for each company to comply is reasonable. The current rule requires welders to carry certification certificates, which are the same as identification cards required in the proposed rule. The proposed rule will provide an inspector the opportunity to verify on site that a welder is qualified to perform the welding being performed. The proposed rule also adopts industry standards for welding qualifications, standards that staff believe will increase the safety and reliability of pipelines in the state.

WAC 480-93-100 Valves, the proposed rule requires operators to develop and maintain a detailed written maintenance program that outlines how emergency valves required by C.F.R. Parts 192.747 and 192.745 will be selected and maintained. It also requires that valves be installed on service lines to churches, schools, hospitals and commercial buildings within business districts and that they be maintained and operated annually.

Camas Mill (Georgia Pacific): Camas Mill stated that they will have to rewrite the company's manual for its already-defined valve maintenance program. The proposed rule will require the company to rewrite the portion of the manual relating to operations and maintenance. The company estimates an additional expense of **\$1,600** to complete

the project. Camas Mill did not identify any additional annual cost of compliance.

CNG: The company identified additional costs for its valve maintenance program. CNG has estimated that the proposed rule will increase its current valve maintenance program to include 21,000 new valves, and estimates that the annual cost of compliance of the draft rule will be \$567,000.

PSE: The company states that the proposed rule will increase valve installation and maintenance by an estimated 32,000 valves per year, and estimates the annual cost of compliance will be \$2,736,000.

Discussion: In past inspections, staff has reviewed records indicating that, in many cases, it has taken emergency responders and company personnel longer than necessary (more than one to two hours) to shut off the flow of gas in an emergency situation because valves were not accessible either because they have been paved over or their location is not readily marked. This has posed an increased risk to the general public due to the lengthened time of escaping gas in emergencies. Operators generally rely on valves as their first means of shutting down pipelines in emergency situations. Operators install many valves in their systems but only select a small number and designate them as emergency valves. Unless valves are designated as emergency valves they usually are not maintained.

Many fire departments carry valve keys that allow them to shut off the flow of gas to services in emergency situations. Operators in many cases provide training and equipment to local fire departments on how to respond to natural gas emergencies and shut down services. A new definition in proposed rule WAC 480-93-005 for "business district" affects the valve rule since more areas could be designated as business districts and valves will now be required on commercial services within these areas. The cost of compliance with WAC 480-93-100 will not be known until after the rule is adopted and companies evaluate the actual number of valves affected by the rule. Given the potential compliance cost to the companies, staff believes it is appropriate to allow companies time to comply with the new rule. The proposed rule has been modified to provide for a three-year delay in the effective date.

WAC 480-93-110 Corrosion control, the proposed rule requires companies to maintain detailed written cathodic protection (CP) procedures. It also clarifies the existing rules, both state and federal, by detailing the requirements more clearly and by adding remedial action timeframes. The proposed rule also requires that a company have a written internal corrosion monitoring program. In addition, the proposed rule requires that a CP test read be taken when steel pipe is exposed, requires calibration of instruments used in CP, and requires annual monitoring for pipelines that are less than one hundred feet in length and have been cathodically protected due to corrosion or leakage instead of monitoring every ten years as required by the federal rules.

Camas Mill (Georgia Pacific): The company asserts that the cost of calibrating a multimeter, the instrument used to test for corrosion control, would be \$110 per unit. The company argues that the calibration cost is more than 50% of the replacement cost and that multimeters would be replaced

annually rather than calibrated. The company estimates the annual cost of compliance to be \$376.

CNG: The company currently conducts leak surveys every ninety days. If they choose to survey for leaks every six months as required by the proposed rule, the company will incur a savings of \$4,050 per year.

CNG and PSE: The proposed rule requires companies to take cathodic protection readings whenever the coating is removed from an existing underground pipe. In addition, the proposed rule requires companies to monitor separate short sections of mains and services that have been protected against corrosion due to leakage, annually not to exceed fifteen months as opposed to every ten years. CNG reports an annual compliance cost of \$20,000 and PSE estimates an annual compliance cost of \$11,800.

Discussion: The changes to the proposed rule are intended to clarify the current state and federal CP rules. There appears to be confusion among operators on how to interpret certain existing rules. Staff has therefore, attempted to rewrite the existing rules and clarify them in the process. Lack of adequate CP was for many years the leading cause of leaks among pipeline companies. It is now the second leading cause of leaks. Proper interpretation and implementation of a CP program will ensure that pipelines are at a minimal risk for corrosion and leakage.

The requirement that a CP read be taken each time steel pipe is exposed is to determine whether there are adequate levels of CP without waiting up to a year in between the currently required annual tests.

The requirement for a written internal CP program is based on the New Mexico incident that resulted in numerous deaths. The cause was determined to be internal corrosion. While LDCs generally do not have internal corrosion problems, staff believes companies should still monitor for it.

Annual monitoring of short pipes that have been cathodically protected due to corrosion or leakage instead of monitoring is necessary to ensure that the cathodic protection is working to prevent future corrosion or leaks.

Instruments should be calibrated according to the manufacturer's recommendations to ensure that tests are performed accurately. Remedial action timeframes are necessary due to the inconsistency among operators for remedial action. Some operators complete it immediately and others take over a year or more.

WAC 480-93-124 Pipeline markers, the proposed rule requires companies to place markers on all mains above 250 psig, and at river crossings, creeks and railroad crossings. When a marker is discovered missing the marker must be replaced within forty-five days of discovery. Companies must survey the markers every five years, and maintain the documentation on its surveys for ten years. In addition, companies must maintain records that identify class locations and where markers are required.

Camas Mill (Georgia Pacific): The company states that the proposed rule will require that they identify on their maps the class location of their pipelines and will further require a revision to its manual and compliance tracking software, additional surveys, and map conversion. Camas Mill estimates a compliance cost of \$7,800.

PSE: The company estimates that they will need to add three hundred eighty markers on railroad crossings. The estimated cost to add markers to the railroad crossings represents a one-time cost of \$5,000 and an annual compliance cost of \$36,800.

Discussion: Staff believes that the estimated cost to comply is reasonable given the importance of properly marking pipelines. The requirement will make excavators aware that there is a pipeline facility in the vicinity of where digging will take place. If markers are not present, an excavator may not be aware of the pipeline and the line may be hit and damaged. The damage can be costly to repair. In addition, identifying class locations on a company's maps is to determine where markers are required and verify compliance during field inspections.

WAC 480-93-140 Service regulators, the proposed rule requires companies to follow the manufacturer's recommended installation and maintenance practices to insure the proper and safe operation of service regulators. The prescriptive tests required in the proposed rule are recognized as standard industry practices. In addition, verifying the set points at the initial turn-on performs a quality control check that will ensure that the gas company is delivering the correct amount of gas to a customer.

PSE: The proposed rule requires companies to verify set points at initial turn-ons. PSE estimates that the annual compliance cost will be \$718,300, and that the company will incur a one-time compliance cost of \$5,000.

Discussion: The proposed rule requires a company to follow federal and state rules governing service regulators as well as the manufacturer's recommended installation and maintenance procedures. The rule is prescriptive, identifies these practices as industry standards, and provides for the elimination of potential over pressure of a fuel line that leads into residential homes, the elimination of leaks, and other potential hazards.

Based upon information inspectors have collected during inspections, staff believes that PSE has not been verifying set points at initial turn-ons, a practice included in the manufacturer's recommended installation procedures. While Staff cannot verify PSE's estimated compliance costs, staff believes that PSE should have already been verifying set points as do all LDCs.

WAC 480-93-178 Protection of plastic pipe, the proposed rule requires companies to monitor aboveground temporary installations of plastic pipe. It also adds requirements to keep pipe separated from other utilities when buried, requires a weak-link when pulling pipe so it isn't damaged, and has a maximum ultraviolet light exposure limit.

PSE: PSE states that the proposed new rule will require that the company establish a monitoring program for above-ground installation of plastic pipe. The company estimates a one-time compliance cost of \$5,000 and an annual compliance cost of \$2,500.

Discussion: Staff believes that PSE's estimated cost of compliance is very reasonable. Monitoring above-ground installation will ensure that pipe installed above ground is monitored similarly to pipe installed in the ground. This will ensure the integrity of the pipeline, and protect against any leaks or incidents.

WAC 480-93-186 Leakage classifications and action criteria, the proposed rule requires companies to repair a leak when the leak has been graded as a grade one or a grade two leak. Current company practices are to fix a leak by sucking the gas out of the ground and taking a new read, which at that time identifies the leak as fixed. The leak is then regraded as a grade three leak. This practice prevents leaks from being permanently fixed. The proposed rule will allow a company to downgrade a leak only once, then require that the leak be repaired. The proposed rule also requires companies to conduct follow-up inspections for all leaks with residual gas.

PSE: PSE states that the proposed rule allows for a leak to be downgraded only once, requiring it to repair an additional seventy-eight leaks per year. The company estimates an annual compliance cost of \$163,500.

Discussion: The rule revisions will require companies to fix leaks and not regrade leaks numerous times. Staff strongly believes that if a leak has been regraded and the same leak is found at a more severe grade than when left, the leak must be repaired. This practice provides additional pipeline safety.

WAC 480-93-188 Gas leak surveys, the proposed rule specifies that companies must follow the manufacturer's recommendation for calibration, and if an instrument does not have a manufacturer's recommendation for calibration, then it must be calibrated once each month. Subsection (3)(a) of the rule has been modified to require gas leak surveys in "business districts," rather than "business areas." The proposed rule does not change the frequency of surveys, *i.e.*, annually, but may change the area covered by the existing rule.

Camas Mill (Georgia Pacific): The company states that if their equipment does not have a manufacturer's recommendation for calibration, they send it out to be calibrated. Because of the cost of recalibration, the proposed requirement will require Camas to purchase a second instrument instead of recalibration. The company estimates an annual cost of compliance with this requirement of \$1,800.

PSE: The company estimates that it will be required to conduct additional leak surveys under this proposed rule. As discussed above in relation to the definition of the term "business district," PSE estimates the annual compliance cost to identify "business districts" and conduct additional leak surveys where a "business district" is identified will be \$910,500.

Discussion: The rule does not require a company to send their equipment to the manufacturer for calibration. They must first follow the manufacturer's recommendation if there is one. If there is no manufacturer's recommendation they will need to calibrate. This does not require a company to send the equipment off-site. Staff disagrees with the need to purchase a second instrument and the company's estimated cost of compliance. Given the potential cost to the companies of compliance with the requirement to survey "business districts," however, staff believes it is appropriate to allow companies time to comply with the new rule. The proposed rule has been modified to provide for a three-year delay in the effective date of subsection (3)(a).

WAC 480-93-200 Reports associated with operator facilities and operations, the proposed rule incorporates cur-

rent rule WAC 480-93-190. The proposed rule has been drafted to improve clarity and consistency with federal regulations. The proposed rule requires that drug and alcohol forms be submitted to the commission, changes the telephonic incident reporting requirement for more serious incidents from six to two hours and reporting for other reportable incidents from six to twenty-four hours and requires companies to submit daily reports of construction and repair activities. In addition, the proposed rule requirements will allow the commission to better track statistics on incidents.

CNG: The company states that the proposed requirement to notify the commission when an evacuation takes place in a dwelling, building, or area of public assembly, will impose an annual compliance cost of \$1,800.

CNG objects to daily reports to the commission concerning construction activities, arguing that existing rules do not require such reporting. CNG estimates this requirement will create an additional annual compliance cost of \$22,500.

Discussion: The requirement to notify the commission of an evacuation in relation to a pipeline incident allows the commission to respond to media or public inquiries, and allows the commission to keep statistics applicable to such incidents. The proposed cost of compliance is reasonable. Staff disagrees with CNG's estimated annual compliance cost. Companies should incur no additional compliance costs for such reporting, as all LDCs have voluntarily provided daily construction activity reports for the past few years.

6. Proposed Rules That May Create Cost Savings: Staff believes that three of the proposed rules will provide cost savings to companies. In CNG's reply to the SBEIS they identified some cost savings with the proposed rule change to WAC 480-93-110 addressing leak surveys of shorted casings. The current rule requires leak surveys to be performed every ninety days, while the proposed rule requires such surveys to be performed every six months. Other companies should also realize cost savings under this proposed rule.

The second rule that staff believes will provide cost savings to companies is the change in the definition of "transmission" in WAC 480-93-005. The proposed definition will reduce the number of pipelines defined as transmission lines and will result in fewer pipelines having to meet the more stringent transmission operations, maintenance, and construction requirements in the chapter.

The third rule that staff believes will provide a cost savings is WAC 480-93-175, which addresses the moving and lowering of metallic pipeline. The proposed rule should reduce the amount of short steel replacements that are required due to other utility construction conflicts. The majority of all steel replaced for this reason is 2" diameter pipeline, which would be exempt from the required study of the steel toughness under the proposed rule.

7. Summary of Findings: The proposed rule changes provide additional pipeline safety and will provide assurances that companies are maintaining pipelines as safely as possible. Requiring companies to odorize gas on a monthly basis, take remedial action when corrosion is found on a pipeline, identify and maintain emergency valves, have qualified welders, verify that set points are set properly before a customer begins receiving gas, and repair leaks permanently as opposed to regrading them on a continual basis will improve

safety on gas pipelines in the state. The estimated cost to comply with the proposed rules appears to be reasonable and does not appear to be significant, except for the effect of the definition of the term "business district" on the proposed valve rule and proposed gas leak survey rule. As stated in the analysis above, the true cost of compliance with these proposed rules will not be known until companies evaluate their pipeline facilities, determine which valves are within business districts, and determine the need for additional leak surveys.

8. Mitigation: Changes to the definition of "business district" in WAC 480-93-005, and the effect of using the term in both the valve rule, WAC 480-93-100, and the leak survey rule, WAC 480-93-188 (3)(a), have the potential to cause significant compliance costs for gas pipeline companies. As described above, staff believes that the changes in these rules are necessary to address concerns over how pipeline companies survey leaks, and identify and maintain valves necessary to shut off gas in an emergency. In order to address the potentially significant effect of these proposed rules on companies, staff proposes to mitigate the cost impact by delaying the effective date of WAC 480-93-100 and 480-93-188 (3)(a) for three years to allow companies to conduct the necessary surveys and studies to implement the proposed rules.

9. Conclusion: Chapter 19.85 RCW requires that an SBEIS be prepared to assess whether the proposed rules impose more than minor costs on businesses in an industry, in this case, gas pipeline companies. Staff mailed surveys designed to obtain information about the cost of compliance with the draft proposed rules to all fifteen natural gas pipeline companies regulated by the commission. Staff received responses from only three companies.

Staff has reviewed the cost data submitted by the three companies and found the cost of compliance not to be significant except for cost estimates submitted by one of the companies associated with the proposed revisions to WAC 480-93-100 and 480-93-188 (3)(a).

Based on an analysis of the cost impacts of the proposed rules on gas pipeline companies, staff concludes that:

- 1) Pipeline companies will incur costs to comply with some of the proposed rules, in some cases costs that are more than minor, and may reduce the costs of complying with other rules;
- 2) No small businesses are affected by the proposed rules;
- 3) The changes in the rules are expected to provide additional safety to pipelines operating within the commission's jurisdiction;
- 4) Although it was not possible to directly compare the costs and benefits of implementing the proposed rules, staff believes that, on balance, the benefits of implementing the proposed rules relating to pipeline safety are at least equal to the costs of compliance; and
- 5) Staff proposes to mitigate the cost impact of the proposed requirements in WAC 480-93-005(3), pertaining to the proposed definition of "business district"; WAC 480-93-100, concerning valves; and WAC 480-93-188 (3)(a) as it pertains to leaks surveys in an identified "business district" by delaying the effective date of WAC 480-93-100 and 480-93-188

(3)(a) by three years to allow companies time to conduct surveys and studies to implement the proposed rules.

A copy of the statement may be obtained by contacting Washington Utilities and Transportation Commission, Records Center, Docket No. UG-011073, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1286, fax (360) 664-1150, e-mail swalsh@wutc.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

July 21, 2004

Carole J. Washburn
Executive Secretary

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-005 Definitions. ((1) **Bar hole**—a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) **Building**—any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.

(3) **Combustible gas indicator (CGI)**—a device capable of detecting and measuring gas concentrations of the gas being transported.

(4) **Confined space**—any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

(5) **Follow up inspection**—an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) **Gas**—natural gas, flammable gas, or gas which is toxic or corrosive.

(7) **Gas associated substructures**—those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) **Gas company**—the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and

(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) **Gathering line**—a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) **Indication**—a response indicated by a gas detection instrument that has not been verified as a reading.

(11) **L.E.L.**—the lower explosive limit of the gas being transported.

(12) **Main**—a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) **Master meter system**—a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) **Maximum operating pressure**—a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192 on the date specified in WAC 480-93-999.

(15) **Prompt action**—shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.

(16) **Reading**—a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(17) **Service line**—a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

(18) **Transmission line**—a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3 on the date specified in WAC 480-93-999.

(19) **Tunnel**—a subsurface passageway large enough for a person to enter and within which gas could accumulate.

(20) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein on the date specified in WAC 480-93-999.) (1) **"Bar hole"** means a hole made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) **"Building"** means any structure that is normally or occasionally entered by humans for business, residential, or other purposes and where gas could accumulate.

(3) **"Business district"** means an area where the public congregates for economic, industrial, religious, educational, health, or recreational purposes, and where two or more buildings within one hundred yards of each other are used for these purposes.

(4) **"CFR"** means the Code of Federal Regulations.

PROPOSED

(5) "**Combustible gas indicator**" (CGI) means a device capable of detecting and measuring gas concentrations in air.

(6) "**Commission**" means the Washington utilities and transportation commission.

(7) "**Follow-up inspection**" means an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(8) "**Gas**" means natural gas, flammable gas, or gas that is toxic or corrosive.

(9) "**Gas associated substructures**" means those devices or facilities utilized by an operator which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(10) "**Gas company**" means, as defined in RCW 80.04.010, every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

(11) "**Indication**" means a response indicated by a gas detection instrument that has not been verified as a reading.

(12) "**LEL**" means the lower explosive limit of the gas being transported.

(13) "**MAOP**" means maximum allowable operating pressure.

(14) "**Master meters system**" is defined as set forth in 49 CFR § 191.3.

(15) "**Operator**":

(a) For purposes of chapter 480-93 WAC, the term "operator" means:

(i) Every natural gas distribution company that has tariffs on file with the commission;

(ii) Every city or town that owns, controls, operates, or manages any gas plant in this state; and

(iii) Every other person or corporation transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance, or operation of pipelines for transporting natural gas in this state; even though such person or corporation does not deliver, sell, or furnish any such gas to any person or corporation within this state. The terms "person" and "corporation" are defined in RCW 80.04.010. "Transporting natural gas by pipeline" means transmission or distribution of natural gas through a pipe.

(b) A single entity may qualify as an operator under one or more of the provisions of this subsection.

(c) The term "operator" includes operators of master meter systems, as that term is defined in WAC 480-93-005.

(16) "**Building of public assembly**" means a building that is occupied by twenty or more people for sixty days in any twelve-month period.

(17) "**Prompt action**" means to consistently dispatch qualified personnel without undue delay for the purpose of evaluating and, where necessary, abating an existing or probable hazard.

(18) "**Psig**" means pounds per square inch gauge.

(19) "**Public service company**" is defined in RCW 80.04.010.

(20) "**Reading**" means a repeatable representation on a combustible gas indicator or equivalent instrument expressed in percent LEL or gas-air ratio.

(21) "**Sniff test**" means a qualitative test utilizing both threshold and readily detectable methods for determining proper concentrations of odorant.

(22) "**Transmission line**" means a gas pipeline as defined in 49 CFR § 192.3 on the date specified in WAC 480-93-999.

(23) "**Weak link**" means a device or method used when pulling polyethylene pipe to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed.

(24) Other terms that correspond to those used in 49 CFR Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) must be construed as used therein on the date specified in WAC 480-93-999.

NEW SECTION

WAC 480-93-007 Application of rules. (1) This chapter applies to the following activities of operators: The construction, operation, maintenance, and safety of gas facilities used in the gathering, storage, distribution, and transmission of gas in this state.

(2) This chapter does not apply to customer-owned facilities, where the customer is the end user, and the customer-owned facilities are on the customer's side of the distribution meter. Customer-owned transmission lines are subject to the rules in this chapter.

(3) This chapter does not apply to those operators of gas facilities exclusively under federal jurisdiction for compliance with pipeline safety regulations.

NEW SECTION

WAC 480-93-008 Additional requirements. (1) These rules do not relieve any operator from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any operator in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-93-009 Severability. If any provision of this chapter or its application to any entity or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-93-012 Computation of time. The time frames identified in this chapter are calculated as follows:

(1) "Monthly" means any time within the calendar month.

(2) "Annually" means any time within the calendar year.

(3) "Six months" means the same calendar date of the sixth consecutive month (e.g., January 1, to July 1, would be six months).

(4) "Seven and one-half months" means the same calendar date of the seventh consecutive month plus an additional fifteen days.

(5) "Fifteen months" means the same calendar date of the fifteenth consecutive month.

(6) "Three years" means the same calendar date of the third consecutive year.

(7) "Thirty-nine months" means the same calendar date of the thirty-ninth consecutive month.

(8) "Five years" means the same calendar date of the fifth consecutive year.

(9) "Ten years" means the same calendar date of the tenth consecutive year.

(10) "Calendar year" means twelve consecutive months beginning January 1 and ending December 31.

(11) For calendar dates that end on a weekend or holiday, the next business day shall be considered the time frame end date.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-015 Odorization of gas. ((All gas being transported by pipeline in this state, and all gas consumed by an end use customer, shall be odorized in accordance with 49 CFR, Part 192.625 in effect on the date specified in WAC 480-93-999, unless waiver is approved in advance of such transportation, in writing, by the commission-)) (1) All natural gas that is transported by pipeline must be odorized at a concentration in air of one-fifth of the lower explosive limit, so that the gas is readily detectable by a person with a normal sense of smell.

(2) Operators must use odorant testing instrumentation when conducting sniff tests. Sniff tests must be performed at least once monthly.

(3) Operators must calibrate instruments used to conduct sniff tests in accordance with the manufacturer's recommendations. When there is no manufacturer's recommendation, operators must calibrate instruments used to conduct sniff tests at least once annually.

(4) Operators must keep all records of odorant usage, sniff tests performed, and equipment calibration for five years.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-017 Filing requirements for design, specification, and construction procedures. ((The design, specification, and construction procedures for all gas facilities in this state must be on file with the commission. All proposed construction plans which do not conform with a gas company's existing and accepted design, specification, and construction procedures on file with the commission, must be submitted to the commission at least thirty days prior to the initiation of construction activity. Written commission acceptance or rejection of the design, specification, and construction procedures to be utilized will be made within thirty days of receipt-)) (1) Any operator operating a gas pipeline facility in this state must file with the commission all applicable

design, specifications, and construction procedures used for each pipeline facility prior to operating the pipeline. All procedures must detail the acceptable types of materials, fittings, and components for the different types of facilities in the operator's system.

(2) With the exception of emergency situations, any construction plans that do not conform with a gas company's existing and accepted design, specifications, and construction procedures on file with the commission, must be submitted to the commission for review at least forty-five days prior to the initiation of construction activity.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-018 Maps, drawings, and records of gas facilities. ((All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed-)) (1) Each operator must prepare, maintain, and make available to the commission, all maps, drawings, and records of the operator's gas facilities. The maps, drawings, and records must show the size and type of material for all facilities, the corrosion control systems, and the maximum allowable operating pressures. The maps and drawings must indicate the location of all district regulators, gate stations, and emergency valves specified in the operator's emergency plan.

(2) Each operator must make books, records, reports, and other information available to the commission upon request, so the commission can determine whether the operator is in compliance with state and federal regulations.

(3) Operators must update records within six months of completion of construction activity and make them available to appropriate company operations personnel.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-020 Proximity considerations. ((Gas facilities having a maximum operating pressure greater than five hundred psig shall not be operated within five hundred feet of the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations;

(2) Property which has been zoned as residential or commercial prior to the date authorization for construction is filed with the commission;

~~(3) A well defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly, which is occupied by twenty or more people, sixty days in any twelve month period which is in existence or under construction prior to the date authorization for construction is filed with the commission; and~~

~~(4) A public highway, as defined in RCW 81.80.010(3).~~

~~In requesting prior written authorization of the commission, the petitioning gas company shall certify that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due consideration to the possibility of the future development of the area and has designed its facilities accordingly. The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to places listed above that are within five hundred feet of the pipeline right-of-way.) (1) Each operator must submit a written request and receive commission approval prior to operating any gas pipeline facility that has the following characteristics:~~

~~(a) Operating or intending to operate at greater than five hundred pounds per square inch gauge (psig) that is within five hundred feet of any of the following places:~~

~~(i) A building intended for human occupancy that is in existence or under construction prior to the date authorization for construction is filed with the commission, and that is not owned and used by the petitioning operator in its gas operations; or~~

~~(ii) A building or an outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more people for sixty days in any twelve-month period, which is in existence or under construction prior to the date authorization for construction is filed with the commission; or~~

~~(iii) A public highway, as defined in RCW 81.80.010(3).~~

~~(b) Operating or intending to operate at greater than two hundred fifty psig, up to and including five hundred psig, that is operated within one hundred feet of either of the following places:~~

~~(i) A building intended for human occupancy that is in existence or under construction prior to the date authorization for construction is filed with the commission, and that is not owned and used by the petitioning operator in its gas operations; or~~

~~(ii) A building or an outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more people for sixty days in any twelve-month period, which is in existence or under construction prior to the date authorization for construction is filed with the commission.~~

~~(2) For proposed new construction of pipelines having the characteristics listed in subsection (1)(a) or (b) of this section, operators must provide documentation proving that it is not practical to select an alternate route that will avoid such locations and further provide documents that demonstrate that the operator has considered the possibility of the future development of the area and has designed their pipeline facilities accordingly.~~

~~(3) During the review process, operators must provide maps and records to the commission showing the exact loca-~~

tion of the pipeline and the shortest direct distance to the places described in subsection (1)(a) and (b) of this section. Upon request of the commission, the operator must provide the maintenance, construction, and operational history of the pipeline system and an aerial photograph showing the exact location of the pipeline in reference to places listed in subsection (1)(a) and (b) of this section.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-040 Location of gas compressor stations on gas pipelines. ((No compressor station to be located on any gas pipeline shall be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In other areas the distance between any compressor station designed to operate at pressures in excess of 250 psig and any existing building intended for human occupancy and not under the control of the gas company shall not be less than 500 feet, except for compressor stations having an installed capacity of less than 1,000 horsepower, in which case such distance shall not be less than 250 feet.)) (1) Gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and having an installed capacity equal to or greater than one thousand horsepower, must be located at least five hundred feet from any existing buildings that are not under the control of the operator.

(2) Gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and having an installed capacity of less than one thousand horsepower must be located at least two hundred fifty feet away from existing buildings that are not under the control of the operator.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-080 Welder and plastic joiner identification and qualification ((certificates)). ((Welders will carry appropriate identification and qualification certificates showing name of welder, his welding qualifications, and date of last qualification test, the results thereof, and the company whose procedures were followed for the qualification. Welders certificates will be subject to commission inspection at all times when welder is working on construction projects which are subject to the commission's authority.)) (1) All welding procedures and welders, except welders listed in (a) of this subsection, must be qualified to API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code.

(a) Oxyacetylene welders may qualify under 49 CFR § 192 Appendix C, but may only weld the following size pipe:

(i) Nominal two-inch or smaller branch connections to nominal six-inch or smaller main or service pipe.

(ii) Nominal two-inch or smaller below ground butt welds.

(iii) Nominal four-inch or smaller above ground manifold and meter piping.

(iv) Appendix C welders must be requalified at least twice annually, but not to exceed seven and one-half months between qualification tests.

(b) When testing welders or qualifying procedures, operators must use the necessary testing equipment to measure the amperage, voltage, and speed of travel. All essential variables, as defined by the applicable procedure, must be recorded and documented as performed during the welder and procedure testing.

(c) For the purposes of (b) of this subsection, "essential variable" is defined as any variable in the welding procedure, which, according to the procedure being used, would require the requalification of the procedure if changed from or performed outside a specified range. "Speed of travel" is defined as the actual per pass welding time in minutes divided by the length of the weld in inches.

(d) Qualified written welding procedures must be located on-site where welding is being performed.

(2) Personnel qualified to join plastic pipe must be requalified at least once annually, but not to exceed fifteen months between qualifications.

(a) Qualified written plastic joining procedures must be located on-site where plastic joining is being performed.

(b) Plastic joiners must be requalified under an applicable procedure, if during any twelve-month period that person has not made any joints under that procedure.

(c) In order to ensure compliance with (b) of this subsection, each operator must have a method of tracking production fuses. This method must be outlined in the operator's procedures manual.

(3) Welders and plastic joiners must carry appropriate identification and qualification cards showing the name of the welder or joiner, their qualifications, the date of qualification and the operator whose procedures were followed for the qualification. Welders and plastic joiners qualification cards will be subject to commission inspection at all times when qualified personnel are working on facilities subject to commission jurisdiction.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-100 ((Automatic)) Valves. ((Automatic valves shall not be installed on any gas pipeline except where the particular circumstances are such as to show that such valves will contribute to safer operation.)) (1) Each operator must have a written valve maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which valves will be maintained under 49 CFR § 192.745, 49 CFR § 192.747, and WAC 480-93-100. The written program will also outline how the operator will monitor and maintain valves during construction projects to ensure accessibility.

(2) The following criteria and locations must be considered when selecting which valves require annual inspections and maintenance under 49 CFR § 192.747:

- (a) Each pressure regulating station.
- (b) Principal feeds into business districts.
- (c) Geographical size of the area to be isolated.
- (d) Number of potential customers affected.
- (e) Pipeline size and operating pressures.
- (f) Class locations.

(g) Potential threats including, but not limited to, earthquakes, floods, and landslides.

(h) Emergency response time.

(i) High occupancy structures or areas.

(3) The following service line installations, over twenty feet in length, must have a shut-off valve installed far enough away from the building to be accessible in an emergency.

(a) Services to churches, schools, hospitals.

(b) Services to commercial buildings within business districts.

(4) Valves installed on services identified in subsection (3) of this section must be operated and maintained at least once annually, but not to exceed fifteen months between operation and maintenance.

(5) This rule is effective on January 1, 2008.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-110 Corrosion control. ((Every gas company must ensure that all of its metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by the company's records.

Whenever a gas company finds from investigation as required by 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, that cathodic protection of gas pipelines is not needed, the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required. The report shall include the results of soil tests and other supporting data.)) (1) Each operator must ensure that all of their metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection.

(2) Operators must record and retain a record of each cathodic protection test, survey, or inspection required by 49 CFR Subpart I, and chapter 480-93 WAC. Records of each test, survey, or inspection must be kept for a minimum of five years except those specified in 49 CFR § 192.491(c) requiring retention for the life of the facility.

(3) Each operator must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any test, survey, or inspection. An additional thirty days may be allowed for remedial action if due to circumstances beyond the operator's control if it is not possible to complete remedial action within ninety days. Each operator must be able to provide documentation to the commission indicating that remedial action was started in a timely manner and that all efforts were made to complete remedial action within ninety days. (Examples of circumstances allowing operators to exceed the ninety-day time frame include right of way permitting issues, availability of repair materials, or unusually long investigation or repair requirements.)

(4) Operators must have written procedures for the proper use, maintenance, and where feasible the calibration

of cathodic protection equipment and instrumentation. At a minimum, each operator must follow the manufacturer's recommended practices for equipment and instrumentation maintenance and calibration. Equipment or instruments that are incapable of being calibrated must be checked for accuracy on a scheduled frequency.

(5) Each operator's procedures manual must have written procedures explaining how cathodic protection related surveys, reads, and tests will be conducted. Examples of such procedures include, but are not limited to, how to determine IR drop (as defined in 49 CFR § 192 Appendix D), how to conduct electrical surveys, how to test casings for electrical isolation, how to test casings for shorted conditions, and how to measure and interpret 49 CFR § 192 Appendix D criteria.

(6) Operators must conduct inspections or tests for electrical isolation between metallic pipeline casings and metallic pipelines at least once annually, but not to exceed fifteen months between inspections or tests. The test or inspection must also determine whether the pipeline has adequate levels of cathodic protection at the casing to pipeline interface. These requirements do not apply to unprotected copper inserted in ferrous pipe.

(a) For each casing installed prior to September 5, 1992, that does not have test leads, the operator must be able to demonstrate that other test or inspection methods are acceptable and that test lead wires are not necessary to monitor for electrical isolation and adequate cathodic protection levels.

(b) Whenever electrical isolation tests or inspections indicate that a possible shorted condition exists between a casing and a pipeline, the operator must conduct a follow-up test within ninety days to determine whether an actual short exists. The operator's procedures manual must have a level or threshold that would indicate a potential shorted condition and must also detail the method of determining whether the casing is actually shorted to the pipeline.

(c) The operator must clear the shorted condition where practical.

(d) Whenever a short exists between a pipeline and casing, the operator must perform a leak survey within ninety days of discovery and at least twice annually thereafter, but not to exceed seven and one-half months between leak surveys until the shorted condition is eliminated.

(7) Each short segment of pipeline measuring less than one hundred feet in length, that has experienced leakage due to corrosion, and that has subsequently been cathodically protected must be tested annually not to exceed fifteen months to determine whether the facility has adequate levels of cathodic protection.

(8) Operators must record the condition of all underground metallic facilities each time the facilities are exposed.

(9) Operators must have a written program to monitor for indications of internal corrosion. The program must also have remedial action requirements for areas where internal corrosion is detected.

(10) On all cathodically protected pipelines, the operator must take a cathodic protection test reading each time an employee or representative of the operator exposes the facility and the protective coating is removed.

(11) Each operator must have a written atmospheric corrosion control monitoring program. The program must have time frames for completing remedial action.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-115 Casing of pipelines. ((Whenever a gas company is required by a governmental entity or railroad company to install pipeline casing, the casing shall be designed to withstand the superimposed load. Steel pipe shall only be encased in a bare steel casing. A separate test lead wire shall be attached to the casing and the steel gas pipeline to verify that no electric short exists between the two. Tests shall be performed annually on all encased gas pipelines. Whenever a short exists between a pipeline and its casing, the condition shall be evaluated within ninety days to determine whether a hazardous condition exists. Thereafter, leak tests shall be conducted on a ninety day schedule until the condition is corrected. Every gas company shall develop procedures to ensure that whenever plastic pipe is encased, suitable precautions shall be taken to prevent crushing or shearing of the plastic pipe where it exits the casing.)) (1) Whenever an operator installs a steel pipeline in a casing, the casing must be bare steel.

(2) For casings installed after September 5, 1992, operators must attach separate test lead wires to each casing without vents, and to the steel gas pipeline to verify that no electric short exists between the two, and that an adequate level of cathodic protection is applied to the steel pipeline.

(3) Whenever an operator installs a main or transmission line in a casing or conduit of any type material, the operator must seal the casing ends to prevent or slow the migration of gas in the event of a leak.

(4) Whenever an operator installs a service line in a casing or conduit, the operator must seal the casing at the end nearest the building wall to prevent or slow the migration of gas towards the building in the event of a leak.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-124 Pipeline markers. ((All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Off set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 CFR, Part 192.707(b). Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-93-999.)) (1) Operators must place pipeline

markers at all railroad, road, irrigation, and drainage ditch crossings, and at all fence lines where a pipeline crosses private property, or where a pipeline or pipeline facility is exposed. Operators must place pipeline markers approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline. Exceptions to this rule must conform with 49 CFR § 192.707(b).

(2) The following pipelines are not exempted by 49 CFR § 192.707(b) and must have pipeline markers installed:

(a) Where practical, on all mains operating above two hundred fifty psig;

(b) On both sides of crossings of navigable waterways;

(c) On both sides of river, creek, or irrigation canal crossings where hydraulic scouring, dredging, or other activity could pose a risk to the pipeline; and

(d) On all railroad crossings.

(3) Where gas pipelines are attached to bridges or otherwise span an area, operators must place pipeline markers at both ends of the suspended pipeline. Each operator must conduct inspections at least annually, but not to exceed fifteen months between inspections, and maintain the markers to ensure that they are visible and legible.

(4) Operators must replace markers that are reported damaged and missing within forty-five days.

(5) Surveys of pipeline markers not associated with subsection (3) of this section must be conducted as frequently as necessary, to maintain the markers to ensure that they are visible and legible, but at intervals not to exceed five years. The survey records must be kept for a minimum of ten years.

(6) Operators must have maps, drawings or other sufficient records indicating class locations and other areas where pipeline markers are required.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-130 Multistage pressure regulation.

((Where gas pressures are reduced in two or more stages, the necessary regulations and auxiliary equipment will be installed in such a manner as to provide maximum protection between regulator systems. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion or damage of any kind from adversely affecting the operation of the other stage or stages of regulation. A minimum of fifty feet of separation will be provided between regulator systems when practical to do so.)) Where gas pressures are reduced in two or more stages, an operator must install the necessary regulators and equipment in such a manner as to provide maximum protection between regulator stages. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion, or damage of any kind, from adversely affecting the operation of the other stage or stages of regulation. Operators must ensure where feasible, there is a minimum of fifty feet of separation between regulator stages.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-140 ((Meter)) Service regulators. ((Gas companies that have customers with electronic ignition appliances shall have meter regulators with relief valves, monitors, or safety shut off valves. Gas companies that have customers with standing pilots may use meter regulators that do not use relief valves, monitors, or safety shut off valves, if responsible officers of the gas company certify to the commission that due consideration has been given to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under such conditions relief valves, monitors, or safety shut off valves are not required or appropriate for safe operation.)) (1) Operators must install, operate, and maintain service regulators in accordance with federal and state regulations, and in accordance with the manufacturer's recommended installation and maintenance practices to insure proper operation.

(2) Operators must inspect and test service regulators and associated safety devices during the initial turn-on, and when a customer experiences a pressure problem. Testing must include determining the gas regulator's outlet set pressure at a specified flow rate. Operators must use pressure gauges downstream of the regulator during testing. Safety devices such as fracture discs are not required to be tested.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-155 Increasing maximum allowable operating pressure. ((Notwithstanding the requirements of any other section of this chapter, the commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:

(1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured design operating pressure and specifications;

(2) Original design and construction standards;

(3) All previous operating pressures and length of time at that pressure;

(4) All leaks, regardless of cause, and the date and method of repair;

(5) All upstream and downstream regulators and relief valves; and

(6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.

The plan shall conform with the requirements of 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999.)) (1) At least forty-five days before uprating to a maximum allowable operating pressure (MAOP) greater than sixty pounds per square inch gauge (psig), each operator must submit to the commission for review a written plan of procedures including all applicable specifications with drawings of

the affected pipeline systems. At a minimum, the plan must include a review of the following:

(a) A list of all affected gas facilities, including pipes, fittings, valves, and other affected equipment, with the manufacturer's specified maximum operating pressure limits, their specified minimum yield strength (SMYS) at the intended MAOP, and any other applicable specifications or limitations;

(b) Original design and construction standards;

(c) Original pressure test records;

(d) Previous operating pressures identifying the dates and lengths of time at that pressure;

(e) Records of all leaks, regardless of cause, and the dates and methods of repair;

(f) Where the pipeline is being uprated to an MAOP of over twenty percent of the SMYS, records of the original welding standards and welders;

(g) Maintenance records of all affected regulators and relief valves for the past three years or three most recent inspections, whichever is longer;

(h) Where applicable, relief valve capacities compared to regulator flow capacities, with calculations;

(i) Cathodic protection readings of the affected pipeline and facilities, including rectifier readings, for the past three years or three most recent inspections, whichever is longer; and

(j) Any additional records that commission staff may deem necessary to evaluate the pressure increase.

(2) Upgrades must be based on a previous pressure test that will substantiate the intended MAOP. When there is no documented history of a pressure test or where the original pressure test would not substantiate the intended MAOP, an operator must either conduct a new pressure test, or where allowed by 49 CFR § 192.503(c), conduct a pressure test in conjunction with the upgrade.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-160 ((Reports)) Reporting requirements of proposed construction. (((1) At least 30 days prior to the construction or major reconstruction (or reconditioning) of any gas pipeline intended to be operated at 20% or more of the specified minimum yield strength of the pipe used, a report shall be filed with the commission setting forth the proposed route and the specifications for such pipeline. The report shall include, but not be limited to, the following items:

(a) Description and purpose of the proposed pipeline.

(b) Pipe specifications and route map showing type of construction to be used throughout the length of the line and delineation of class location and incorporated boundaries along the route. Where Type A or B construction is planned, aerial photographs or other suitable means of verifying the applicability of Type A or B construction shall be furnished to the commission.

(c) Maximum allowable operating pressure for which the pipeline is being constructed.

(d) Location and construction details of all river crossings or other unusual construction requirements encountered

en-route, i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments thereto, other areas requiring special or unusual design and construction considerations.

(e) Proposed corrosion control program to be followed including specifications for coating and wrapping.

(f) Type of fluid and test pressures to be used when proof strength testing the line. Terrain profile sketches indicating maximum and minimum elevations for testing purposes, if appropriate. Water will be used when feasible as the test medium on all lines 6" or greater in diameter and when the test pressure is to exceed 250 psig. If water is not to be used, briefly explain and list test medium to be used.

(g) Welding specifications and welding inspection methods and procedures to be followed during construction of the pipeline. Location of inspection records during and after construction. Name(s) and address(es) (while at the construction site) of authorized chief company inspector(s) and scope of responsibility, if appropriate. The 30-day advanced notification of name(s) and address(es) of chief inspector(s) is waived for this requirement and telephonic communication of such information will be acceptable. This information will, however, be furnished to the commission prior to the start of construction and will be kept current until construction is completed.

(h) Bending procedures to be followed.

(i) Location and specification of principal valves, regulators and other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(j) Any features of design or construction which do not meet or exceed the safety requirements of these rules and regulations will be explained and justified. Further, it will be necessary to certify that the proposed deviation meets all known safety requirements and in the opinion of the certifying officer for the company, the deviation, if granted, would not contribute to the development of an unsafe operating condition in the system. All waivers to office of pipeline safety, department of transportation, rules and regulations require 60-day advanced notification before approval.

(2) Every gas company shall on the fifteenth day of each month submit a report to the commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month. (1) Each operator must file a proposed construction report at least forty-five days prior to construction or replacement of any segment of a gas transmission pipeline equal to or greater than one hundred feet in length. Emergency repairs are exempt from this section.

(2) The report must describe the proposed route and the specifications for the pipeline and must include, but is not limited to, the following items:

(a) Description and purpose of the proposed pipeline;

(b) Route map showing the type of construction to be used throughout the length of the line, and delineation of class location as defined in 49 CFR Part 192.5, and incorporated boundaries along the route;

(c) Location and specification of principal valves, regulators, and other auxiliary equipment to be installed as a part of the pipeline system to be constructed. The operator must submit aerial photographs upon request;

(d) Maximum allowable operating pressure for the pipeline being constructed;

(e) Location and construction details of all river crossings or other unusual construction requirements encountered en route, e.g., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways, including encroachments, and any other areas requiring special or unusual design and construction considerations;

(f) Proposed corrosion control program to be followed including specifications for coating and wrapping, and the method to ensure the integrity of the coating using holiday detection equipment;

(g) Welding specifications; and

(h) Bending procedures to be followed if needed.

(3) Emergency repairs are exempt from this section.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-170 Tests and reports ((thereof)) for pipelines. (((1) When any gas pipeline intended to be subjected to pressures in excess of 20% of the specified minimum yield strength of the pipe used is placed in operation a report shall be filed with the commission certifying the maximum pressure to which the line is intended to be subjected and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed. The results of all tests made pursuant thereto shall be filed with the commission within 30 days of placing the facilities into service. No gas pipeline hereafter placed in service shall be operated at pressures in excess of the pressure for which it was certified to the commission.

(2) At least 30 days prior to an increase and not later than 30 days subsequent to a decrease in the maximum allowable operating pressure of a pipeline, on pipelines operating at pressures equal to or greater than 20% of the specified minimum yield strength of the pipe in use, a report shall be filed with the commission giving change in allowable operating pressure, and, if the pressure was increased, the steps taken to qualify the line for higher operating pressure.

(3) The commission shall be notified in writing at least two business days prior to the commencement of any pressure test of a gas pipeline to be operated at pressures in excess of 20% of the specified minimum yield strength of the pipe used.

(4) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations shall be of at least 8 hours' duration.

(5) When the test medium is to be a gas or compressible fluid then every gas company testing pipelines to be operated in excess of 20% of the specified minimum yield strength of the pipe used shall, prior to any tests, notify appropriate officials of all municipalities wherein such tests are to be made in order that adequate and proper police protection may be provided.

(6) The requirements of paragraphs (3) and (4) will be waived in an emergency where it is necessary to maintain continuity of service.)) (1) Operators must notify the commission in writing at least two business days prior to the com-

mencement of any pressure test of a gas pipeline that will have an MAOP in excess of twenty percent of the specified minimum yield strength of the pipe used.

(a) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations, as defined in 49 CFR Part 192.5, or within one hundred yards of a building intended for human occupancy, must be at least eight hours in duration.

(b) When the test medium is to be a gas or compressible fluid, each operator must notify the appropriate public officials so that adequate public protection can be provided for during the test.

(c) In an emergency situation where it is necessary to maintain continuity of service, the requirements of subsection (1) of this section and subsection (1)(a) of this section may be waived by notifying the commission by telephone prior to performing the test.

(2) For each steel service line or main intended to be operated at or above eighty-two psig, the minimum test pressure must be determined by multiplying the intended MAOP by a factor determined in accordance with the table located in 49 CFR § 192.619 (a)(2)(ii).

(3) Operators must perform pressure tests for all new or replacement pipeline installations.

(4) All service lines that are broken, pulled, or damaged, resulting in the interruption of gas supply to the customer, must be pressure tested from the point of damage to the service termination valve (generally the meter set) prior to being placed back into service.

(5) Operators may only use pretested pipe when it is not feasible to conduct a pressure test.

(6) Operators must perform soap tests at the tie-in joints at not less than the current operating pressure of the pipeline.

(7) Operators must keep records of all pressure tests performed for the life of the pipeline and must document the following information:

(a) Operator's name;

(b) Employee's name;

(c) Test medium used;

(d) Test pressure;

(e) Test duration;

(f) Pipe size and length;

(g) Dates and times; and

(h) Test results.

(8) Where feasible, operators must install and backfill plastic pipe prior to pressure testing to expose any potential damage that could have occurred during the installation and backfill process.

(9) Where multiple pressure tests are performed on a single installation, operators must maintain a record of each test. An example of a single installation with multiple tests would be any continuous on-going job or installation such as a new plat or long main installation where more than one pressure test was conducted during construction.

(10) Pressure testing equipment must be maintained, calibrated, or where calibration is not possible, checked for accuracy according to the manufacturer's recommended schedule. If no manufacturer's schedule is available, an operator must determine a schedule and include it in the operations and maintenance procedures manual. Test equipment must be tagged with the calibration or accuracy check expira-

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tion date. The requirements of this section also apply to equipment such as pressure charts, gauges, dead weights or other devices used to test, monitor or check system pressures or set-points.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-175 Moving and lowering metallic gas pipelines. ~~((A gas company shall prepare a study, prior to the moving or lowering of every gas pipeline, except service lines and plastic mains, to determine whether the proposed action will cause an unsafe condition. This study will be reviewed and certified by the gas company's senior engineer and retained in the gas company's files for the life of the pipeline. The study shall include, but not be limited to the following criteria:~~

- ~~(1) The required deflection of the pipeline;~~
- ~~(2) The diameter, wall thickness, and grade of the pipe;~~
- ~~(3) The characteristics of the pipeline;~~
- ~~(4) The terrain and class location;~~
- ~~(5) The soil conditions, including the pH;~~
- ~~(6) The current condition of the pipeline;~~
- ~~(7) The safe stress of the pipeline; and~~
- ~~(8) The toughness of the steel.~~

~~If the toughness of the pipe is unknown, it shall be considered to be brittle, and the pipeline shall not be moved.)~~ (1) Except those pipelines detailed in subsection (3) of this section, each operator must prepare a study prior to moving or lowering any metallic pipeline to determine whether the proposed action will cause an unsafe condition. This study must be reviewed and approved by the operator's engineering department and retained in the operator's files for the life of the pipeline. This requirement does not apply to cast iron pipelines, which may not be lowered, or to copper pipelines. The study must include, but is not limited to, the following criteria:

- (a) The required deflection of the pipe;
- (b) The diameter, wall thickness, and grade of pipe;
- (c) The characteristics of the pipeline;
- (d) The terrain and class location;
- (e) The present condition of the pipeline;
- (f) The anticipated stresses of the pipeline including the safe allowable stress limits; and
- (g) The toughness of the steel.

(2) Pipelines with mechanical or threaded joints must not be moved or lowered.

(3) Pipelines operating at sixty pounds per square inch gauge (psig) or less which have a nominal diameter of two inches or less may be moved or lowered without the required study, if the operator can certify that no undue stresses will be placed on the pipeline and that it can be moved or lowered in a safe manner. The operator must consider factors such as the type of materials, proximity to fittings, joints, and welds, and any other factors that could place undue stress on the pipeline or create an unsafe condition.

(4) A leak survey must be conducted within thirty days from the date any pipeline has been moved or lowered under subsection (3) of this section.

NEW SECTION

WAC 480-93-178 Protection of plastic pipe. (1) Every operator must have detailed written procedures for the storage, handling, and installation of plastic pipelines. Except for joining procedures, and unless the operator has more stringent procedures, the storage, handling, and installation of all plastic pipe must be in accordance with the latest applicable manufacturer's recommended practices.

(2) The maximum cumulative ultraviolet light exposure limit for plastic pipe is two years, or the manufacturer's recommended limit. The acceptable time limit must be detailed in the operator's procedures manual.

(3) Plastic pipe that is pulled through the ground by mechanical means must have a weak link installed that will ensure the pipe will not be damaged by excessive tensile forces.

(4) When installing plastic pipelines parallel to other underground utilities, operators must ensure there is a minimum of twelve inches of separation from the other utilities. Where a minimum twelve inches of separation is not possible, operators must take adequate precautions to minimize any potential hazards resulting from the close proximity to the other utilities.

(5) When installing plastic pipelines perpendicular to other underground utilities, operators must ensure there is a minimum of six inches of separation from the other utilities. Where a minimum six inches of separation is not possible, an operator must take adequate precautions to minimize any potential hazards resulting from the close proximity to the other utilities.

(6) Except for approved steel encased plastic pipe, and except where allowed by (b) of this subsection, the maximum time limit that plastic pipe may be temporarily installed above ground is thirty days.

(a) During temporary installations, operators must monitor and protect above ground plastic pipe from potential damage.

(b) Operators may install above ground plastic pipe for periods longer than thirty days if they have a written monitoring program and notify the commission by telephone prior to exceeding the thirty-day time limit.

(7) Plastic pipe must be bedded in a suitable material as recommended by the pipe manufacturer. Unless otherwise permitted by the manufacturer, plastic pipe must be bedded in an essentially rock-free material.

(8) Plastic pipe may not be squeezed more than one time in the same location.

(9) Plastic pipe must not be squeezed within twelve inches or three pipe diameters, whichever is greater, from any joint or fitting.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements. ~~((In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999,~~

~~every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:~~

~~(1) Relevant available pipeline safety data;~~

~~(2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;~~

~~(3) The reasonableness of the plans and procedures; and~~

~~(4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.~~

Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commission and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.)) (1) Each operator must have a plan and procedure manual for operation, maintenance, construction, inspection, and emergency response activities. The manual must comply with the provisions and general intent of the "Pipeline Safety Improvement Act of 2002." The manual must include plans and procedures for all requirements of 49 CFR § 192 and chapter 480-93 WAC, and any plans or procedures used by an operator's associated contractors.

(2) Plans must be filed with the commission as soon as practical for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require that a manual be revised or amended. Applicable portions of the manual related to a procedure being performed on the pipeline must be retained on-site where the activity is being performed.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-185 Gas leak investigation. ((Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer, or the general public, shall be investigated promptly by the gas company. Where the investigation reveals a leak, the leak shall be graded pursuant to WAC 480-93-186 and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer-owned piping, prompt action shall be taken at that time, where appropriate, to protect life and property. Leaks that represent an ongoing, potentially hazardous situation shall be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, or other appropriate governmental agency. In all cases, the property owner or the adult person occupying the premises shall be notified of the leak conditions. If no methane indication is found, the gas company employee on-site shall so inform the property owner or the adult person occupying the premises, and shall request the adult person occupying the premises sign the gas company work order indicating that a gas leak was not the source of the leak indication. The gas company employee shall provide the adult person occupying the premises an odor sniff card which identifies the odor of natural gas and indicates the name, address, and telephone number of the gas company representative to be contacted if the leak indications are again noticed. If the property owner or an adult person occupying the premises is not available, the gas company shall, within twenty-four hours of the leak notification, send by first class mail addressed to the person occupying the premises, a letter explaining the results of the investigation. A copy of the letter shall be retained by the gas company and kept with the leak report. A leak investigation report form shall be maintained in the gas company's leak report files for all leaks investigated, indicating gas company employee making the initial leak evaluation.)) (1) The operator must promptly investigate any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from any outside source such as a police or fire department, other utility, contractor, customer, or the general public. Where the investigation reveals a leak, the operator must grade the leak in accordance with WAC 480-93-186, and take appropriate action. The operator must retain the leak investigation record for the life of the pipeline.

(2) In the event of an explosion, fire, death, or injury, the operator must not remove any suspected gas facility until the commission or the lead investigative authority have designated the release of the gas facility. Once the situation is made safe, the operator must keep the facility intact until directed by the lead investigative authority.

(3) When leak indications, such as gasoline vapors, sewer or marsh gas, are found to originate from a foreign source or facility such as gasoline vapors, sewer, marsh gas, or from customer-owned piping, the operator must take appropriate action to protect life and property. Leaks that

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represent an on-going, potentially hazardous situation must be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, fire department, or other appropriate governmental agency. If the property owner or an adult person occupying the premises is not available, the operator must, within twenty-four hours of the leak investigation, send by first-class mail, addressed to the person occupying the premises, a letter explaining the results of the investigation. The operator must keep a record of each letter sent for five years.

AMENDATORY SECTION (Amending Order R-103, filed 5/18/77)

WAC 480-93-186 Leakage classification and action criteria. ~~((1) Gas leak classification and repair.~~

~~(a) General. Each gas company shall establish a procedure by which leakage indications of flammable gas will be graded and controlled. When evaluating any leak indication a preliminary step is to determine the perimeter of the leak area. When this perimeter extends to a building wall the investigation shall extend inside the building.~~

~~(b) Leak grades. Based on an evaluation of the location and/or magnitude of a leak, one of the following leak grades shall be assigned, thereby establishing the leak repair priority. A gas company may utilize an alphabetical grade classification, i.e. Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically utilized such a grading designation.~~

~~Grade 1—Grade 1 means a leak that represents an existing or probable hazard to persons or property and requiring immediate repair or continuous action until conditions are no longer hazardous.~~

~~Grade 2—Grade 2 means a leak recognized as being non-hazardous at the time of detection but requiring scheduled repair based on probable future hazard.~~

~~Grade 3—Grade 3 means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.~~

~~Leakage classification and control requirements are provided in Table 1. The examples of leakage provided in the table are guidelines and are not exclusive. The judgment of the gas company personnel at the scene is of primary importance in determining the grade assigned to a leak.~~

~~(e) Follow-up inspections. The adequacy of leak repairs shall be checked by acceptable methods while the excavation is open. The perimeter of the leak area shall be checked with a CGI. In the case of repair of a Grade 1 leak, where there is residual gas in the ground, a follow-up inspection shall be made as soon as practical but in no case later than one month following the repair. In the case of Grade 2 or Grade 3 leaks which have been repaired, the need for a follow-up inspection shall be determined by qualified personnel employed or retained by the gas company.~~

~~(2) Regrading of leaks. Leaks are to be reinspected using the same criteria used to grade leaks when they are first detected and graded:)) (1) Based on an evaluation of the location and/or magnitude of a leak, the operator must assign one of the leak grades in subsection (3) of this section, thereby establishing the leak repair priority. An operator may use an~~

alphabetical grade classification, i.e., Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically used such a grading designation. Operators must apply the same criteria used for initial leak grading to reinspected leaks.

(2) Gas leak classification and repair. Each operator must establish a procedure for evaluating the concentration and extent of gas leakage. When evaluating any leak, the operator must determine and document the perimeter of the leak area. If the perimeter of the leak extends to a building wall, the operator must extend the investigation inside the building. Where the reading is in an unvented, confined space, the operator must consider the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(3) Follow-up inspections. The operator must check the perimeter of the leak area with a combustible gas indicator. The operator must reinspect all leaks with residual gas remaining in the ground as soon as practical, but not later than thirty days following the repair.

(4) Leak grades.

(a) Grade 1 means a leak that represents an existing or probable hazard to persons or property, and requires immediate repair or continuous action until conditions are no longer hazardous.

(b) Grade 2 means a leak recognized as not being hazardous at the time of detection but requiring scheduled repair based on potential future hazard.

(c) Grade 3 means a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.

(d) Grade 1 and 2 leaks can only be downgraded once to a Grade 3 leak without a physical repair. After a leak has been downgraded once, the maximum repair time for that leak is twenty-one months.

(5) Leakage classification and control requirements are provided in WAC 480-93-18601.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-18601 ((Table 1—))Leak classification and action criteria—Grade—Definition—Priority of leak repair((—Examples)).

~~((TABLE 1—LEAK CLASSIFICATION AND ACTION CRITERIA~~

~~GRADE+
DEFINITION~~

~~A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.~~

PROPOSED

PRIORITY OF LEAK REPAIR	EXAMPLES
Requires prompt action* to protect life and property and continuous action until the conditions are no longer hazardous. *The prompt action in some instances may require one or more of the following:	Leaks requiring prompt action:
a. Implementation of company emergency plan (192.615).	1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.
b. Evacuating premises.	2. Escaping gas that has ignited unintentionally.
c. Blocking off an area.	3. Any indication of gas which has migrated into or under a building or tunnel.
d. Rerouting traffic.	4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.
e. Eliminating sources of ignition.	5. Any reading of 80% LEL or greater in a confined space.
f. Venting the area, or	6. Any reading of 80% LEL or greater in small substructures not associated with gas likely migrate to the outside wall of a building.
g. Stopping the flow of gas by closing valves or other means.	7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.
h. Notifying police and fire departments.	

GRADE 2 DEFINITION

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

PRIORITY OF LEAK REPAIRS	EXAMPLES
d. Soil type and conditions, such as frost cap, moisture and natural venting.	2. Any reading of 100% LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.
Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.	3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard.
It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day.	4. Any reading between 20% LEL and 80% LEL in a confined space.
On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.	5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak.
	6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

GRADE 3 DEFINITION

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

PRIORITY OF LEAK REPAIRS	EXAMPLES
Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of pipeline which is under consideration for replacement, an additional 6 months may be added to the 15 months maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered:	A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:
a. Amount and migration of gas,	1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.
b. Proximity of gas to buildings and subsurface structures,	
c. Extent of pavement, and	B. Leaks requiring action within six months:
	1. Any reading of 40% LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas is likely to migrate to the outside wall of a building.

PRIORITY OF LEAK REPAIRS	EXAMPLES
Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.	Leaks requiring reevaluation at periodic intervals:
	1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes.
	2. Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.
	3. Any reading of less than 20% LEL in a confined space.)

(1) Grade 1 leak. A "Grade 1 leak" is a leak that represents an existing or probable hazard to persons or property and requiring prompt action, immediate repair, or continuous action until the conditions are no longer hazardous.

(a) Prompt action in response to a Grade 1 leak may require one or more of the following:

(i) Implementation of the operator's emergency plan pursuant 49 CFR § 192.615;

(ii) Evacuating the premises;

(iii) Blocking off an area;

(iv) Rerouting traffic;

(v) Eliminating sources of ignition;

(vi) Venting the area;

(vii) Stopping the flow of gas by closing valves or other means; or

(viii) Notifying police and fire departments.

(b) Examples. Examples of Grade 1 leaks requiring prompt action include, but are not limited to:

(i) Any leak, which in the judgment of operating personnel at the scene, is regarded as an immediate hazard;

(ii) Escaping gas that has ignited unintentionally;

(iii) Any indication of gas that has migrated into or under a building or tunnel;

(iv) Any reading at the outside wall of a building or where the gas could potentially migrate to the outside wall of a building;

(v) Any reading of eighty percent LEL or greater in a confined space;

(vi) Any reading of eighty percent LEL, or greater in small substructures not associated with gas facilities where the gas could potentially migrate to the outside wall of a building; or

(vii) Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

(2) Grade 2 leak. A "Grade 2 leak" is a leak that is recognized as being not hazardous at the time of detection but justifies scheduled repair based on potential future hazard.

(a) Operators must repair or clear Grade 2 leaks within fifteen months from the date the leak is reported. If a Grade 2 leak occurs in a segment of pipeline that is under consideration for replacement, an additional six months may be added to the fifteen months maximum time for repair provided above. In determining the repair priority, operators should consider the following criteria:

(i) Amount and migration of gas;

(ii) Proximity of gas to buildings and subsurface structures;

(iii) Extent of pavement; and

(iv) Soil type and conditions, such as frost cap, moisture and natural venting.

(b) Operators must reevaluate Grade 2 leaks at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

(c) Grade 2 leaks vary greatly in degree of potential hazard. Some Grade 2 leaks, when evaluated by the criteria, will require prompt scheduled repair within the next five working days. Others in (a) of this subsection require repair within thirty days. The operator must bring these situations to the attention of the individual responsible for scheduling leakage repair at the end of the working day. Many Grade 2 leaks, because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.

(d) When evaluating Grade 2 leaks, operators should consider leaks requiring action ahead of ground freezing or other adverse changes in venting conditions, and any leak that could potentially migrate to the outside of a building, under frozen or other adverse soil conditions.

(e) Examples. Grade 2 leaks requiring action within six months include, but are not limited to:

(i) Any reading of forty percent LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak where gas could potentially migrate to the outside wall of a building;

(ii) Any reading of one hundred percent LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak where gas could potentially migrate to the outside wall of a building;

(iii) Any reading less than eighty percent LEL in small substructures not associated with gas facilities where gas could potentially migrate creating a probable future hazard;

(iv) Any reading between twenty percent LEL and eighty percent LEL in a confined space;

(v) Any reading on a pipeline operating at thirty percent specified minimum yield strength or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak; or

(vi) Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

(3) Grade 3 leak. A "Grade 3 leak" is a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.

(a) Operators should reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

(b) Examples. Grade 3 leaks requiring reevaluation at periodic intervals include, but are not limited to:

(i) Any reading of less than eighty percent LEL in small gas associated substructures, such as small meter boxes or gas valve boxes; or

(ii) Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-187 Gas leak records ((and self audit)).
~~(((1) Gas leak records. Every gas company shall prepare and maintain permanent gas leak repair records. Sufficient data and information shall be included in leak repair records to permit the commission to assess the adequacy of the company maintenance programs and to provide the data and information needed to complete every required RSPA F-7100.1, F-7100.1-1, F-7100.2, and F-7100.2-1 leak report.~~

~~(2) The following data and information shall be recorded and maintained. Every gas company which by law must report leaks to a regulatory agency charged by law with environmental protection shall file copies of those reports with the commission. Data and information which cannot reasonably be expected to be available under the particular circumstances of a leak situation need not be reported, but at a minimum will include the following:~~

~~(a) Date and time detected, date and time reported, date and time and name of employees dispatched, and the date and time the leak was investigated;~~

~~(b) Date and time the leak was reevaluated before repair, and the name of the employee involved;~~

~~(c) Date and time of repair, when a Grade 1 leak is involved, and the name of the employee in charge of the repair;~~

~~(d) Date and time the leak was rechecked after repair and the employee involved;~~

~~(e) If leak was reportable to an environmental agency, date and time report made to regulatory authority and name of reporting employee;~~

~~(f) Location of leak (sufficiently described to allow ready location by other competent personnel);~~

~~(g) Leak grade;~~

~~(h) Line use (distribution, transmission, etc.);~~

~~(i) Method of leak detection (if reported by outside party, list name and address);~~

~~(j) Part of system where leak occurred (main, service, etc.);~~

~~(k) Part of system which leaked (pipe, valve, fitting, compressor or regulator station, etc.);~~

~~(l) Material which leaked (steel, plastic, cast iron, etc.);~~

~~(m) Origin of leak;~~

~~(n) Pipe description;~~

~~(o) Type repair;~~

~~(p) Leak cause;~~

~~(q) Date pipe installed (if known);~~

~~(r) Whether under cathodic protection; and~~

~~(s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 (codified as WAC 480-93-18601).~~

The data to be recorded on leaks which have been appropriately classified as "Grade 3" may be at the company's discretion, but must include, at a minimum, information necessary to allow for proper follow-up action to be accomplished.

(3) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by every gas company:

(a) Repair scheduling—assure that repairs are made within the time specified;

(b) Repair effectiveness—assure that leak repairs are effective; and

(c) Check adequacy of records. Each operator must prepare and maintain permanent gas leak repair records. The leak records must contain sufficient data and information to permit the commission to assess the adequacy of the operator's leakage program. Gas leak records must contain, at a minimum, the following information:

(1) Date and time the leak was detected, investigated, reported, and the name of the employee(s) conducting the investigation;

(2) Date and time the leak was reevaluated before repair, and the name of the employee(s) involved;

(3) Date and time of repair and the name of the employee(s) in charge of the repair;

(4) Date and time of any rechecks performed, and the name of the employee(s) involved;

(5) Location of the leak (sufficiently described to allow ready location by other qualified personnel);

(6) Leak grade;

(7) Pipeline classification (e.g., distribution, transmission, service);

(8) If reported by an outside party, list the name and address of the reporting party;

(9) Component that leaked (e.g., pipe, tee, flange, valve);

(10) Size and material that leaked (e.g., steel, plastic, cast iron);

(11) Pipe condition;

(12) Type of repair;

(13) Leak cause;

(14) Date pipe installed (if known);

(15) Magnitude and location of CGI readings left;

(16) Magnitude and location of CGI readings as found (showing spread of gas); and

(17) Unique identification numbers (such as serial numbers) of leak detection equipment.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-188 Gas leak surveys. ((1) Types of gas leak surveys and test methods. Every gas company shall have a leak control program, which shall be determined by the nature of the gas company's system and by existing physical and operating conditions, and which must meet the following minimum requirements. During a gas leak survey, a gas detection instrument shall be conducted over all mains and services, including the testing of the atmosphere in gas, electric, telephone, sewer, water, and other underground structures; at cracks in paving, and in wall to wall paved areas, the cracks in sidewalks; at building walls; and at other opportune locations for discovering gas leaks.

(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated, and operated in accordance with the latest applicable manufacturers' specifications, methods, and procedures unless alternative specifications, methods, and procedures have been approved by an appropriate governmental agency.

(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:

(a) Business areas—at intervals not exceeding fifteen months, but at least once each calendar year;

(b) Residential areas—as frequently as necessary, but at intervals not exceeding five years;

(c) Buildings of public assembly—at intervals not exceeding fifteen months, but at least once each calendar year;

(d) Special surveys—as required; and

(e) Where the gas system has cast iron, wrought iron, or ductile iron, or noncathodically protected bare steel, galvanized steel, or coated steel pipe—at intervals not exceeding eight months, but at least twice each calendar year.

(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:

(a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey;

(b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary;

(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building; and

(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas detection instrument.

(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made;

(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example, churches; schools; and hospitals;

(e) Special surveys shall be made of abnormal areas. Special surveys shall be conducted in areas of unusual activity, including, but not limited to, foreign construction, possible ground movement, flooding, earthquake, and explosions.

(6) Leak survey records. For the most current and immediately preceding survey of an area, the following information shall be maintained:

(a) Description of system and area surveyed (this could include maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Names of those making survey;

(e) Survey dates; and

(f) In addition to the above, the following records shall be kept for pressure drop test:

(i) The name of the gas company, the name of the gas company employee responsible for making the test, and the name of any test company used;

(ii) Test medium used;

(iii) Test pressure;

(iv) Test duration;

(v) Pressure recording charts, or other record of pressure readings; and

(vi) Test results.

(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed as frequently as necessary, but at intervals not exceeding three years:

(a) Leak survey schedule—assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M Maintenance, and the general condition of the pipeline system as required by other applicable regulations;

(b) Survey effectiveness—evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system; and

(c) Check adequacy of records.)) (1) Operators must perform gas leak surveys using a gas detection instrument covering the following areas:

(a) Over all mains, services, and transmission lines including the testing of the atmosphere near other utility (gas, electric, telephone, sewer, or water) boxes or manholes, and other underground structures;

(b) Through cracks in paving, and sidewalks;

(c) Along walls of businesses and buildings of public assembly that are within one hundred feet of an active pipeline facility;

(d) On all above ground piping (may be checked with either a gas detection instrument or with a soap solution);

(e) Where a gas service line exists, at the building wall point of entrance, using a bar hole where necessary; and

(f) Within all buildings where gas leakage has been detected at the outside wall, at locations where escaping gas could potentially migrate into and accumulate inside the building.

(2) Gas detection instruments must be maintained, calibrated, and operated in accordance with the manufacturer's recommendation. If there is no manufacturer's recommendation, then instruments must be calibrated at least once monthly, but not to exceed forty-five days between calibrations, but at least twelve times per year.

(3) Gas leak surveys must be conducted according to the following minimum frequencies:

(a) Business districts - at least once annually, but not to exceed fifteen months between surveys;

(b) Residential areas - as frequently as necessary, but not to exceed five years between surveys;

(c) Buildings of public assembly - at least once annually, but not to exceed fifteen months between surveys;

(d) Mains operating above two hundred fifty psig - at least once annually, but not to exceed fifteen months between surveys; and

(e) Where the gas system has cast iron, wrought iron, copper, or noncathodically protected steel - at least twice annually, but not to exceed seven and one-half months between surveys.

(4) Special leak surveys must be conducted under the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs where gas facilities are under the area to be paved, and where there is potential that damage could have occurred to gas facilities;

(b) In areas where substructure construction occurs adjacent to underground gas facilities, and there is potential that damage could have occurred to the gas facilities, operators must perform a gas leak survey following the completion of construction, but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) In areas and at times of unusual activity, such as earthquake, floods, and explosions; and

(e) After third-party excavation damage to services, operators must perform a gas leak survey from the point of damage to the service tie-in.

(5) Survey records must be kept for a minimum of five years. At a minimum, survey records must contain the following information:

(a) Description of the system and area surveyed (including maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Name of the employee who performed the survey;

(e) Survey dates; and

(f) Instrument tracking or identification number.

(6) Each operator must perform self audits of the effectiveness of its leak detection and recordkeeping programs. Operators must maintain records of the self audits for five years. Self audits must be performed as frequently as necessary, but not to exceed three years between audits. At a minimum, self audits should ensure that:

(a) Leak survey schedules meet the minimum federal and state safety requirements for gas pipelines;

(b) Consistent evaluations of leaks are being made throughout the system;

(c) Repairs are made within the time frame allowed;

(d) Repairs are effective; and

(e) Records are accurate and complete.

(7) Subsection (3)(a) of this section is effective on January 1, 2008.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-200 Reports associated with operator gas company facilities and operations. ~~((1) Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident, incident, or hazardous condition, arising out of its operations which:~~

~~(a) Results in a fatality or personal injury requiring hospitalization;~~

~~(b) Results in damage to the property of the company and others of a combined total exceeding five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);~~

~~(c) Is significant, in the judgment of the company, even though it does not meet the criteria of (a) and (b) of this subsection;~~

~~(d) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or~~

~~(e) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (d) of this subsection.~~

~~(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:~~

~~(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;~~

~~(b) The extent of such injuries and damage;~~

~~(c) A description of the accident, incident, or hazardous condition to include date, time, and place;~~

~~(d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum operating pressure of the facilities implicated;~~

~~(e) The date and time the gas facility was made safe;~~

~~(f) The date, time, and type of any temporary or permanent repair made; and~~

~~(g) A report shall be available to the commission within three months, upon request, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.~~

~~Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, and normal leak repairs are not to be considered reportable items under this section.~~

~~(3) Every gas company shall file a copy of every required RSPA F 7100.1-1 and F 7100.2-1 leak report with the commission. Names and telephone numbers of commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to every company.~~

~~(4) All gas companies shall file with the commission, and with appropriate officials of all municipalities within which such gas companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to the commission and municipalities.)~~ (1) Every operator must give notice to the commission by telephone within two hours of discovering an incident or hazardous condition arising out of its operations that:

(a) Results in a fatality or personal injury requiring hospitalization;

(b) Results in damage to the property of the operator and others of a combined total exceeding five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);

(c) Results in the evacuation of a dwelling, building, or area of public assembly;

(d) Results in the unintentional ignition of gas;

(e) Results in the unscheduled interruption of service furnished by any operator to twenty or more distribution customers;

(f) Is significant, in the judgment of the operator, even though it does not meet the criteria of (a) through (e) of this subsection; or

(g) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (e) of this subsection.

(2) Operators must give notice to the commission by telephone within twenty-four hours of occurrence of every

incident or hazardous condition arising out of its operations that:

- (a) Results from construction defects or material failure;
- (b) Results in the uncontrolled release of gas for more than two hours;
- (c) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service;
- (d) Results in a pipeline or system operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or
- (e) When a pipeline or system pressure exceeds the maximum allowable operating pressure.

(3) Routine or planned maintenance and operational activities of the operator that result in operator-controlled plant and equipment shut downs, reduction in system pressures except as noted in subsection (1) of this section, flaring or venting of gas, and normal leak repairs are not reportable items under this section.

(4) When a pipeline or system pressure exceeds the maximum allowable operating pressure plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020, the operator must notify the commission by telephone within two hours, to be followed by written explanation within thirty days;

(5) Operators must provide to the commission the reports required in subsection (1) of this section, verified in detail in writing within thirty days of the initial telephonic report. At a minimum, written reports must include the following:

- (a) Name(s) and address(es) of any person or persons injured or killed, or whose property was damaged;
- (b) The extent of such injuries and damage;
- (c) A description of the incident or hazardous condition including the date, time, and place;
- (d) A description of the gas facilities involved in the incident or hazardous condition, the system operating pressure at that time, and the maximum allowable operating pressure of the facilities involved;
- (e) The date and time the gas facility was made safe;
- (f) The date, time, and type of any temporary or permanent repair made; and
- (g) The cost of the incident to the operator.

(6) Operators must provide to the commission a written report within forty-five days of receiving the failure analysis of any incident or hazardous condition that was due to construction defects or material failure.

(7) Operators must file with the commission a copy of every Research and Special Programs Administration (RSPA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety. In addition to the above required forms, operators must file with the commission the report titled, "Damage Prevention Statistics," with the corresponding RSPA fiscal year. The Damage Prevention Statistics report must include in detail the following information:

- (a) Number of gas-related one-call locate requests completed in the field;
- (b) Number of third-party damages incurred; and
- (c) Cause of damage:
 - (i) A locate is not accurate;

- (ii) The operator failed to use reasonable care; or
- (iii) Excavated prior to a locate being conducted.

(8) Operators must file with the commission, and with appropriate officials of all municipalities where operators have facilities, the names, addresses, and telephone numbers of the responsible officials of the operator who may be contacted in the event of an emergency. In the event of any changes in operator personnel, the operator must notify immediately the commission and municipalities.

(9) Operators must send daily reports of construction and repair activities electronically to the commission. Operators may send reports either by facsimile or e-mail to the commission. The reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both operator and contractor construction and repair activities.

(10) When an operator is required to file a copy of a RSPA Drug Testing and Alcohol Testing Management Information System (MIS) "EZ" Data Collection Form with the U.S. Department of Transportation, Office of Pipeline Safety, the operator must simultaneously submit a copy of the form to the commission.

AMENDATORY SECTION (Amending Order R-433, Docket No. UG-950625, filed 9/15/95, effective 10/16/95)

WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 ((or regulations issued thereunder—Maximum amount)) and commission gas safety rules. ((1) Any gas company which violates any public safety provision of RCW 80.28.210 or regulation issued thereunder is subject to a civil penalty not to exceed twenty five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including WAC 480-90-101 and including chapter 480-93 WAC except for WAC 480-93-160 and 480-93-200 (1)(e).

((2) Any gas company violating any other provision of RCW 80.28.210 or regulations promulgated thereunder, including WAC 480-93-160 and 480-93-200 (1)(e), shall be subject to a civil penalty not to exceed one thousand dollars for each violation for each day that the violation persists, but the maximum civil penalty shall not exceed two hundred thousand dollars for a related series of violations.

((3) The commission may compromise any civil penalty pursuant to RCW 80.28.210.)) (1) Any gas company that violates any provisions of chapter 480-93 WAC or WAC 480-93-303 has failed to construct and/or maintain its facilities in a safe and efficient manner in violation of RCW 80.28.210, and is subject to a civil penalty under RCW 80.28.212.

(a) The maximum civil penalty under RCW 80.28.212 for violations by a gas company of any provision of chapter 480-93 WAC (other than WAC 480-93-160 and 480-93-200 (1)(e)) or WAC 480-93-303 is five thousand dollars for each violation for each day that the violation persists up to a maximum civil penalty of five hundred thousand dollars for a related series of violations.

(b) The maximum civil penalty under RCW 80.28.212 for violations by a gas company of WAC 480-93-160 or 480-93-200 (1)(e) is one thousand dollars for each violation for

each day that the violation persists, up to a maximum civil penalty of two hundred thousand dollars for a related series of violations.

(c) The commission may compromise any civil penalty issued under RCW 80.28.212.

(2) In addition to a civil penalty under RCW 80.28.212, any public service company that violates RCW 80.28.210 or any rule issued thereunder, may also be subject to civil penalties under RCW 80.04.405 and/or 80.04.380.

(3) Any officer, agent, or employee of any public service company who aids or abets in the violations of RCW 80.24.210 or any rule issued thereunder, is subject to a civil penalty under RCW 80.04.405.

(4) Any officer, agent, or employee of any public service company violating RCW 80.28.210 or who procures or aids and abets such a violation, may be subject to civil penalties under RCW 80.04.385.

(5) Any corporation other than a public service company that is subject to RCW 80.28.210 and that violates any provision of chapter 480-93 WAC, has failed to construct and/or maintain its facilities in a safe and efficient manner in violation of RCW 80.28.210, and is subject to a civil penalty under RCW 80.04.387.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-230 (~~Modification/waivers~~) Exemptions from rules in chapter 480-93 WAC. ((If a gas company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter, application may be made to the commission to deviate from the rule. Every request for a deviation shall be accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A gas company shall concurrently submit to the commission all petitions for waiver of any gas safety rule filed with the federal government or other governmental authority.)) The commission may grant an exemption from the provisions of any rule in this chapter consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules.)

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-999 Adoption by reference. ((In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-93-005, 480-93-010, 480-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third party vendors.)) In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. For each regulation or standard the commission is adopting by reference is listed the publisher, the scope of what the commission is adopting, the effective date of the regulation or standard the commission is adopting, the place within the commission's rules the regulation or standard is referenced, and the availability of the publication in which the regulation or standard is found.

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 191, 192, 193, and 199 including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, 2003, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition the activities listed in section 192.801 (b)(i)-(4) should be interpreted to include new construction of pipeline facilities.

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) The Code of Federal Regulations is published by the federal government. Copies of Title 49 Code of Federal Regulations are available from most Government Printing Offices, including the Seattle office of the Government Printing Office, as well as from various third-party vendors and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(2) Section IX of the ASME Boiler and Pressure Vessel Code.

(a) The commission adopts the 2001 edition of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2001 edition) are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104.

(a) The commission adopts the 18th edition of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (18th edition) are available from the Office of API Publishing Services in Washington DC, and various libraries, including the branch of the

state library located at the commission. It is also available for inspection at the commission.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-93-002	Application of rules.
WAC 480-93-010	Compliance with federal standards.
WAC 480-93-030	Proscribed areas.
WAC 480-93-082	Qualification of employees.
WAC 480-93-111	Noncathodically protected gas facilities.
WAC 480-93-112	Corrosive condition investigation.
WAC 480-93-120	Exposed pipelines.
WAC 480-93-150	Station maintenance.
WAC 480-93-183	Pipeline and system pressure reporting.
WAC 480-93-184	Gas leak responsibility.
WAC 480-93-190	Being aware of construction work near gas company facilities.
WAC 480-93-210	Interruptions to service.
WAC 480-93-220	Rule of precedence.

WSR 04-16-001
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed July 21, 2004, 4:13 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: Chapter 388-148 WAC, Licensing requirements for foster homes, staffed residential homes, group care facilities, and child-placing agencies. Children's Administration is proposing a typographical correction in WAC 388-148-0050 (2)(b)(c) as adopted in WSR 04-08-073 on April 5, 2004. The intent of the WAC section was to identify to the individuals that are exempt from needing a background check in a licensed home or facility. Foster children and individuals who are eighteen or nineteen who remain in foster care are not required to complete a background check and the recently adopted language is confusing due to typographical error.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on September 7, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 8, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery to 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 7, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by August 20, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The WAC language change is proposed without the filing of a CR-101 due to an exemption under RCW 34.05.310 (4)(d), allowing a WAC change with a typographical and grammatical error. This does not change the effect of the rule.

The proposal change is, as follows: (2) You must send a completed background check form to your licensor on anyone on the premises having unsupervised access to children who: (a) Is at least sixteen years old or older; (b) is not a foster child; ~~nor (e) A~~ an individual eighteen through twenty years old authorized to remain in foster care (see chapter 388-06 WAC).

Reasons Supporting Proposal: The recently amended WAC 388-148-0050(2) adding "nor an individual eighteen through twenty years old authorized to remain in foster care (see chapter 388-06 WAC)" for clarification that all individuals in foster care regardless of their age would not be required to complete a background check. However, with the adopted grammar the subsection has not been successful in clarifying the language due to the use of the semicolon.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: Chapter 74.15 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Children's Administration, Division of Licensed Resources, P.O. Box 45700, Olympia, WA 98504-5700.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not needed per RCW 19.85.025 and 34.05.310 (4)(d), i.e. due to typographical and grammatical error.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required when the proposed change corrects a typographical error, as allowed under RCW 34.05.328 (5)(b)(iv).

July 15, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

PROPOSED

AMENDATORY SECTION (Amending WSR 04-08-073, filed 4/5/04, effective 5/6/04)

WAC 388-148-0050 How do I apply for a license?

License applications are available from the division of licensed resources and licensed child placing agencies.

(1) To apply for a license, the person or legal entity responsible for your home or facility must include with the application the following:

(a) Written verification for each applicant(s), staff, interns, volunteers and individuals who may have unsupervised access to children in care of the following information:

(i) A negative tuberculosis test or an X ray, unless you can demonstrate a religious or a medical reason prohibiting the test;

Note: Written documentation from your physician that indicates you are free of the signs and symptoms of tuberculosis may be accepted for individuals with a religious or a medical prohibition to the TB test.

(ii) First aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS and bloodborne pathogens training including infection control standards.

(2) You must send a completed background check form to your licensor on anyone on the premises having unsupervised access to ~~((children))~~ a child who:

(a) Is at least sixteen years old or older;

(b) Is not a foster child; ~~((or~~

~~(e)))~~ nor an individual eighteen through twenty years old authorized to remain in foster care (see chapter 388-06 WAC).

(3) You must send a completed FBI fingerprint form on any individual in your home or facility who has lived outside Washington state within the last three years and meets WAC 388-148-0050 (2)(a)(b).

(4) A group care facility or staffed residential home licensed for six is required to meet the health and fire safety requirements to receive a certificate of compliance from the department of health and the Washington state patrol fire protection bureau.

WSR 04-16-008

PROPOSED RULES

**BOARD OF INDUSTRIAL
INSURANCE APPEALS**

[Filed July 22, 2004, 3:06 p.m.]

Supplemental Notice to WSR 04-11-117.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: Chapter 263-12 WAC, Practice and procedure before the Board of Industrial Insurance Appeals.

Hearing Location(s): Board of Industrial Insurance Appeals, Main Conference Room, 2430 Chandler Court S.W., Olympia, WA, on September 15, 2004, at 11:00 a.m.

Date of Intended Adoption: September 16, 2004.

Submit Written Comments to: David E. Threedy, P.O. Box 42401, Olympia, WA 98504-2401, fax (360) 586-5611, by September 13, 2004.

Assistance for Persons with Disabilities: Contact Donalda Ball by September 3, 2004, (360) 753-6823 ext. 183.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To revise the board's rules of practice and procedure by amending WAC 263-12-01501 (1)(a).

Summary: The proposed revisions make a number of housekeeping changes by clarifying that with the permission of the industrial appeals judge assigned to the appeal, certain documents may be filed with the board's regional facilities.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 263-12-01501, the rule contains a revision to subsection (1)(a) that indicates that with the permission of the industrial appeals judge assigned to the appeal, certain documents may be filed with the board's regional facilities.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Explanation of Rule above.

Reasons Supporting Proposal: Rule is being modified to meet the clear writing mandates.

Statutory Authority for Adoption: RCW 51.52.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David E. Threedy, 2430 Chandler Court S.W., Olympia, WA, (360) 753-6823.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on financial issues in the amendments being made. They are basically clarification of procedural rules relating to administrative hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rule changes are not legislative; they relate to procedures relating to agency hearings or clarify language of a rule without changing its effect.

July 22, 2004

David E. Threedy
Executive Secretary

AMENDATORY SECTION (Amending WSR 98-20-109, filed 10/7/98, effective 11/7/98)

WAC 263-12-01501 Communications and filing with the board. (1) Communications with the board.

(a) **Where to file.** All written communications (~~((by parties pertaining to a particular case, including notices of appeal, applications, notices of appearance, briefs, memoranda, motions, requests, or petitions for review))~~), except those listed below, shall be filed with the board at its headquarters in Olympia, Washington. With permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions, briefs, stipulations, agreements, and general correspondence may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle.

PROPOSED

(b) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, or by telephone facsimile.

(i) **Filing personally.** The filing of a written communication with the board personally is perfected by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

(ii) **Filing by mail.** The filing of a written communication with the board is perfected by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

(iii) **Filing by telephone facsimile.**

(A) The filing of a written communication with the board by telephone facsimile is perfected when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment in Olympia. The hours of operation of the board's telephone facsimile equipment are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. If a transmission of a written communication commences after these hours of operation the written communication shall be deemed filed on the next succeeding business day.

(B) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission.

(C) No written communication should exceed fifteen pages in length, exclusive of the cover page required by this rule.

(D) The party attempting to file the written communication by telephone facsimile bears the risk that the written communication will not be legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

(E) The board may require a party to file an original of any document previously filed by telephone facsimile.

(iv) **Electronic filing of a notice of appeal.** A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the board's internet site. An electronic notice of appeal is filed when it is received by the Board's designated computer during the Board's customary office hours pursuant to WAC 263-12-015. Otherwise the notice of appeal is considered filed at the beginning of the next business day. The board shall issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's filing

requirements. The board must notify the filing party of the rejection.

(c) **Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

(d) **Form requirements.** Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

WSR 04-16-010
WITHDRAWAL OF PROPOSED RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS
[Filed July 22, 2004, 3:11 p.m.]

The Board of Industrial Insurance Appeals hereby withdraws that portion identified as subsection (3)(e) of the proposed amendment to WAC 263-12-020, filed with your office on May 19, 2004, as part of WSR 04-11-117. The proposed revisions to WAC 263-12-020 (3)(d) shall remain.

David E. Threedy
Executive Secretary

WSR 04-16-017
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed July 23, 2004, 1:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-04-087.

Title of Rule and Other Identifying Information: WAC 388-531-2000 Increased payments for physician-related services for qualified trauma cases (new), 388-550-2800 Inpatient payment methods and limits (amend), 388-550-4800 Hospital payment methods—State administered programs (amend), and 388-550-5450 Supplemental payments to approved trauma service centers (new).

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on September 7, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than September 8, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 7, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by August 20, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules clarify the conditions under which providers may participate in and receive a supplemental payment or increased payment for providing trauma services to medical assistance clients.

Reasons Supporting Proposal: The trauma care fund (TCF) provides monetary incentives to encourage provider participation. The TCF also helps to ensure trauma services are available in a medical assistance client's local area.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Statute Being Implemented: RCW 74.08.090 and 74.09.500.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed rule is being coordinated with the Department of Health.

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: John Hanson, P.O. Box 45530, Olympia, WA 98504, (360) 725-1856.

No small business economic impact statement has been prepared under chapter 19.85 RCW. MAA has analyzed the proposed rule amendments and concludes that they will impose no new costs on small businesses. The preparation of a comprehensive SBEIS is not required.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed amendments do not "make significant amendments to a policy or regulatory program (see RCW 34.05.328 (5)(c)(iii)), MAA has determined that the proposed rules are not "significant" as defined by the statute. The proposed rules would also be exempt from preparing a cost-benefit analysis under RCW 34.05.328 (5)(b)(iv), since the rules are being rewritten to make the language clearer without changing their effect.

July 15, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-531-2000 Increased payments for physician-related services for qualified trauma cases. (1) The department's trauma care fund (TCF) is an amount that is legislatively appropriated to DSHS each biennium for the purpose of increasing the medical assistance administration's (MAA's) payment to eligible physicians and other clinical providers for providing qualified trauma services to Medicaid fee-for-service clients. Claims for trauma care provided to

clients enrolled in MAA's managed care programs are not eligible for increased payments from the TCF.

(2) Beginning with services provided after June 30, 2003, MAA makes increased payments from the TCF to physicians and other clinical providers who provide trauma services to Medicaid clients, subject to the provisions in this section.

(3) MAA makes increased payments from the TCF to physicians and other clinical providers who:

(a) Are on the Designated Trauma Services Response Team of any department of health (DOH)-designated trauma service center;

(b) Meet the provider requirements in this section and other applicable WAC;

(c) Meet the billing requirements in this section and other applicable WAC; and

(d) Submit all information MAA requires to ensure trauma services are being provided.

(4) Except as described in subsection (5) of this section and subject to the limitations listed, MAA makes increased payments from the TCF to physicians and other eligible clinical providers:

(a) For only those trauma services that are designated by MAA as "qualified." These qualified services must be provided to eligible fee-for-service Medicaid clients. Qualified trauma services include care provided within six months of the date of injury for surgical procedures related to the injury if the surgical procedures were planned during the initial acute episode of injury.

(b) For hospital-based services only.

(c) Only for Medicaid trauma cases that meet the Injury Severity Score (ISS) (a summary rating system for traumatic anatomic injuries) of:

(i) Thirteen or greater for an adult trauma patient (a client age fifteen or older); or

(ii) Nine or greater for a pediatric trauma patient (a client younger than age fifteen).

(d) On a per-client basis in any DOH designated trauma service center.

(e) At a rate of two and one-half times the current MAA fee-for-service rate for qualified trauma services, subject to the following:

(i) MAA monitors the increased payments from the TCF during each state fiscal year (SFY) and makes necessary adjustments to the rate to ensure that total payments from the TCF for the biennium will not exceed the legislative appropriation for that biennium.

(ii) Laboratory and pathology charges are not eligible for increased payments from the TCF. (See subsection (6)(b) of this section.)

(5) When a trauma case is transferred from one hospital to another, MAA makes increased payments from the TCF to physicians and other eligible clinical providers, according to the ISS score as follows:

(a) If the transferred case meets or exceeds the appropriate ISS threshold described in subsection (4)(c) of this section, eligible providers who furnish qualified trauma services in both the transferring and receiving hospitals are eligible for increased payments from the TCF.

PROPOSED

(b) If the transferred case is below the ISS threshold described in subsection (4)(c) of this section, only the eligible providers who furnish qualified trauma services in the receiving hospital are eligible for increased payments from the TCF.

(6) MAA distributes increased payments from the TCF only:

(a) When eligible trauma claims are submitted with the appropriate trauma indicator within the timeframes specified by MAA; and

(b) On a per-claim basis. Each qualifying trauma service and/or procedure on the physician's claim or other clinical provider's claim is paid at MAA's current fee-for-service rate, multiplied by an increased TCF payment rate that is based on the appropriate rate described in subsection (4)(e) of this section. Charges for laboratory and pathology services and/or procedures are not eligible for increased payments from the TCF and are paid at MAA's current fee-for-service rate.

(7) For purposes of the increased payments from the TCF to physicians and other eligible clinical providers, all of the following apply:

(a) MAA may consider a request for a claim adjustment submitted by a provider only if the claim is received by MAA within one year from the date of the initial trauma service;

(b) MAA does not allow any carryover of liabilities for an increased payment from the TCF after a date specified by MAA as the last date to make adjustments to a trauma claim for an SFY;

(c) All claims and claim adjustments are subject to federal and state audit and review requirements; and

(d) The total amount of increased payments from the TCF disbursed to providers by MAA in a biennium cannot exceed the amount appropriated by the legislature for that biennium. MAA has the authority to take whatever actions are needed to ensure MAA stays within the current TCF appropriation (see subsection (4)(e)(i) of this section).

AMENDATORY SECTION (Amending WSR 02-21-019, filed 10/8/02, effective 11/8/02)

WAC 388-550-2800 Inpatient payment methods and limits. (1) The department reimburses hospitals for Medicaid inpatient hospital services using the rate setting methods identified in the department's approved state plan that includes:

Method	Used for
Diagnoses related group (DRG) negotiated conversion factor	Hospitals participating in the Medicaid hospital selective contracting program under waiver from the federal government
DRG cost-based conversion factor	Hospitals not participating in or exempt from the Medicaid hospital selective contracting program
Ratio of costs-to-charges (RCC)	Hospitals or services exempt from DRG payment methods

Method	Used for
Fixed per diem rate	Acute physical medicine and rehabilitation (Acute PM&R) Level B facilities and long-term acute care (LTAC) hospitals
Cost settlement	MAA-approved critical access hospitals (CAHS)

(2) The department's annual aggregate Medicaid payments to each hospital for inpatient hospital services provided to Medicaid clients will not exceed the hospital's usual and customary charges to the general public for the services (42 CFR § 447.271). The department recoups annual aggregate Medicaid payments that are in excess of the usual and customary charges.

(3) The department's annual aggregate payments for inpatient hospital services, including state-operated hospitals, will not exceed the estimated amounts that the department would have paid using Medicare payment principles.

(4) When hospital ownership changes, the department's payment to the hospital will not exceed the amount allowed under 42 U.S.C. Section 1395x (v)(1)(O).

(5) Hospitals participating in the medical assistance program must annually submit to the medical assistance administration:

(a) A copy of the hospital's HCFA 2552 Medicare Cost Report; and

(b) A disproportionate share hospital application.

(6) Reports referred to in subsection (5) of this section must be completed according to:

(a) Medicare's cost reporting requirements;

(b) The provisions of this chapter; and

(c) Instructions issued by MAA.

(7) The department requires hospitals to follow generally accepted accounting principles unless federally or state regulated.

(8) Participating hospitals must permit the department to conduct periodic audits of their financial and statistical records.

(9) ~~((Under WAC 246-976-935, MAA may:~~

~~(a) Enhance payments for trauma care provided to a client under a Title XIX Medicaid program when the trauma:~~

~~(i) Qualifies under the trauma program; and~~

~~(ii) Care is provided in a nongovernmental hospital designated by the department of health (DOH) as a trauma services center.~~

~~(b) Provide an annual grant for trauma services to:~~

~~(i) A governmental hospital certified by DOH as a trauma services center; and~~

~~(ii) An MAA approved critical access hospital (CAH).~~

~~(10)) The department reimburses hospitals for claims involving clients with third-party liability insurance:~~

~~(a) At the lesser of either the DRG:~~

~~(i) Billed amount minus the third-party payment amount; or~~

~~(ii) Allowed amount minus the third-party payment amount; or~~

~~(b) The RCC allowed payment minus the third-party payment amount.~~

AMENDATORY SECTION (Amending WSR 02-21-019, filed 10/8/02, effective 11/8/02)

WAC 388-550-4800 Hospital payment methods—State administered programs. (1) Except as provided in subsection (2) of this section, the medical assistance administration (MAA) uses the ratio of costs-to-charges (RCC) and diagnosis-related group (DRG) payment methods described in this section to reimburse hospitals at reduced rates for covered services provided to clients eligible under the following state-administered programs:

- (a) Medically indigent (MI) program;
- (b) General assistance unemployable (GAU) program;
- (c) Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program; and
- (d) Involuntary Treatment Act (ITA)-Q program. (The ITA-Q program covers ITA services for non-Medicaid eligible clients.)

(2) MAA exempts the following services from the state-administered programs' payment methods and reduced rates:

(a) Detoxification services when the services are provided under an MAA-assigned provider number starting with "thirty-six." (MAA reimburses these services using the Title XIX Medicaid RCC payment method.)

(b) Program services provided by MAA-approved critical access hospitals (CAHs) to clients eligible under state-administered programs. (MAA reimburses these services through cost settlement as described in WAC 388-550-2598.)

(3) MAA determines:

(a) A state-administered program RCC payment by reducing a hospital's Title XIX Medicaid RCC rate using the hospital's ratable.

(b) A state-administered program DRG payment by reducing a hospital's Title XIX Medicaid DRG cost based conversion factor (CBCF) using the hospital's ratable and equivalency factor (EF).

(4) MAA determines:

(a) The RCC rate for the state-administered programs mathematically as follows:

State-administered programs' RCC rate = current Title XIX Medicaid RCC rate x (one minus the current hospital ratable)

(b) The DRG conversion factor (CF) for the state-administered programs mathematically as follows:

State-administered programs' DRG CF = current Title XIX Medicaid DRG CBCF x (one minus the current hospital ratable) x EF

(5) MAA determines payments to hospitals for covered services provided to clients eligible under the state-administered programs mathematically as follows:

(a) Under the RCC payment method:

State-administered programs' RCC payment = state-administered programs' RCC Rate x allowed charges

(b) Under the DRG payment method:

State-administered programs' DRG payment = state-administered programs' DRG CF x all patient DRG relative weight (to include any necessary high-cost outlier payment)

(6) To calculate a hospital's ratable that is applied to both the Title XIX Medicaid RCC rate and the Title XIX Medicaid DRG CBCF used to determine the respective state-administered program's reduced rates, MAA:

(a) Adds the hospital's Medicaid revenue (Medicaid revenue as reported by department of health (DOH) includes all Medicaid revenue and all other medical assistance revenue) and Medicare revenue to the value of the hospital's charity care and bad debts, all of which is taken from the most recent complete calendar year data available from DOH at the time of the ratable calculation; then

(b) Deducts the hospital's low-income disproportionate share hospital (LIDSH) revenue from the amount derived in (a) of this subsection to arrive at the hospital's community care dollars; then

(c) Subtracts the hospital-based physicians revenue that is reported in the hospital's most recent HCFA-2552 Medicare cost report received by MAA at the time of the ratable calculation, from the total hospital revenue reported by DOH from the same source as discussed in (a) of this subsection, to arrive at the net hospital revenue; then

(d) Divides the amount derived in (b) of this subsection by the amount derived in (c) of this subsection to obtain the ratio of community care dollars to net hospital revenue (also called the preliminary ratable factor); then

(e) Subtracts the amount derived in (d) of this subsection from 1.0 to obtain the hospital's preliminary ratable; then

(f) Determines a neutrality factor by:

(i) Multiplying hospital-specific Medicaid revenue that is reported by DOH from the same source as discussed in (a) of this subsection by the preliminary ratable factor; then

(ii) Multiplying that same hospital-specific Medicaid revenue by the prior year's final ratable factor; then

(iii) Summing all hospital Medicaid revenue from the hospital-specific calculations that used the preliminary ratable factor discussed in (f)(i) of this subsection; then

(iv) Summing all hospital revenue from the hospital-specific calculations that used the prior year's final ratable factor discussed in (f)(ii) of this subsection; then

(v) Comparing the two totals; and

(vi) Setting the neutrality factor at 1.0 if the total using the preliminary ratable factor is less than the total using the prior year's final ratable factor; or

(vii) Establishing a neutrality factor that is less than 1.0 that will reduce the total using the preliminary ratable factor to the level of the total using the prior year's final ratable factor, if the total using the preliminary ratable factor is greater than the total using the prior year's ratable factor; then

(g) Multiplies, for each specific hospital, the preliminary ratable by the neutrality factor to establish hospital-specific final ratables for the year; then

(h) Subtracts each hospital-specific final ratable from 1.0 to determine hospital-specific final ratable factors for the year; then

(i) Calculates an in-state-average ratable and an in-state-average ratable factor used for new hospitals with no prior year history.

(7) MAA updates each hospital's ratable annually on August 1.

(8) MAA:

(a) Uses the equivalency factor (EF) to hold the hospital specific state-administered programs' DRG CF at the same level prior to rebasing, adjusted for inflation; and

(b) Calculates a hospital's EF as follows:

EF = State-administered programs' prior DRG CF divided by current Title XIX Medicaid DRG CBCF x (one minus the prior ratable)

(9) Effective December 1, 1991, for hospital admissions of clients eligible under the state-administered MI program, MAA:

(a) Further reduces RCC and DRG payments to a hospital for covered services provided to clients eligible under the MI program by multiplying the respective payment referred to in subsection (5) of this section by ninety-seven percent; and

(b) Applies this payment reduction to the medically indigent disproportionate share hospital (MIDSH) payment methodology in accordance with section 3(b) of the "Medicaid Voluntary Contributions and Provider-Specific Tax Amendment of 1991."

~~((10) Under WAC 246-976-935, MAA may:~~

~~(a) Enhance payments for trauma care provided to a client eligible under the MI program or GAU program when the trauma:~~

~~(i) Qualifies under the trauma program; and~~

~~(ii) Care is provided in a nongovernmental hospital designated by DOH as a trauma services center.~~

~~(b) Provide an annual grant for trauma services to:~~

~~(i) A governmental hospital certified by DOH as a trauma services center; and~~

~~(ii) An MAA approved critical access hospital (CAH).)~~

NEW SECTION

WAC 388-550-5450 Supplemental distributions to approved trauma service centers. (1) The department's trauma care fund (TCF) is an amount legislatively appropriated to DSHS each biennium for the purpose of supplementing the medical assistance administration's (MAA's) payments to eligible trauma service centers for providing qualified trauma services to eligible Medicaid fee-for-service clients. Claims for trauma care provided to clients enrolled in MAA's managed care programs are not eligible for supplemental distributions from the TCF.

(2) Beginning with trauma services provided after June 30, 2003, MAA makes supplemental distributions from the TCF to qualified hospitals, subject to the provisions in this section.

(3) To qualify for supplemental distributions from the TCF, a hospital must:

(a) Be designated or recognized by the department of health (DOH) as an approved Level 1, Level 2, or Level 3 adult or pediatric trauma service center. No distinction is made between a governmental and nongovernmental hospital;

(b) Meet the provider requirements in this section and other applicable WAC;

(c) Meet the billing requirements in this section and other applicable WAC;

(d) Submit all information MAA requires to ensure services are being provided; and

(e) Comply with DOH's Trauma Registry reporting requirements.

(4) Supplemental distributions from the TCF are:

(a) Determined as a percentage of a fixed amount for each hospital based on all of the following:

(i) The relative amount paid by MAA for inpatient and outpatient trauma care the hospital provides to Medicaid clients per quarter in a state fiscal year (SFY). MAA determines the amount of care provided to Medicaid clients by date of service, not date of payment; and

(ii) The amount paid by MAA to hospitals that receive transferred trauma cases, regardless of the clients' Injury Severity Score (ISS) (a summary rating system for traumatic anatomic injuries).

(b) Paid only for a Medicaid trauma case that meets:

(i) The ISS of thirteen or greater for an adult trauma patient (a client age fifteen or older);

(ii) The ISS of nine or greater for a pediatric trauma patient (a client younger than age fifteen); or

(iii) The conditions of subsection (4)(c) of this section are met.

(c) Made to hospitals, as follows, for a trauma case that is transferred:

(i) The receiving hospital qualifies for payment regardless of the ISS; and

(ii) The transferring hospital qualifies for payment only if the requirements in (b)(i) or (b)(ii) of this subsection are met.

(d) Not funded by disproportionate share hospital (DSH) funds; and

(e) Not distributed by MAA to:

(i) Trauma service centers designated or recognized as Level 4 or Level 5; or

(ii) Critical access hospitals (CAHs).

(5) MAA makes supplemental distributions from the TCF to eligible hospitals as follows:

(a) Quarterly payments are made, subject to the following:

(i) The first quarterly supplemental distribution from the TCF is made six months after the SFY begins;

(ii) Each quarterly supplemental distribution from the TCF totals twenty percent of the amount designated by MAA for that SFY. If claims data for any quarter indicate an insufficient number of paid claims, MAA may adjust the percentage to allow for an equitable distribution from the TCF for that quarter. See (4)(a) of this subsection.

(b) A final supplemental distribution from the TCF is:

(i) Made one year after the end of the SFY; and

(ii) Based on the SFY that the TCF designated amount relates to.

(6) For purposes of the supplemental distributions from the TCF, all of the following apply:

(a) MAA may consider a request for a claim adjustment submitted by a provider only if the request is received by MAA within one year from the date of the initial trauma service;

(b) MAA does not allow any carryover of liabilities for a supplemental distribution from the TCF after a date specified by MAA as the last date to make adjustments to a trauma claim for an SFY;

(c) All claims and claim adjustments are subject to federal and state audit and review requirements; and

(d) The total amount of supplemental distributions from the TCF disbursed to eligible hospitals by MAA in any current biennium cannot exceed the amount appropriated by the legislature for that biennium. MAA has the authority to take whatever actions necessary to ensure MAA stays within the current TCF appropriation.

WSR 04-16-033
PROPOSED RULES
HORSE RACING COMMISSION

[Filed July 27, 2004, 12:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-007.

Title of Rule and Other Identifying Information: Repealing WAC 260-32-200 When suspension commences.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98[98001], on September 9, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by September 8, 2004.

Assistance for Persons with Disabilities: Contact Patty Sorby by September 8, 2004, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 260-32-200 is no longer necessary because it is not consistent with the appeal period in WAC 260-24-510 and 260-88-010.

Reasons Supporting Proposal: To keep the period when suspensions commence consistent with other rules in Title 260 WAC.

Statutory Authority for Adoption: RCW 67.16.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 27, 2004
R. M. Leichner
Executive Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-32-200	When suspension commences.
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WSR 04-16-034
PROPOSED RULES
HORSE RACING COMMISSION

[Filed July 27, 2004, 12:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-049.

Title of Rule and Other Identifying Information: Chapter 260-75 WAC, Satellite locations.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98[98001], on September 9, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by September 8, 2004.

Assistance for Persons with Disabilities: Contact Patty Sorby by September 8, 2004, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends WAC 260-75-020, to better define the type of racing association that may submit an application for satellite location. Amends WAC 260-75-030, by (1) better defining the type of racing association required to develop internal control policies and procedures for its satellite locations; (2) clarifies that commission employees shall periodically inspect satellite locations; and (3) eliminates the language that includes commission officials conducting a review of the cash logs including conducting a physical count of the cash balance.

Reasons Supporting Proposal: The amendments to this chapter clarify that only a class 1 racing association may submit applications for satellite locations and eliminates the commission's authority to conduct physical counts of cash balances on hand at a satellite location.

Statutory Authority for Adoption: RCW 67.16.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 27, 2004
R. M. Leichner
Executive Secretary

AMENDATORY SECTION (Amending WSR 00-07-040, filed 3/6/00, effective 4/6/00)

WAC 260-75-020 Satellite locations applications. Each application for a satellite location from a class 1 racing association shall be submitted on the satellite application form provided by the commission. The application form must

be completed in every respect, containing all the information and attachments requested. The application includes an association satellite application, satellite location application and a satellite location application—personal history statement.

(1) The association satellite application is to be completed by the sponsoring association.

(2) The satellite location application is to be completed by the proposed satellite location. The application shall be signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete. The following person(s) shall sign the application:

(a) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation;

(b) The principal owner of a sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The executive secretary may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

(3) The satellite location application—personal history statement is to be completed by each individual owner and spouse or each officer of a charitable, nonprofit or profit seeking corporation and any stockholder having ~~((10%))~~ ten percent or more corporate stock.

(4) The commission will consider only those applications that have been fully completed. The following reasons will cause an application to be incomplete:

(a) Failure to provide all information requested on the application form and/or attachments;

(b) Failure to provide supplemental information requested during the application investigation.

(5) The commission may disclose to the public or discuss at a public meeting all information set forth in the application and all supplemental information submitted subject to the exemptions in chapter 42.17 RCW and other applicable laws including, but not limited to, chapter 10.97 RCW: Provided, That consistent with chapter 10.97 RCW, the commission may disclose conviction data of an applicant or licensee.

(6) In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(a) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;

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

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

(7) Before each race meet, on a form approved by the commission, the association shall submit a renewal application for each satellite location.

(8) An association shall inform the commission immediately if any changes are made to the original application.

AMENDATORY SECTION (Amending WSR 00-07-040, filed 3/6/00, effective 4/6/00)

WAC 260-75-030 Satellite location policies and procedures. (1) Each class 1 association shall develop internal control policies and procedures for its satellite locations. These procedures shall include controls for satellite location assets including maintaining a log of daily cash balances. The policies and procedures shall be filed with the commission.

(2) Each satellite location shall have a location manager designated by the host racing association. All location managers and mutual clerks shall be licensed by the commission. The host association shall not activate any terminal for any person that is not currently licensed or approved by the commission.

(3) All satellite locations shall be periodically ~~((reviewed))~~ inspected by the commission to ensure that the internal control policies and procedures are followed. ~~((This may include a review of the log of cash balances, including conducting a physical count of the cash balance by a commission official.))~~

WSR 04-16-035

PROPOSED RULES

HORSE RACING COMMISSION

[Filed July 27, 2004, 12:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-047.

Title of Rule and Other Identifying Information: WAC 260-14-050 Ownership interests in race horses.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98[98001], on September 9, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by September 8, 2004.

Assistance for Persons with Disabilities: Contact Patty Sorby by September 8, 2004, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend the existing rule [to] prohibit any regulatory employee, any employee and any commissioner of the Washington Horse Racing Commission from having any ownership in any race horse running at any race meet under the jurisdiction of the commission.

Reasons Supporting Proposal: To ensure the regulatory mission of the commission is carried out without the problems associated with employees or commissioners owning horses that run in races regulated by the commission.

Statutory Authority for Adoption: RCW 67.16.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 27, 2004

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending Order 75.2, filed 4/17/75)

WAC 260-14-050 Ownership interests in race horses.

(1) No regulatory employee or employee shall have any ownership interest in any race horse running at any race meet (~~((at which he is employed))~~) under the jurisdiction of the commission.

(2) ~~((No employee of the commission, except temporary clerks, shall have any ownership interest in any race horse running at any track under jurisdiction of the commission except as provided by subparagraph (3) hereof.~~

(3) ~~An employee may retain an interest in a horse as lessor, or an option to purchase or repurchase a horse only under the following conditions:~~

~~(a) An affidavit containing:~~

~~(i) The name of the horse or horses in which the employee has retained an interest is filed with the commission;~~

~~(ii) The nature of the interest retained is disclosed in said affidavit. (i.e., lessor, option, etc.); and~~

~~(iii) The nature of the retained interest is such that no purse money or owner's bonuses earned in the state of Washington shall redound directly or indirectly to such employee.~~

(4)) No commissioner shall have any ownership interest in any race horse running at any race meet under the jurisdiction of the commission ~~((unless he discloses such interest in an affidavit filed with the commission.~~

(5) ~~Copies of affidavits filed hereunder shall be maintained in a separate file in the offices of the commission in Olympia, Washington, and shall be open and available for public inspection during regular office hours of said commission).~~

WSR 04-16-036

PROPOSED RULES

HORSE RACING COMMISSION

[Filed July 27, 2004, 12:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-015.

Title of Rule and Other Identifying Information: WAC 260-88-010 Appeals to the commission.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98[98001], on September 9, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by September 8, 2004.

Assistance for Persons with Disabilities: Contact Patty Sorby by September 8, 2004, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 260-88-010 is amended to comply with chapter 34.05 RCW, Administrative Procedure Act and RCW 67.16.270. The decision of the stewards that a commission rule has been violated is considered the agency's initial determination (RCW 67.16.270). As such, the adjudicative proceeding before the commission is not an appeal, but a hearing to challenge the ruling of the stewards.

Reasons Supporting Proposal: Brings the actions of the commission in hearing the challenge of a steward's ruling in compliance with chapter 34.05 RCW, Administrative Procedure Act and RCW 67.16.270.

Statutory Authority for Adoption: RCW 67.16.020.

Statute Being Implemented: RCW 67.16.270 and chapter 34.05 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 27, 2004

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending WSR 04-05-096, filed 2/18/04, effective 3/20/04)

WAC 260-88-010 ((Appeal to)) Hearing before the commission. Any person against whom a ruling is made by the stewards may ~~((appeal the ruling to))~~ request a hearing before the commission to challenge the ruling. However, a decision concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and ~~((may not be appealed to))~~ will not be reviewed by the commission.

(1) ~~((Appeals))~~ Requests for a hearing before the commission must be filed with an office of the commission within ~~((twenty))~~ seven days of ~~((the date))~~ service of the stewards' ruling.

(2) The ~~((appeal))~~ request must include: The name, address, telephone number and the signature of the person making the ~~((appeal))~~ request and a statement of the basis ~~((of the appeal))~~ for the challenge to the ruling.

(3) The commission will conduct an ~~((adjudication))~~ adjudicative proceeding according to the provisions of chapter 34.05 RCW Administrative Procedure Act and chapter 260-08 WAC Practice and Procedure.

(4) On notification by the commission that ~~((an appeal))~~ a request for a hearing has been filed, the stewards shall forward to the commission the record of the ~~((proceeding on which the appeal is based))~~ ruling conference.

(5) Any person ~~((bringing an appeal))~~ requesting a hearing before the commission will be heard in person or by counsel. A person ~~((bringing an appeal))~~ appearing before the commission may submit his or her case entirely in writing, provided this is specified at the time of the filing of the ~~((appeal))~~ request for hearing with the commission and this procedure is given written approval by the commission.

(6) All communications to the commission with respect to ~~((an appeal))~~ a stewards' ruling must be in writing, and all papers filed with the commission shall be the property of the commission.

~~((7) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.))~~

WSR 04-16-053
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 29, 2004, 9:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-069.

Title of Rule and Other Identifying Information: WAC 308-390-201 Uniform Commercial Code.

Hearing Location(s): Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, 2nd Floor Conference Room, Olympia, WA 98502, on September 7, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Margaret Vogeli, Management Analyst, Uniform Commercial Code, P.O. Box 9660, Olympia, WA 98507-9660, fax (360) 586-4414.

Assistance for Persons with Disabilities: Contact Margaret Vogeli by TDD (360) 586-2788 or (360) 664-1530.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To provide acceptance requirements for national UCC addenda forms.

Explanation of Rule, its Purpose, and Anticipated Effects: The adoption of this rule will allow UCC filers to

submit multiple party names using the national UCC1-AP and UCC3-AP forms. It limits filers to submitting one only of the current addenda (UCC1-AD) form and describes the allowable form combinations. These changes will make it easier and less costly for filers who have multiple party names to add to their initial and amendment statements. Acceptance of the multiple party forms will make Washington more uniform with the rest of the nation's UCC offices.

Proposal Changes the Following Existing Rules: Amends WAC 308-390-201 describing procedures and limitations for submitting addenda forms with the UCC Financing Statement and UCC Amendment forms.

Reasons Supporting Proposal: This rule is needed in order to accept national forms approved by the International Association of Commercial Administrators and to promote uniform procedures across the nation.

Statutory Authority for Adoption: RCW 62A.9-409 and 34.05.220.

Statute Being Implemented: Chapter 62A.9A RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Licensing, Uniform Commercial Code, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jon Donnellan, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1530.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 34.05.310 (4)(c), 19.85.025(3), 62A.9A-.526(b).

These rules are proposed to adopt national standards in accordance with Revised Article 9, section 526 "to keep the filing office rules and practices of the filing office in harmony with the rules and practices of filing offices in other jurisdictions that enact substantially this part, and to keep the technology used by the filing office compatible with the technology used by filing offices in other jurisdictions..."

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Department of Licensing is exempt from this statute.

July 26, 2004

Mykel Gable

Assistant Director

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

WAC 308-390-201 Multiple names. (1) To file multiple debtor and secured party names on a paper submittal, a filer must provide the additional names in ~~((boxes 2 or 11 only of the national UCC Financing Statement and box 7 only on the national UCC Financing Statement Amendment. Debtor names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.~~

~~((2) To file multiple secured party names on a paper submittal, a filer must provide the additional names in box 12 only of the national UCC Financing Statement Addendum and box 7 of the national UCC Financing Statement Amendment. Secured party names appearing in other boxes or on attachments will not be indexed. There is no limit to the num-~~

ber of addendum pages that may be attached)) designated boxes on approved addenda forms only. The approved addenda forms are UCC1Ad, UCC1Ap, and UCC3Ap. Addenda forms are approved as provided in WAC 308-390-104. The number of paper submittal addenda pages that may be attached is limited as set forth in subsection (2) of this section.

(2) The number and type of paper submittal addenda forms that may be filed and indexed is limited to the following combinations:

(a) UCC1 plus one addendum (UCC1Ad) form and/or one or two additional party (UCC1Ap) forms. This combination permits a maximum of nine debtor and six secured party names to be indexed.

(b) UCC3 plus one or two additional party (UCC3Ap) forms. This combination permits a maximum of seven debtor or five secured party names to be indexed.

(3) Debtor and secured party names appearing in the incorrect boxes or on paper submittal attachments or addenda in excess of that stated in subsection (2) of this section will be accepted but not added to the index.

(4) To file and index more names than provided on the allowable number of paper submittal addenda pages, a filer may file using the Washington UCC electronic filing function on the internet. Electronic filing permits an unlimited number of names to be filed and added to the index.

WSR 04-16-062
PROPOSED RULES
STATE TOXICOLOGIST
[Filed July 30, 2004, 1:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-050.

Title of Rule and Other Identifying Information: Administration of breath test program.

Hearing Location(s): Washington State Patrol, Forensic Laboratory Services Bureau, 2203 Airport Way South, Suite 360, Seattle, WA 98134, on September 7, 2004, at 9:00 a.m.

Date of Intended Adoption: September 14, 2004.

Submit Written Comments to: Barry K. Logan, Ph.D., Washington State Toxicologist, 2203 Airport Way South, Suite 360, Seattle, WA 98134, e-mail barry.logan@wsp.wa.gov, fax (206) 262-6018, by August 31, 2004.

Assistance for Persons with Disabilities: Contact Kitty Jacobs by August 31, 2004, (206) 262-6000.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to RCW 46.61.506 have made sections of the current chapter 448-13 WAC redundant. The changes repeal many obsolete and redundant provisions, and move others from the Washington Administrative Code to agency policy and procedures. The proposed changes in rules are designed to simplify the administration of the breath alcohol test program used by law enforcement agencies, and administered by the Washington State Patrol. Due to the significant scope of changes, the prior rules chapter 448-13 WAC are being struck in their entirety and replaced with proposed chapter 448-16 WAC.

Reasons Supporting Proposal: The proposed rules are keyed specifically to the authority delegated in RCW 46.61.506 to the state toxicologist. The statute as revised and effective June 10th, 2004, states "The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist."

Statutory Authority for Adoption: RCW 46.61.506.

Statute Being Implemented: RCW 46.61.506.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Barry K. Logan, Ph.D., governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry K. Logan, Ph.D., 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6000.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impact. Only regulates government agencies.

A cost-benefit analysis is not required under RCW 34.05.328. Agency compliance not required per subsection (5)(a)(i).

July 30, 2004

Barry K. Logan, Ph.D.

Washington State Toxicologist

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 448-13 WAC Administration of breath test program.

Chapter 448-16 WAC
ADMINISTRATION OF BREATH TEST PROGRAM

NEW SECTION

WAC 448-16-010 Basis for rules governing breath testing. In RCW 46.61.506(4), the legislature establishes criteria for the admissibility of breath alcohol test evidence. RCW 46.61.506(3) authorizes and directs the state toxicologist to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits to those individuals. These rules are intended to implement the direction of the statute by 1) approving instruments and associated equipment capable of performing a reliable breath alcohol test, 2) identifying classifications of individuals who are to be examined for their competence to conduct such tests, and operate or maintain that equipment, and 3) identifying certain aspects of the operation of that equipment, necessary for reliable testing.

NEW SECTION

WAC 448-16-020 Approval of breath test equipment.
(1) Pursuant to RCW 46.61.506, the following instruments

are approved for the quantitative measurement of alcohol in a person's breath:

- a) The DataMaster.
- b) The DataMaster CDM.

(2) Pursuant to RCW 46.61.506, the following thermometers are approved:

- a) Mercury in glass thermometers with a scale graduated in tenths of a degree measuring a range between 33.5 and 34.5 degrees centigrade.
- b) Digital thermometer system contained within the Guth 2100 wet bath simulator.

NEW SECTION

WAC 448-16-030 Definitions. (1) "Accuracy" means the proximity of a measured value to a reference value.

(2) "Alcohol" means the unique chemical compound ethyl alcohol.

(3) "Blank test" means the testing of an instrument to ensure that no alcohol from a previous test can interfere with a person's breath test.

(4) "Concentration" means the weight amount of alcohol, expressed in grams, contained in two hundred ten liters of breath or alcohol/water vapor.

(5) "Data entry" means the process of providing information through a keyboard to the instrument for the purposes of (a) identifying a breath test document to an individual and (b) statistical analysis.

(6) "Interference" means a test result whose infrared absorbance properties are not consistent with ethanol.

(7) "End expiratory air" means the last portion of breath to be delivered to the instrument once the appropriate sample acceptance criteria have been met.

(8) "External standard test" means the use of a simulator containing a certified simulator solution, to provide a known alcohol vapor concentration to test the accuracy and proper working order of the instrument. This test of the function of the instrument is performed with every breath test. The external standard test does not calibrate the instrument.

(9) "Internal standard test" means the use of a quartz filter to provide a check that the instrument has maintained calibration since the last time calibration was performed and is in proper working order at the time of the test.

(10) "Precision" means the ability of a technique to perform a measurement in a reproducible manner.

(11) "Simulator" means a device which when filled with a certified simulator solution, maintained at a known temperature, provides a vapor sample of known alcohol concentration.

(12) "Valid breath sample" means a sample of a person's breath provided in such a manner to be accepted for analysis by the instrument.

NEW SECTION

WAC 448-16-040 Foreign substances, interference, and invalid samples. (1) A determination as to whether a subject has a foreign substance in his or her mouth shall be made by either an examination of the mouth or a denial by the person that he or she has any foreign substances in their

mouth. A test mouthpiece is not considered a foreign substance for purposes of RCW 46.61.506.

(2) If a subject is wearing jewelry or ornamentation pierced through their tongue, lips, cheek, or other soft tissues in the oral cavity, they will be required to remove this prior to conducting the breath test. If the subject declines, they will be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

(3) If during a breath test, interference is detected, this will invalidate the test. The subject will be required to repeat the test. A subject whose breath registers the presence of interference on two or more successive breaths shall be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

(4) In the event that the instrument records an "invalid sample" result at any point during the subject's test, that subject's test should be readministered, after again determining that the subject has no foreign substance in their mouth as outlined in WAC 448-16-040(1), and repeating the fifteen minute observation period.

NEW SECTION

WAC 448-16-050 Test defined. A test of a person's breath for alcohol concentration shall consist of the person insufflating end-expiratory air samples at least twice into the instrument, sufficient to allow two separate measurements. There will be sufficient time between the provision of each sample to permit the instrument to measure each sample individually. Two valid breath samples, provided consecutively, will constitute one test.

The instrument will perform this test according to the following protocol when being employed to quantitatively measure an individual's breath alcohol concentration. Successful compliance with each step of this protocol is determined from an inspection of the printout of results. These steps are necessary to ensure accuracy, precision, and confidence in each test.

Step 1. Data entry.

Step 2. Blank test with a result of .000.

Step 3. Internal standard verified.

Step 4. First breath sample provided by subject.

Step 5. Blank test with a result of .000.

Step 6. External standard simulator solution test. The result of this test must be between .072 and .088 inclusive.

Step 7. Blank test with a result of .000.

Step 8. Second breath sample provided by subject.

Step 9. Blank test with a result of .000.

Step 10. Printout of results.

NEW SECTION

WAC 448-16-060 Determining agreement of duplicate breath samples. Pursuant to RCW 46.61.506 the following method is approved for determining whether two breath samples agree to within plus or minus ten percent of their mean.

(1) The breath test results shall be reported, truncated to three decimal places.

(2) The mean of the two breath test results shall be calculated and rounded to four decimal places.

(3) The lower acceptable limit shall be determined by multiplying the above mean by 0.9, and truncating to three decimal places.

(4) The upper acceptable limit shall be determined by multiplying the mean by 1.1 and truncating to three decimal places.

(5) If the results fall within and inclusive of the upper and lower acceptable limits, the two breath samples are valid.

NEW SECTION

WAC 448-16-070 Review, approval, and authorization of protocols of procedures and methods by the state toxicologist. The state toxicologist shall review, approve, and authorize such protocols of procedures and methods (of the toxicologist's own promulgation or submitted by outside agencies or individuals for consideration) required in the administration of the breath test program. Such review, approval, and authorization will be so signified by a signed statement attached to each protocol, and kept on file by the Washington State Patrol. These protocols will be updated as necessary to maintain the quality of the breath test program.

NEW SECTION

WAC 448-16-080 Instructors. The state toxicologist shall certify persons found to be competent and qualified, as "instructors." Instructors are authorized to administer breath tests for alcohol concentration using approved instruments and are further authorized to train and certify as operators, according to outlines approved by the state toxicologist, those persons the instructor finds qualified to administer the breath test utilizing approved instruments. Instructors who are also certified as PBT technicians may instruct other individuals as PBT technicians according to the approved outlines. Details of persons certified as instructors shall be maintained by the state toxicologist and available upon request.

If an instructor fails or refuses to demonstrate to the state toxicologist or to his representative, that they have the ability to adequately perform their responsibilities as an instructor, then the state toxicologist will suspend their permit.

NEW SECTION

WAC 448-16-090 Operators. The state toxicologist, or certified instructors shall certify as "operators" persons found by them to be competent and qualified to administer breath tests for alcohol concentration using approved breath testing instruments. Persons who have attended courses in the operation of approved breath testing instruments taught by an instructor qualified by the state toxicologist, upon certification of attendance and qualification, shall be designated as "operators." Details of persons so certified shall be maintained by the state toxicologist and available upon request.

If an operator fails or refuses to demonstrate to the state toxicologist or to a certified instructor, that he or she has the

ability to adequately perform his or her responsibilities as an operator, then the state toxicologist will suspend their permit.

NEW SECTION

WAC 448-16-100 Solution changers. The state toxicologist, or certified instructors, shall certify as "solution changers" operators found by them to be competent and qualified. In addition to being qualified as "operators" these persons must receive approved instruction covering the changing of simulator external standard solutions for approved breath test instruments, taught by an instructor qualified by the state toxicologist. Details of persons so certified shall be maintained by the state toxicologist and available upon request.

If a solution changer fails or refuses to demonstrate to the state toxicologist or to a certified instructor, that he or she has the ability to adequately perform his or her responsibilities as a solution changer, then the state toxicologist will suspend their permit.

NEW SECTION

WAC 448-16-110 Technicians. The state toxicologist shall certify as "technicians" such persons found to be competent and qualified to maintain the proper working order of breath test instruments through adjustment, repair, and regular service. Details of persons so certified shall be maintained by the state toxicologist and available upon request.

Technicians are authorized to perform maintenance, calibration and instruction in the use of the portable breath test devices. Technicians are also authorized to instruct persons otherwise qualified as "technicians", "instructors," "operators," and "solution changers" according to training outlines approved by the state toxicologist. Certified technicians are themselves authorized to perform the duties of "instructors," "operators," and "solution changers."

If a technician fails or refuses to demonstrate to the state toxicologist or his representative, that he or she has the ability to adequately perform his or her responsibilities as a technician, then the state toxicologist will suspend their permit.

NEW SECTION

WAC 448-16-120 Permit cards. Pursuant to RCW 46.61.506, the state toxicologist shall authorize the issuance to persons deemed qualified as "instructors," "operators," "solution changers" or "technicians," a wallet-sized card bearing his or her name and designation. Permit cards shall bear the signature or facsimile signature of the state toxicologist. Such permit cards shall expire three years after the date on the card, unless renewed for a like three-year period. Operators whose authorization expires may take recertification training within ninety days following expiration of their prior certification, but are not certified to perform any evidential breath tests during that period. Once ninety days have elapsed after the expiration of authorization, the operator must repeat the basic certification training.

NEW SECTION

WAC 448-16-130 Review, approval, and authorization by the state toxicologist of training courses and outlines. The state toxicologist shall approve and authorize such courses and course outlines (of his own promulgation or submitted for consideration by outside agencies or individuals) required in the training of breath test program personnel. Such review, approval, and authorization will be so signified by a signed statement attached to each course outline. These course outlines may be reviewed and updated as necessary to maintain the quality of the breath test program. Instructors are directed to use only approved outlines in conducting the training of operators. Information concerning currently approved course outlines can be obtained on application to the office of the state toxicologist.

NEW SECTION

WAC 448-16-140 Information concerning technical aspects of the breath test program. Documents used by the state toxicologist and personnel involved in breath testing for the state of Washington, which are available on request include: The simulator solution preparation protocol, alcohol analysis protocol, certification document for simulator solution, affidavit from analyst of simulator solution, data base, quality assurance protocol, quality assurance procedure report, operator course outline, operator refresher course outline, and operator training record. A fee may be charged to cover the cost of providing these copies. Copies of most of these records are available at no charge on a web site maintained by the Washington State Patrol at <http://breathtest.wsp.wa.gov/welcome.htm>.

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

NEW SECTION

WAC 448-16-150 Address for correspondence. Information regarding instrument records, or the certification of operators, instructors, solution changers, and technicians should be obtained from the Washington State Patrol, Breath Test Section, 811 E. Roanoke, Seattle, WA 98102.

Persons seeking information regarding other aspects of the breath alcohol testing program shall direct their request initially to the State Toxicologist, Washington State Toxicology Laboratory, Forensic Laboratory Services Bureau, Washington State Patrol, 2203 Airport Way S., Seattle, WA 98134.

NEW SECTION

WAC 448-16-160 Severability. If any part or provision of these rules or regulations or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, paragraph or sentence, is declared to be severable.

WSR 04-16-070

WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 30, 2004, 3:47 p.m.]

The Department of Licensing hereby withdraws WSR 04-15-080 filed with the Code Reviser's Office on July 14, 2004.

Eric R. Andersen
for Steve Boruchowitz
Vehicle Services Projects
and Planning Office

WSR 04-16-077

PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed August 2, 2004, 11:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-059.

Title of Rule and Other Identifying Information: The future teachers conditional scholarship and loan repayment program. Implements the revised future teachers conditional scholarship and creates a loan repayment program as authorized by the 2004 legislature in HB 2708.

Hearing Location(s): Third Floor Conference Room, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430, on September 7, 2004, at 1:30 p.m. - 4:00 p.m.

Date of Intended Adoption: October 21, 2004.

Submit Written Comments to: John Klacik, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, e-mail johnk@hecb.wa.gov, fax (360) 704-6251, by Friday, September 10, 2004.

Assistance for Persons with Disabilities: Contact Belma Villa by September 2, 2004, belmav@hecb.wa.gov, (360) 753-7810.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal implements HB 2708, which revises the future teachers conditional scholarship and implements a loan repayment program. Eligible students pursuing their initial certification or pursuing an additional endorsement in a teaching shortage area, will be able to receive conditional scholarships, or loan repayments of existing federal student loans, in exchange for their teaching service.

Reasons Supporting Proposal: HB 2708 substantially revises the existing future teachers conditional scholarship program. These rules are needed to fully define terms and outline procedures for the new program.

Statutory Authority for Adoption: RCW 28B.102.030 and 28B.80.370.

Statute Being Implemented: Chapter 28B.102 RCW and HB 2708 (2004 session).

Rule is not necessitated by federal law, federal or state court decision.

PROPOSED

Name of Proponent: Higher Education Coordinating Board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Klacik, 917 Lak-eridge Way, (360) 753-7851.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules affect student financial aid for prospective teachers, not businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule does not meet the requirements for a cost benefit analysis per subsection (5) of RCW 34.05.328.

August 2, 2004
John Klacik
Associate Director

Chapter 250-65 WAC

FUTURE TEACHER CONDITIONAL SCHOLARSHIP AND LOAN REPAYMENT PROGRAM ((CHAPTER 28B.102 RCW))

NEW SECTION

WAC 250-65-070 Purpose. The purpose of this act is to encourage outstanding students to enter the teaching profession in the state of Washington.

NEW SECTION

WAC 250-65-080 Program definitions. (1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.

(2) "Approved education program" means an education program in the state of Washington that focuses on knowledge and skills generally learned in preschool through twelfth grade. Approved education programs may include, but are not limited to:

- (a) K-12 schools under Title 28A RCW; or
- (b) Other educational sites in the state of Washington primarily supported with state or federal funding, as determined by the board.

(3) "Board" means the higher education coordinating board.

(4) "Classroom teaching service" means employment, as a classroom teacher holding a residency or professional certificate, in an approved education program on at least a half-time basis. This also includes comparable employment as a substitute teacher or in part-time teaching positions.

(5) "Conditional scholarship" means a loan made by the board that is forgiven in whole or in part if the participant renders service as a certificated classroom teacher in an approved education program in the state of Washington.

(6) "Continuous enrollment" means the period of time a participant is enrolled without stopping, except for the equivalent of one term per academic year, such as a summer term.

(7) "Continuous teaching service" means certificated classroom teaching service for at least the equivalent of forty full-time days in an academic year.

(8) "Educational plan" means a plan or schedule approved by the board that designates how many credits participants will complete each term to qualify for loan forgiveness or loan repayment benefits. The plan will include an anticipated completion date.

(9) "Eligible student" means a student:

- (a) Registered at least half-time;
- (b) Demonstrating high academic achievement;
- (c) Who is a resident student as defined by RCW 28B.15.012 and 28B.15.013;
- (d) With a declared intention to complete an approved preparation program that leads to residency teacher certification or is required for earning an additional endorsement; and
- (e) Committed to certificated classroom teaching service in the state of Washington.

(10) "Eligible institution" means an institution with an approved "institutional agreement to participate in the Washington state-funded student financial aid programs" on file with the board. The institution must have a policy relating to the continuance of aid for students who enroll in, but do not complete, the number of credit or clock hours required to maintain satisfactory progress toward completion of his or her degree or program objective.

(11) "Equalization fee" means an additional amount charged to a conditional scholarship participant who fails to complete the required certificated classroom teaching service. This fee is added to make the cost of the program similar to the cost incurred by participants borrowing from the primary federal student loan program for undergraduate students.

(12) "Forgiven" or "to forgive" or "forgiveness" means to render service as a certificated classroom teacher in an approved education program in the state of Washington in lieu of monetary repayment.

(13) "Full-time student" or "full-time enrollment" means the minimum credits per term required by an institution for full-time enrollment status, or twelve credits per term, whichever is less. Half-time enrollment shall be half that amount.

(14) "Full-time year equivalent" means the period equivalent to one full-time academic year of certificated teaching service. For the purposes of service obligation accrual and loan forgiveness, a full-time year of certificated teaching service shall be at least one hundred eighty days. Service obligations for partial year program benefits will be prorated on this standard. Loan forgiveness and loan repayment benefits for partial teaching years will also be prorated on this standard.

(15) "Institution of higher education" or "institution" means a public or private college, community college or university which:

- (a) Physically delivers classroom instruction within the state of Washington and whose program of study will advance students toward residency teacher certification requirements; and
- (b) Is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(16) "Loan repayment" means a federal student loan that is repaid in whole or in part if the participant renders service as a certificated classroom teacher in an approved education

program in the state of Washington. The ratio of loan repayments to years of teaching service shall be the same as established for the conditional scholarship program.

(17) "Monetary repayment of a conditional scholarship" means that portion of the conditional scholarship that is not forgiven due to certificated classroom teaching service and is instead repaid by the participant according to the terms of the promissory note.

(18) "Participant" means an eligible student who has received a conditional scholarship award or loan repayment benefit under this chapter.

(19) "Program benefits" means the awarding of funds to conditional scholarship participants or the promise to repay federal student loans for loan repayment participants.

(20) "Residency teacher certification" means the certificate issued by the office of superintendent of public instruction authorizing an individual to teach in a specified subject in the state of Washington, without conditions such as additional training, supervision by another teacher or limitation on duration. The certificate is known as a "residency certificate."

Limited certificates, such as conditional, emergency, and substitute certificates, are excluded.

(21) "Satisfy" means to pay-in-full either through the rendering of certificated classroom teaching service or monetary repayment in fulfillment of the participant's contractual obligation.

(22) "Teacher shortage area" means a shortage of elementary or secondary school teachers in a specific subject area, discipline, classification, or geographic area, as determined by the office of superintendent of public instruction.

(23) "Teaching plan" means a plan or schedule approved by the board that designates the period of time over which a participant will provide teaching service in exchange for forgiveness of a conditional scholarship or receipt of loan repayment benefits. The plan will include an anticipated date by which all teaching service will be provided.

(24) "Tuition and fees" means the representative average tuition, service fees, and activity fees as determined by the board for the public research, regional, and community colleges.

NEW SECTION

WAC 250-65-090 Administration. The higher education coordinating board shall administer the future teacher conditional scholarship and loan repayment program.

(1) The higher education coordinating board may provide conditional scholarships and loan repayments to eligible students from:

- (a) Funds appropriated to the board for this purpose;
- (b) Private donations;
- (c) Federal funds given to the board for this program; or
- (d) Other funds deposited to the future teachers conditional scholarship account.

(2) When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(3) The board shall have the following administrative responsibilities:

- (a) Adopt necessary rules and guidelines.
- (b) Enter into agreements with participating institutions, and billing and collection agencies as may be necessary.
- (c) Select students to receive conditional scholarships and loan repayments, with the assistance of a selection committee.
- (d) Provide conditional scholarship awards and loan repayment benefits to students.
- (e) Verify completion of certificated classroom teaching service from participants in exchange for loan forgiveness or loan repayment.
- (f) Collect and manage monetary repayments from participants who do not fulfill their teaching obligations.
- (g) Work with the office of superintendent of public instruction and appropriate educational organizations to publicize the program directly to qualified individuals.
- (h) Post additional information, including a fact sheet and an application, on the board's website.
- (i) Solicit and accept grants and donations from public and private sources for the program.

(4) Receipts.

Receipts from the payment of the principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants in the conditional scholarship program under this section, shall be deposited in the future teachers conditional scholarship account, as established in RCW 28B.102.080, and may be used to cover the costs of granting conditional scholarships and loan repayments, maintaining necessary records, and making collections. The board shall maintain accurate records of these costs. All receipts beyond those used to pay such costs shall fund conditional scholarships and loan repayments to eligible students.

NEW SECTION

WAC 250-65-100 Student eligibility criteria. In order to be eligible for program benefits, a student must:

- (1) Be registered at least half-time when:
 - (a) A scholarship disbursement is issued; or
 - (b) A loan repayment agreement is signed.
- (2) Be classified as a resident student of the state of Washington for tuition and fee purposes as defined by RCW 28B.15.012 and 28B.15.013.
- (3) Be in good standing and maintaining satisfactory academic progress according to the institution's normal requirements.
- (4) Declare an intention to complete either an approved preparation program leading to residency teacher certification or a program required for an additional endorsement.
- (5) Not be enrolled in or planning to pursue a degree in theology.
- (6) Plan to be employed as a certificated classroom teacher in an approved education program in the state of Washington.
- (7) Submit an application to the board by the requested deadline.
- (8) Submit an educational plan for board approval.

(9) Attend an eligible institution while receiving program benefits.

NEW SECTION

WAC 250-65-110 Screening and selection of participants. (1) Selection committee.

The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of superintendent of public instruction. If the board selects participants for the program, it shall establish a selection committee for the screening and selecting of the conditional scholarship and loan repayment participants. If a selection committee is established, it may include (but shall not be limited to) representatives from the professional educator standards board, the office of superintendent of public instruction, the Washington education association, the state board for community and technical colleges, the colleges of education, and other community organizations.

(2) Role of selection committee.

The committee will act on behalf of the board to select participants and alternates from the pool(s) of eligible applicants who have submitted applications to the board. The committee will also advise board staff and the board on recommended changes in the program administration, including the application and selection procedures for future competitions.

(3) Selection of participants.

(a) Once all initial eligibility criteria are met, the committee will give priority to individuals seeking certification or an additional endorsement in math, science, technology, or special education. For fiscal year 2005, additional priority shall be given to such individuals who are also bilingual.

(b) The committee may consider, but are not limited to, the following items in the ranking and providing of conditional scholarships awards and loan repayments benefits:

- (i) Ability to act as a role model for students.
- (ii) Applicant's statement evidencing commitment to the teaching profession, especially in a shortage area.
- (iii) Bilingual ability.
- (iv) Class level equal to upper division or graduate standing.
- (v) Community contributions.
- (vi) Leadership ability.
- (vii) Length of time to complete teacher certification or additional shortage area endorsement.

(viii) Recommendation from a school teacher or official describing the applicant's qualifications as a current or potential teacher.

(ix) Superior scholastic achievement.

(4) Criteria for renewal.

If sufficient funds are available for renewing program benefits, previous participants will be required to submit renewal information to the board by the stated deadline. The board may consider, but is not limited to, these factors in approving renewal requests:

(a) Confirmation that the participant still plans to be a certificated classroom teacher in an approved education program in the state of Washington.

(b) An updated educational plan. Failure to complete an educational plan as previously approved by the board may result in the denial of a participant's renewal request.

(c) Verification that the participant is in good standing and maintaining satisfactory academic progress according to the institution's normal requirements.

(5) Five-year limit.

Participants are eligible to renew program benefits for a maximum program participation of the equivalent of five academic years of full-time study.

NEW SECTION

WAC 250-65-120 Program benefit amounts. (1) A participant's program benefit shall not exceed the amount of tuition and fees at the institution of higher education attended by the participant or full-time resident undergraduate tuition and fees at the University of Washington during the same academic year, whichever is lower.

(2) Participants who enroll for additional course work after the completion of an academic year of full-time eligibility may be eligible for additional program benefits equivalent to a third semester or fourth quarter. In this case, the participants would be assumed to be beginning their second academic year of program eligibility. For example, a student attending a semester college who received full-time program benefits for fall, spring and summer, will have received benefits for the equivalent of 1.5 academic years.

(3) Participants enrolled less than full-time shall receive the following prorated program benefits for terms of part-time enrollment:

(a) Enrollment of 9.0 - 11.9 credit hours per term equals three-quarter enrollment. This shall be equal to seventy-five percent of the full-time program benefit.

(b) Enrollment of 6.0 - 8.9 credit hours per term equals half-time enrollment. This shall be equal to fifty percent of the full-time program benefit.

(4) Participants who receive program benefits for part-time enrollment shall have their terms of eligibility reduced on a prorated basis. For example, a participant receiving program benefits on the basis of half-time enrollment for two academic years will have used one academic year of eligibility.

NEW SECTION

WAC 250-65-130 Agreement with the board, teaching service obligations, and post attendance process. The conditions described in this section apply to participants in both the conditional scholarship program and the loan repayment program, unless otherwise noted.

(1) Agreement with the board.

(a) Each participant shall enter into an agreement with the board, hereafter known as the "promissory note" or "contract," agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship or loan repayment programs. The promissory note or contract establishes an

obligation on the part of the student to teach in an approved education program for each year of program benefit received.

(b) The promissory note is signed by conditional scholarship participants. The note serves as the legal document verifying the participant's understanding of the opportunity to have the conditional scholarship forgiven in exchange for certificated classroom teaching service and the obligation to repay the conditional scholarship, with interest and an equalization fee, if certificated classroom teaching service is not provided.

(c) The contract is signed by loan repayment participants. The contract details the period of time it is in effect, the documentation needed to verify federal student loan indebtedness, the loan repayment benefit to be paid in exchange for certificated classroom teaching service, and the consequences of not providing said teaching service in the agreed-upon time frame.

(2) Teaching service obligations.

(a) Loan forgiveness and loan repayments are provided at the higher rate of:

(i) One full-time academic year of loan forgiveness or loan repayment will be given for the equivalent of two full-time years of certificated classroom teaching service; or

(ii) One full-time academic year of loan forgiveness or loan repayment will be given for the equivalent of one full-time year of certificated classroom teaching service in geographic or subject-matter shortage areas, as specified by the office of superintendent of public instruction.

(b) Loan forgiveness or loan repayments for certificated classroom teaching service for less than a full-time academic year shall be prorated. No forgiveness or repayment shall be granted for certificated classroom teaching service equivalent to less than forty full-time days. No forgiveness or repayment shall be granted without a board-approved teaching plan on file.

(c) If a participant's selection for the conditional scholarship and loan repayment program is predicated, in part, on providing teaching service in a teacher shortage area, the participant will be required to provide proof of such service before receiving loan forgiveness or a loan repayment.

(d) For participants receiving loan forgiveness or loan repayments for a portion of an academic year, the required certificated classroom teaching service shall be prorated. The following examples show how this works in practice.

(i) If a participant receives loan forgiveness or a loan repayment for one-third of a full-time academic year's enrollment, the required certificated classroom teaching service is two-thirds of an academic year; or one-third of an academic year, if the participant teaches in a shortage area.

(ii) If a participant receives loan forgiveness or a loan repayment for two and one-half full-time academic years' enrollment, the required certificated classroom teaching service is five full-time academic years; or two and one-half full-time academic years, if the participant teaches in a shortage area.

(e) Loan repayment examples.

(i) If a loan repayment participant receives one year of full-time benefit (with annual tuition and fees of four thousand dollars) in exchange for two full-time years of certificated classroom teaching service, half the benefit (two thou-

sand dollars) will be paid at the end of the first full-time teaching year (with appropriate verification of service) and half the benefit will be paid at the end of the second teaching year. If the participant teaches full-time in a shortage area for a complete academic year, he or she will receive the entire full-time benefit of four thousand dollars at the end of the first full-time teaching year.

(ii) If a loan repayment participant receives two years of full-time benefit (with annual tuition and fees of three thousand dollars, for a total benefit of six thousand dollars) in exchange for four full-time years of certificated classroom teaching service, one-quarter of the benefit (one thousand five hundred dollars) will be paid at the end of the first full-time teaching year (with appropriate verification of service), one quarter of the benefit will be paid at the end of the second teaching year, and so forth. If the participant teaches full-time in a shortage area for two complete academic years, he or she will receive one year's full-time benefit (three thousand dollars) at the end of the first full-time teaching year and one year's full-time benefit at the end of the second full-time teaching year.

(3) Grace period.

All participants are eligible for a six-month grace period following the completion of their educational program. During this time, no interest accrues and no payments are required of conditional scholarship participants and no teaching service is required of loan repayment participants. The grace period begins the first day of the month after:

(i) A participant completes the program of education culminating in the residency teacher certification or additional shortage area endorsement; or

(ii) The last term in which a participant is continuously enrolled, whichever date comes first.

(4) Deferments and leaves of absence.

A deferment is a board-approved period during which no interest accrues and no principal payments are required of conditional scholarship participants. A leave of absence is a board-approved break in continuous teaching service that preserves a participant's eligibility to receive additional loan repayments. The board may approve deferments and leaves of absence that include, but are not limited to:

(a) The participant's continued enrollment in, or return to, an approved educational program on at least a half-time basis in the school of education of an institution of higher education.

(b) The participant has a temporary total disability. The participant shall provide medical verification of the disability. The deferment shall not exceed three years.

(c) Other circumstances as determined by the board.

(5) Post attendance process for conditional scholarship participants.

(a) Process overview.

When a participant in the conditional scholarship program completes the teacher certification or endorsement program, he or she will provide a copy of the certificate or endorsement to the board. The participant's account moves into a six-month grace period. When the participant obtains a teaching position, he or she provides evidence to the board of that position. The participant's account will be placed in teaching status for that academic year. At the end of the aca-

demical year, the participant will provide verification to the board of the teaching service performed. The board will determine the loan forgiveness, if any, to provide in exchange for the teaching service performed and apply that forgiveness to the participant's account. The cycle of teaching position evidence, teaching service verification, and loan forgiveness repeats until the participant has provided sufficient teaching service to satisfy the obligation to the board.

(b) Failure to provide teaching service.

If the participant does not complete the intended educational program, does not obtain a teaching position before the end of the grace period, or is not in deferment status, the participant's account moves into monetary repayment status.

(c) Monetary repayment of conditional scholarships.

Should the participant in the conditional scholarship program not be eligible for loan forgiveness, the conditional scholarship principal and equalization fee must be fully repaid with interest beginning at the end of the grace period or deferment period, whichever is later, according to the following terms:

(i) The minimum monthly monetary repayment rate shall be set by the board, but shall not be less than fifty dollars per month.

(ii) The maximum period for monetary repayment shall be ten years, with payments of principal and interest accruing quarterly, commencing the first quarter following the completion of a participant's grace period or deferment period, whichever date is later.

A conditional scholarship participant making monetary repayments who obtains a qualified teaching position may earn loan forgiveness to satisfy the balance of his or her obligation. No refunds for monetary repayments are made due to teaching service performed after a payment is submitted to the board.

(d) Collection of monetary repayments of conditional scholarships.

The board is responsible for collection of monetary repayments of conditional scholarships and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum monetary repayments are made. Collections shall be pursued using the full extent of the law, including wage garnishment if necessary.

(e) Completion of obligation.

A conditional scholarship participant's obligation to the board ceases:

(i) When the participant provides sufficient teaching service to satisfy the obligation accompanying the conditional scholarship funds received; or

(ii) When the participant repays the balance of principal, interest, and loan equalization fee through monetary repayment; or

(iii) In the event of the participant's total and permanent disability or death.

(f) Forbearance.

The board may approve an additional limited deferment of payment of principal based on special circumstances, such as a financial hardship of the participant in the conditional scholarship program. The participant's account will be assessed interest during the period of forbearance.

(g) Interest rates.

The board shall annually determine the interest rate on conditional scholarship accounts in monetary repayment status. The annual interest rate shall generally parallel the current rate for new loans in the primary federal student loan program for undergraduate students. Interest charges begin to accrue at the conclusion of the grace period for conditional scholarship participants not in deferment who are not providing certificated classroom teaching service.

(h) Equalization fee.

Participants in the conditional scholarship program who do not enter certificated classroom teaching service by the conclusion of the grace period or other approved deferments shall incur an equalization fee of not more than three percent of the remaining unforgiven conditional scholarship balance. The board shall determine this fee annually. The equalization fee shall be added to the remaining principal balance and be repaid by the participant.

(6) Post attendance process for loan repayment participants.

(a) Process overview.

When a participant in the loan repayment program completes the teacher certification or endorsement program, he or she will provide a copy of the certificate or endorsement to the board. The participant shall provide evidence to the board at the end of each academic year that the requisite teaching service has been provided. Upon receipt of the evidence, the board shall pay the participant the agreed-upon amount for one year of full-time teaching service or a prorated amount for less than full-time teaching service. To qualify for additional loan repayments, the participant must be engaged in continuous teaching service and have a board-approved teaching plan on file.

(b) Failure to provide teaching service.

If the participant does not complete the intended educational program, or does not obtain a teaching position before the end of the grace period, or does not maintain continuous teaching service according to the approved teaching plan, or is not in an approved leave of absence, the board's agreement to provide loan repayment benefits to the participant may be voided.

(c) Direct payment option.

The board may, at its discretion, arrange to make the loan repayment directly to the holder of the loan repayment participant's federal student loan.

(d) The board's obligations to a loan repayment participant ceases:

(i) When the terms of the agreement have been fulfilled; or

(ii) When the participant fails to maintain continuous teaching service according to the board-approved teaching plan; or

(iii) When all of the participant's federal student loans have been repaid; or

(iv) In the event of the participant's total and permanent disability or death.

WSR 04-16-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed August 2, 2004, 3:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-091.

Title of Rule and Other Identifying Information: Division of developmental disabilities services rules: WAC 388-825-210, 388-825-228, 388-825-230, 388-825-232, 388-825-234, 388-825-236, 388-825-238, 388-825-242, 388-825-248, 388-825-252, 388-825-253 (new), and 388-825-254.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on September 7, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 8, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 7, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 3, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are necessary for the implementation date of comprehensive assessment reporting evaluation (CARE) governing children to prevent duplication of services between Medicaid personal care (MPC) and family support, and ensure compliance with the first use of Medicaid and misuse of respite care and MPC for childcare.

Reasons Supporting Proposal: Many children receiving personal care services through MPC also receive services through the family support program. Revised rules governing MPC and CARE will clearly differentiate personal care from respite care and child care. It is necessary that the department clarify the family support program rules to: Differentiate between personal care and respite care; delete Medicaid personal care and CAP waiver as family support services; clarify the purpose of family support, definitions of services, and limitations of services consistent with rules governing personal care.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

Statute Being Implemented: Chapter 71A.12 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting: Steve Brink, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, (360) 702-7716; Implementation and Enforcement: Linda Gil, Shirley Everard, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-8440, (360) 902-8448.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These rules relate only to client medical or financial eligibility, and are exempt from the requirements of RCW 34.05.328.

July 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-210 What basic services can my family receive from the family support opportunity program? A number of basic services are available. Some services have their own eligibility requirements. Specific services are:

(1) ~~((Case management services))~~ **Family support plan:** ~~((Your family will benefit from case management services.))~~ The family and the case manager will develop a family support plan which includes needs assessment, referral, service coordination, service authorization, case monitoring and coordination for community guide services.

(2) ~~((Community guide services: Once your case manager assesses your family situation, you will be offered access to the services of a community guide. The community guide will assist your family in using the natural and informal community supports relevant to the age of your family member with developmental disabilities and the specific needs of your family. Community guide services will support your family and help develop connections to your community.))~~ **Community guide services per WAC 388-825-220 through 388-825-226.**

(3) ~~((Short-term intervention services: Your family may be eligible for up to eleven hundred dollars in short-term intervention funding if necessary services are not otherwise available. This funding is not intended to cover basic subsistence such as food or shelter costs. Short-term intervention funding is available only for those specialized costs directly related to and resulting from your child's disability.))~~

(4) ~~Personal care services: Medicaid personal care can provide your family with long-term in-home personal assistance. (See WAC 388-15-202 and 388-15-203.) In-home personal assistance may be available through Medicaid personal care or through a state-funded alternative.~~

(5) ~~Community alternatives program (CAP) waiver: If eligible, your family may participate in the CAP waiver program. The CAP waiver gives eligible clients the opportunity to participate in the federal Medicaid program and DDD the opportunity to obtain federal funds for community-based services. (See WAC 388-825-170, 388-825-180 and 388-825-190.)~~

(6) ~~Early intervention services: These services are for your children (from birth through thirty-five months old) and include early childhood programs, birth through two public school programs, children with special health care needs programs, and Part C services (IDEA).~~

(7) **Short-term intervention services per WAC 388-825-228 and 388-825-230.**

(4) Emergency services: Your family can request emergency funds to be used to respond to a single incident, situation or short term crisis such as care giver hospitalization, absence, or incapacity. Your request must be made through your case manager and include an explanation of how you plan to resolve the emergency situation. Your request will be reviewed by ~~((the regional administrator or designee. If approved, you will receive emergency services for a limited time period, not to exceed two months))~~ DDD.

(a) If approved, you will receive emergency services for a limited time period, not to exceed two months.

(b) If denied, you have no appeal rights.

~~((8) Serious need services: Your family may request serious need funds to take care of needs not met by other basic services, including short term intervention services, personal care services or use of a community guide. Serious need funds are short or long term funds used to provide additional support to allow the individual with disabilities to continue living at home))~~

(5) Serious need services per WAC 388-825-232 through 388-825-238.

AMENDATORY SECTION (Amending WSR 02-01-074, filed 12/14/01, effective 1/14/02)

WAC 388-825-228 How can short-term intervention services through the family support opportunity program help my family? If your family is eligible, you may receive up to one thousand three hundred fifty dollars per year in short-term intervention ~~((funds)), funding~~ to pay for necessary services not otherwise available.

(1) Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.

(2) Short-term intervention funding cannot be used for basic subsistence such as food or shelter but is available for those specialized costs directly related to and resulting from your child's disability. ((Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.))

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-230 Specifically how can short-term intervention funds be used? Short-term intervention funds can be used to purchase ~~((a wide range of services and supports, such as))~~ the following services related to and resulting from the client's disability:

(1) Respite care~~((, including))~~ for intermittent relief to the family caregiver and may include community activities providing respite~~((, attendant care or nursing care))~~;

(2) Training ~~((such as parenting classes))~~ and supports such as disability related support groups or parenting classes. This does not include registration or costs related to conferences;

(3) The purchase, rental, loan or refurbishment of specialized equipment, adaptive equipment or supplies not covered by other resources, including Medicaid. Specific examples are mobility devices such as walkers and wheelchairs,

communication devices and medical supplies. Diapers may be approved only for those three years of age and older.

(4) Environmental modifications including home damage repairs caused by the client and home modifications ~~((made necessary because of a family member's))~~ specific to the client's disability;

(5) Occupational therapy, physical therapy, communication therapy, behavior management, visual and auditory services, or counseling needed by developmentally disabled individuals ~~((but))~~ and not covered by another resource such as Medicaid, public schools ~~((and))~~ or child development services funding;

(6) Medical/dental services not covered by any other resource. These services may include the payment of insurance premiums and deductibles but are limited to the portion of the premium or deduction that applies to the client.

(7) Nursing services, not covered by another resource, that ~~((cannot be provided by an unlicensed care giver but))~~ can only be rendered by a registered or licensed practical nurse. Examples of such services are ventilation, catheterization, and insulin shots. Parents can provide this service without licensure and will not be paid providers of this service for their natural, step or adopted child;

(8) Special formulas or specially prepared foods necessary because of the client's disability and prescribed by a licensed physician;

(9) Parent/family counseling for grief and loss issues, genetic counseling or behavior management. Payments cannot be approved for services occurring after the death of the DDD client;

(10) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(11) Specialized utility costs including extraordinary utility costs resulting from the client's disability or medical condition;

(12) If another resource is not available, transportation costs, including gas, ferry or transit cost, so a client can receive essential services and ~~((maintain))~~ appointments; per diem costs may be reimbursed for medical appointments~~((; and~~

~~((13) Other services approved by a DDD regional administrator or designee, according to established department guidelines)).~~

Funds cannot be used for the purchase or rental of a car or for airfare.

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

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-232 How can serious need funds help my family? Your family may need extraordinary support ~~((for children or adults))~~ that exceeds your annual family support opportunity allotment for the child or adult with developmental disabilities living in your home ~~((in addition to the basic family support services))~~. The purpose of serious need funds is to help you get that support when you need it.

(1) If funding is available and your request is approved, it may be short or long-term in nature and can be used for ser-

vices such as ~~((additional personal care,))~~ respite care, behavior management and licensed nursing care.

(2) If your request is denied, there is no right to appeal since this request exceeds your annual family support opportunity allotment.

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

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-234 How can my family qualify for serious need funds? Your family may qualify for serious need funds if all of the following conditions are met:

(1) The basic program services outlined in WAC 388-825-210 (community guide, ~~((personal care services,))~~ short-term intervention services, etc.) are currently being used by your family or they have been exhausted;

(2) You and your case manager have examined other resources ~~((like the))~~ such as Medicaid personal care, medically intensive ((home care program)) services; private insurance, local mental health programs and programs available through the public schools ((and have found them either unavailable, inappropriate or insufficient for your needs)) and the department determines that your need exceeds these services; and

(3) The support is crucial for the child or adult with developmental disabilities to continue living in your home.

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-236 How does my family request serious need funds? You must contact your case manager ~~((who will submit a written request to the appropriate DDD regional administrator))~~ to request serious need funds. The request must:

(1) Indicate the type of services your family needs;

(2) Explain why those services can only be obtained through the use of serious need funds;

(3) Outline the changes you anticipate in your family situation if the requested services are not received; and

(4) Estimate the length of time your family will need the requested services~~((and~~

~~((Propose funding review dates))~~).

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

AMENDATORY SECTION (Amending WSR 02-01-074, filed 12/14/01, effective 1/14/02)

WAC 388-825-238 What amount of serious need funding is available to my family? (1) The maximum amount of funding available is four hundred fifty-two dollars per month or two thousand seven hundred twelve dollars in a six-month period, unless the department determines your family member requires licensed nursing care and the funding is used to pay for nursing care. If licensed care is required, the maximum funding level is two thousand four hundred fifty dollars per month.

(2) ~~((remember:~~

~~((a)))~~ Funding must be available in order to receive serious need services.

~~((b)))~~ (3) Services paid for by serious needs funds will be reviewed by DDD every six months.

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-242 What department restrictions apply to family support payments? (1) Family support opportunity services payments are authorized only after you have accessed what is available to you under Medicaid and any other private health insurance plan, including Medicaid personal care, to meet your identified need.

(2) All family support service payments must be authorized by the department.

~~((2)))~~ (3) The department may contract directly with:

(a) A service provider, or

(b) A parent for the reimbursement of goods or services purchased by the parent, or

(c) An agency to purchase goods and services on behalf of a client.

~~((3)))~~ (4) The department's authorization period will start when you agree to be in this program. The period will last one year and may be renewed if you continue to need services.

(5) The department does not pay for treatment determined by DSHS/medical assistance administration (MAA) or private insurance to be experimental.

(6) Respite care cannot be a replacement for child care while the parent or guardian is at work regardless of the age of the client.

(7) The department shall not authorize a birth parent, adoptive parent, step-parent or any other primary caregiver (or their spouse) living in the same household with the client for respite, nursing, therapy, or counseling services.

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

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-248 Who is covered under these rules? These sections (WAC 388-825-200 through 388-825-242) apply to persons enrolled in family support after June 1996. Those enrolled before June 1996 are covered under WAC 388-825-252 through ~~((288-825-256 [388-825-256]))~~ 388-825-256.

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-252 Family support services. (1) The purpose of the family support program is to~~((:~~

~~((a)))~~ reduce or eliminate the need for out-of-home residential placement of ~~((a client where the in-home placement is in the client's best interest;~~

~~((b)))~~ Allow a client to live in the most independent setting possible; and

~~((c)))~~ Have access to services best suited to a client's needs) an individual with developmental disabilities where it

is in the best interest of the person to continue living with their family.

(2) The department's family support services (~~shall~~) include(~~;~~) the following and become available only after you have used your full benefits through Medicaid, private insurance, school and child development services:

(a) Respite care(~~(including the use of)~~) is intermittent relief to the family caregiver and may include community activities which provide respite;

(b) (~~Attendant care;~~

(e)) Nursing services provided by a registered nurse or licensed practical nurse, that cannot be provided by an unlicensed caregiver, including but not limited to, ventilation, catheterization, insulin injections, etc. (~~(when not covered by another resource;~~

(d));

(c) Therapeutic services(~~(provided these therapeutic services are not covered by another resource such as Medicaid, private insurance, public schools, or child development services funding,))~~) including(~~;~~

(i) Physical therapy;

(ii) Occupational therapy;

(iii) Behavior management therapy; and

(iv) Communication therapy; or

(v) ~~Counseling for the client relating to a disability)~~

occupational therapy, physical therapy, communication therapy, behavior management, or counseling needed by individuals with developmental disabilities.

(3) Receiving family support services is based on:

(a) Funding for state paid services available in the state operating budget;

(b) SSP funding available to the ((~~client~~)) individual/family(~~;~~ or

(e) ~~HCBS waiver status~~).

(4) The following rules, subsections (5) through (9), apply only to family support services authorized by the department and do not govern services purchased by the family with SSP (state supplementary payment) funding (see WAC 388-827-0145 and 388-827-0170).

(5) Up to nine hundred dollars of the service need level amount in WAC 388-825-254 may be used during a one year period for ((~~flexible~~)) use as follows. The requested service must be necessary as a result of the disability of the ((~~client~~)) individual and after you have used your full benefits through Medicaid, private insurance, school and child development services:

(a) Training and supports including parenting classes and disability related support groups. This does not include registration or costs related to conferences;

(b) Specialized equipment and supplies including the purchase, rental, loan or refurbishment of specialized equipment or adaptive equipment not covered by another resource including Medicaid. Mobility devices such as walkers and wheelchairs are included, as well as communication devices and medical supplies such as diapers for ((~~those more than~~)) children three years of age and older;

(c) Environmental modification including home repairs for damages(~~(and)~~) or modifications to the home needed because of the disability of the ((~~client~~)) individual;

(d) Medical/dental services not covered by any other resource. This may include the payment of insurance premiums and deductibles and is limited to the premiums and deductibles of the ((~~client~~)) individual;

(e) Special formulas or specially prepared foods as prescribed by a licensed physician and needed because of the disability of the ((~~client~~)) individual;

(f) Parent/family counseling related to the individual's disability, dealing with a diagnosis, grief and loss issues, genetic counseling and behavior management. Payments cannot be approved for services occurring after the death of the eligible individual;

(g) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(h) Specialized utility costs including extraordinary supplemental utility costs related to the ((~~client's~~)) individual's disability or medical condition;

(i) (~~Transportation costs for gas or tickets (ferry fare, transit cost) for a client to get to essential services and appointments, if another resource is not available;~~

(j) ~~Other services approved by the DDD regional administrator or designee that will replace or reduce ongoing departmental expenditures and will reduce the risk of out-of-home placement. Exemption requests under this section are not subject to appeal.)~~ If another resource is not available, transportation costs, including gas, ferry or transit cost, so an individual can receive essential services and appointments; per diem costs may be reimbursed for medical appointments. Funds cannot be used for the purchase or rental of a car or for airfare.

(6) Recommendations will be made to the regional administrator by a review committee. The regional administrator will approve or disapprove the request and will communicate reasons for denial to the committee.

(7) Payment for services specified in subsection (5)(~~;~~ except (5)(a) and (h,)) shall cover only the portion of cost attributable to the ((~~client~~)) individual.

(8) Requests must be received by DDD no later than midway through the service authorization period unless circumstances exist justifying an emergency.

(9) A plan shall be developed jointly by the family and the department for each service authorization period. The department may choose whether to contract directly with the vendor, to authorize purchase by another agency, or may reimburse the parent of the ((~~client~~)) individual.

(10) Emergency services. Emergency funds may be requested for use in response to a single incident or situation or short term crisis such as care giver hospitalization, absence, or incapacity. The request shall include anticipated resolution of the situation. Funds shall be provided for a limited period not to exceed two months. All requests are to be reviewed and approved or denied by ((~~the regional administrator or designee.~~

(11) ~~A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.~~

(12) ~~If the client) DDD.~~

(a) If approved, you will receive emergency services for a limited time period, not to exceed two months.

PROPOSED

(b) If denied, you have no appeal rights.

(11) If the individual becomes eligible and begins to receive Medicaid Personal Care services as defined in ((WAC 388-71-0202 and 388-71-0203)) chapter 388-71 and 388-72A WAC or other DSHS in-home residential support service, the family support funding will be reduced at the beginning of the next month of service. The family will receive notice of the reconfiguration of services at least five working days before the beginning of the month.

~~((13) If requested family support services are not authorized, such actions shall be deemed a denial of services.~~

(14)) (12) Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

NEW SECTION

WAC 388-825-253 Family support service restrictions. (1) Family support services payments are authorized only after you have used what is available to you under Medicaid and any other private health insurance plan.

(2) All family support service payments must be authorized by the department.

(3) The department may contract directly with:

- (a) A service provider; or
- (b) A parent for the reimbursement of goods purchased by the parent; or
- (c) An agency to purchase goods and services on behalf of an individual.

(4) The department's authorization period will start when you agree to be in this program. The period will last one year and may be renewed if you continue to need services.

(5) The department does not pay for treatment determined by DSHS/MAA or private insurance to be experimental.

(6) Respite cannot be a replacement for child care while the parent or guardian is at work regardless of the age of the individual.

(7) The department shall not authorize a birth parent, adoptive parent, stepparent or any other primary caregiver (or their spouse) living in the same household with the individual to provide respite, nursing, therapy, or counseling services.

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-254 Service need level rates. (1) The department shall base periodic service authorizations on:

(a) Requests for family support services described in WAC 388-825-252 (2) and (5);

(b) Service need levels. The amount of SSP (state supplementary payment) available to ~~((a-client))~~ an individual will be included when calculating the monthly allocation of state family support dollars.

(c) Availability of family support funding;

(d) Authorization by a review committee, in each regional office, which reviews each request for service;

(e) The amounts designated in subsection (2)(a) through (d) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) Service need level lid amounts as follows:

~~((#))~~ (a) Clients designated for service need level one (WAC 388-825-256) may receive up to one thousand one hundred fifty-six dollars per month or two thousand four hundred sixty-two dollars per month if the ((client)) individual requires licensed nursing care in the home:

~~((A) If a client)~~

(i) If an individual is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be five hundred twelve dollars per month;

~~((B))~~ (ii) If the combined total of family support services at this maximum plus in-home support is less than one thousand one hundred fifty-six dollars additional family support can be authorized to bring the total to one thousand one hundred fifty-six dollars.

~~((#))~~ (b) Clients designated for service need level two (WAC 388-825-256) may receive up to four hundred fifty-six dollars per month if not receiving funding through Medicaid personal care:

~~((A) If a client)~~

(i) If an individual is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be two hundred fifty-six dollars per month;

~~((B))~~ (ii) If the combined total of family support services at this maximum plus in-home support is less than four hundred fifty-six ~~((hundred-four))~~ dollars, additional family support can be authorized to bring the total to four hundred fifty-six dollars.

~~((#))~~ (c) Clients designated for service need level three (WAC 388-825-256) may receive up to two hundred fifty-six dollars per month provided the ((client)) individual is not receiving Medicaid personal care. If the ((client)) individual is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one hundred twenty-eight dollars per month; and

~~((#))~~ (d) Clients designated for service level four (WAC 388-825-256) may receive up to one hundred twenty-eight dollars per month family support services.

~~((d) Availability of family support funding;~~

~~((e) Authorization by a review committee, in each regional office, which reviews each request for service;~~

~~((f) The amounts designated in subsection (1)(b)(i) through (iv) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.~~

~~((2))~~ (3) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

~~((3))~~ (4) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

~~((4) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant,~~

nursing, therapy, or counseling services for a child seventeen years of age or younger.)

WSR 04-16-096
WITHDRAWAL OF PROPOSED RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS
 [Filed August 3, 2004, 11:15 a.m.]

The Board of Industrial Insurance Appeals hereby withdraws the CR-102 supplemental notice of the proposed amendment to WAC 263-12-01501, filed with your office on July 22, 2004, under WSR 04-16-008.

David E. Threedy
 Executive Secretary

WSR 04-16-101
PROPOSED RULES
STATE BOARD OF HEALTH
 [Filed August 3, 2004, 2:20 p.m.]

Continuance of WSR 04-12-117.

Preproposal statement of inquiry was filed as WSR 01-01-084.

Title of Rule and Other Identifying Information: Chapter 246-360 WAC, Transient accommodations, this proposal was originally filed with the code reviser as WSR 04-12-117 on June 2, 2004.

Hearing Location(s): Marcus Whitman Hotel and Conference Center, Six West Rose, Walla Walla, WA 99362, <http://www.marcuswhitmanhotel.com/index.cfm>, on September 8, 2004, at 2:00 p.m.

Date of Intended Adoption: September 8, 2004.

Submit Written Comments to: Yvette Fox, DOH, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, e-mail yvette.fox@doh.wa.gov, fax (360) 236-2928, by September 1, 2004, 12:01 p.m.

Assistance for Persons with Disabilities: Contact Yvette Fox by August 25, 2004, TTY (800) 833-6388 or (360) 236-2928.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: At the July 14, 2004, State Board of Health meeting the State Board of Health announced that it would continue the rules hearing until its September 8, 2004, meeting in Walla Walla. The proposal amends chapter 246-360 WAC to outline the minimum health and safety standards for the licensure and operations of transient accommodations in Washington.

Reasons Supporting Proposal: RCW 70.62.240 empowers the State Board of Health to adopt rules as necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of members of the public using such facilities. The Department of Health administers and enforces the rules (RCW 70.62.250).

Statutory Authority for Adoption: Chapter 70.62 RCW.
 Statute Being Implemented: Chapter 70.62 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: State Board of Health, Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting: Ellen Haars, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2933; Implementation: Linda Furkay, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2827; and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA 98504 [98501], (360) 236-2900.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

See WSR 04-12-117.

A copy of the statement may be obtained by contacting Yvette Fox, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Yvette Fox, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

August 3, 2004
 Craig McLaughlin
 Acting Executive Director

WSR 04-16-103
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
 [Filed August 3, 2004, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-16-071.

Title of Rule and Other Identifying Information: Chapter 137-59 WAC, Facility siting.

Hearing Location(s): At the Everett Community Justice Center, 8625 Evergreen Way, Suite 100, Everett, WA 98208, on September 21, 2004, at 11 a.m.; at the Pierce County Community Justice Center, 1016 South 28th Street, Room 244, Tacoma, WA 98409, on October 1, 2004, at 11 a.m.; at the Spokane Community Justice Center, 715 East Sprague, Suite 107, Spokane, WA 99202, on September 30, 2004, at 9 a.m.; and at the Yakima Community Justice Center, 202 West Yakima Avenue, Suite 200, Yakima, WA 98902, on September 29, 2004, at 1 p.m.

Date of Intended Adoption: October 11, 2004.

Submit Written Comments to: John R. Nispel, 410 West 5th Avenue, Mailstop 41114, Olympia, WA 98504-1114, e-mail JRNISPEL@DOC1.WA.GOV, fax (360) 664-2009, by September 20, 2004.

Assistance for Persons with Disabilities: Contact David Smith by September 20, 2004, (360) 753-5770.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of

PROPOSED

this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act (SEPA) chapter 43.21C RCW, into the activities and actions of the Department of Corrections in siting new prisons.

Reasons Supporting Proposal: The department needs to standardize the facility siting process to ensure environmental and community concerns are addressed in the siting process.

Statutory Authority for Adoption: RCW 72.01.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Corrections, Office of Administrative Services, Capital Planning and Development, governmental.

Name of Agency Personnel Responsible for Drafting: Barbara L. Parry, 410 West 5th Avenue, Mailstop 41114, Olympia, WA 98504-1114, (360) 664-0867; Implementation and Enforcement: Bill E. Phillips, 410 West 5th Avenue, Mailstop 41112, Olympia, WA 98504-1112, (360) 586-3907.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Siting of a prison facility will not impact small business.

A cost-benefit analysis is not required under RCW 34.05.328. Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party.

August 3, 2004

Patria N. Robinson-Martin
for Joseph D. Lehman
Secretary

Chapter 137-59 WAC

FACILITY SITING

NEW SECTION

WAC 137-59-010 Definitions. As used in this chapter, the following terms shall have the following meanings:

(1) "Secretary" means the secretary of the department of corrections or his/her designee.

(2) "Department" means the department of corrections.

(3) "Prisons" shall mean and include all Washington state adult correctional facilities established pursuant to law under the jurisdiction of the department of corrections for the incarceration of felons sentenced to a term of total confinement of more than one year. This definition specifically excludes facilities of partial confinement, as defined by RCW 9.94A.030(31).

NEW SECTION

WAC 137-59-020 Purpose. The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act (SEPA) chapter 43.21C RCW, into the activities and actions of the department of corrections in siting new prisons. The location of a prison is an important consideration for the department, the public, local government, and other inter-

ested parties. Community acceptance and support of a prison by community members and by local government is important to the success of its operation and in the reintegration of offenders. Environmental review throughout the site identification and site selection process is an important element in community acceptance and support. This chapter prescribes the procedures for public involvement in the selection of new prison sites to insure due diligence on environmental matters from the earliest stages of the site selection process through the integration of the policies and procedures of the SEPA, and the regulations promulgated under chapter 197-11 WAC; and to set forth department procedures in regard to SEPA requirements for siting of new correctional facilities.

NEW SECTION

WAC 137-59-030 Siting forms. (1) Official forms will be utilized to gather and evaluate proposed site information. The department will consider factors dealing with physical attributes of the proposed site, land use attributes, environmental characteristics, community acceptance, and community infrastructure and regional support in making its siting decision. Copies of all official forms are available at the office of administrative services, capital planning and development (CPD), 410 West 5th Street, P.O. Box 41112, Olympia, Washington 98504-1112.

(2) Local jurisdictions shall use the forms "Confirmation of Intent to Respond" and "Preliminary Questionnaire" to notify capital planning and development (CPD) of any proposed sites for further consideration. The official forms request information about prospective site suggestions such as land use attributes, environmental characteristics, and community support.

(3) The department will review all proposed sites submitted by local jurisdictions.

(4) Local jurisdictions whose sites have been selected shall be so notified and asked to complete the "Site Information Questionnaire" form within sixty days of said notification.

(5) The department shall evaluate all "Site Information Questionnaire" forms returned by local jurisdictions. The evaluation criteria used for evaluation purposes is provided in the "evaluation criteria" section of the "Site Information Questionnaire" form.

NEW SECTION

WAC 137-59-040 SEPA. The definitions set forth in chapter 197-11 WAC are hereby incorporated by reference into this chapter and should be referred to if necessary. These rules are supplemental to chapter 43.21C RCW and chapter 197-11 WAC and are not intended to provide a comprehensive description of the SEPA requirements listed therein.

The department's office of administrative services, CPD, shall be responsible for complying with the threshold determination procedures of WAC 197-11-300 through 197-11-390; and shall be responsible for the supervision, or actual preparation of draft and final SEPA documents pursuant to WAC 197-11-400 through 197-11-460, including the circulation of such statements for comment pursuant to WAC 197-

11-502, and conducting public hearings that may be required by chapter 197-11 WAC.

NEW SECTION

WAC 137-59-050 Preliminary identification of sites.

(1) When directed by the secretary to initiate the siting process for a new prison, the administrator of the CPD shall provide to all interested local jurisdictions an information packet identifying the site selection standards. Local jurisdictions shall complete the "Confirmation of Intent to Respond" form and the "Preliminary Questionnaire" form provided by the department. The sites proposed by jurisdictions, and chosen for further consideration by the secretary, will receive the appropriate "Site Selection Questionnaire" form for completion. Based on the information provided by the jurisdictions, the department shall use the siting selection evaluation criteria to rank the proposed sites. The secretary shall announce through publication in the *Washington State Register* the potential sites for which the department shall prepare environmental studies in accordance with chapter 197-11 WAC.

(2) The department shall provide notice to the media regarding the process and the sites selected for study including, but not limited to, publication in a newspaper of general circulation in the county or counties where the sites are located.

(3) The department shall hold public meeting(s) in the counties for an unincorporated area or in the cities or towns in which the sites selected for study are located. The department shall publish a notice of the public meeting(s) in a newspaper of general circulation in each area at least ten days prior to the public meeting(s). The purpose of the public meeting(s) is to announce the potential sites for which the department shall prepare environmental studies in accordance with chapter 197-11 WAC.

(4) After the meeting(s), the secretary shall make a final determination of the site selected for the new prison.

NEW SECTION

WAC 137-59-060 Consideration of environmental impact in siting. (1) Evaluation of sites selected for study from the preliminary identification process shall include compliance with chapter 197-11 WAC. The department shall cause to be prepared draft and final SEPA documents as may be required under chapter 197-11 WAC. Important consideration shall be given to the impacts and mitigations identified by the environmental impact statement prepared for each finalist site. The secretary or his/her designee shall be responsible for making final decisions regarding threshold determinations, adequacy of draft SEPA documents and adequacy of final SEPA documents where the department is the lead agency.

(2) The department, office of CPD, shall be responsible for submitting the necessary data set forth in WAC 137-59-040 to the secretary for his/her decision.

NEW SECTION

WAC 137-59-070 Final site selection. When a final site for a new prison has been selected, the secretary shall cause written notice to be given to all of the following:

(1) The state senator and the state representatives whose legislative district includes the final site.

(2) Any state senator and state representative whose legislative district is located within five miles of the final site.

(3) Each member of the governing body of the city or town in which the final site is located, or if final site is in an unincorporated area, each member of the county board.

(4) Each member of the governing board of the local school district on which the final site is located.

(5) The state of Washington department of ecology.

(6) The head of each local law enforcement agency in the county and/or city where the final site is located.

(7) The designated point of contact of any organization that has previously requested in writing with the department to receive notice of final site selection.

(8) The local fire and utility districts where the final site is located.

NEW SECTION

WAC 137-59-080 One-time impact fees. In addition to mitigation of environmental impacts identified through the SEPA documentation process, the department may pay a one-time impact fee to the municipality selected as the site of the new prison. The one-time impact fee shall be identified in the final SEPA documents and shall be the sole source of reimbursement by the department to the municipality selected for one-time impacts. The one-time impact fee shall be paid upon the opening of the new prison and is subject to appropriation of funding by the state legislature specifically for this purpose.

WSR 04-16-104

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Division of Employment and Assistance Programs)

[Filed August 3, 2004, 4:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-083.

Title of Rule and Other Identifying Information: WAC 388-434-0010 How do I get food assistance benefits after my certification period has ended?

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on September 7, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 8, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA, 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 7, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 3, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending the rule to specify how recertifications for Basic Food will be processed in certain circumstances, and to update the title of the program from food assistance to Basic Food.

Reasons Supporting Proposal: The current rule does not identify how late verification and missed interview appointments are to be handled for the Basic Food program.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rebecca Henrie, 1009 College S.E., Lacey, WA 98504, (360) 413-3074.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it only affects DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

July 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-18-083, filed 8/30/02, effective 10/1/02)

WAC 388-434-0010 How do I get Basic Food ((assistance)) benefits after my certification period has ended? To keep getting Basic Food ((assistance)) benefits after your certification period in WAC 388-416-0005 has ended, we must determine if you are still eligible for benefits. This is called recertification.

(1) To be recertified for Basic Food ((assistance)), you must:

(a) Turn in and sign an application for benefits as required under WAC 388-406-0010. If you complete an electronic application, your signature is the password you use to complete the electronic application;

(b) Complete an interview if you are required to have an interview under WAC 388-452-0005; and

(c) Submit needed proof of your circumstances if we ask for it.

(2) If you reapply timely and get recertified before your certification period ends, we will keep depositing your benefits into your EBT (electronic benefit transfer) account on the

same day of the month. To reapply timely, we must get your application by((:

~~(a)) the fifteenth day of the last month of your certification period((:~~

~~(b) The fifteenth day after you get your approval letter for food assistance when your certification period is two months or less)).~~

(3) When we decide if you are eligible for benefits, we will send you a letter to tell you that your benefits have been approved or denied as required under chapter 388-458 WAC.

(4) If you reapply timely and complete the steps required in subsection (1) by the fifteenth day of the last month of your certification period, you get the approval or denial letter((:

~~(a)) by the end of your current certification period((if you completed the steps required in subsection (1) by the fifteenth day of the last month of your certification period; or~~

~~(b) By the thirtieth day after you got your last benefit amount if you were certified for one month.~~

~~(4))~~.

(5) If you do not turn in an application form by the end of your current certification period, you have not taken the action we require for you to get ongoing Basic Food ((assistance)) benefits. Your Basic Food ((assistance)) benefits stop at the end of your certification period.

~~((5))~~ (6) If you turn in your application before your certification period ends, you start your Basic Food ((assistance)) from the first of the month of your new certification period after we determine if you are eligible((for food assistance)).

(a) If you do not reapply timely, your benefits for the first month of your new certification period may be delayed((:

~~(6))~~.

(b) You have until the end of the month following your certification period end date to complete an interview if required and provide any proof of your circumstances we requested.

(c) If you do not meet all requirements for verification by the end of the month following your certification end date, your recertification will not be approved.

(7) If you turn in your application after your certification period ends, we treat the application as a new application for benefits. We start your Basic Food ((assistance)) from the date you turned in the application after we determine if you are eligible ((for food assistance)).

WSR 04-16-105

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed August 3, 2004, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-24-068.

Title of Rule and Other Identifying Information: WAC 388-61-001 What does the family violence amendment mean for TANF recipients?

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on September 7, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 8, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., September 7, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by September 3, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending this rule to simplify and clarify the language of the WAC and clearly state the WAC only applies to adults, minor teen parents, and emancipated minors.

Reasons Supporting Proposal: The proposed rule clarifies that the department does not screen minors unless the minor is a teen parent or an emancipated teen getting TANF/SFA.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 78.08A.340.

Statute Being Implemented: RCW 74.08.090, 74.04.050, and 78.08A.340.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Ian Horlor, Lacey Government Center, Lacey, Washington, (360) 725-4634; Enforcement: Aurea Figueiroa, Lacey Government Center, Lacey, Washington, (360) 725-4623.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses as it only affects DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

July 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-07-040, filed 3/12/98, effective 4/12/98)

WAC 388-61-001 (~~What~~) **How does the Family Violence Amendment** (~~(mean for TANF recipients))~~ **affect me if I am getting TANF/SFA?** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, (~~gave~~) allowed every state (~~(the option to have))~~ to create a program (~~(to address issues of))~~ addressing family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF(~~(-it is))~~/State Funded Assistance (SFA), family violence is when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW 26.50.010 (2) to (~~(one))~~ any of the following:

- (a) Physical acts that resulted in, or threatened to result in, physical injury;
- (b) Sexual abuse;
- (c) Sexual activity involving a dependent child;
- (d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- (e) Threats of or attempts at, physical sexual abuse;
- (f) Mental abuse;
- (g) Neglect or deprivation of medical care; or
- (h) Stalking.

(2) DSHS (~~(shall))~~ must:

(a) Screen and identify adults, minor teen parents, or emancipated teens getting TANF (~~((recipients))~~)/SFA for a history of family violence;

(b) Notify (~~(TANF recipients))~~ in writing and verbally adults, minor teen parents, or emancipated teens getting TANF/SFA about the Family Violence Amendment (~~(both verbally and in writing))~~);

(c) Maintain confidentiality as stated in RCW 74.04.060;

(d) Refer individuals needing counseling to supportive services;

(e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence or place victims at further risk of family violence. (~~(Requirements to be waived))~~ This may include:

(i) Time limits for TANF/SFA recipients, for as long as necessary (after fifty-two months of receiving TANF/SFA);

(ii) Cooperation with the division of child support.

(f) Develop specialized work activities for family violence clients (~~(meeting the definition of family violence in instances where))~~, as defined in subsection (1) of this section if participation in work activities would place the recipients at further risk of family violence.

WSR 04-16-109

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed August 4, 2004, 8:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-23-096.

Title of Rule and Other Identifying Information: Chapter 246-215 WAC, Food service, amending WAC 246-215-001, 246-215-200, 246-215-210, 246-215-220, 246-215-240, 246-215-260, 246-215-280, 246-215-290 and 246-215-300; repealing WAC 246-215-010, 246-215-020, 246-215-030, 246-215-040, 246-215-050, 246-215-060, 246-215-070, 246-215-080, 246-215-090, 246-215-100, 246-215-110, 246-215-120, 246-215-130, 246-215-140, 246-215-150, 246-215-160, 246-215-170, 246-215-180, 246-215-190, 246-215-230, 246-215-250 and 246-215-270; and new WAC 246-215-005, 246-215-011, 246-215-021, 246-215-031, 246-215-041, 246-215-

051, 246-215-061, 246-215-071, 246-215-081, 246-215-091, 246-215-121, 246-215-131, 246-215-141, 246-215-151, 246-215-181, 246-215-191, 246-215-251, and 246-215-311.

Hearing Location(s): Marcus Whitman Hotel and Conference Center, Six West Rose, Walla Walla, WA, on September 8, 2004, at 10:30 a.m.

Date of Intended Adoption: September 8, 2004.

Submit Written Comments to: Ned Therien, P.O. Box 47824, Olympia, WA 98504-7824, e-mail ned.therien@doh.wa.gov, fax (360) 236-2257, by September 1, 2004.

Assistance for Persons with Disabilities: Contact Ned Therien by September 1, 2004, (360) 236-3071.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal would adopt the United States Food and Drug Administration's 2001 Food Code, a model consensus code, with modifications. Legislation in 2003 established a requirement under RCW 43.20.145 that the State Board of Health consider the most recent version of the Food Code when adopting rules for food service. The proposal would result in a major revision of the format and significant changes in the content of the food service rules applicable for establishments providing food directly to consumers. The intent is to be more consistent with nationally accepted standards that reflect the most current knowledge of food safety and technology. The proposal also includes special provisions for donated food distributing organizations that would exempt such establishments from many requirements otherwise applicable to food service establishments. The intent of these provisions for donated food distributing organizations is to reflect statutory direction provided by 2002 legislation under RCW 69.80.060.

Statutory Authority for Adoption: RCW 43.20.050.

Statute Being Implemented: RCW 43.20.145 and 69.80.060.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting: Ned Therien, 7171 Cleanwater Lane, Building 4, Tumwater, WA 98501, (360) 236-3071; Implementation and Enforcement: Dave Gifford, 7171 Cleanwater Lane, Building 4, Tumwater, WA 98501, (360) 236-3074.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Proposed Revision of Chapter 246-215 WAC, Food Service

1. Briefly Describe the Proposed Rule: The State Board of Health's food service rules, chapter 246-215 WAC, are applicable to many different kinds of establishments that provide food to the public. They apply whether there is a direct charge for the food or not. The last major revision of these rules was adopted by the State Board of Health in 1992. In November 2001, the board agreed to a request from the Department of Health (DOH) to initiate another major revision

to update the state rules. The board gave direction to DOH to base the rule revision on standards in the most current edition of the United States Food and Drug Administration's (FDA) model Food Code. In 2003, a new statute (RCW 43.20.145) gave additional direction that a revision to the food service rules must consider the provisions of the FDA Food Code.

The FDA Food Code serves as the basis for food service rules in forty-two states. An additional six states, plus Washington, are in the process of adopting the provisions of this model code into their food service rules. The Food Code was developed with extensive input from members of the food service industry, the scientific community, and food safety regulators throughout the United States. It is updated periodically based on new recommendations of a national committee, the Conference for Food Protection. The Food Code incorporates the latest knowledge of food science and technology. Providing a reference to the FDA 2001 Food Code will allow efficient updating of the state rules based on the latest scientific knowledge to protect public health and safety. In its annexes, it provides justification for specific provisions. Most members of the food service industry support the Food Code because it helps provide consistent national food service rules.

The DOH formed advisory workgroups to develop recommendations on whether to modify parts of the FDA Food Code before adopting it as the base for the rule revision. The recommendations in this rule revision proposal incorporate input obtained from stakeholders over a period of more than two years. The proposal also includes recommendations to retain some provisions from the current state food service rules that are not contained in the model Food Code. The general goal is to maintain the protections provided to consumers in the current state rule and to build upon them. Some provisions in the Food Code might appear to be less protective of public health but are justified by the latest food safety research.

Another purpose of this proposed rule revision is to comply with the mandate of RCW 69.80.060 (adopted in 2002) that the State Board of Health "promulgate rules for the safe receipt, preparation, and handling by distributing organizations of food accepted from donors." This law says regulations should apply to distributing organizations (as defined by RCW 69.80.020) that give food to the needy. Additionally, RCW 69.80.50 [69.80.050] indicates that special consideration should be given to donors and distributing organizations for physical facility, equipment, and food source requirements when no known or expected health hazard would result. Therefore, this rule revision proposal provides some exemptions from requirements to distributing organizations that otherwise apply to food establishments. However, neither the law nor the proposed rule says that distributing organizations should be exempted from all the rules.

2. Is a Small Business Economic Impact Statement (SBEIS) Required for This Rule? Yes, portions of this rule require an SBEIS. However, DOH has determined that no SBEIS is required for portions of the rule that (1) are not significantly different from provisions in either the 2001 FDA Food Code or existing chapter 246-215 WAC; (2) merely

provide clarification of other existing state laws or rules; or (3) do not increase the regulatory cost.

3. Which Industries are Affected by This Rule? Food service rules have the potential to affect many industries, e.g., any business with a company cafeteria. For most industries, however, costs are unlikely to exceed the minor impact threshold. Consequently, this analysis focuses on industries that are more likely to incur more than minor costs as a result of the rule. These include:

SIC Code/Description	Average employment, small businesses	Average employment, largest 10%
5411: Grocery stores	8.4	74.0
5421: Meat and fish markets	4.5	15.5
5431: Fruit and vegetable markets	4.2	30.3
5441: Candy, nut, and confectionary stores	4.5	13.0
5451: Dairy product stores	1.7	1.7
5461: Retail bakeries	8.4	30.5
5499: Miscellaneous food stores	6.9	30.7
5812: Eating and drinking places	11.2	160.7
5813: Drinking places (alcoholic beverages)	6.1	38.0
5961: Catalog and mail-order houses	4.5	140.8
5963: Direct selling establishments	3.3	25.0
7011: Hotels and motels	9.0	57.2
7021: Rooming and boarding houses	5.1	14.3
7032: Sporting and recreational camps	4.0	13.6
7832: Motion picture theaters, except drive-in	14.8	85.4
7933: Bowling centers	16.9	166.8
7941: Professional sports clubs and promoters	4.1	26.7
7948: Racing, including track operation	2.3	12.0
7996: Amusement parks	8.8	15.0
7999: Amusement and recreation services, not elsewhere classified	5.9	223.5
8062: General medical and surgical hospitals	11.1	2027.7

SIC Code/Description	Average employment, small businesses	Average employment, largest 10%
8063: Psychiatric hospitals	n/a	147.3
8069: Specialty hospitals, except psychiatric	15.4	167.7
8082: Home health care services	14.2	162.6
8211: Elementary and secondary schools	19.1	1472.4
8221: Colleges, universities, and professional schools	7.2	3454.0
8222: Junior colleges and technical institutes	3.9	1726.0
8299: Schools and educational services, not elsewhere classified	5.2	39.0
8322: Individual and family social services	31.0	180.8
8351: Child day care services	8.2	31.5
8361: Residential care	8.0	97.4
8399: Social services, not elsewhere classified	5.3	36.1
8641: Civic, social, and fraternal associations	6.2	66.3
8661: Religious organizations	5.3	27.1
8699: Membership organizations, not elsewhere classified	6.3	34.2

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4. What are the Costs of Complying with This Rule for Small Businesses (Those With Fifty or Fewer Employees) and for the Largest 10% of Businesses Affected? Many components of the proposed rule either reduce costs for affected businesses or impose no costs on affected businesses. We address the remaining components below.

1. WAC 246-215-051(9): Consumer advisory for unpasteurized juices of fruits and vegetables.

Description: Food Code section 3-603.11 requires facilities serving raw or undercooked animal products to inform consumers by brochures, menu advisories, or other effective written means of the significantly increased risk associated with certain especially vulnerable consumers eating such foods. This proposed rule change requires similar consumer advisories for unpasteurized juices of fruits and vegetables.

Analysis: DOH believes that the cost associated with the proposed rule change is below the minor impact threshold. The existing rule (WAC 246-215-040(10)) requires facilities serving unpasteurized juice to inform consumers

that the juice is unpasteurized. The proposed rule therefore only requires facilities to add additional information, namely, that there is a significantly increased risk associated with certain especially vulnerable consumers eating such foods. Since facilities are already required to inform consumers if they are serving unpasteurized juices, adding a consumer advisory notice is unlikely to increase costs unless there are "menu costs" (e.g., the costs associated with the printing of new menus) or other fixed costs. In such cases, however, the food code does provide alternatives to reprinting menus (e.g., the use of placards or other written notices), so the actual cost to facilities is likely to be small.

There are also potential costs resulting from lost sales if customers are turned away by the consumer advisory notice; however, these costs are difficult to quantify and impossible to avoid if consumers are to be informed of potential health concerns.

2. WAC 246-215-121 (11)(e): Mobile unit minimum water tank size for handwashing.

Description: Add a requirement that mobile units have a water supply tank with a minimum capacity of five gallons for handwashing.

Analysis: Existing WAC 246-215-160 (9)(b) requires the capacity of the water supply system to be "sufficient to furnish enough hot and cold water" for the tasks performed on the unit. The new, more specific, provision of a minimum five-gallon tank for handwashing, could be a significant burden to operators of mobile units who might need to replace built-in water supply tanks on the units. However, a portable five-gallon container could be used to hold water for handwashing. Such a container could be obtained for less than \$25.

3. WAC 246-215-131 (8)(c): Temporary establishment minimum water tank for handwashing.

Description: Add a requirement that temporary food establishments have a container to hold water for handwashing with a minimum capacity of five gallons. The container also is required to be insulated to hold the water warm for handwashing.

Analysis: Existing WAC 246-215-190 (6)(a) requires temporary food establishment operators to have approved handwash facilities with clean, warm, running water. However, neither the existing WAC nor the Food Code has a requirement for the minimum size of the handwash water storage container in a temporary food establishment. The new, more specific, provision for the water storage container could be a significant burden to operators. However, the cost to each temporary food establishment operator is estimated to be no more than \$25 for an insulated five-gallon container with a spigot, such as a plastic cooler chest.

4. WAC 246-215-151(11): Maintaining receiving records at donated food distributing organizations.

Description: Add a requirement that donated food distributing organizations keep records for thirty days of all non-commercially packaged or potentially hazardous foods received, documenting the source, quantity, type, and receiving date of the foods.

Analysis: Neither the existing WAC nor the Food Code has a provision requiring food establishments to maintain such receiving records for thirty days. Most establishments

keep invoices or other records of food purchases for at least thirty days for business accounting purposes. Charitable organizations receiving donated food inconsistently maintain records of donated foods received. This new provision could be a burden to donated food distributing organizations.

The costs of the proposed rule come from the record-keeping requirement. Material costs would be minimal. The receiving log could be kept in various forms, including on a spiral-bound notebook or in a computer log. The time to mark the record is the main cost. However, this is minimized by the limitation on the types of foods for which a record must be kept. Also, discussions with affected organizations show that many of them will not be affected by this requirement, either because they do not accept the foods in question or because they already keep records that fulfill the requirements of the proposed rule. Those organizations that are affected by the proposed rule are likely to have costs proportional to their size. Estimating these costs is difficult because of the varying structures of these organizations and because much of the work is volunteer, rather than paid employment.

5. Does the Rule Impose a Disproportionate Impact on Small Businesses? The consumer advisory requirement for unpasteurized juices falls below the minor impact threshold. The two provisions requiring specified containers for handwashing water are likely to impose a disproportionate impact on small businesses because they are more likely to be affected by the new rule than larger businesses. (Given that existing rules require "sufficient" amounts of water, for example, larger businesses are likely to already have a handwashing capacity in excess of five gallons.) The record-keeping rule is unlikely to impose a disproportionate impact on small businesses when costs are measured per employee (which in this case includes volunteers); such record-keeping costs are likely to have a proportionate impact on businesses of different sizes.

6. If the Rule Imposes a Disproportionate Impact on Small Businesses, What Efforts Were Taken to Reduce That Impact (or Why is it Not "Legal and Feasible" to Do So) by:

a) Reducing, Modifying, or Eliminating Substantive Regulatory Requirements? Early drafts of the rule revision proposal contained a provision requiring that mobile food units conducting warewashing on-board have a supply water tank with a minimum capacity of thirty-five gallons. This would be a more prescriptive requirement than specified in existing WAC 246-215-160(9). The proposal came out of stakeholder committee meetings. However, DOH feels that there would likely be a significant cost to some mobile operators to retrofit their units if they wanted to expand operations to a local jurisdiction where not currently licensed. This cost would be particularly burdensome for small business operators. DOH considers that an insignificant increase in public health protection would be provided by a prescriptive requirement regarding water supply for warewashing. Therefore, DOH is proposing the alternative of keeping a performance standard for water supply tank capacity pertaining to washing and sanitizing of utensils. The proposal specifies that the water system be refilled as necessary to furnish enough hot and cold water for specified tasks.

b) Simplifying, Reducing, or Eliminating Record-keeping and Reporting Requirements? Reducing record-keeping requirements below those in the proposed rule are not feasible because of the special public health concerns associated with noncommercially packaged or potentially hazardous foods. (An example of a noncommercially packaged, ready-to-eat food would be a salad that was brought into a food bank; a potentially hazardous food is anything requiring refrigeration.) The reason the proposed rule is important is that it will help public health officials trace back food involved in an illness outbreak. This information could help identify the source of a food safety hazard or error in preparation and enable health officials to direct interventions to prevent additional illnesses. The information can be used to learn food safety lessons for educational purposes and future rule changes. Also, in these days of terrorist and food tampering concerns, having a record of the source of easily contaminated foods could serve as a deterrent to intentional contamination.

c) Reducing the Frequency of Inspections? The proposal would allow the regulatory authority (local health agencies) to exempt donated food distributing organizations from the requirement to obtain a permit. This proposal also would exempt such operations from many physical facility and equipment standards in the Food Code.

d) Delaying Compliance Timetables? Not relevant.

e) Reducing or Modifying Fine Schedules for Non-compliance? Not relevant.

f) Any Other Mitigation Techniques? As noted above, DOH is proposing that the regulatory authority (local health agencies) have the option of exempting donated food distributing organizations from the requirement to obtain a permit. The proposal also exempts them from many physical facility and equipment standards in the Food Code.

7. How are Small Businesses Involved in the Development of This Rule? Small businesses were represented in our rule revision subcommittees, including donated food distributing organizations, but not on the core workgroup. We also received comments on Draft #1 and Draft #2 from small businesses, including mobile operators, temporary establishment operators, and donated food distributing organizations.

A copy of the statement may be obtained by contacting Ned Therien, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 236-3071, fax (360) 236-2257, e-mail ned.therien@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Ned Therien, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 236-3071, fax (360) 236-2257, e-mail ned.therien@doh.wa.gov.

August 3, 2003 [2004]

Craig McLaughlin
Acting Executive Director

promote and protect the health, safety, and well-being of the public and prevent the spread of disease ((by)) through food.

NEW SECTION

WAC 246-215-005 Minimum performance standards. (1) Any person owning, operating, or working in a food establishment must comply with and is subject to:

(a) The requirements of chapters 1 through 8 of the 2001 *Food Code* published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration (copies available as report number PB 2002100819 through the U.S. Department of Commerce, Technology Administration, National Technical Information Service); and

(b) The other provisions of this chapter.

(2) If a provision or definition of the *Food Code* is inconsistent with a provision or definition otherwise established under this chapter, the requirement established under this chapter shall apply.

NEW SECTION

WAC 246-215-011 Definitions. (1) This section establishes definitions that are additional to those in the *Food Code* or that modify definitions in the *Food Code*.

(2) "Bed and breakfast operation" means a private home or inn offering one or more lodging units to guests on a temporary basis and providing food service only to registered guests.

(3) "Catering operation" means a person contracted to prepare food in an approved food establishment for final cooking or service at another location.

(4) "Commissary" means an approved food establishment where food is stored, prepared, portioned, or packaged for service elsewhere.

(5) "Critical item," as defined in *Food Code* subparagraph 1-201-10 (B)(19), does not apply.

(6) "Donated food distributing organization" means a charitable nonprofit organization under section 501(c) of the federal Internal Revenue Code that distributes food free of charge and includes any nonprofit organization that distributes food free of charge to the public.

(7) "Donor" means a person, corporation, association, or other organization that donates food to a donated food distributing organization under the provisions of chapter 69.80 RCW, known as the Good Samaritan Food Donation Act.

(8) "Donor kitchen" means a kitchen that is used by a donor to handle, store, or prepare food for donation to needy persons through a donated food distributing organization and which is not a residential kitchen in a private home.

(9) "Drinking water" means potable water that is supplied in compliance with chapters 246-290 and 246-291 WAC.

(10) "Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, guinea, or any other species of fowl.

(11) "*Food Code*" means the 2001 edition of the *Food Code* of the United States Public Health Service, Food and Drug Administration.

PROPOSED

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-001 Purpose and authority. The purpose of chapter 246-215 WAC is to establish state board of health standards for food service under RCW 43.20.050 to

(12) "Food establishment" is amended in *Food Code* subparagraph 1-201.10 (B)(36)(c) to not mean:

(a) An establishment that offers only nonpotentially hazardous foods prepackaged in a licensed food establishment or food processing plant;

(b) An establishment that offers only nonpotentially hazardous, nonready-to-eat, minimally cut, unprocessed fruits and vegetables;

(c) A food processing plant or other establishment for activities regulated by the Washington state department of agriculture or the U.S. Department of Agriculture;

(d) An establishment that offers only nonpotentially hazardous, ready-to-eat foods produced in a licensed food establishment or food processing plant (such as premixed soda pop, powdered creamer, pretzels, cookies, doughnuts, cake, or meat jerky) that are served without direct hand contact, with limited portioning, directly onto or into sanitary single-use articles or single-service articles from the original package;

(e) An establishment that offers only nonpotentially hazardous hot beverages (such as coffee, hot tea, or hot apple cider) served directly into sanitary single-service articles;

(f) An establishment that offers only dry, nonpotentially hazardous, nonready-to-eat foods (such as dry beans, dry grains, in-shell nuts, coffee beans, tea leaves, or herbs for tea);

(g) An establishment that offers only prepackaged frozen confections produced in a licensed food establishment or food processing plant;

(h) A residential kitchen in a private home or other location, if only foods that are nonpotentially hazardous baked goods are prepared and wrapped in a sanitary manner for sale or service by a nonprofit organization operating for religious, charitable, or educational purposes and if the consumer is informed by a clearly visible placard at the sales or service location that the foods are prepared in a kitchen that is not inspected by a regulatory authority;

(i) A location where foods that are prepared as specified in (h) of this subsection are sold or offered for human consumption;

(j) A kitchen in a private home operated as a family day care provider as defined in RCW 74.15.020 (1)(f) or an adult family home as defined in RCW 70.128.010, used only to prepare food for residents and other people for whom the operation is licensed to provide care;

(k) A private home that receives catered or home-delivered food;

(l) A private home or other location used for a private event;

(m) A donor kitchen; and

(n) A location used for a potluck.

(13) "Food worker card" means a food and beverage service worker's permit as required under chapter 69.06 RCW.

(14) "Immediate service" means service to the public within thirty minutes of preparation.

(15) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate

correction or cessation of operation to prevent injury based on:

(a) A breakdown or lack of equipment or power causing improper temperature control for potentially hazardous food;

(b) A lack of water preventing adequate handwashing, equipment cleaning, or sanitizing;

(c) An emergency situation caused by accident or natural disaster, such as fire, flood, or building collapse;

(d) A sewage backup or sewage contamination within a food establishment; or

(e) An occurrence of an outbreak of foodborne illness linked to the food establishment.

(16) "Local board of health" means the county or district board of health.

(17) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the county or district public health department.

(18) "Mobile food unit" means a readily movable food establishment.

(19) "Person in charge" means the individual present at a food establishment who is responsible for the operation at the time.

(20) "Potentially hazardous food," is amended in *Food Code* subparagraph 1-201.10 (B)(65)(b) to include "fresh herb-in-oil mixtures," unless modified in a way that results in mixtures that do not support growth as specified under subparagraph 1-201.10 (B)(65)(a).

(21) "Potluck" means an event where:

(a) People are gathered to share food;

(b) People attending are expected to bring food to share;

(c) There is no compensation provided to people for bringing food to the event;

(d) There is no charge for any food or beverage provided at the event; and

(e) The event is not conducted for commercial purposes.

(22) "Private event" means a private gathering restricted to members and guests of members of a family, organization, or club; where the event is not open to the general public; and where food is provided without compensation.

(23) "Public water system" means a drinking water system that is operated in compliance with chapters 246-290 and 246-291 WAC.

(24) "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment. The local board of health, acting through the local health officer, is the regulatory authority for the activity of a food establishment, except as otherwise provided by law.

(25) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

(26) "Temporary food establishment" means a food establishment:

(a) Operating at a fixed location, with a fixed menu, for not more than twenty-one consecutive days in conjunction with a single event or celebration, such as a fair or festival; or

(b) Operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved, recurring, organized event, such as a farmers market.

NEW SECTION**WAC 246-215-021 Management and personnel.** (1)

The permit holder and person in charge of the food establishment must ensure that all food employees are in compliance with the provisions of chapter 69.06 RCW and chapter 246-217 WAC for obtaining and renewing valid food worker cards.

(2) The permit holder and person in charge of the food establishment must display or file the original or a copy of the food worker card of each food employee at the employee's place of employment, to be available for inspection by the regulatory authority upon request.

(3) This section does not add to, or remove from, the provisions of chapter 69.06 RCW and chapter 246-217 WAC regarding food worker cards.

NEW SECTION**WAC 246-215-031 Employee hygiene.** (1) *Food Code*

paragraph 2-302.11(B), regarding maintenance of fingernails, is amended to read: "Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails while preparing food."

(2) *Food Code* section 2-303.11, regarding the prohibition of jewelry, is amended to read: "While preparing food, food employees may not wear jewelry on their arms or hands. This section does not apply to a wedding or engagement ring covered by a glove in good repair."

NEW SECTION**WAC 246-215-041 Food supplies.** (1) Fluid milk, fluid

milk products, dry milk, and dry milk products must meet "Grade A pasteurized" milk standards under chapter 15.36 RCW, except "Grade A raw milk" products meeting standards of chapter 15.36 RCW may be sold in retail stores in the original container for off-premises consumption.

(2) *Food Code* section 3-201.16, regarding obtaining mushrooms picked in the wild from a source where each individual mushroom is inspected by an approved expert, does not apply.

(3) *Food Code* subparagraphs 3-201.17 (A)(3) and 3-201.17 (A)(4), regarding the sale or service of wild game animals, do not apply.

NEW SECTION**WAC 246-215-051 Public health labeling.** (1) When-

ever unpasteurized milk and foods containing unpasteurized milk are offered for sale at a food establishment, except hard or semi-soft raw milk cheeses properly fermented and aged for a minimum of sixty days in compliance with 21 CFR Part 133, the permit holder and person in charge must ensure that:

(a) The product is conspicuously labeled "RAW MILK" or "CONTAINS RAW MILK"; and

(b) A sign is posted in a conspicuous manner near the product stating: "WARNING: RAW MILK OR FOODS PREPARED FROM RAW MILK MAY BE CONTAMINATED WITH DANGEROUS BACTERIA CAPABLE OF CAUSING SEVERE ILLNESS. CONTACT

YOUR LOCAL HEALTH AGENCY FOR ADVICE OR TO REPORT A SUSPECTED ILLNESS."

(2) The permit holder and person in charge must ensure that required information contained on food labels is in the English language, except that duplicate labeling in other languages is allowed.

(3) *Food Code* paragraph 3-201.11(C), regarding food labeling, is amended to read: "Packaged food shall be labeled as specified under law, including chapter 69.04 RCW; 21 CFR 101 Food Labeling; 9 CFR 317 Labeling, Marking Devices, and Containers; 9 CFR 381 Subpart N Labeling and Containers; and as specified under §§ 3-202.17 and 3-202.18."

(4) *Food Code* paragraph 3-203.11(A), regarding molluscan shellfish original containers, is amended to read: "Except as specified in paragraphs (B), (C), and (D) of this section..."

(5) *Food Code* section 3-203.11, regarding molluscan shellfish original containers, is amended to add a paragraph (D), which reads:

"(D) Shellstock may be removed from the container in which they are received and repacked in consumer self-service containers if:

(1) Each self-service container of shellstock is plainly marked with the harvest area name, harvest area date, and original shellfish dealer's certification number, including the abbreviation of the name of the state or country in which the shellfish are harvested, or otherwise marked with a code that can be used to link the product with tag or label information as specified under § 3-202.18;

(2) The tag or label information as specified under § 3-202.18 for the shellstock is retained in a written or electronic log for 90 days that correlates the date when, or dates during which, the shellstock are sold;

(3) The shellstock are protected from contamination; and

(4) The packaging material allows air to get to the shellfish."

(6) *Food Code* subparagraph 3-203.12 (B)(2)(b), regarding maintaining identification of molluscan shellfish, is amended to read: "Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container harvested on a different day and from a different growing area as identified on the tag or label."

(7) *Food Code* section 3-501.17, regarding date marking, does not apply.

(8) *Food Code* paragraph 3-602.11(A), regarding food labels, is amended to read: "Food packaged in a food establishment shall be labeled as specified in law, including chapter 69.04 RCW; 21 CFR 101 - Food Labeling; and 9 CFR 317 - Labeling, Marking Devices, and Containers."

(9) The consumer advisory provisions of *Food Code* section 3-603.11 also apply to unpasteurized juices of fruits and vegetables.

NEW SECTION

WAC 246-215-061 Food handling. (1) The pooling of unpasteurized eggs is prohibited, except raw shell eggs may be broken and pooled by a method whereby egg shells are not immersed in the liquid portion of the eggs and only if the eggs

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are broken and prepared for immediate service in response to a consumer's order.

(2) Overnight unattended cooking and overnight unattended hot holding are prohibited without continuous temperature monitoring under an approved plan.

(3) Paragraph (C) is added to *Food Code* section 3-302.15, regarding washing fruits and vegetables, to read: "Raw vegetables include fresh herbs."

(4) *Food Code* paragraph 3-306.13(A), regarding consumer self-service, is amended to read: "Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; ready-to-cook individual portions for cooking and immediate consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; raw, frozen shrimp, lobster, finfish, calamari, or adductor muscle of scallop; or frozen, breaded seafood."

(5) *Food Code* subparagraph 3-401.11 (A)(1)(a), regarding the minimum cooking temperature and time for eggs, is amended to read: "Unpasteurized eggs, and."

(6) *Food Code* subparagraph 3-401.11 (A)(2), regarding the minimum cooking temperature and time for certain animal foods, is amended to read: "68°C (155°F) for 15 seconds or a temperature and time combination specified in the following chart, provided that food employees monitor both temperature and time under an approved plan, for ratites; injected meats; and comminuted fish, meat, game animals commercially raised for food as specified under subparagraph 3-201.17 (A)(1), and game animals under a voluntary inspection program as specified under subparagraph 3-201.17 (A)(2)."

(7) *Food Code* subparagraph 3-401.11 (A)(3), regarding the minimum cooking temperature and time for certain animal foods, is amended to read: "74°C (165°F) or above for 15 seconds for poultry; wild game animals; stuffed fish; stuffed meat; stuffed pasta; stuffed poultry; stuffed ratites; or stuffing containing fish, meat, poultry, or ratites."

(8) As alternatives to the cooling provisions of *Food Code* paragraph 3-501.14(A), the following rapid cooling procedures are allowed:

(a) Continuous cooling of foods in a shallow layer of two inches or less, uncovered, protected from cross-contamination, in cooling equipment maintaining an ambient temperature of 5°C (41°F) or less; or

(b) Continuous cooling of intact pieces of uncommitted meat no greater than four inches thick, uncovered, unwrapped, not touching other pieces of food, protected from cross-contamination, in cooling equipment maintaining an ambient temperature of 5°C (41°F) or less.

(9) *Food Code* paragraph 3-501.16(A), regarding potentially hazardous food hot and cold holding, is amended to read:

"Except during active preparation for up to two hours, cooking, or cooling, or..."

NEW SECTION

WAC 246-215-071 Equipment and utensils. (1) Containers for display and service of ready-to-eat, unpackaged, bulk foods for consumer self-service must have a consumer access point no less than thirty inches above floor level, except for approved containers of liquids.

(2) *Food Code* paragraph 3-304.12(F), regarding storage of in-use utensils, is amended to read: "In a container of water maintained at a temperature of 60°C (140°F) or greater or 5°C (41°F) or less and the container is cleaned at a frequency specified under subparagraph 4-602.11 (D)(7)."

(3) *Food Code* paragraph 4-501.11(C), regarding equipment repair, is amended to read: "Cutting or piercing parts of can openers shall be replaced as needed to minimize the creation of metal fragments that can contaminate food when the container is opened."

(4) *Food Code* subparagraph 4-602.11 (D)(7), regarding the cleaning frequency for food contact surfaces and utensils, is amended to read: "In-use utensils are intermittently stored in a container of water maintained at a temperature of 60°C (140°F) or greater or 5°C (41°F) or less and the container is cleaned at least every twenty-four hours or at a frequency necessary to preclude accumulation of soil residues."

NEW SECTION

WAC 246-215-081 Water, plumbing, and waste. (1) Handwashing sinks in food establishments must be adequately sized to allow a food worker to wash both hands simultaneously.

(2) Food establishments must have designated food preparation sinks that are:

(a) Sufficient in number and size to wash, soak, rinse, drain, cool, thaw, or otherwise process any food that requires placement in a sink;

(b) Appropriate for the menu, method of food preparation, and volume of food prepared; and

(c) Not used for handwashing, utensil washing, or other activities that could contaminate food.

(3) Bottled drinking water used or sold for food service must be obtained from approved sources in accordance with chapters 246-290 and 246-291 WAC.

(4) Water used in food establishments must meet drinking water quality standards in accordance with chapters 246-290 and 246-291 WAC, except as specified under *Food Code* section 5-102.12.

(5) *Food Code* paragraph 5-203.11(C), regarding use of treated towelettes for handwashing, does not apply.

NEW SECTION

WAC 246-215-091 Physical facilities. (1) The food establishment permit holder must ensure that toilet rooms are conveniently located within two hundred feet of the food establishment and accessible to employees during all hours of operation.

(2) The food establishment permit holder must ensure that toilet rooms are conveniently located and accessible to patrons during all hours of operation if:

(a) The establishment has customer seating for on-premises consumption; and

(b) The establishment was constructed or extensively remodeled after May 1, 1992.

(3) Toilet rooms in food establishments may be used jointly by patrons and employees, provided patrons accessing the toilet rooms are excluded from food preparation areas and unpackaged food storage areas.

(4) *Food Code* section 6-202.110, regarding outdoor refuse storage areas, does not apply.

NEW SECTION

WAC 246-215-121 Mobile food units. (1) The permit holder and person in charge of a mobile food unit must comply with the requirements of this chapter, except as otherwise provided in this section.

(2) The permit holder must obtain approval from other applicable regulating agencies prior to operating a mobile food unit, including the Washington state department of labor and industries.

(3) The person in charge of a mobile food unit must operate the mobile food unit from an approved commissary or servicing area and shall return to such location for supplies, thorough cleaning, and other servicing activities, as approved in a plan of operation. When not in operation, a mobile food unit must be stored at an approved servicing area or other approved location.

(4) The regulatory authority may impose additional requirements to protect against health hazards related to the operation of a mobile food unit and may:

(a) Limit the food preparation steps;

(b) Prohibit some menu items; and

(c) Restrict the mode of operation when facilities or equipment are inadequate to protect public health.

(5) The owner of a mobile food unit must submit a properly prepared plan of operation with specifications of the mobile food unit, commissary, and servicing area to the regulatory authority for approval before:

(a) Construction or remodeling begins;

(b) The menu of the mobile food unit is changed;

(c) The method of food preparation is changed;

(d) The vehicle is changed; or

(e) The commissary is changed.

(6) The owner of a mobile food unit must include in the plan required by subsection (5) of this section:

(a) Menu and food preparation steps;

(b) Floor plan;

(c) Equipment specifications and location;

(d) Finish schedule;

(e) Proposed itinerary or sites to be served;

(f) Source of water and specifications of the on-board plumbing;

(g) Site used for sewage disposal;

(h) Availability of restrooms for employees;

(i) Operating procedures; and

(j) Cleaning schedule.

(7) The person in charge of a mobile food unit must ensure:

(a) Only employees and other persons authorized by the regulatory authority are present in the mobile food unit; and

(b) All employees are in compliance with the provisions of chapter 69.06 RCW and chapter 246-217 WAC for obtaining and renewing valid food worker cards, unless all foods are prepackaged and are nonpotentially hazardous.

(8) The person in charge of a mobile food unit must ensure:

(a) All foods, including ice, are from an approved source or commissary;

(b) Potentially hazardous foods prepared on the mobile food unit are served the same day that they are prepared;

(c) Prepackaged foods are properly labeled;

(d) Only single-service articles are provided for use by the customer; and

(e) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

(9) The person in charge of a mobile food unit must ensure that potentially hazardous foods are:

(a) Not cooled on the mobile food unit;

(b) Properly temperature-controlled during transport to the place of service;

(c) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper food temperatures;

(d) Reheated, for hot holding, from 45°F to 165°F or above within one hour on the mobile food unit when the foods were cooked and cooled in an approved nonmobile food establishment;

(e) Reheated, for hot holding, from 45°F to 140°F or above within one hour on the mobile food unit when the foods were produced in a food processing plant;

(f) Reheated no more than one time; and

(g) Held in preheated mechanical hot holding equipment or prechilled mechanical cold holding equipment, or otherwise temperature controlled by an approved method.

(10) The person in charge must ensure that raw meats greater than one inch in thickness are not cooked on the mobile food unit, unless otherwise approved.

(11) The person in charge must ensure that the water system on the mobile food unit:

(a) Is supplied from an approved source of water;

(b) Is designed and constructed in an approved manner;

(c) Is filled from the approved water source through a food-grade hose;

(d) Is refilled as frequently as necessary to furnish enough hot and cold water for handwashing, food preparation, utensil cleaning, sanitizing, and facility cleaning, on the mobile food unit;

(e) Has a water supply tank with a minimum capacity of five gallons for handwashing;

(f) Stores liquid waste in a wastewater retention tank with at least fifteen percent more capacity than the water supply tank; and

(g) Retains wastewater on the mobile food unit until disposed of by an approved method.

(12) The person in charge of the mobile food unit must ensure that a separate handwashing facility for employees is accessible at all times of operation and includes:

- (a) A sink with potable, warm, running water;
- (b) Soap; and
- (c) Paper towels.

(13) When only prepackaged food items are served, the regulatory authority may waive or modify requirements for handwashing on the mobile food unit.

(14) The permit holder must ensure approved toilet facilities are available for employees:

(a) Readily accessible within two hundred feet of the mobile food unit during times of operation, if at any one location for more than one hour; and

(b) Provided with handwashing facilities with potable, warm, running water.

(15) The permit holder must ensure:

(a) A three-compartment sink is available on the mobile food unit with potable hot and cold running water to wash, rinse, and sanitize utensils when utensils are reused on the mobile food unit; except

(b) This requirement may be waived or modified by the regulatory authority when:

(i) Limited food preparation occurs; or

(ii) Additional clean utensils are available and utensil washing takes place at an approved commissary or servicing area.

(16) The permit holder must provide the regulatory authority a designated business name and ensure that name is posted on the mobile food unit in a manner easily visible to customers during operation.

(17) The permit holder must ensure the original or a copy of the currently valid food establishment permit is posted on the mobile food unit in a manner easily visible to customers during operation.

(18) The permit holder and person in charge must ensure overhead protection is provided at the site of operation of the mobile food unit for all food handling activities.

(19) The permit holder and person in charge must ensure that all food, equipment, utensils, and other food service supplies are contained on the mobile food unit, at the approved commissary, at the approved servicing area, or as otherwise approved in the plan of operation.

(20) The menu of a mobile food unit that can be moved between locations by being pushed by a single person must be limited to nonpotentially hazardous foods, hot dogs, and espresso drinks, unless otherwise approved.

(21) The regulatory authority may allow a person to operate a food establishment with a limited menu in a movable building without permanent plumbing under applicable provisions of this section.

NEW SECTION

WAC 246-215-131 Temporary food establishments.

(1) The permit holder and person in charge of a temporary food establishment must comply with the requirements of this chapter, except as otherwise provided in this section.

(2) The regulatory authority may impose additional requirements to protect against health hazards related to the operation of the temporary food establishment and may:

- (a) Limit the food preparation steps;
- (b) Prohibit some menu items; and

(c) Restrict the mode of operation when facilities or equipment are inadequate to protect public health.

(3) The owner of a temporary food establishment must:

(a) Apply to the regulatory authority for a permit to operate the temporary food establishment at least fourteen calendar days before intending to provide food service, or as otherwise required by the regulatory authority;

(b) Allow only employees and other persons authorized by the regulatory authority to be present in the temporary food establishment; and

(c) Require the person in charge of the temporary food establishment to obtain a valid food worker card before beginning work.

(4) The person in charge of a temporary food establishment must ensure:

(a) Adequate facilities are provided at the temporary food establishment for all necessary food preparation steps;

(b) All foods, including ice, are from an approved source;

(c) All off site food preparation is done in an approved food establishment;

(d) All storage of food and equipment is done at approved locations;

(e) Food is transported and stored in properly designed food-grade containers;

(f) Food is protected from potential contamination during transport;

(g) Only single-service articles are provided for use by consumers, unless otherwise approved by the regulatory authority; and

(h) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

(5) The person in charge of a temporary food establishment must ensure that potentially hazardous foods are:

(a) Not cooled in a temporary food establishment;

(b) Properly temperature-controlled during transport to the temporary event location;

(c) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper food temperatures;

(d) Reheated, for hot holding, from 45°F to 165°F or above within one hour when cooked and cooled in an approved food establishment;

(e) Reheated, for hot holding, from 45°F to 140°F or above within one hour when produced in a food processing plant;

(f) Reheated no more than one time; and

(g) Held in preheated mechanical hot holding equipment or prechilled mechanical cold holding equipment, or otherwise temperature controlled by an approved method.

(6) The person in charge of a temporary food establishment must ensure potentially hazardous foods that are thawed as part of a continuous cooking process are not greater than four inches thick.

(7) The person in charge of a temporary food establishment must ensure a separation barrier or other effective method is used to protect food preparation and cooking areas from public access.

(8) The permit holder of a temporary food establishment must ensure approved handwashing facilities are conveniently located for employees in all food preparation areas, which include:

(a) Potable, warm, running water;

(b) Soap and paper towels;

(c) A five-gallon or larger insulated container kept supplied with warm water for handwashing delivered through a continuous-flow spigot, if permanent plumbing is not available; and

(d) A wastewater retention tank sufficient in size to hold all wastewater generated by the temporary food establishment until emptied in an approved manner, if a public sewage system hookup is not available.

(9) The permit holder of a temporary food establishment must ensure approved toilet facilities are available for employees:

(a) Readily accessible during all times of operation; and

(b) Provided with handwashing facilities with potable, warm, running water.

(10) The permit holder of a temporary food establishment must ensure access within two hundred feet to a three-compartment sink with approved drain boards and an adequate supply of hot and cold running water to wash, rinse, and sanitize utensils when:

(a) Equipment or utensils are reused on-site; or

(b) The temporary food establishment operates for two or more consecutive days; except

(c) The regulatory authority may approve an alternative utensil cleaning method when three-compartment sinks with drain boards are not available and no health hazard will result.

(11) The permit holder and person in charge must ensure a separate food preparation sink is available at the temporary food establishment that is supplied with potable running water, drained to an approved wastewater system through an indirect connection, if produce needs to be washed on-site. Alternative produce washing facilities may be used if approved.

NEW SECTION

WAC 246-215-141 Bed and breakfast operations. (1)

The permit holder and person in charge of a bed and breakfast operation must comply with the requirements of this chapter, except as otherwise provided in this section.

(2) The regulatory authority may impose additional requirements to protect against health hazards related to the food service portion of a bed and breakfast operation.

(3) Food may be handled in the residential kitchen of a bed and breakfast operation without meeting the provisions of *Food Code* sections 2-301.15, 4-202.15, 4-202.16, 4-202.17, 4-203.13, 4-204.12, 4-204.16, 4-204.113, 4-204.115, 4-204.118, 4-204.120, 4-301.14, 4-302.13, 4-302.14, 4-402.11, 4-402.12, 4-501.11, 4-501.13, 4-501.16, 4-501.110, 4-501.112, 4-501.113, 4-501.116, 4-602.12, 4-703.11, 4-904.13, 5-203.13; parts 4-8 and 5-5; and chapters 6 and 7, if:

(a) The number of guest bedrooms does not exceed eight;

(b) Food service is limited to overnight guests;

(c) Breakfast is the only meal prepared; however, nonpotentially hazardous baked goods may be prepared and served at any time of the day;

(d) Potentially hazardous foods are prepared for immediate service only; and

(e) Potentially hazardous foods are not cooled for later reheating.

(4) If food service is provided in a bed and breakfast operation other than under the conditions of subsection (3) of this section, all foods must be prepared in an approved non-residential kitchen meeting the requirements of this chapter.

(5) The person in charge of a bed and breakfast operation must ensure:

(a) Food supplies for personal use are separated from food supplies intended for guest use;

(b) Food contact surfaces are thoroughly cleaned before each use;

(c) A sink for handwashing is accessible and conveniently located for use by food employees during all times food is prepared for bed and breakfast guests;

(d) Each sink used for handwashing is provided with a supply of hand soap and single use towels or other approved hand-drying device;

(e) Refuse, recyclables, and returnables are stored in a manner that does not create a public health hazard or nuisance;

(f) The premises are maintained to control insects, rodents, and other pests;

(g) Children under age ten and animals are kept out of food preparation areas during all times food is prepared for bed and breakfast guests; and

(h) Toxic chemicals are stored in accurately labeled containers away from all foods and food service supplies.

(6) The kitchen of a bed and breakfast operation must have at least the following facilities for cleaning and sanitizing food contact utensils and equipment and to allow handwashing in a separate sink basin from one used for food preparation:

(a) A three-compartment sink; or

(b) Two sink basins plus a home-style dishwasher with a sanitizing cycle providing 155°F or hotter water.

NEW SECTION

WAC 246-215-151 Donated food distributing organizations. (1) A donated food distributing organization must comply with the requirements of this chapter, except as otherwise provided in this section.

(2) A donated food distributing organization is exempt from the provisions of WAC 246-215-200 and part 8-3 of the *Food Code*, regarding operating with a valid food establishment permit.

(3) A donated food distributing organization must notify the regulatory authority in writing or by another approved manner:

(a) Annually of the nature of its food service activities, including types of food served or distributed; and

(b) Whenever there is a significant change in its food service activities.

(4) A donated food distributing organization is exempt from meeting the provisions of *Food Code* sections 2-301.15, 3-202.11, 3-602.11, 4-202.15, 4-202.16, 4-202.17, 4-203.13, 4-204.12, 4-204.16, 4-204.113, 4-204.115, 4-204.118, 4-204.120, 4-301.14, 4-302.13, 4-302.14, 4-402.11, 4-402.12, 4-501.11, 4-501.13, 4-501.16, 4-501.110, 4-501.112, 4-501.113, 4-501.116, 4-602.12, 4-703.11, 4-904.13, 5-203.13; parts 4-8 and 5-5; and chapters 6 and 7, if:

(a) All foods are donated to needy persons under the provisions of chapter 69.80 RCW;

(b) Potentially hazardous food items are served within eight hours of preparation; and

(c) Potentially hazardous food items are not cooled and reheated on-site.

(5) The person in charge of a donated food distributing organization must ensure:

(a) Equipment for cold holding, heating, and hot holding foods are sufficient in number and capacity to provide food temperatures specified in chapter 3 of the *Food Code*;

(b) Food contact surfaces are thoroughly cleaned before each use;

(c) A sink for handwashing is accessible and conveniently located for use by food employees during all times of food preparation and service of unwrapped foods;

(d) Each sink used for handwashing is provided with a supply of hand soap and single use towels or other approved hand-drying device;

(e) Refuse, recyclables, and returnables are stored in a manner that does not create a public health hazard or nuisance;

(f) The premises are maintained to control insects, rodents, and other pests;

(g) Children under age ten and animals are kept out of food preparation areas during the preparation of foods; and

(h) Toxic chemicals are stored in accurately labeled containers away from all foods and food service supplies.

(6) A donated food distributing organization must have at least the following facilities available for handwashing and cleaning of food contact utensils and equipment:

(a) A three-compartment sink; or

(b) Two sink basins plus a home-style dishwasher with a sanitizing cycle providing 155°F or hotter water; or

(c) As otherwise approved.

(7) A donated food distributing organization may receive foods for charitable purposes that include:

(a) Surplus foods from a food establishment;

(b) Muscle meat of a wild game animal:

(i) Received from a law enforcement officer certified by a jurisdiction in the state of Washington or from a hunter licensed by the department of fish and wildlife;

(ii) Processed by an approved meat cutter; and

(iii) Labeled "UNINSPECTED WILD GAME MEAT, THOROUGHLY COOK TO 165°F INTERNAL TEMPERATURE";

(c) Muscle meat of a domesticated livestock animal, poultry, or rabbit:

(i) Donated live to the distributing organization;

(ii) Raised by a member of an approved youth club, such as 4H;

(iii) Processed by an approved meat cutter; and

(iv) Labeled "UNINSPECTED MEAT, THOROUGHLY COOK TO 165°F INTERNAL TEMPERATURE";

(d) Foods properly handled, stored, or prepared in a donor kitchen;

(e) Nonpotentially hazardous, nonready-to-eat foods handled or stored in a residential kitchen in a private home; and

(f) Nonpotentially hazardous baked goods handled, stored, or prepared in a residential kitchen in a private home.

(8) The person in charge of a donated food distributing organization must ensure that foods are inspected upon receipt and information is obtained from donors in order to determine:

(a) Foods are safe and free from adulteration;

(b) Surplus foods have not been previously served to a person;

(c) Potentially hazardous foods have been kept under continuous temperature control above 140°F or below 45°F during handling, storage, and transport, except for a maximum of two hours during preparation;

(d) Foods have been protected from contamination during handling and storage by intact original commercial packaging or sanitary food-grade containers; and

(e) Foods have been handled and transported in separate containers as needed to prevent potential cross-contamination between ready-to-eat and nonready-to-eat foods.

(9) A donated food distributing organization must not serve or distribute:

(a) Home-canned foods;

(b) Canned foods in containers that are rusty or severely dented;

(c) Distressed foods (such as from a fire, flood, or prolonged storage) unless the foods have been evaluated and approved for charitable distribution; or

(d) Infant formula that is past the original expiration date set by the processor.

(10) A donated food distributing organization may distribute packaged foods without complete label information on each individual container, provided that:

(a) Each container is labeled with the common name of the food; and

(b) The label information, according to the provisions of chapter 69.04 RCW, is on the master carton or is posted in plain view on a card, sign, or other method of notice at the point of distribution to the consumer.

(11) The person in charge of a donated food distributing organization receiving potentially hazardous foods or nonpotentially hazardous, ready-to-eat foods not prepackaged in a food processing plant must keep records for thirty days documenting the source, quantity, type, and receiving date of the foods.

NEW SECTION

WAC 246-215-181 Compliance and enforcement. (1) *Food Code* subparagraph 8-304.11 (G)(2), regarding replacement of facilities and equipment to meet current standards when the ownership of a food establishment changes, does not apply.

(2) *Food Code* subparagraph 8-401.10 (B)(2), regarding inspection frequency, is amended to read: "The food establishment is assigned a less frequent inspection frequency based on a written risk-based inspection schedule developed by the regulatory authority, or set by state or federal law, and uniformly applied throughout the jurisdiction."

(3) *Food Code* paragraph 8-401.10(C), regarding inspection frequency of temporary food establishments, is amended to read: "The regulatory authority shall inspect a temporary food establishment during its permit period, unless the regulatory authority develops a written risk-based plan for exempting certain categories of temporary establishments from inspection that is uniformly applied throughout the jurisdiction."

(4) *Food Code* paragraph 8-401.20(A), regarding criteria for prioritizing inspections, is amended to read: "Past performance, for nonconformance with code or HACCP plan requirements."

(5) *Food Code* paragraph 8-401.20(B), regarding criteria for prioritizing inspections, is amended to read: "Past performance, for numerous or repeat violations of code or HACCP plan requirements."

(6) *Food Code* section 8-401.20, regarding criteria for prioritizing inspections, is amended to add a paragraph (H) to read: "Whether the establishment is properly implementing an approved self-inspection program."

(7) *Food Code* subparagraph 8-402.20 (A)(3) and section 8-402.40, regarding obtaining an inspection order, do not apply. The regulatory authority may suspend a person's permit to operate a food establishment if a representative of the regulatory authority, after showing proper credentials, is denied access to conduct an inspection of the food establishment.

(8) *Food Code* section 8-403.10, regarding documenting information and observations, is amended to read: "The regulatory authority shall document on an inspection report form approved by the department of health."

(9) *Food Code* subparagraph 8-403.10 (B)(2), regarding documenting information on an inspection report form, is amended to read: "Failure of food employees and the person in charge to demonstrate knowledge of their responsibility to report a disease or medical condition."

(10) *Food Code* subparagraph 8-403.10 (B)(3), regarding documenting information on an inspection report form, is amended to read: "Nonconformance with this code."

(11) *Food Code* section 8-403.20, regarding specifying a time frame for corrections, is amended to read: "The regulatory authority shall specify on the inspection report form the time frame for correction of any violations."

(12) *Food Code* sections 8-405.11 and 8-405.20, regarding critical violations, do not apply.

(13) *Food Code* section 8-406.11, regarding noncritical violations, does not apply.

provided that the person meets the other provisions of this chapter, including not using any food prepared in a residential kitchen or other nonapproved facility, and the types of food served are limited to those specified in subsection (4) of this section.

(2) The person requesting a permit exemption under subsection (1) of this section must submit a written application for an exemption on a form provided by the regulatory authority at least fourteen calendar days before providing food service, or as otherwise required by the regulatory authority.

(3) The person requesting a permit exemption under subsection (1) of this section must submit properly prepared plans and specifications of the food service facilities and equipment if the regulatory authority requires it, based on a review of the application for an exemption submitted under subsection (2) of this section.

(4) The person requesting a permit exemption under subsection (1) of this section must limit food handling to one or more of the following foods:

- (a) Popcorn and flavored popcorn;
- (b) Cotton candy;
- (c) Dried herbs and spices processed in an approved facility;
- (d) Machine-crushed ice drinks containing nonpotentially hazardous ingredients and made with ice from an approved source;
- (e) Corn on the cob;
- (f) Whole peppers roasted for immediate service;
- (g) Roasted nuts and roasted candy-coated nuts;
- (h) Deep-fried pork skins prepared from pork skins rendered at a food processing plant;
- (i) Caramel apples;
- (j) Chocolate-dipped ice cream bars prepared from pre-packaged ice cream bars produced in a food processing plant;
- (k) Chocolate-dipped bananas prepared from bananas peeled and frozen in an approved facility; and
- (l) Individual samples of nonpotentially hazardous sliced fruits and vegetables.

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-200 Permits required, suspension, revocation, enforcement. (1) Any person ~~((desiring to operate a food service establishment shall:~~

- ~~(a) Comply with the provisions of these regulations; and~~
- ~~(b) Make written application for a permit on forms provided by the health officer.~~

~~(2) Food service establishment owners)) operating a food ((service)) establishment((:~~

- ~~(a) Shall possess a valid permit issued to him/her by the health officer;~~

- ~~(b) Shall post the permit conspicuously in the food service establishment;~~

~~(e)) without a valid permit issued by the regulatory authority may be guilty of a misdemeanor ((pursuant to)) under RCW 70.05.120 and((/or)) local regulations ((if operating without a valid permit issued by the health officer; and~~

NEW SECTION

WAC 246-215-191 Exempt from permit. (1) The regulatory authority may exempt a person from the provisions of WAC 246-215-200(1) and section 8-301.11 of the *Food Code* in order to operate without a food establishment permit,

~~(d) May be exempt from the permit requirements for the sale of certain foods with prior authorization of the health officer and concurrence of the department).~~

~~((3)) (2) The ((health officer)) regulatory authority may suspend any permit to operate a food ((service)) establishment if:~~

(a) Continued operation of the food ((service)) establishment constitutes an imminent or actual health hazard;

(b) Operations, facilities, or equipment in the food ((service)) establishment fail to comply with these regulations;

(c) The ((holder of the)) permit holder does not comply with these regulations; or

(d) Interference with the ((health officer)) regulatory authority in the performance of ((his/her)) its duties has occurred.

~~((4)) (3) When the ((health officer)) regulatory authority has suspended a food ((service)) establishment permit, the permit holder or person in charge:~~

~~(a) ((Shall immediately cease all food service operations;~~

~~(b) Shall) Will be notified in writing by the ((health officer)) regulatory authority that the food ((service)) establishment permit is immediately suspended upon service of the notice ((and the suspension shall remain in effect));~~

~~(b) Must immediately cease all food service operations until a hearing with the ((health officer) occurs. If the health officer) regulatory authority finds the operation to be in compliance with the requirements of these regulations ((the suspension will be lifted));~~

(c) May request a hearing by filing a written request for a hearing with the ((health officer)) regulatory authority within ten days of receipt of the notice of suspension; and

(d) ((Shall) Will be notified, if a written request for a hearing is not filed within ten days, that the suspension is sustained.

~~((5)) (4) Any ((food service establishment owner)) person whose food ((service)) establishment permit has been suspended may at any time make written application for a reinstatement for the purpose of reinstatement of the permit. The application ((shall) must include a signed statement((, signed by the owner, that in the owner's opinion,)) explaining how the conditions causing the suspension of the permit have been corrected.~~

~~((6)) (5) Within two working days following receipt of a written request for a reinspection, the ((health officer shall)) regulatory authority will make a reinspection, and reinstate the permit if the ((owner of the food service establishment)) person is in compliance with these regulations.~~

~~((7)) (6) The ((health officer)) regulatory authority may adopt and use a permit suspension process different ((from these)) than specified under subsections (2), (3), (4), or (5)((, or (6)) of this section((, if adopted by the local board of health)).~~

~~((8)) (7) The ((health officer)) regulatory authority may revoke a food ((service)) establishment permit after providing the ((owner of the food service establishment)) permit holder an opportunity for a hearing if:~~

(a) Serious and repeated violation(s) of any requirements of these regulations have occurred; or

(b) Repeated interference with, or assault upon((, the health officer)) a representative of the regulatory authority in the performance of his/her duty, has occurred.

~~((9)) (8) Before revocation, the ((health officer shall)) regulatory authority will notify, in writing, the ((owner of the food service establishment or the person in charge)) permit holder of the specific reason(s) why the permit is to be revoked. The notice ((shall) will state:~~

(a) That the permit will be revoked at the end of the ten days following ((such) the notice unless a written request for a hearing is filed with the ((health officer)) regulatory authority by the ((owner of the food service establishment)) permit holder within such ten-day period; and

(b) If a request for a hearing is not filed by the ((owner of the food service establishment)) permit holder within the ten-day period, the revocation of the permit becomes final.

~~((10)) (9) Any ((owner of a)) person whose food ((service)) establishment ((whose)) permit has been revoked by the ((health officer)) regulatory authority, after a period of six months, may:~~

(a) Make written application for a new permit; and

(b) Request a hearing with the ((health officer)) regulatory authority to determine whether a new permit will be issued.

~~((11)) (10) The ((health officer)) regulatory authority may use a permit revocation process different ((from these)) specified under subsections (7), (8), and (9)((, and (10)) of this section ((if adopted by the local board of health)).~~

~~((12)) (11) The ((health officer)) regulatory authority may initiate any one, or a combination of, compliance methods ((which)) that include, but are not limited to:~~

(a) Holding an ((administration)) administrative conference with the food ((service)) establishment ((owner)) permit holder or person in charge;

(b) Placing the ((owner of the)) food ((service)) establishment on probation;

(c) Setting conditions for continued operation of the ((food)) service establishment, by the ((owner)) permit holder, during the probation period;

(d) Requiring additional education and/or training of employees, management, and owners of the food ((service)) establishment; and

(e) Completing a hazard analysis critical control point (HACCP) evaluation and requiring monitoring procedures be implemented for critical control points identified.

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-210 Service of notices. (1) A notice provided for in these regulations is properly served when it is:

(a) Delivered to the ((holder of the)) permit holder;

(b) Delivered to the person in charge of the food ((service)) establishment; or

(c) Sent by registered or certified mail, return receipt requested, to the last known address of the ((holder of the)) permit holder.

(2) A copy of the notice ((shall) will be filed in the records of the ((health officer)) regulatory authority.

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-220 Hearings. (1) The hearings provided for in these regulations ~~((shall))~~ will be:

(a) Conducted by the ~~((health officer or his/her))~~ regulatory authority or its designee; and

(b) Conducted at a time and place designated by the ~~((health officer))~~ regulatory authority.

(2) The ~~((health officer))~~ regulatory authority or designee ~~((shall))~~ will:

(a) Make a final finding based upon the complete hearing record;

(b) Sustain, modify, or rescind any notice or order considered in the hearing; and

(c) Furnish a written report of the hearing decision to the holder of the permit.

(3) The regulatory authority may adopt and use an alternate hearing process ~~((, if adopted by a local board of health, may be used))~~.

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-240 Examination, hold orders, condemnation, and destruction of food. (1) The permit holder or person in charge of a food ~~((service))~~ establishment in which food has been improperly handled, stored, or prepared ~~((shall))~~ must:

(a) Voluntarily destroy the questionable food; or

(b) Contact the ~~((health officer))~~ regulatory authority to determine if the food is safe for human consumption.

(2) The permit holder or person in charge of a food ~~((service))~~ establishment ~~((shall))~~ must denature or destroy any food if the ~~((health officer))~~ regulatory authority determines the food presents an imminent or actual health hazard.

(3) The ~~((health officer))~~ regulatory authority may examine or collect samples of food as often as necessary for enforcement of these regulations.

(4) The ~~((health officer))~~ regulatory authority may, after notice to the permit holder or person in charge, place a written hold order on any suspect food until a determination on its safety can be made and ~~((shall))~~ will:

(a) Tag;

(b) Label; or

(c) Otherwise identify any food subject to the hold order and complete a ~~((department approved))~~ form approved by the department of health for all suspect food.

(5) The hold order issued by the ~~((health officer shall))~~ regulatory authority will include:

(a) Instructions for filing a written request for a hearing with the ~~((health officer))~~ regulatory authority within ten calendar days; and

(b) Notification that if a hearing is not requested in accordance with the instructions provided in the hold order, and the ~~((health officer))~~ regulatory authority does not vacate the hold order, the food ~~((shall))~~ must be destroyed under the supervision of a representative of the ~~((health officer))~~ regulatory authority.

(6) When food ~~((s are))~~ is subject to a hold order by the ~~((health officer))~~ regulatory authority, the ~~((food service~~

~~establishment owner is))~~ permit holder and person in charge are prohibited from:

(a) Using;

(b) Serving; or

(c) Moving ~~((them))~~ the food from the food ~~((service))~~ establishment.

(7) The ~~((health officer shall))~~ regulatory authority may permit storage of food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case, immediate destruction ~~((shall))~~ will be ordered and must be accomplished by the ~~((owner))~~ permit holder or person in charge of the food ~~((service))~~ establishment.

(8) Based upon evidence provided at the hearing, the ~~((health officer shall))~~ regulatory authority may either:

(a) Vacate the hold order; or

(b) Direct the ~~((owner))~~ permit holder or person in charge of the food ~~((service))~~ establishment by written order to:

(i) Denature or destroy such food; or

(ii) Bring the food into compliance with the provisions of these regulations.

NEW SECTION

WAC 246-215-251 Employee health. (1) The provisions of this section replace the provisions of *Food Code* part 2-2, regarding employee health.

(2) Food employees must not work in or around any place where unwrapped or unpackaged food or beverage products are prepared, sold, or offered for sale if they know themselves to have:

(a) A symptom of gastrointestinal infection such as diarrhea, vomiting, or jaundice, except as provided in subsection (9) of this section;

(b) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including *Salmonella* spp., *Shigella* spp., shiga toxin-producing *Escherichia coli*, or hepatitis A virus; or

(c) A lesion that appears inflamed or contains pus, such as a boil or infected wound, and that is not covered with:

(i) An impermeable cover and a single use glove if the lesion is on a hand or wrist;

(ii) An impermeable cover if the lesion is on an arm; or

(iii) A dry, durable, tight fitting bandage if the lesion is on another part of the body.

(3) Food employees must immediately report to the person in charge when they know they have:

(a) A symptom of gastrointestinal infection, as described in subsection (2)(a) of this section;

(b) A diagnosed infection by a disease agent that can be transmitted from a food employee through food, including *Salmonella* spp., *Shigella* spp., shiga toxin-producing *Escherichia coli*, or hepatitis A virus; or

(c) A lesion that appears inflamed or contains pus and that is not covered as described in subsection (2)(c) of this section.

(4) The person in charge of the food establishment must notify the regulatory authority about any food employee known to have:

PROPOSED

(a) Jaundice, except as provided in subsection (9) of this section; or

(b) An infection by a disease agent that can be transmitted from a food employee through food, including *Salmonella* spp., *Shigella* spp., shiga toxin-producing *Escherichia coli*, or hepatitis A virus.

(5) The person in charge of a food establishment must restrict any food employee from working in or around any place where unwrapped or unpackaged food or beverage products are prepared, sold, or offered for sale who is known to have:

(a) A symptom of gastrointestinal infection such as diarrhea, vomiting, or jaundice, except as provided in subsection (9) of this section;

(b) An infection by a disease agent that can be transmitted from a food employee through food including *Salmonella* spp., *Shigella* spp., shiga toxin-producing *Escherichia coli*, or hepatitis A virus; or

(c) A lesion that appears inflamed or contains pus and that is not covered as described in subsection (2)(c) of this section.

(6) If the population served by the food establishment is a highly susceptible population, the person in charge must exclude from the establishment any food employee who is known to have:

(a) A current symptom of diarrhea, vomiting, or jaundice, except as provided in subsection (9) of this section;

(b) An infection by *Salmonella Typhi* within the last three months unless approved to be released from exclusion by the regulatory authority; or

(c) An infection by *Shigella* spp., shiga toxin-producing *Escherichia coli*, hepatitis A virus, or a *Salmonella* spp. other than *Salmonella Typhi* within the last month unless approved to be released from exclusion by the regulatory authority.

(7) The person in charge of a food establishment and all employees must cooperate with public health officials investigating:

(a) An illness outbreak associated with food;

(b) An illness outbreak suspected to be associated with food; or

(c) A food employee suspected to be infected with a disease agent that can be transmitted from a food employee through food.

(8) The person in charge of a food establishment and food employees must comply with orders issued by the regulatory authority for excluding employees from a food establishment or restricting employee activities due to a diagnosed or suspected infection by a disease agent that can be transmitted from a food employee through food until the regulatory authority rescinds the order based on:

(a) Provisions of *Food Code* part 8-5, regarding prevention of foodborne disease transmission by employees; or

(b) Disease information contained in *Control of Communicable Diseases Manual*, 17th edition, James Chin (editor), American Public Health Association, 2000.

(9) A food employee with a symptom of gastrointestinal illness, such as diarrhea or jaundice, may work in food service without special restriction, provided that the food employee furnishes written medical documentation to the regulatory authority from a licensed physician, nurse practi-

tioner, or physician assistant that the symptom is due to a medical condition not transmissible through food, such as Crohn's disease, irritable bowel syndrome, ulcerative colitis, or hepatitis C.

(10) *Food Code* paragraph 8-501.40(C), regarding releasing a food employee from restriction or exclusion, is amended to read: "A food employee who was infected with *Shigella* spp., shiga toxin-producing *Escherichia coli*, or a *Salmonella* spp. other than *Salmonella Typhi* if the food employee's stools are negative for these bacteria based on testing of 2 consecutive stool specimen cultures that are taken..."

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-260 Procedure when disease transmission is suspected. (1) When a possible foodborne illness incident is reported to any food ((~~service~~)) employee, the person in charge of the food ((~~service~~)) establishment ((~~shall~~)) must:

(a) Immediately report the incident to the ((~~local health officer~~)) regulatory authority; and

(b) Remove from sale and refrigerate any suspect foods until released by the ((~~health officer~~)) regulatory authority.

(2) When the ((~~health officer~~)) regulatory authority suspects that a food ((~~service~~)) establishment, or its employees, ((~~may~~)) might be a source of a foodborne illness, the ((~~health officer shall~~)) regulatory authority must take appropriate action to control the transmission of disease. ((~~Such~~)) This action((~~s shall~~)) may include any or all of the following:

(a) Secure records that ((~~may~~)) might enable identification of persons potentially exposed to the disease, and/or require additional assistance in locating such persons;

(b) Secure the illness history of each suspected employee;

(c) Exclude any suspected employee(s) from working in food ((~~service~~)) establishments until, in the opinion of the ((~~health officer~~)) regulatory authority, there is no further risk of disease transmission;

(d) Suspend the permit of the food ((~~service~~)) establishment until, in the opinion of the ((~~health officer~~)) regulatory authority, there is no further risk of disease transmission;

(e) Restrict the work activities of any suspected employee;

(f) Require medical and laboratory examinations of any food ((~~service~~)) employee and of his/her body discharges;

(g) Obtain any suspect food for laboratory examination; ((~~and~~))

(h) Require the destruction of, or placement of a hold order on, all suspect food ((~~or prevent it from being served~~)) ; and

(i) Limit, substitute, or restrict menu items or food handling practices that may be associated with causing illness.

(3) ((~~The health officer shall prohibit food handlers with a communicable illness in a disease or carrier state from handling food if the infectious agent can be transmitted through food.~~)

(4)) The provisions of chapter 246-100 WAC, Communicable and certain other diseases ((~~shall~~)), apply.

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-280 Interpretation. (1) ~~The regulatory authority must enforce these regulations ((shall be enforced by the health officer))~~ in accordance with the interpretations contained in the ((1976)) 2001 edition of the Food Code of the United States Public Health Service, ((“Food Service Sanitation Manual,”)) Food and Drug Administration, where applicable.

(2) ~~((When))~~ If a section of these regulations conflicts with the ~~((“Food Service Sanitation Manual,”))~~ Food Code, these regulations ~~((shall))~~ apply.

(3) ~~((A local board of health may adopt))~~ When a regulatory authority adopts rules with more stringent ((regulations)) provisions than those contained in these regulations, the more stringent rules apply.

(4) Designations in the Food Code of critical, noncritical, and swing violations do not apply.

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-290 Separability clause. ~~((Should))~~ If any section, paragraph, clause, or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remaining rules and regulations ~~((shall))~~ will not be affected.

AMENDATORY SECTION (Amending Order 261B, filed 4/1/92, effective 5/2/92)

WAC 246-215-300 Penalty clause. Any person violating, refusing, or neglecting to comply with these regulations ~~((shall))~~:

(1) Will, upon conviction, be guilty of a misdemeanor under RCW 70.05.120; or

(2) May be subject to a civil penalty under local health department/district rules and regulations.

NEW SECTION

WAC 246-215-311 Effective date. The revised provisions of this chapter, as adopted by the state board of health on September 8, 2004, will become effective beginning May 2, 2005.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-215-010 Definitions.
- WAC 246-215-020 Food supplies.
- WAC 246-215-030 Food protection.
- WAC 246-215-040 Public health labeling.
- WAC 246-215-050 Food preparation.
- WAC 246-215-060 Modified atmosphere packaging.

- WAC 246-215-070 Temperature control.
- WAC 246-215-080 Personal hygiene.
- WAC 246-215-090 Sanitary design, construction, and installation of equipment and utensils.
- WAC 246-215-100 Equipment and utensil cleaning and sanitizing.
- WAC 246-215-110 Poisonous or toxic materials.
- WAC 246-215-120 Sanitary facilities and controls.
- WAC 246-215-130 Garbage, rubbish, and litter.
- WAC 246-215-140 Pests and pest control.
- WAC 246-215-150 Construction and maintenance of physical facilities.
- WAC 246-215-160 Mobile food units.
- WAC 246-215-170 Customer self-service of food and bulk food dispensing.
- WAC 246-215-180 Bed and breakfast food service operations.
- WAC 246-215-190 Temporary food service establishments.
- WAC 246-215-230 Inspections and investigations.
- WAC 246-215-250 Review of plans and menu.
- WAC 246-215-270 Variance clause.

WSR 04-16-112
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed August 4, 2004, 9:20 a.m.]

Supplemental Notice to WSR 04-08-130.

Preproposal statement of inquiry was filed as WSR 04-05-064.

Title of Rule and Other Identifying Information: Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. This rule sets forth the minimum training requirements for canine teams, and identifies the areas in which the canine team must demonstrate satisfactory performance to become certified. Teams must be certified before they are allowed to be sued by police or corrections agencies.

Hearing Location(s): Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on Wednesday, September 8, 2004, at 10:00 a.m.

Date of Intended Adoption: September 8, 2004.

PROPOSED

Submit Written Comments to: Sharon M. Tolton, 19010 1st Avenue South, Burien, WA 98148, e-mail stolton@cjtc.state.wa.us, fax (206) 439-3860, by September 6, 2004.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by September 6, 2004, TTY (206) 835-7300.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Subsection (4) has been changed to reflect the intent of the certification that no team shall be assigned to work until minimum performance standards have been met.

Subsection (4)(c) was corrected to reflect the actual number of hours of training hours. The two hundred hours was incorrect when the WAC was originally changed. Subsection (vii) was added to more accurately reflect the recent focus on searches made by explosive detection canine teams. There have been thirty plus explosive canine detection teams added in Washington state over the last year.

Subsection (6)(d) was being interpreted by canine teams being tested, meaning they had to pass only one of the requirements to earn certification. This language was changed to reflect the actual requirement that all phases of the test must be passed for the team to earn certification.

Subsection (6)(d)(iii) and (iv) were added to reflect the areas that will be tested for the explosive detection canine teams and the master protection dogs. Previously, the commission had not established standards for certification of these two types of teams.

Subsection (iv) limits the number of times that a canine team can take the test to receive a passing grade to three. If the team cannot pass within the allotted three attempts, it was determined that the team may need remedial training before continuing the certification process.

Subsection (7)(a)(i) the words if applicable were added because the use of microchips for canine identification is not mandated and some canines have not received this type of identification.

Statutory Authority for Adoption: RCW 43.101.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Staff in cooperation with the canine handlers that have been certifying the canine teams for the commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Doug Blair, Burien, Washington, (206) 835-7309.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 3, 2004
Sharon M. Tolton
Deputy Director

AMENDATORY SECTION (Amending WSR 03-07-100, filed 3/19/03, effective 4/19/03)

WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certifica-

tion of canine teams. (1) Title and scope: These rules are intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes of this section, the following definitions shall apply:

(a) "Dog handler" means any fully commissioned law enforcement officer or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police dog within a law enforcement or corrections assignment; and

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement, or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police dog.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a canine handler and is recognized as a trainer of canines by a professional organization of police and/or corrections canine handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying canine handlers and dogs to work as a canine team.

(3) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy program, or basic correction officer academy or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the training commission.

(4) Prior to (~~or within the first six months of~~) such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police dog for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police dog within general patrol or investigative activities, shall successfully complete a minimum of four hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;

- (vi) Tracking;
- (vii) Trailing;
- (viii) Area searching;
- (ix) Building searching;
- (x) Evidence searching;
- (xi) Pursuit/holding; and
- (xii) Master protection.

(b) A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of specific substances, excluding explosives, shall successfully complete a minimum of two hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area searching;
- (vii) Building searching;
- (viii) Evidence searching; ~~((and))~~
- (ix) Vehicle search; and
- (x) Detection of specific substances.

(c) A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of explosive substances and devices, shall successfully complete a minimum of ~~((two))~~ four hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area searching;
- (vii) Private and commercial conveyance search;
- (viii) Building searching;
- ~~((viii))~~ (ix) Evidence searching; and
- ~~((iv))~~ (x) Detection of explosives.

(d) A dog handler who is responsible for the routine and regular utilization of a police dog solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least ~~((one hundred eighty))~~ two hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit/holding; and
- (vii) Master protection.

(5) The commission shall develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It shall be the handler's responsibility to keep their canines under control at all times. Each handler must be able to make his/her canine perform to a level that is deemed acceptable by the commission

in the category for the team's intended use as a condition of certification.

(6) Certification of canine teams:

(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine changes handlers, a new team exists and the team will need to be certified.

(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a specific purpose.

(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance shall be rated on a pass/fail basis. The evaluator shall have the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission shall certify a canine team who can successfully show proficiency, under scrutiny of a canine evaluator, in ~~((one or more))~~ all of the following areas ~~((of patrol and investigation or detection))~~.

(i) Patrol and investigation:

- (A) Obedience;
- (B) Protection and control;
- (C) Area search;
- (D) Building search; and
- (E) Tracking.

(ii) Detection:

- (A) Buildings;
- (B) Vehicles;
- (C) Exterior search; and
- (D) Obedience ~~((; and~~
- ~~(E) Building search))~~.

(iii) Explosive detection dogs:

- (A) Obedience;
- (B) Buildings;
- (C) Private and commercial conveyance;
- (D) Exterior search.

(iv) Master protection dogs:

- (A) Obedience;
- (B) Protection and control.

(v) Expiration of certification: Each certification issued pursuant to these rules shall remain valid as long as the canine team does not change. A canine team's certification shall lapse if the specific handler and canine originally paired at the time of certification, cease to perform canine team functions together. It is recommended that teams recertify on an annual basis.

~~((iv))~~ (vi) Failure to pass certification: If the canine team fails any phase of an evaluation, he/she must be reevaluated in that particular phase. Patrol and investigation canine teams will be allowed three attempts to successfully pass the requirements of each phase. If the team does not pass by the third attempt, the team shall be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.

~~((iv))~~ (vii) Appeal: Any handler who believes there have been improper procedures applied in the testing process, may file an appeal with the commission in writing. This

appeal must be filed within thirty days of the testing date pursuant to WAC 139-03-020.

(7) Agency required to keep records:

(a) Each agency shall keep training and performance records on canines. The records must stay with the agency responsible for the canine team. The records shall be made available for review in the event that the canine is sold or transferred to another agency. The records shall include, at a minimum, but not be limited to:

- (i) Microchip number (if applicable);
- (ii) Canine's name;
- (iii) Breed;
- (iv) Training received;
- (v) Certification date;
- (vi) Date acquired or purchased;
- (vii) Source from which the canine was acquired;
- (viii) Purpose, use, or assignment of canine;
- (ix) Handler's name;
- (x) The date and reason canine was released from service; and

(xi) Copies of all incident reports in which use of the canine resulted in use of force.

(b) These records shall be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.

(c) It shall be the responsibility of the handler to advise his/her employing agency of the fact that he/she has met the standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification shall be submitted to the commission by the employing agency. This shall be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission shall issue a certificate of certification to the canine team.

(8) Canine recommended to be microchipped:

(a) It is recommended that a canine intended to be used by a law enforcement or corrections agency, be positively identified by having a microchip inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.

(b) Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the dog's training records, and a new microchip inserted if medically appropriate.

WSR 04-16-113

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed August 4, 2004, 9:34 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: WAC 357-01-327 Temporary appointment, 357-19-435 For what reasons may a higher education employer make a temporary appointment?, 357-19-440 What provisions govern higher education temporary appointments?, 357-19-441 What provisions of civil service rules apply to individuals in temporary appointments?, 357-19-442 What happens to an employee's salary and periodic increment date when he/she is temporarily appointed to the higher level class under provisions of WAC 357-19-435(2)?, 357-19-443 Does a permanent employee who is temporarily appointed to a higher level class under the provision of WAC 357-19-435(2) have the right to resume a position at the conclusion of the temporary appointment?, 357-19-444 What notification must a higher education employer give to a temporary appointee?, 357-19-445 What records must higher education employers maintain for individuals in temporary appointments?, 357-19-446 How often must a higher education employer produce records of temporary employees' hours?, 357-19-447 What are the appeal rights of individuals in higher education temporary appointments?, 357-19-448 How does an individual in a higher education temporary appointment request remedial action?, and 357-19-450 When may the director take remedial action for individuals in higher education temporary appointments and what does remedial action include?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 9, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by September 3, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 3, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address temporary appointments for higher education employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding temporary appointments for higher education employees.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 4, 2004
E. C. Matt
Director

NEW SECTION

WAC 357-01-327 Temporary appointment. An appointment made by a higher education employer under the provisions of WAC 357-19-435.

NEW SECTION

WAC 357-19-435 For what reasons may a higher education employer make a temporary appointment? A higher education employer may make a temporary appointment for the following reasons:

- (1) The number of hours to be worked by the individual will not exceed one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, in accordance with WAC 357-04-045; or
- (2) The employing official formally assigns an employee the duties and responsibilities of a higher-level class for a period of less than six (6) consecutive months.

NEW SECTION

WAC 357-19-440 What provisions govern higher education temporary appointments? (1) Temporary appointments may be made without regard to rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

(2) Each higher education employer must develop for director approval a procedure which indicates the employer's system for controlling and monitoring exempt part-time and temporary positions as identified in WAC 357-04-045.

(3) A higher education employer may petition the director in writing for approval of exceptions to the one thousand fifty (1050) hours threshold as specified in WAC 357-19-435(1).

(4) No temporary appointment shall take the place of employees laid off under the provisions of WAC 357-46-010.

NEW SECTION

WAC 357-19-441 What provisions of civil service rules apply to individuals in temporary appointments? (1) Individuals appointed to temporary appointments under the provisions of WAC 357-19-435(1) are exempt from the civil service rules except for the provisions of remedial action as provided in WAC 357-04-045 and 357-19-450.

(2) Employees temporarily assigned higher level duties under the provisions of WAC 357-19-435(2) are classified employees and as such are covered by the civil service rules.

NEW SECTION

WAC 357-19-442 What happens to an employee's salary and periodic increment date when he/she is tempo-

rarily appointed to the higher level class under provisions of WAC 357-19-435(2)? Upon temporary appointment under the provisions the WAC 357-19-435(2), the employee's base salary is determined in accordance with WAC 357-28-110 and his/her periodic increment date is unchanged.

NEW SECTION

WAC 357-19-443 Does a permanent employee who is temporarily appointed to a higher level class under the provision of WAC 357-19-435(2) have the right to resume a position at the conclusion of the temporary appointment? At the conclusion of a temporary appointment to a higher level class under the provisions of WAC 357-19-435(2), a permanent employee has a right to resume a position in the class the employee was in prior to the temporary appointment. Upon return to a position in the prior class, the employee's base salary is reinstated and the employee is credited with any increment increases that would have occurred had the employee not been temporarily appointed to a higher class.

NEW SECTION

WAC 357-19-444 What notification must a higher education employer give to a temporary appointee? (1) All temporary appointees must be notified in writing of the conditions of their appointment prior to the start of the appointment and when any subsequent change to the conditions of their appointment occurs.

(2) The written notification must contain the following information regarding the condition of the appointment:

- (a) The reason for the temporary appointment (see WAC 357-19-435);
- (b) The hours of work and the hourly rate of pay;
- (c) The duration of appointment;
- (d) A statement regarding the receipt or non-receipt of benefits;
 - If the appointee is eligible to receive benefits, the statement must identify which benefits will be received.

(e) The signature of the personnel officer and/or authorizing hiring official;

(f) The signature of the employee verifying receipt of the written notification;

(g) An identification of any current and/or previously held temporary positions at the institution or related higher education board; and

(h) The right to request remedial action as provided in WAC 357-19-448 and 357-19-450.

NEW SECTION

WAC 357-19-445 What records must higher education employers maintain for individuals in temporary appointments? Higher education employers must maintain records of the information contained in WAC 357-19-441 for individuals in temporary appointments.

NEW SECTION

WAC 357-19-446 How often must a higher education employer produce records of temporary employees' hours? At least quarterly, each higher education employer must produce a record, which shows the cumulative hours worked for each temporary appointee. This record must be kept on file in the personnel office and must be made available to the board, director, or department upon request.

NEW SECTION

WAC 357-19-447 What are the appeal rights of individuals in higher education temporary appointments? Individuals appointed to higher education temporary appointments have no appeal rights with the exception of remedial action as provided in WAC 357-19-450.

NEW SECTION

WAC 357-19-448 How does an individual in a higher education temporary appointment request remedial action? Requests for remedial action must be received in writing within thirty (30) days as provided in chapter 357-49 WAC. Following a director's review of the remedial action request, an employee may file exceptions to the director's decision in accordance with chapter 357-52 WAC.

NEW SECTION

WAC 357-19-450 When may the director take remedial action for individuals in higher education temporary appointments and what does remedial action include? For individuals in higher education temporary appointments under the provisions of WAC 357-19-435(1), the director may take remedial action to confer permanent status, set base salary, and establish seniority when it is determined that the following conditions exist:

- (1) The employer has made an appointment that does not comply with rules on temporary appointment; or
- (2) The employee has worked in one or more positions for more than one thousand fifty hours in any twelve consecutive month period since the original hire date or October 1, 1989, whichever is later. (Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the one thousand fifty (1050) hours.)

WSR 04-16-114**PROPOSED RULES****DEPARTMENT OF PERSONNEL**

[Filed August 4, 2004, 9:36 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: WAC 251-08-100 Periodic increment date, 251-10-025 Layoff seniority—General provisions, 251-22-060 Vacation leave—Accrual, and 251-22-200 Leave of absence without pay.

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 9, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 3, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 3, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The modifications add language to the rules to address higher education employees being granted leave without pay for the purpose of formal bargaining sessions under RCW 41.80.010 or chapter 41.06 RCW. Under the proposed modifications employees would not be penalized with adjustment to seniority, periodic increment dates or leave accrual rates if the employees took leave without pay for the purposes of formal collective bargaining.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These modifications will support the implementation of the collective bargaining provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 4, 2004

E. C. Matt

Director

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)**WAC 251-08-100 Periodic increment date.** (1) For purposes of payment of periodic increment increases, the effective date shall be determined as follows:

- (a) The first of the current month for actions occurring between the first and the fifteenth of the month; or
- (b) The first of the following month for actions occurring between the sixteenth and the end of the month.

(2) The periodic increment date of new employees or probationary employees who are reappointed to a new class during the probationary period shall be established:

- (a) Upon completion of six months in the class for those appointed at the first step in the salary range; or

(b) Upon completion of twelve months in the class for those appointed at a salary step above the first step in the salary range.

(3) The periodic increment date of all employees shall be changed as follows:

(a) Upon promotion, the existing periodic increment date will be eliminated and a new date established to be effective upon completion of the trial service period;

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment date will be eliminated and a new date established as provided in subsection (2) of this section;

(c) Upon reallocation under WAC 251-06-080 (1)(a) of an employee who is at the top step of the current salary range, the employee will be given a new periodic increment date which will be six months following the reallocation action;

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-165(5), 251-22-180, and 251-19-130, or when an employee is on leave without pay for the purpose of formal collective bargaining sessions as provided in WAC 251-22-200;

(e) When employees return from layoff status, the date will be reestablished and extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff;

(f) When a cyclic year position leave of absence without pay exceeds ninety calendar days, the periodic increment date shall be extended on a month-for-month basis. Provisions of (d) of this subsection shall apply to that period exceeding the ninety calendar days. Cyclic year position employees serving a probationary or trial service period will have their periodic increment dates extended by an amount of time equal to the period in which the employee is on leave of absence without pay;

(g) When employees are reverted from trial service following promotion (or return from alternate appointment), the periodic increment date held prior to promotion or layoff will be reestablished;

(h) When the director or the personnel appeals board orders remedial action per WAC 251-12-600, the periodic increment date may be modified as part of the order.

(4) The periodic increment date of all employees shall remain unchanged for all other actions including, but not limited to, transfer within class, appointment to another class with the same or lower salary range maximum, and reallocations except as provided in subsection (3)(c) of this section.

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-19-160.

AMENDATORY SECTION (Amending WSR 86-14-041 (Order 152), filed 6/26/86, effective 8/1/86)

WAC 251-10-025 Layoff seniority—General provisions. (1) Layoff seniority is used to determine which employee(s) will be affected by a layoff.

(2) Layoff seniority is the number of calendar days an employee has been continuously employed in the classified service.

(3) Layoff seniority is based on the earliest date of continuous classified service. For the purposes of layoff seniority, classified service of less than full time shall be considered full-time service.

(4) Authorized leave of absence without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute or as stated in subsection (5) of this section.

(5) Leave of absence without pay (~~scheduled for cyclic year positions~~) granted for the following reasons does not constitute a break in service and shall be included when calculating layoff seniority: (~~for employees in cyclic year positions~~)

(a) Leave taken to accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-19-130; or

(b) Leave taken for purposes of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(6) Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken service the veteran's active military service to a maximum of five years' credit.

(7) Participation of current state employees in the state internship program pursuant to WAC 251-25-050(1) shall be included in calculating an employee's layoff seniority.

AMENDATORY SECTION (Amending WSR 02-15-052, filed 7/11/02, effective 9/1/02)

WAC 251-22-060 Vacation leave—Accrual. (1) Full-time employees eligible for vacation leave shall accrue vacation leave, to be credited monthly, at the following rates:

(a) During the first year of continuous state employment - 12 days (8.0 hours per month);

(b) During the 2nd year of continuous state employment - 13 days (8 hours, 40 minutes per month);

(c) During the 3rd and 4th years of continuous state employment - 14 days (9 hours, 20 minutes per month);

(d) During the 5th through the 9th years of total state employment - 15 days (10 hours per month);

(e) During the 10th year of total state employment - 16 days (10 hours, 40 minutes per month);

(f) During the 11th year of total state employment - 17 days (11 hours, 20 minutes per month);

(g) During the 12th year of total state employment - 18 days (12 hours per month);

(h) During the 13th year of total state employment - 19 days (12 hours, 40 minutes per month);

(i) During the 14th year of total state employment - 20 days (13 hours, 20 minutes per month);

(j) During the 15th year of total state employment - 21 days (14 hours per month);

(k) During the 16th and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).

(2) Employees working less than full-time schedules shall accrue vacation leave credit on the same prorata basis that their appointment bears to a full-time appointment.

(3) Per the provisions of WAC 251-19-130(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing the rate of vacation leave accrual for cyclic year position employees.

(4) The following shall apply for purposes of computing years of qualifying state employment:

(a) Employment in the legislative and/or the judicial branch shall not be credited;

(b) Employment exempt by the provisions of WAC 251-04-040(4) or employment in a state agency which is analogous to the conditions specified in WAC 251-04-040(4) shall not be credited;

(c) Each contract year of full-time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;

(d) Employment in part-time classified positions shall be credited as full-time service.

(5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual except during military leave without pay as provided in WAC 251-22-180 and during leave without pay for the purpose of formal collective bargaining sessions under RCW 41.06.010 and chapter 41.06 RCW.

AMENDATORY SECTION (Amending WSR 96-13-077, filed 6/18/96, effective 8/1/96)

WAC 251-22-200 Leave of absence without pay. (1) Leave of absence without pay may be allowed for any of the following reasons:

- (a) Conditions applicable for leave with pay;
- (b) Disability leave;
- (c) Educational leave;
- (d) Leave for government service in the public interest;
- (e) Parental leave;
- (f) Child care emergencies;
- (g) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-19-130;

(h) Serious health condition of an eligible employee's child, spouse, or parent as provided in WAC 251-22-116.

(i) Leave taken for the purpose of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

WSR 04-16-115

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed August 4, 2004, 9:38 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: WAC 356-18-140 Leave without pay and 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date and seniority.

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 9, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 3, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 3, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The modifications add language to the rules to address general government employees being granted leave without pay for the purpose of formal bargaining sessions under RCW 41.80.010 or chapter 41.06 RCW. Under the proposed modifications employees would not be penalized with adjustment to seniority if employee took leave without pay for purposes of formal collective bargaining.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These modifications will support the implementation of the collective bargaining provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 4, 2004

E. C. Matt

Director

AMENDATORY SECTION (Amending WSR 01-07-057, filed 3/19/01, effective 5/1/01)

WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service. Leave without pay shall not affect an employee's periodic increment date.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Military and U.S. Public Health Service and Peace Corps leave.

(d) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority.

(e) Leave taken voluntarily to reduce the effect of an agency reduction in force. Such leave shall not affect an employee's seniority.

(f) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(g) Leave taken for the purpose of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation;

(d) Educational leaves under provisions of WAC 356-39-120;

(e) Leave for serious health condition for an eligible employee or the employee's spouse, child or parent and newborn, adoptive or foster child care under provisions of WAC 356-18-150 and 356-18-145;

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.

(5) Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force.

AMENDATORY SECTION (Amending WSR 02-15-055, filed 7/11/02, effective 9/1/02)

WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's anniversary date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(f) As of February 24, 2004, leave taken for the purpose of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary date.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

(6) Employees who are on leave without pay for any reason other than subsection (2) of this section, shall have their seniority date extended by the number of calendar days they are on leave without pay including any intervening nonworking days.

(7) Leave without pay shall not affect an employee's periodic increment date.

WSR 04-16-117

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 4, 2004, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-030.

PROPOSED

PROPOSED

Title of Rule and Other Identifying Information: Chapter 308-127 WAC, Timeshare, amending WAC 308-127-160 Fees.

Hearing Location(s): Department of Licensing, Business and Professions Division, Building 2, Conference Room 209, 405 Black Lake Boulevard, Olympia, WA 98502, on September 9, 2004, at 2:30 p.m.

Date of Intended Adoption: September 10, 2004.

Submit Written Comments to: Randy Renfrow, Timeshare Program, P.O. Box 9026, Olympia, WA 98507, e-mail rrenfrow@dol.wa.gov, fax (360) 664-6632, by September 8, 2004.

Assistance for Persons with Disabilities: Contact Randy Renfrow by September 8, 2004, TTY (360) 664-8885 or (360) 664-6632.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department has reviewed the rule noted and recommends a reduction in fees to reduce the level of revenue collected.

Reasons Supporting Proposal: The current level of revenue collection warrants a reduction in fees and still maintains the level of revenue required to administratively operate the program as required under RCW 43.24.086.

Statutory Authority for Adoption: RCW 64.36.081, 43.24.023, 43.24.086.

Statute Being Implemented: RCW 64.36.081.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-6632.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to rules that set or adjust fees or rates pursuant to legislative standards.

August 4, 2004
Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 04-12-028, filed 5/26/04, effective 7/1/04)

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.086:

(1) Registration application fees:	
Start up timeshare program including one project.	\$1000.00
Each additional project in program.	200.00
Each apartment unit in program.	((20.00)) <u>10.00</u>
The first unit of personal property in the timeshare program.	500.00

Each additional unit of personal property in the timeshare program.	100.00
Businesses of listing or brokering resale intervals.	500.00
(2) Interval Fees:	
For each interval through one thousand.	1.00
Intervals beyond one thousand.	0.00
Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals).	10.00
(3) Renewal fees:	
Timeshare program including one project.	500.00
Late renewal fee for timeshare program.	2000.00
Each additional project to a maximum of five projects.	200.00
Each apartment unit - to maximum of twenty-five apartment units.	((20.00)) <u>10.00</u>
(4) Consolidation fees:	
Each additional project added.	200.00
Each additional apartment unit.	((20.00)) <u>10.00</u>
The first additional unit of personal property being consolidated.	250.00
Each additional unit of personal property added in one consolidation.	100.00
(5) Exemption fees:	
Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals.	250.00
All other types of programs.	1000.00
(6) Impound fees:	
Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository.	500.00
Each required periodic report.	50.00
(7) Advertising fees:	
Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment.	25.00
Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments.	150.00

PROPOSED

- (8) Fees for persons in the business of offering commercial promotional programs:
 - Registration of individual. 500.00
- (9) Salespersons fees:
 - Registration. 25.00
 - Renewal. 25.00
 - Transfer. 25.00
- (10) Fees for amendment of registration:
 - For a timely submission of an amendment filing. 25.00
 - Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change. 500.00

(11) Inspection fees:
 Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.

WSR 04-16-118
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 4, 2004, 10:04 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 03-14-047.

Title of Rule and Other Identifying Information: Chapter 308-129 WAC, Sellers of travel, amending WAC 308-129-110 Seller of travel registration fees.

Hearing Location(s): Department of Licensing, Business and Professions Division, Building 2, Conference Room 209, 405 Black Lake Boulevard, Olympia, WA 98502, on September 9, 2004, at 2:00 p.m.

Date of Intended Adoption: September 10, 2004.

Submit Written Comments to: Randy Renfrow, Seller of Travel Program, P.O. Box 9026, Olympia, WA 98507, e-mail rrenfrow@dol.wa.gov, fax (360) 664-6634, by September 8, 2004.

Assistance for Persons with Disabilities: Contact Randy Renfrow by September 8, 2004, TTY (360) 664-8885 or (360) 664-6634.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department has reviewed the rule noted and recommends a reduction in fees to reduce the level of revenue collected.

Reasons Supporting Proposal: The current level of revenue collection warrants a reduction in fees and still main-

tains the level of revenue required to administratively operate the program as required under RCW 43.24.086.

Statutory Authority for Adoption: RCW 19.138.170, 43.24.023, 43.24.086.

Statute Being Implemented: RCW 19.138.170.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-6634.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to rules that set or adjust fees or rates pursuant to legislative standards.

August 4, 2004
 Mykel D. Gable
 Assistant Director

AMENDATORY SECTION (Amending WSR 04-12-027, filed 5/26/04, effective 7/1/04)

WAC 308-129-110 Seller of travel registration fees.
 The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	\$ ((199.00))
	<u>145.00</u>
Registration renewal	((199.00))
	<u>145.00</u>
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

WSR 04-16-123
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed August 4, 2004, 11:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-110 [04-08-110].

Title of Rule and Other Identifying Information: Three proposed new rules:

- WAC 314-05-020 What is a special occasion license?, rule to explain what a special occasion license is, fees, and basic qualifications.
- WAC 314-05-025 Application process for a special occasion licenses, rule to explain application process.

- WAC 314-05-030 Guidelines for special occasion license events, rule to explain guidelines for special occasion events.

Hearing Location(s): Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on October 6, 2004, at 10:00 a.m.

Date of Intended Adoption: October 13, 2004.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail rules@liq.wa.gov, fax (360) 704-4921, by October 11, 2004.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by October 5, 2004, TTY (800) 855-2880 or (360) 664-1648.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Currently there are no rules regarding special occasion licenses. Rules are needed to implement and further explain the guiding laws, RCW 66.24.375 and 66.24.380, and portions of RCW 66.28.010 (the "tied house" law). See Title of Rule and Other Identifying Information above.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010.

Statute Being Implemented: RCW 66.24.375, 66.24-380.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [Liquor Control Board], governmental.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1648; Implementation: Lorraine Lee, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600; and Enforcement: Rick Phillips, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No economic impact to small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Liquor Control board is not a listed agency in RCW 34.05.328.

August 4, 2004
Merritt D. Long
Chairman

NEW SECTION

WAC 314-05-020 What is a special occasion license?

(1) Per RCW 66.24.380, a special occasion license allows a nonprofit organization to sell, at a specified date, time, and place:

(a) spirits, beer, and wine by the individual serving for on-premises consumption; and

(b) beer and wine in original, unopened containers for off-premises consumption.

(2) Special occasion licensees are limited to twelve days per calendar year (see RCW 66.24.380(1) for an exception for agricultural fairs).

(3) The fee for this license is \$60 per day, per event. Multiple alcohol service locations at an event are an additional \$60 per location.

(4) Guidelines for nonprofit organizations—

(a) Per RCW 66.24.375, all proceeds from the sale of alcohol at a special occasion event must go directly back into the nonprofit organization, except for reasonable operating costs for actual services performed at compensation levels comparable to like services within the state.

(b) Per RCW 66.28.010, officers, directors, and/or stockholders of the organization may not have an interest in a manufacturer, importer, or distributor of alcohol.

NEW SECTION

WAC 314-05-025 Application process for a special occasion licenses. (1) Special occasion applications normally take forty-five days to process. The liquor control board may not be able to process your application in time for your event if you do not apply at least forty-five days before the event.

(2) Per RCW 66.24.010(8), when the board receives a special occasion application, it must send a notice to the local authority. The local authority has 20 days to respond with any input, and they may request an extension for good cause.

(3) The liquor control board may run a criminal history check on the organization's officers and/or managers.

(4) The liquor control board may request documentation to verify the organization is a bona-fide nonprofit, who the true party(ies) of interest are in the organization, and that the organization meets the guidelines outlined in WAC 314-05-020 and 314-05-025.

(5) See chapter 314-07 WAC regarding possible reasons for denial of a special occasion license. Denials are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

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

NEW SECTION

WAC 314-05-030 Guidelines for special occasion license events. (1) The special occasion license must be posted at the event.

(2) Special occasion licensees may get alcohol for the event only from the following sources:

(a) Spirits must be purchased from a Washington state-run or contract liquor store;

(b) Beer and wine must be purchased at retail or from a beer or wine distributor; and

(c) Per RCW 66.28.040, in state breweries and wineries and out-of-state breweries and wineries holding a certificate of approval license may donate beer and wine to special occasion licensees that are 501 (c)(3) charitable organizations.

(3) Special occasion licensees may not advertise or sell alcohol below cost. If donated product is sold by the special occasion licensee, it may not be advertised or sold below the manufacturers' cost.

(4) Per RCW 66.28.010, alcohol manufacturers, importers and distributors may provide advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or

judging event, but may not provide money, goods, or services to special occasion licensees.

(5) Per RCW 66.28.380, the sale, service, and consumption of alcohol must be confined to a designated location(s).

(6) If a special occasion license function is held at an establishment that has a liquor license:

(a) The special occasion function must be held in an area of the premises separate from areas open to the general public, and the licensed premises' liquor cannot be sold or served in the same area(s) as the special occasion license function.

(b) The liquor licensee cannot charge for the liquor purchased by the special occasion licensee for service at the special occasion event, but can charge for room usage, services, etc. The liquor licensee must sign the special occasion application giving permission for the special occasion licensee to bring their alcohol onto the liquor licensed premises.

(c) Special occasion licensees will not be issued for use at premises whose liquor license will be suspended on the date(s) of the scheduled event.

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

WSR 04-16-124
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed August 4, 2004, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-128.

Title of Rule and Other Identifying Information: Changes to the following rules regarding beer and wine tax reporting and payment requirements: WAC 314-19-015 What are the monthly reporting and tax payment requirements?, 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?, 314-19-030 How can a licensee claim a credit or refund for tax-paid product?, 314-19-035 Reduced tax rate for beer, and 314-19-040 Is there any exception to the additional tax imposed on fortified wine?

Hearing Location(s): Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on October 6, 2004, at 10:00 a.m.

Date of Intended Adoption: October 13, 2004.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail rules@liq.wa.gov, fax (360) 704-4921, by October 11, 2004.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by October 5, 2004, TTY (800) 855-2880 or (360) 664-1648.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to these rules in chapter 314-19 WAC are needed to:

- Clarify language in the rules, and in some places add more detail, for issues that cause confusion for customers.

- Implement SSB 6655, passed during the 2004 legislative session, which will take effect on January 1, 2005. The law change will allow an authorized representative of an out-of-state brewery or winery to ship beer and wine into Washington state for resale. Currently only the actual brewery or winery may ship beer or wine into Washington for resale. The law will require persons who ship foreign-produced beer or wine into Washington for resale to get a certificate of approval license, just like suppliers of United States product.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

Statute Being Implemented: RCW 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [Liquor Control Board], governmental.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1648; **Implementation:** Randy Simmons, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600; and **Enforcement:** Lorraine Lee, Randy Simmons, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No economic impact to small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

August 4, 2004

Merritt D. Long

Chairman

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-17 issue of the Register.



WSR 04-16-091

EXPEDITED RULES

MARINE EMPLOYEES' COMMISSION

[Filed August 3, 2004, 8:18 a.m.]

Title of Rule and Other Identifying Information: Chapter 316-25 WAC, Marine employees' representation case rules; and chapter 316-35 WAC, Marine employees' unit clarification case rules; WAC 316-25-001 Scope—Contents—Other rules, 316-25-010 Petition for investigation of a question concerning representation of employees—Who may file, 316-25-030 Petition—Time for filing, 316-25-050 Petition form—Number of copies—Filing—Service, 316-25-070 Contents of petition, 316-25-090 Contents of petition filed by department, 316-25-110 Supporting evidence, 316-25-130 List of employees, 316-25-140 Notice to employees, 316-25-150 Amendment and withdrawal, 316-25-170 Intervention—By incumbent representative, 316-25-190 Intervention—By organization other than incumbent, 316-25-210 Showing of interest confidential, 316-25-220 Prehearing conferences, 316-25-230 Election agreements, 316-25-250 Cross-check agreements, 316-25-270 Supplemental agreements, 316-25-290 Notice of hearing, 316-25-310 Hearings—Who shall conduct, 316-25-330 Authority of hearing officer, 316-25-350 Hearings—Nature and scope, 316-25-370 Blocking charges—Suspension of proceedings—Request to proceed, 316-25-390 Proceedings before a hearing officer, 316-25-410 Cross-check of records, 316-25-430 Notice of election, 316-25-450 Disclaimers, 316-25-470 Electioneering, 316-25-490 Election procedures—Balloting, 316-25-510 Challenged ballots, 316-25-530 Votes needed to determine election, 316-25-550 Tally sheet, 316-25-570 Procedure following inconclusive election, 316-25-590 Filing and service of objections, 316-25-610 Procedure where no objections are filed, 316-25-630 Procedure where objections are filed, 316-25-650 Briefs and written arguments on objections, 316-25-670 Commission action on objections, 316-35-001 Scope—Contents—Other rules, 316-35-010 Petition for clarification of an existing bargaining unit—Who may file, 316-35-030 Petition form—Number of copies—Filing—Service, 316-35-050 Contents of petition, 316-35-070 Amendment and withdrawal, 316-35-090 Notice of hearing, 316-35-110 Consolidation of proceedings, 316-35-130 Hearings—Who shall conduct, 316-35-150 Authority of hearing officer, 316-35-160 Prehearing conferences, 316-35-170 Hearings—Nature and scope, 316-35-190 Proceedings before a hearing officer, 316-35-210 Proceedings before the commission—Petition for review, 316-35-230 Filing and service of cross-petition for review, and 316-35-250 Commission action.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kathy Marshall, Marine

Employees' Commission, P.O. Box 40902, Olympia, WA 98504-0902, AND RECEIVED BY October 4, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To make house-keeping changes and simplify/reduce language.

Reasons Supporting Proposal: In compliance with Executive Order 97-02, these rules were reviewed and clarification changes made to those rules.

Statutory Authority for Adoption: RCW 34.05.230.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Marine Employees' Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Kathy Marshall, 711 Capitol Way South, Suite 104, Olympia, WA, (360) 586-6354; Implementation and Enforcement: John R. Swanson, Chairman, 711 Capitol Way South, Suite 104, Olympia, WA, (360) 586-6354.

August 3, 2004

Kathy Marshall

Administrator

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-001 Scope—Contents—Other rules.

This chapter (~~((governs))~~) directs proceedings before the marine employees' commission on petitions for investigation of questions concerning representation of Washington state ferry system employees. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which (~~((contains))~~) lists rules (~~((promulgated))~~) adopted by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-25 WAC, except:

(a) WAC 10-08-035, which is (~~((supplanted))~~) replaced by detailed requirements in WAC 316-25-070;

(b) WAC 10-08-211, which is (~~((supplanted))~~) replaced by WAC 316-25-390, 316-25-590, 316-25-630, and 316-25-670; and

(c) WAC 10-08-230, which is (~~((supplanted))~~) replaced by WAC 316-25-005, 316-25-150, 316-25-220, 316-25-230, 316-25-250, and 316-25-270.

(2) Chapter 316-02 WAC, which (~~((contains))~~) lists rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

(3) Chapter 316-35 WAC, which (~~((contains))~~) lists rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which (~~((contains))~~) lists rules (~~((relating to))~~) about proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-55 WAC, which (~~((contains))~~) lists rules (~~((relating to))~~) about resolution of impasses occurring in ferry system collective bargaining.

(6) Chapter 316-65 WAC, which (~~((contains))~~) lists rules (~~((relating to))~~) about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(7) Chapter 316-75 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-010 Petition for investigation of a question concerning representation of employees—Who may file. A petition for investigation of a question concerning representation of employees, ~~((hereinafter referred to as))~~ from now on called a "petition," may be filed by any employee of the Washington state ferry system, group of employees, employee organization, department of transportation, or their agents.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-030 Petition—Time for filing. In order to be timely filed:

(1) Where there is a valid written and signed collective bargaining agreement in effect covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition may be filed during the period not more than ninety nor less than sixty days prior to the expiration date of the collective bargaining agreement, or after the expiration ~~((thereof))~~ date of the collective bargaining agreement.

(2) Where a certification has been issued by the commission covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition may be filed not less than twelve months following the date of the certification.

(3) Where neither subsections (1) nor (2) of this section are applicable, a petition may be filed at any time.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-050 Petition form—Number of copies—Filing—Service. Each petition ~~((shall))~~ must be prepared on a form furnished by the commission ~~((or shall be prepared in conformance with WAC 316-25-070. The original petition shall be filed with the commission at its))~~ and filed at the commission's Olympia office. The party filing the petition ~~((shall))~~ must serve a copy on the department and on each employee organization named in the petition as having an interest in the proceedings.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-070 ~~((Contents of))~~ Petition contents. Each petition ~~((shall))~~ must contain:

(1) The name and address of the department and the name, address and telephone number of the department's principal representative in matters concerning relationships between the department and its ferry system employees.

(2) A description of the bargaining unit which the petitioner claims to be appropriate, specifying inclusions and exclusions, and the approximate number of employees in such bargaining unit.

(3) The names and, if known, the addresses and telephone numbers of the principal representatives of any organizations which may claim to represent any of the employees in the bargaining unit which the petitioner claims to be appropriate.

(4) A statement that: (a) The department declines, after having been requested to do so, to recognize the petitioner as the exclusive representative of the employees in the bargaining unit which the petitioner claims to be appropriate, or (b) the employees in the bargaining unit which the petitioner claims to be appropriate wish to change their exclusive bargaining representative, or (c) the employees in the bargaining unit do not wish to be represented by an employee organization.

(5) Any other relevant facts.

(6) The name, address and affiliation, if any, of the petitioner and the name, address and telephone number of the principal representative, if any, of the petitioner.

(7) The signature and, if any, the title of the petitioner or its representative.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-090 Contents of petition filed by department. Each petition filed by the department ~~((shall))~~ must contain all of the information required by WAC 316-25-070, except for that required by WAC 316-25-070(4), and ~~((shall))~~ must conform to the following additional requirements:

(1) Each petition filed by the department shall contain a statement that the department has been presented with a demand by an organization seeking recognition as the exclusive representative of the employees in the bargaining unit described in the petition.

(2) WAC 316-25-110 ~~((shall))~~ is not ~~((be))~~ applicable to such petitions.

(3) Where the status of an incumbent exclusive bargaining representative is questioned, the department ~~((shall))~~ must attach such affidavits and any other available documentation ~~((as may be available to it))~~ to demonstrate the existence of a good faith doubt concerning the representation of its employees. To constitute a basis for a good faith doubt under this subsection, signature documents provided to the department by employees must be in a form which would qualify as supporting evidence under WAC 316-25-110 if filed by the employees directly with the commission.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-110 Supporting evidence. The original petition ~~((shall))~~ must be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards appli-

cable to the petition, and must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. ~~((Such))~~ These authorization cards ~~((shall))~~ are not ~~((be))~~ valid unless signed and dated during the one hundred eighty-day period ~~((preceding))~~ before the filing of the petition or the filing of such evidence with the commission, whichever is later.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-130 List of employees. The department ~~((shall))~~ must submit ~~((to the commission))~~ a list containing the names and last known addresses of all of the employees in the bargaining unit described in the petition to the commission. ~~((Following))~~ After administrative determination that the petition is supported by a sufficient showing of interest, the department ~~((shall, upon))~~ will, on request, provide a copy of the list of names and addresses to the petitioner. ~~((Following))~~ After granting of a motion for intervention, the department ~~((shall, upon))~~ will, on request, provide a copy of the list of names and addresses to the intervenor.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-140 Notice to employees. The department ~~((shall))~~ must post copies of a notice, ~~((specified by and furnished))~~ created and supplied by the commission, advising of the existence of proceedings under this chapter, in conspicuous places on its premises where notices to affected employees are usually posted.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-170 Intervention—By incumbent representative. An organization which demonstrates that it has been the exclusive representative of all or any part of the bargaining unit involved in proceedings under this chapter during the year ~~((preceding))~~ before the filing of the petition may, by motion, intervene in the proceedings and, upon granting of its motion for intervention, ~~((shall be))~~ is entitled to participate in the proceedings and to have its name listed as a choice on the ballot in any election. No motion for intervention ~~((shall))~~ will be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross-check agreement.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-190 Intervention—By organization other than incumbent. An organization not covered by WAC 316-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, ~~((shall be))~~ is entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention ~~((shall))~~ must be supported by a showing of interest indicating that the intervenor

has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. ~~((Such))~~ Authorization cards ~~((shall))~~ are not ~~((be))~~ valid unless signed and dated during the one hundred eighty-day period preceding the filing of such evidence with the commission. The showing of interest shall be made confidentially to the commission at or before the time the motion for intervention is made: Provided, however, That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the commission may impose to avoid undue delay of the proceedings. No motion for intervention ~~((shall))~~ will be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross-check agreement.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-210 Showing of interest confidential. The question of whether a showing of interest requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the commission and may not be litigated at any hearing. The commission shall not disclose the identities of employees whose authorization cards or letters are filed in support of a petition or motion for intervention. ~~((In order))~~ To preserve the confidentiality of the showing of interest and the right of employees freely to express their views on the selection of a bargaining representative, the commission ~~((shall))~~ will not honor any attempt to withdraw or diminish a showing of interest.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-220 Prehearing conferences. The commission may conduct prehearing conferences with the parties to discuss ~~((with the parties))~~ all contested issues of law and fact which may arise in representation cases. The parties are encouraged to reach binding stipulations on all issues during the ~~((course of the))~~ prehearing conference. ~~((Such))~~ These stipulations are to be embodied in election agreements, cross-check agreements, and/or supplemental agreements provided for in this chapter.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-230 Election agreements. Where the department and all other parties agree on a representation election, they may file an election agreement with the commission. ~~((Such))~~ The election agreement ~~((shall))~~ must contain:

(1) The name and address of the department and the name, address and telephone number of its principal representative.

(2) The names and addresses of all other parties participating in the election agreement and the names, addresses and telephone numbers of their principal representatives.

(3) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in such unit.

(4) A statement by all parties that: (a) No organization is known which is or may be entitled to intervene as an incumbent representative, or (b) the incumbent representative is a party to the election agreement, or (c) the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement.

(5) A statement by all parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that all parties agree that a question concerning representation exists; that a hearing is waived; and that the commission is requested to proceed to conduct an election and certify the results.

(6) A list, attached to the election agreement as an appendix, containing the names of the employees eligible to vote in the election and the eligibility cut-off date for the election is to be used solely for activities related to the election. If the parties request that the election be conducted by mail ballot, the list ~~((shall))~~ will include the last known address of each of the employees eligible to vote. If no eligibility cut-off date is specified by the parties, the eligibility cut-off date ~~((shall))~~ will be the date on which the election agreement is filed.

(7) The suggestions of the parties as to the location, the day or days of the week and the time or times of day for the conduct of the election, or that the election be conducted by mail ballot.

(8) The signatures and, if any, the titles of all parties or their representatives.

The original and one copy of the election agreement ~~((shall))~~ must be filed ~~((with))~~ at the commission's ~~((at-its))~~ Olympia office, and copies ~~((shall))~~, with employee addresses removed, must be posted by the department in conspicuous places on the department's premises where notices to affected employees are usually posted. The election agreement ~~((shall))~~ will remain posted for at least seven days after it is filed with the commission (ten days after it is deposited in the United States mail addressed to the commission).

~~((Upon))~~ After the filing of an election agreement conforming to the foregoing requirements and seeking an election in an appropriate bargaining unit, the commission representative(s) ~~((shall))~~ will proceed to conduct an election. Objections to the election by a party to the election agreement ~~((shall))~~ will be limited to matters relating to specific conduct affecting the results of the election.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-250 Cross-check agreements. ~~((Where))~~ If only one organization is seeking certification as the representative of unrepresented employees, the department and the organization may file a cross-check agreement with the commission. ~~((Such))~~ The cross-check agreement ~~((shall))~~ must contain:

(1) The name and address of the department and the name, address and telephone number of its principal representative.

(2) The name and address of the organization and the name, address and telephone number of its principal representative.

(3) The description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions and the number of employees in such unit.

(4) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the commission is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or membership records submitted by the organization against the employment records of the department.

(5) A list, attached to the cross-check agreement as an appendix, containing the names of the employees in the bargaining unit.

(6) The suggestions of the parties as to the time and place where the records to be cross-checked can be made available to the commission.

(7) The agreement of the parties to be bound by the results of the cross-check.

(8) The signatures and, if any, the titles of the representatives of the parties.

The original and one copy of the cross-check agreement ~~((shall))~~ must be filed ~~((with))~~ at the commission's ~~((at-its))~~ Olympia office, and copies ~~((thereof shall))~~ must be posted by the department in conspicuous places on the department's premises where notices to affected employees are usually posted. The cross-check agreement ~~((shall))~~ must remain posted for at least seven days after it is filed with the commission (ten days after it is deposited in the United States mail addressed to the commission).

~~((Upon the filing of))~~ After a cross-check agreement ~~((conforming to the foregoing))~~ including the above requirements and seeking a cross-check in an appropriate bargaining unit is filed, the commission ~~((shall))~~ will proceed with the cross-check of records. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification ~~((shall))~~ will be issued until seven days have ~~((elapsed))~~ passed after following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification ~~((shall))~~ will be issued on the basis of the cross-check.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-270 Supplemental agreements. Where the parties are able to agree generally on the matters to be set forth in an election agreement under WAC 316-25-230 or a cross-check agreement under WAC 316-25-250, but are unable to agree on limited issues concerning the definition of the bargaining unit or employee eligibility, they may expedite the determination of the question concerning representation while reserving their disagreement for subsequent determina-

tion by filing a supplemental agreement under this rule together with an agreement under WAC 316-25-230 or 316-25-250. ~~((Such))~~ The supplemental agreement ~~((shall))~~ must contain:

(1) The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings.

(2) Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute.

(3) A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross-check, subject to a subsequent determination of the dispute; and that the certification of the results of the election or cross-check not be withheld pending the determination of the dispute unless the challenges are sufficient in number to affect the outcome.

(4) The signatures and, if any, the titles, of the representatives of the parties.

The original and one copy of the supplemental agreement ~~((shall))~~ must be filed with the commission together with the agreement filed under WAC 316-25-230 or 316-25-250, and ~~((shall))~~ must be posted with such agreement.

~~((Upon the filing of))~~ After a supplemental agreement is filed, the commission ~~((shall proceed with the determination of))~~ will determine the question concerning representation. If ~~((the))~~ there are enough challenges ~~((are sufficient in number))~~ to affect the outcome, they ~~((shall))~~ will be determined ~~((prior to the issuance of a))~~ before issuing certification. Otherwise, a conditional certification ~~((shall))~~ will be issued which ~~((shall))~~ will be amended ~~((upon))~~ on final disposition of the issues framed in the supplemental agreement.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-290 Notice of hearing. After a petition has been filed, if it appears to the commission that there is reasonable cause to believe that a question concerning representation exists, ~~((there shall be issued and))~~ a notice will be issued scheduling a hearing at a fixed time and place and it will be served on the department and on all organizations listed in the petition and on any organization having ~~((therebefore))~~ intervened ~~((, a notice of hearing before the commission or an assigned commissioner at a time and place fixed therein)).~~ The commission ~~((shall))~~ will furnish the department with copies of such notice, and the department ~~((shall))~~ must post them in conspicuous places on its premises where notices to affected employees are usually posted. Any such notice of hearing may be amended or withdrawn at any time before the close of the hearing.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-310 Hearings—Who shall conduct. Hearings may be conducted by the commission or by a member of the commission assigned as a hearing officer. ~~((At any time,))~~ The commission or another commissioner may be

substituted for the hearing officer previously presiding at any time.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-350 Hearings—Nature and scope. Hearings ~~((shall be))~~ are public and ~~((shall be))~~ limited to matters concerning the determination of the existence of a question concerning representation, the appropriate bargaining unit and questions of eligibility. It ~~((shall be))~~ is the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record ~~((upon))~~ on which the commission may discharge its duties under chapter 47.64 RCW and these rules.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-370 Blocking charges—Suspension of proceedings—Request to proceed. (1) Where representation proceedings have been commenced under this chapter and:

(a) A complaint charging unfair labor practices is filed under the provisions of chapter 316-45 WAC; and

(b) It appears that the facts as alleged may constitute an unfair labor practice; and

(c) Such unfair labor practice could improperly affect the outcome of a representation election; the commission may suspend the representation proceedings under this chapter pending the resolution of the unfair labor practice case.

(2) The complainant(s) in the unfair labor practice case may file a request to proceed, in writing, with the commission. ~~((Such))~~ The request to proceed ~~((shall))~~ must identify, by case number, the representation proceedings for which it is made, ~~((shall))~~ must request that those representation proceedings be continued notwithstanding the pending unfair labor practice case, and ~~((shall))~~ must acknowledge that the commission will not entertain objections based on conduct alleged in the unfair labor practice case. ~~((Upon))~~ On the filing of a request to proceed conforming to the foregoing requirements the commission ~~((shall))~~ will resume the processing of the representation petition and ~~((shall))~~ will summarily dismiss any objections filed in conflict with the request to proceed.

(3) Where a complaint charging unfair labor practices is filed after the filing of an election agreement or issuance of a direction of election, the commission ~~((shall))~~ will proceed with the determination of the question concerning representation, subject to the right of any party to file objections as provided in WAC 316-25-590.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-390 Proceedings before a hearing officer. The hearing officer may proceed ~~((forthwith upon))~~ on the record, after submission of briefs or after hearing, as may be appropriate. The hearing officer ~~((shall))~~ determines whether a question concerning representation exists, and ~~((shall))~~ issues a direction of election, ~~((dismiss))~~ dismisses

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the petition or makes other disposition of the matter. ~~((Such))~~ The actions ~~((shall be))~~ are subject to review by the commission only as follows:

(1) Except for rulings as to whether the department is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings ~~((shall))~~ are not ~~((be))~~ subject to review by the commission except upon objections timely filed under WAC 316-25-590.

(2) An order of dismissal ~~((shall be))~~ is subject to review by the commission on its own motion or at the request of any party made within twenty days following the date of the order. Briefs or written arguments ~~((shall))~~ must be submitted as provided in WAC 316-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the hearing officer ~~((shall have))~~ has the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-410 Cross-check of records. ~~((Where))~~ If a cross-check of records is to be conducted to determine a question concerning representation, the organization ~~((shall))~~ will submit to the commission original individual cards or letters signed and dated by employees in the bargaining unit not more than ninety days prior to the filing of the petition and indicating that such employees authorize the named organization to represent them for the purposes of collective bargaining, or ~~((shall))~~ will submit to the commission membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing. The department ~~((shall))~~ will make available ~~((to the commission))~~ original employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit available to the commission. ~~((Prior to the commencement of))~~ Before starting the cross-check, the organization may file a request that the question concerning representation be determined by a representation election and such requests ~~((shall))~~ will be honored. Where the organization files a disclaimer ~~((or a request for election))~~ after the ~~((commencement))~~ start of the cross-check, the cross-check ~~((shall))~~ will be terminated and the organization ~~((shall not))~~ cannot seek to be certified in the bargaining unit for a period of at least one year ~~((thereafter))~~ afterward. All cross-checks ~~((shall))~~ will be by actual comparison of records submitted by the parties. The commission ~~((shall))~~ will not disclose the names of employees giving representation authorization in favor of or appearing on the membership rolls of the organization. ~~((Upon the conclusion of the comparison of records))~~ After records have been compared, the commission officer conducting the cross-check ~~((shall))~~ will prepare and furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-430 Notice of election. When an election is to be conducted, the commission ~~((shall))~~ will furnish the department with appropriate notices, and the department ~~((shall))~~ must post them in conspicuous places on its premises where notices to affected employees are usually posted. The notice ~~((shall))~~ must contain:

(1) The description of the bargaining unit or voting group(s) in which the election is to be conducted.

(2) The date(s), hours and polling place(s) for the election.

(3) The cut-off date, if any, or other criteria to be applied in establishing eligibility to vote in the election.

(4) A statement of the purpose of the election and the question to be voted upon or a sample ballot.

Notices of the election ~~((shall))~~ must be posted for at least seven days prior to the opening of the polls. ~~((In))~~ When computing ~~((such))~~ the period, the day of posting ~~((shall be))~~ is counted, but the day on which the polls are opened ~~((shall))~~ is not ~~((be))~~ counted. The reproduction of any document purporting to suggest, either directly or indirectly, that the commission endorses a particular choice may constitute grounds for setting aside an election ~~((upon objections))~~ on properly filed objections.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-450 Disclaimers. An organization may file a disclaimer and have its name removed from the ballot ~~((Provided, however, That if such))~~. If a disclaimer is filed after the issuance of a notice of election, the organization filing the disclaimer ~~((shall not))~~ cannot seek to be certified in that bargaining unit for a period of at least one year thereafter.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-470 Electioneering. (1) The department and employee organizations are prohibited from making election speeches on the department's time to massed assemblies of employees within twenty-four hours before the scheduled time for the opening of the polls for an election conducted under "in person" voting procedures, or within the time period beginning with the issuance of ballots to employees for an election conducted under "mail ballot" voting procedures and ending with the tally of ballots.

(2) There ~~((shall))~~ will be no electioneering at or about the polling place during the hours of voting.

Violations of this rule ~~((shall))~~ will be grounds for setting aside an election ~~((upon objections))~~ on properly filed objections.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-490 Election procedures—Balloting. All elections ~~((shall))~~ must be by secret ballot. Multiple questions, including unit determination elections, may be submit-

ted to employees at the same time on separate ballots. Absentee balloting ~~((shall))~~ will not be allowed. Each party may be represented by observers of its own choosing, subject to such limitations as the commission may prescribe ~~((Provided, however, That))~~. However, no management official having authority over bargaining unit employees nor any officer or paid employee of an organization ~~((shall))~~ will serve as observer.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-510 Challenged ballots. Any observer or the election officer may challenge, for good cause, the eligibility of any person seeking to cast a ballot in the election. No person ~~((shall))~~ will be denied the right to cast a challenged ballot. The election officer ~~((shall))~~ will not have authority to resolve challenges at the polls, and the ballot of the challenged voter ~~((shall))~~ will be placed in a sealed envelope identifying the voter and the observer or election officer challenging the eligibility of the voter. The ballot ~~((shall))~~ will not be opened until the challenge is resolved. Any party may withdraw a challenge previously made and, unless the eligibility of the voter is challenged by another party or by the election officer, the challenge ~~((shall thereby))~~ will be resolved. If the challenged ballots are insufficient in number to affect the results of the election, they ~~((shall))~~ will be impounded and no ruling ~~((shall))~~ will be made thereon. If the challenged ballots are sufficient in number to affect the results of the election, the election officer ~~((shall))~~ will, after the close of the polls, ~~((ascertain))~~ determine the position of each party as to each challenged ballot and ~~((shall))~~ will include such information in his report. If challenges raise material questions of fact which cannot be resolved without a hearing, ~~((there shall be issued and served on each of the parties a notice of hearing before the commission or assigned commissioner))~~ a hearing notice will be issued and served on each of the parties. The rules relating to the conduct of hearings on petitions ~~((shall))~~ will govern hearings on challenges, except that the scope of the hearing ~~((shall))~~ will be limited to matters relevant to the disposition of the challenged ballots. An assigned commissioner ~~((shall have))~~ has authority to rule on all challenges except those made by a party to preserve an objection to a ruling previously made by the commission as to the eligibility of the challenged voter. If challenges of a type excepted from the authority of the commissioner are sufficient in number to affect the results of the election, the matter ~~((shall))~~ will be transferred to the commission for its determination under the provisions of WAC 316-25-670.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-530 Votes needed to determine election. (1) Unit determination elections ~~((shall))~~ will be decided by a majority of those eligible to vote in the election.

(2) Representation elections shall be decided by a majority of those voting. Where there are only two choices on the ballot, a tie vote ~~((shall))~~ will result in a certification of no representative.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-550 Tally sheet. ~~((Upon closing the polls))~~ After the polls are closed, the election officer ~~((shall))~~ will prepare and furnish to each of the parties a tally of the votes cast on unchallenged ballots and the number of challenged ballots. After the subsequent resolution of challenged ballots affecting the results of the election, a revised tally ~~((shall))~~ will be issued and furnished to the parties. The tally ~~((shall))~~ will indicate whether the results of the election were conclusive or inconclusive.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-570 Procedure following inconclusive election. In any election in which there are more than two choices on the ballot, if none of the choices receives the number of votes necessary to determine the election, a run-off election ~~((shall))~~ will be held providing for selection between the two choices receiving the largest numbers of valid ballots cast in the inconclusive election. Any organization which would be excluded from a run-off election may file objections to specific conduct affecting the results of the inconclusive election. Where the choice of "no representative" is to be excluded from a run-off election, the department or decertification petitioner may file objections to specific conduct affecting the results of the inconclusive election. Such objections ~~((shall))~~ will be resolved ~~((prior to the conduct of a run-off election))~~ before the run-off election is conducted. All run-off elections ~~((shall))~~ will be determined as provided in WAC 316-25-530.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-590 Filing and service of objections. Within seven days after the tally has been served under WAC 316-25-410 or under WAC 316-25-550, any party may file objections with the commission. Objections may consist of:

(1) Designation of specific conduct improperly affecting the results of the election, by violation of these rules, by the use of deceptive campaign practices improperly involving the commission and its processes, by the use of forged documents, or by coercion or intimidation of or threat of reprisal or promise of reward to eligible voters; and/or

(2) Designation of one or more previous rulings or directions in the matter which the objecting party desires to have reviewed by the commission.

Objections ~~((shall))~~ must contain, in separate numbered paragraphs, statements of the specific conduct, if any, alleged to have improperly affected the results of the election and, in separate numbered paragraphs, the specific rulings or directions, if any, which the party filing the objections desires to have reviewed. The original copy of the objections ~~((shall))~~ must be filed ~~((with))~~ at the commission's ~~((at its))~~ Olympia office, and the party filing the objections ~~((shall))~~ must serve a copy on each of the other parties to the proceedings. Objections must be timely filed, whether or not challenged ballots are sufficient in number to affect the results of the election.

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AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-610 Procedure where no objections are filed. If no objections are filed within the time set forth above, and if any challenged ballots are insufficient in number to affect the determination of the question concerning representation, and if no run-off election is to be held, the election officer ~~((shall forthwith))~~ will certify the results of the proceedings, with the same force and effect as if issued by the commission. The proceedings will ~~((thereupon))~~ then be closed.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-630 Procedure where objections are filed. (1) Objections to conduct improperly affecting the results of an election ~~((shall))~~ will be referred to a commissioner for investigation. If the objections raise material questions of fact which cannot be resolved without a hearing, ~~((there shall be issued and served on each of the parties a notice of hearing before the commissioner))~~ a hearing notice before the commission will be issued and served on each of the parties. Hearings on objections to conduct affecting the results of an election may be consolidated with hearings on challenged ballots in the same proceeding. The rules relating to the conduct of hearings on petitions ~~((shall))~~ will govern hearings on objections, except that the scope of the hearing shall be limited to matters relevant to the disposition of the objections.

(2) Objections to prior rulings and/or directions in the matter shall be referred directly to the commission.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-650 Briefs and written arguments on objections. All parties ~~((shall be))~~ are entitled to submit briefs or written arguments for consideration by the commission. The briefs or written arguments of all parties ~~((shall be))~~ are due simultaneously, as follows:

(1) The deadline for the filing of briefs or written arguments ~~((shall be))~~ is fourteen days following the latter of:

(a) The close of an investigation under WAC 316-25-630(1);

(b) The issuance of a transcript of a hearing held under WAC 316-25-630(1); or

(c) The filing of objections under WAC 316-25-590(2).

(2) The commission or assigned commissioner may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made ~~((prior to the deadline))~~ before the previously established deadline.

The original brief or written argument ~~((shall))~~ must be filed with the commission's ~~((at its))~~ Olympia office and a copy ~~((shall))~~ must be served on each of the other parties. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief.

AMENDATORY SECTION (Amending WSR 90-01-116, filed 12/20/89, effective 1/20/90)

WAC 316-25-670 Commission action on objections. In all cases where objections have been filed, the entire record in the proceedings ~~((shall))~~ will be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter. The commission ~~((shall))~~ will determine the objections and any challenged ballots referred to the commission pursuant to WAC 316-25-510, and ~~((shall))~~ will issue appropriate orders.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-001 Scope—Contents—Other rules. This chapter ~~((governs))~~ directs proceedings before the marine employees' commission on petitions for clarification of existing bargaining units. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which ~~((contains))~~ lists rules ~~((promulgated))~~ adopted by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-35 WAC, except:

(a) WAC 10-08-035, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 316-35-050;

(b) WAC 10-08-211, which is ~~((supplanted))~~ replaced by WAC 316-35-210 and 316-35-230; and

(c) WAC 10-08-230, which is ~~((supplanted))~~ replaced by WAC 316-35-070 and 316-35-160.

(2) Chapter 316-02 WAC, which ~~((contains))~~ lists rules of practice and procedure ~~((applicable))~~ that apply to all types of proceedings before the marine employees' commission.

(3) Chapter 316-25 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(4) Chapter 316-45 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about proceedings on complaints charging unfair lab or practices in the Washington state ferry system.

(5) Chapter 316-65 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(6) Chapter 316-75 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-010 Petition for clarification of an existing bargaining unit—Who may file. ~~((In the absence of a question concerning representation,))~~ A petition for clarification of an existing bargaining unit(s) may be filed by the department of transportation, (an) exclusive representative(s) of ferry system employees or its/their agents, or by the parties jointly.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-030 Petition form—Number of copies—Filing—Service. Each completed original petition for clarification of (an) existing bargaining unit(s) (~~(shall be prepared on a form)~~) furnished by the commission (~~(or shall be prepared in conformance with WAC 316-35-050. The original petition shall)~~), must be filed (~~(with)~~) at the commission's (~~(at its)~~) Olympia office. If the petition is filed other than as a jointly filed petition, the party filing the petition (~~(shall)~~) must also serve a copy on the other party to the collective bargaining relationship in which the disagreement arises.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-050 (~~(Contents of)~~) Petition contents. Each petition for clarification of (an) existing bargaining unit(s) (~~(shall)~~) must contain:

(1) The name and address of the department and the name and title, if known, address and telephone number of the person designated by the department as the official representative for adjudicatory proceedings under chapter 47.64 RCW.

(2) The name(s), address(es) and affiliation(s), if any, of the exclusive representative(s), and the name(s), address(es) and telephone number(s) of its/their principal representative(s).

(3) The description of the existing bargaining unit, specifying inclusions and exclusions and the number of employees in such bargaining unit(s).

(4) Identification of the proceeding in which any certification of representatives was issued or the date of the recognition agreement(s), and the history of any subsequent modifications of the bargaining unit(s) (~~(subsequent thereto)~~).

(5) A description of the proposed clarification, including the position(s), classification(s) or group(s) (~~(in)~~) at issue, the number of employees in each (~~(such)~~) position, classification or group, the present bargaining unit inclusion or exclusion status of each such position, classification or group, and identification of the party proposing that the present status be changed.

(6) The names and addresses of any other employee organizations claiming to represent any employees affected by the proposed clarification(s), and brief description(s) of the collective bargaining agreement(s), if any, covering such employees.

(7) A statement of the reasons for the proposed clarification.

(8) Any other relevant facts.

(9) The signature(s) and the title(s), if any, of the petitioner(s) and/or his/their representative(s) and his/their title(s).

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-090 Notice of hearing. After a petition for clarification of an existing bargaining unit has been filed, if it appears to the commission that a disagreement exists

which might appropriately be the subject of an order clarifying an existing bargaining unit, (~~(there shall)~~) a hearing notice will be issued and served on the employer and on the exclusive representative (~~(a notice of hearing)~~). The hearing notice (~~(shall)~~) will contain:

(1) The name(s), address(es) and telephone number(s) of the person(s) who filed the petition, and their representative(s) or counsel and their title(s), if known, and their address(es) and telephone number(s);

(2) The name(s), address(es) and telephone number(s) of the exclusive bargaining unit(s) which the petitioner(s) want(s) clarified, and its/their principal representative(s) and titles, if known, and their addresses and telephone numbers;

(3) The name, title, address, and telephone number of the person designated by the department as the official recipient of notices involving adjudicatory proceedings under chapter 47.64 RCW;

(4) The official case number for the proceeding;

(5) The name, mailing address, and telephone number of the commissioner who is to be the presiding officer in the hearing;

(6) A statement of the time, place, and nature of the hearing;

(7) A statement of the legal authority under which the hearing is to be held;

(8) A reference to the particular sections of the statute(s) and/or rule(s) involved;

(9) A short and plain statement of the matter to be heard, as asserted by the commission;

(10) (~~(An enumeration)~~) A listing of the organizations and/or persons to whom copies of the notice are being provided;

(11) A statement that the commission(er) will take official notice of the applicable collective bargaining agreement(s), if any, in effect at the time of the petition;

(12) Notice of other specific evidence known by the commission(er) to be required, and which party will be required to submit such evidence; and

(13) A statement that a party who fails to attend or participate, personally or by agent or counsel, in the hearing or other stage of the proceeding may be held in default.

Any such notice may be amended or withdrawn prior to the close of the hearing.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-110 Consolidation of proceedings. If a proceeding initiated by a petition for unit clarification under WAC 316-35-010 is pending at the same time as another petition involving all or any part of the same bargaining units and/or a petition for investigation of a question concerning representation filed pursuant to WAC 316-25-010 is/are filed, the proceedings (~~(shall)~~) will be consolidated and all issues concerning the description of the bargaining units (~~(shall)~~) will be resolved in the consolidated proceedings.

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AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-130 Hearings—Who shall conduct. Hearings may be conducted by the commission or by a member of the commission designated by the commission as a hearing officer. ~~((At any time,))~~ A hearing officer may be substituted for the hearing officer previously presiding at any time.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-160 Prehearing conferences. The commission may conduct prehearing conferences to discuss ~~((with the parties))~~ all contested issues of law and fact which may arise in unit clarification cases with the parties. The parties are encouraged to reach binding stipulations on all issues during the ~~((course of a))~~ prehearing conference. ~~((Such))~~ These stipulations are to be embodied in proposed commission unit clarification orders, amendments to collective bargaining agreement security clauses, or other appropriate agreements.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-170 Hearings—Nature and scope. Hearings ~~((shall))~~ will be public and ~~((shall be))~~ are limited to matters concerning the determination of the petition for clarification of an existing bargaining unit unless the proceeding has been consolidated with another petition in accordance with WAC 316-35-110. It ~~((shall be the duty of))~~ is the hearing officer's ~~((to inquire fully into all matters in issue and))~~ duty to obtain a ~~((full))~~ clear and complete factual record ~~((upon))~~ on which the commission may ~~((discharge))~~ fulfill its duties under chapter 47.64 RCW and these rules.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-190 Proceedings before a hearing officer. An assigned commissioner may proceed ~~((forthwith upon))~~ on the record, after submission of briefs or after hearing, as may be appropriate. The hearing officer ~~((shall))~~ determines the status of each position, classification or group of employees over which there is a disagreement and issues an order clarifying bargaining unit, ~~((dismiss))~~ dismissing the petition or ~~((make))~~ making other disposition of the matter.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-210 Proceedings before the commission—Petition for review. The final order of an assigned commissioner ~~((shall be))~~ is subject to review by the commission on its own motion, or at the request of any party made within twenty days after the date of the order. The original petition for review ~~((shall))~~ must be filed ~~((with))~~ at the commission's ~~((at its))~~ Olympia office and the party filing the petition ~~((shall))~~ must serve a copy on the department and on

any other parties. The petition for review ~~((shall))~~ must identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the filing of the petition for review, file briefs or written arguments for consideration by the commission. The original brief or written argument ~~((shall))~~ must be filed ~~((with))~~ at the commission's ~~((at its))~~ Olympia office and a copy ~~((shall))~~ must be served on the other party. The commission or assigned commissioner may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties ~~((to))~~ appear before it to make oral arguments ~~((as to))~~ about certain ~~((of the))~~ issues or all of the issues in the matter.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-230 Filing and service of cross-petition for review. ~~((Where))~~ If a petition for review has been timely filed under WAC 316-35-210, ~~((any))~~ a party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. ~~((Such))~~ The cross-petition for review ~~((shall))~~ must be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

AMENDATORY SECTION (Amending WSR 90-01-117, filed 12/20/89, effective 1/20/90)

WAC 316-35-250 Commission action. The assigned commissioner ~~((shall))~~ will transfer the entire record in the proceeding to the commission. The commission ~~((shall))~~ will determine the status of each position, classification or group covered by the petition for review, and ~~((shall))~~ will enter appropriate orders, which ~~((shall be))~~ are final and binding upon the parties in accordance with RCW 47.64.280.

WSR 04-16-092
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE

[Filed August 3, 2004, 9:21 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-157 WAC, Organic food standards and certification.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO George Huffman, Rules

EXPEDITED

Coordinator, Washington State Department of Agriculture,
P.O. Box 42560, Olympia, WA 98504-2560, AND
RECEIVED BY October 4, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 34.05.353 (1)(b) allows the department to use the expedited rule-making process to adopt or incorporate without material change federal statutes or regulations. Using this expedited rule-making process, the department is proposing to adopt recent changes to the National Organic Standards. The final federal rules amend the United States Department of Agriculture's (USDA) National List of Allowed and Prohibited Substances (National List) to reflect recommendations submitted to the Secretary by the National Organic Standards Board (NOSB). Technical corrections are also included in this final federal rule that clarify specific sections of the National List and adequately reflect previous NOSB recommendations. Consistent with the NOSB recommendations, the final federal rule adds fourteen substances to the National List along with any restrictive annotations. Also, the final federal rule revises the annotations of three substances and makes eight technical revisions.

Reasons Supporting Proposal: The USDA National Organic Program has accredited the Washington State Department of Agriculture (WSDA) as an organic certifying agency. In order to maintain its accreditation and ensure consistency in the implementation of the United States National Organic Program, the WSDA must adopt the recent changes to the National List adopted by USDA.

Statutory Authority for Adoption: RCW 15.86.010 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.86 RCW.

Rule is necessary because of federal law, 68 FR 61992, Subpart G-Administrative - National List of Allowed and Prohibited Substances as amended October 31, 2003, and November 3, 2003.

Name of Proponent: Washington State Department of Agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, Olympia, (360) 902-1924.

August 3, 2004
Kathy Kravit-Smith
Assistance Director

AMENDATORY SECTION (Amending WSR 03-03-044, filed 1/10/03, effective 2/10/03)

WAC 16-157-020 Adoption of the National Organic Program. The 2001 National Organic Program final rule, 7 CFR Part 205, effective (~~April 21, 2004~~) November 3, 2003, is adopted by reference as Washington state standards for the production and handling of organic crops, livestock and processed food products. The (~~2004~~) National Organic Program final rule may be obtained from the department.



WSR 04-14-028
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 29, 2004, 12:20 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: This rule making is part of our four-year plan to rewrite for clarity all of our general occupational safety and health rules. Machine guarding requirements located in chapters 296-24, 296-78, and 296-302 WAC were reviewed to identify unnecessary design requirements, outdated terminology, incorporate necessary policies and requirements, rewriting and reorganizing for clarity and consolidate into one rule, chapter 296-806 WAC. Also, several references were updated as a result of this being a new chapter.

The following are repealed sections and requirements were moved to chapter 296-806 WAC:

Chapter 296-24 WAC, Part C, Machinery and machine guarding.

- Repealed this part.

WAC 296-24-150 Machinery and machine guarding—General requirements for all machines—Scope and application.

- The scope and application relating to machine safety has been moved to WAC 296-806-100.
- Repealed this section.

WAC 296-24-15001 Machine guarding.

- Requirements relating to general types of machine guarding have been moved to WAC 296-806-20028, 296-806-20030, 296-806-20032, 296-806-20036, 296-806-20042.
- Requirements relating to circular meat cutting saws have been moved to WAC 296-806-42560.
- Requirements relating to special hand tools have been moved to WAC 296-806-20018.
- Requirements relating to the point of operation guarding on guillotine cutters, shears, power presses, milling machines, power saws, jointers and forming rolls and calenders have been moved to WAC 296-806-20028.
- Requirements relating to the point of operation guarding on portable power tools have been moved to chapter 296-807 WAC.
- Requirements relating to guarding barrels, containers and drums have been moved to WAC 296-806-30028.
- Requirements relating to exposure of blades have been moved to WAC 296-806-30016.
- Requirements relating to cams have been moved to WAC 296-806-30012.
- Requirements relating to guarding garbage disposals have been moved to WAC 296-806-43502.
- Repealed this section.

WAC 296-24-15003 Anchoring fixed machinery.

- Requirements relating to anchoring fixed machinery have been moved to WAC 296-806-20002.
- Repealed this section.

WAC 296-24-15005 Means to prevent slipping.

- Requirements relating to slipping hazards around machinery have been moved to WAC 296-806-20004.
- Repealed this section.

WAC 296-24-15007 Machines shall be stopped when making repairs.

- Requirements relating to machines being stopped when making repairs have been moved to WAC 296-806-20020.
- Repealed this section.

WAC 296-24-15009 Counterweights.

- Requirements relating to counterweights have been moved to WAC 296-806-20034.
- Repealed this section.

WAC 296-24-165 Fixed and portable power tool requirements.

- Requirements relating to saws have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16501 Definitions.

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repealed this section.

WAC 296-24-16503 Machine construction general.

- Requirements relating to controlling machine vibration have been moved to WAC 296-806-20014.
- Requirements relating to arbors and mandrels have been moved to WAC 296-806-30002.
- Requirements relating to automatic cutoff saws have been moved to WAC 296-806-48024.
- Requirements relating to construction of saw frames and tables have been moved to WAC 296-806-20016.
- Requirements relating to construction of circular saw fences have been moved to WAC 296-806-48006.
- Requirements relating to construction of gages have been moved to WAC 296-806-48010.
- Requirements relating to construction of hinged saw tables have been moved to WAC 296-806-48006.
- Requirements relating to guarding of belts, pulleys, gears, shafts, and moving parts have been moved to WAC 296-806-300.
- Requirements relating to grounding are located in chapter 296-24 WAC, Part L.
- Requirements relating to accidental contact under and behind the saw table have been moved to WAC 296-806-48008.
- Requirements relating to revolving double arbor saws have been moved to WAC 296-806-48036.
- Requirements relating to prohibiting saws, cutter heads, or tool collars being placed or mounted on a machine arbor have been moved to WAC 296-806-30002.

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- Requirements relating to providing combs (featherboards) or suitable jigs have been moved to WAC 296-806-48002.
- Repealed this section.

WAC 296-24-16505 Machine controls and equipment.

- Requirements relating to mechanical or electrical power controls have been moved to WAC 296-806-20008.
- Requirements relating to belts and shafting have been moved to WAC 296-806-30008.
- Requirements relating to motors restarting after power failures have been moved to WAC 296-806-20010.
- Requirements relating to the location of power controls and operating controls have been moved to WAC 296-806-20008.
- Requirements relating to motors being inoperative while repairs or adjustments being made have been moved to chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).
- Requirements relating to operating treadles being protected from unexpected or accidental tripping have been moved to WAC 296-806-20010.
- Requirements relating to guarding feeder attachments have been moved to WAC 296-806-20030 and 296-806-48016.
- Repealed this section.

WAC 296-24-16507 Hand-fed rip saws.

- Requirements relating to hand-fed rip saws have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16509 Hand-fed crosscut table saws.

- Requirements relating to hand-fed crosscut table saws have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16511 Circular resaws.

- Requirements relating to circular resaws have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16513 Self-feed circular saws.

- Requirements relating to self-feed circular saws have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16515 Swing cutoff saws.

- Requirements relating to swing cutoff saws have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16517 Radial saws.

- Requirements relating to radial saws have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16519 Bandsaws and band resaws.

- Requirements relating to bandsaws and band resaws have been moved to WAC 296-806-480.

- Repealed this section.

WAC 296-24-16521 Jointers.

- Requirements relating to jointers have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16523 Tenoning machines.

- Requirements relating to tenoning machines have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16525 Boring and mortising machine.

- Requirements relating to guarding the operating treadle have been moved to WAC 296-806-20010.
- Requirements relating to boring and mortising machines have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16527 Shaper and similar equipment.

- Requirements relating to shapers and similar equipment have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16529 Planing, molding, sticking, and matching machines.

- Requirements relating to planing, molding, sticking, and matching machines have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-16531 Profile and swing-head lathes and heel turning machine.

- Requirements relating to profile and swing head lathes have been moved to WAC 296-806-45012.
- Requirements relating to cutting heads on turning heads have been moved to WAC 296-806-45014.
- Requirements relating to shoe lasts, spoke lathes, doweling machines and heel turning machines have been moved to WAC 296-806-45016.
- Requirements relating to lathes used for turning long pieces of stock have been moved to WAC 296-806-45018.
- Requirements relating to exhaust systems being used have been moved to WAC 296-806-45012.
- Requirements relating to wood turning lathes have been moved to WAC 296-806-20032.
- Repealed this section.

WAC 296-24-16533 Sanding machines.

- Requirements relating to sanding machines have been moved to WAC 296-806-475.
- Repealed this section.

WAC 296-24-16535 Veneer cutters and wringers.

- Requirements relating to veneer slicer knives have been moved to WAC 296-806-48080.
- Requirements relating to veneer clippers having automatic feeds have been moved to WAC 296-806-48082.

- Requirements relating to sprockets on chain or slat-belt conveyors have been moved to WAC 296-806-30014.
- Requirements relating to guillotine veneer cutters have been moved to WAC 296-806-48084.
- Requirements relating to emergency devices on power-driven guillotine veneer cutters have been moved to WAC 296-806-48086.
- Repealed this section.

WAC 296-24-16537 Miscellaneous machines.

- Requirements relating to feed rolls of roll type glue spreaders have been moved to WAC 296-806-440.
- Requirements relating to drag saws have been moved to WAC 296-806-480.
- Requirements relating to combination or universal machines have been moved to WAC 296-806-20028.
- Requirements relating to suitable guards and exhaust hoods being provided on the point of operation have been moved to WAC 296-806-20028.
- Repealed this section.

WAC 296-24-16539 Inspection and maintenance of machinery.

- Requirements relating to dull, badly set, improperly filed, or improperly tensioned saws being removed from service have been moved to WAC 296-806-480.
- Requirements relating to knives and cutting heads being kept sharp, properly adjusted, and firmly secured have been moved to WAC 296-806-480.
- Requirements relating to bearings being kept free from lost motion and be well lubricated have been moved to WAC 296-806-20022.
- Requirements relating to arbors of all circular saws shall be free from play have been moved to WAC 296-806-30002.
- Requirements relating to sharpening and tensioning of saw blades and cutters have been moved to WAC 296-806-480.
- Requirements relating to cracked saws being removed from service have been moved to WAC 296-806-480.
- Requirements relating to prohibiting wobble saws have been moved to WAC 296-806-480.
- Requirements relating to push sticks or push blocks have been moved to WAC 296-806-480.
- Requirements relating to knife blades of jointers have been moved to WAC 296-806-480.
- Requirements relating to the shutdown of veneer slicers or rotary veneer-cutting machines to make adjustments are covered in chapter 296-803 WAC, Lockout/tagout.
- Requirements relating to prohibiting operators from riding the carriage of a veneer slicer have been moved to WAC 296-806-480.
- Repealed this section.

WAC 296-24-180 Abrasive wheel machinery.

- Requirements relating to abrasive wheel machinery have been moved to WAC 296-806-405.
- Repealed this section.

WAC 296-24-18001 Definitions.

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repealed this section.

WAC 296-24-18003 General requirements.

- Requirements relating to abrasive wheel machinery have been moved to WAC 296-806-405.
- Repealed this section.

WAC 296-24-18005 Guarding of abrasive wheel machinery.

- Requirements relating to the guarding of abrasive wheel machinery have been moved to WAC 296-806-405.
- Repealed this section.

WAC 296-24-18007 Flanges.

- Requirements relating to flanges have been moved to WAC 296-806-405.
- Repealed this section.

WAC 296-24-18009 Mounting.

- Requirements relating to mounting have been moved to WAC 296-806-405.
- Repealed this section.

WAC 296-24-190 Mills and calenders in the rubber and plastics industries.

- Requirements relating to mills have been moved to WAC 296-806-460.
- Requirements relating to calenders have been moved to WAC 296-806-410.
- Repealed this section.

WAC 296-24-19001 Definitions.

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repealed this section.

WAC 296-24-19003 General requirements.

- Requirements relating to mill roll heights have been moved to WAC 296-806-460.
- Repealed this section.

WAC 296-24-19005 Mill safety controls.

- Requirements relating to mill safety controls have been moved to WAC 296-806-460.
- Repealed this section.

WAC 296-24-19007 Calender safety controls.

- Requirements relating to calender safety controls have been moved to WAC 296-806-410.
- Repealed this section.

WAC 296-24-19009 Protection by location.

- Requirements relating to protection by location have been moved to WAC 296-806-410 and 296-806-460.
- Repealed this section.

WAC 296-24-19011 Trip and emergency switches.

- Requirements relating to trip and emergency switches have been moved to WAC 296-806-410 and 296-806-460.
- Repealed this section.

WAC 296-24-19013 Stopping limits.

- Requirements relating to stopping limits have been moved to WAC 296-806-410 and 296-806-460.
- Repealed this section.

WAC 296-24-19015 Alarm.

- Repealed this section.

WAC 296-24-195 Mechanical power presses.

- Requirements relating to mechanical power presses have been moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-19501 Definitions.

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repealed this section.

WAC 296-24-19503 General requirements.

- Requirements for general requirements relating to mechanical power presses have been moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-19505 Mechanical power press guarding and construction, general.

- Requirements relating to mechanical power press guarding and construction have been moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-19507 Safeguarding the point of operation.

- Requirements relating to safeguarding the point of operation have been moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-19509 Design, construction, setting and feeding dies.

- Requirements relating to design, construction, setting and feeding dies have been moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-19511 Inspection, maintenance and modification of presses.

- Requirements relating to inspection, maintenance and modification of presses have been moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-19513 Operation of power presses.

- Requirements relating to the operation of power presses moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-19514 Reports of injuries to employees operating mechanical power presses.

- Repealed this section.

WAC 296-24-19517 Presence sensing device initiation (PSDI).

- Requirements relating to presence sensing device initiation have been moved to WAC 296-806-455.
- Repealed this section.

WAC 296-24-197 Compactors.

- Requirements relating to compactors have been moved to WAC 296-806-415.
- Repealed this section.

WAC 296-24-200 Forging machines.

- Requirements relating to forging machines have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20001 Definitions.

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repealed this section.

WAC 296-24-20003 General requirements.

- Requirements relating to forging general requirements have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20005 Hammers, general.

- Requirements relating to hammers have been moved to WAC 296-806-430.
- Requirements relating to foot operated devices have been moved to WAC 296-806-20010.
- Repealed this section.

WAC 296-24-20007 Presses.

- Requirements relating to presses have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20009 Power-driven hammers.

- Requirements relating to power-driven hammers have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20011 Gravity hammers.

- Requirements relating to gravity hammers have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20013 Forging presses.

- Requirements relating to forging presses have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20015 Trimming presses.

- Requirements relating to trimming presses have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20017 Upsetters.

- Requirements relating to upsetters have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20019 Other forging equipment.

- Requirements relating to other forging equipment have been moved to WAC 296-806-430.
- Repealed this section.

WAC 296-24-20021 Other forge facility equipment.

- Requirements relating to other forge facility equipment have been moved to WAC 296-806-430.
- Requirements relating to conveyors have been moved to WAC 296-806-420.
- Requirements relating to shot blasts are located in chapter 296-62 WAC.
- Requirements relating to grinding have been moved to WAC 296-806-405.
- Repealed this section.

WAC 296-24-205 Safeguarding power transmission parts.

- Requirements relating to safeguarding power transmission parts have been moved to WAC 296-806-200 and 296-806-300.
- Repealed this section.

WAC 296-24-20501 What is an employer's duty to protect employees from hazards of power?

- Requirements relating to an employer's duty to protect employees from hazards of power have been moved to WAC 296-806-200 and 296-806-300.
- Repealed this section.

WAC 296-24-20503 What requirements must guards meet?

- Requirements relating to guards have been moved to WAC 296-806-20042.
- Repealed this section.

WAC 296-24-20505 What requirements must devices meet?

- Requirements relating to devices have been moved to WAC 296-806-20044.
- Repealed this section.

WAC 296-24-20507 What requirements must safeguarding by distance meet?

- Requirements relating to safeguarding by distance have been moved to WAC 296-806-20056.
- Repealed this section.

WAC 296-24-20509 What requirements must safeguarding by location meet?

- Requirements relating to safeguarding by location have been moved to WAC 296-806-30004, 296-806-30024, and 296-806-30030.
- Repealed this section.

WAC 296-24-20511 What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?

- Requirements relating to removing, make flush, or guard with metal covers all projections on moving parts have been moved to WAC 296-806-30034.
- Requirements relating to filling or covering unused keyways have been moved to WAC 296-806-30036.
- Requirements relating to ensuring power transmission parts are inspected have been moved to WAC 296-806-20024.
- Requirements relating to lubricating power transmission parts have been moved to WAC 296-806-20026.
- Repealed this section.

WAC 296-24-20513 When may a guardrail be used as a safeguard?

- Requirements relating to using a guardrail as a safeguard have been moved to WAC 296-806-20058.
- Repealed this section.

WAC 296-24-20515 What are the additional requirements for flywheels?

- Requirements relating to flywheels have been moved to WAC 296-806-30018.
- Repealed this section.

WAC 296-24-20517 What are the additional requirements for shafting?

- Requirements relating to shafting have been moved to WAC 296-806-30030 and 296-806-30032.
- Repealed this section.

WAC 296-24-20519 What are the additional requirements for pulleys?

- Requirements relating to pulleys have been moved to WAC 296-806-30026.
- Repealed this section.

WAC 296-24-20521 What are the additional requirements for belt and rope drives?

- Requirements relating to belt and rope drives have been moved to WAC 296-806-30004 and 296-806-30006.
- Repealed this section.

WAC 296-24-20523 What are the additional requirements for gears?

- Requirements relating to gears have been moved to WAC 296-806-30020.
- Repealed this section.

WAC 296-24-20525 What are the additional requirements for belt shifters?

- Requirements relating to belt shifters have been moved to WAC 296-806-30008.
- Repealed this section.

WAC 296-24-20527 What are the additional requirements for sewing machines?

- Requirements relating to sewing machines have been moved to WAC 296-806-30004 and 296-806-485.
- Repealed this section.

WAC 296-24-20529 Reserve.

- Repealed this section.

WAC 296-24-20531 Reserve.

- Repealed this section.

WAC 296-24-20533 Reserve.

- Repealed this section.

WAC 296-24-20699 Appendices A through D are added to Part C of chapter 296-24 WAC, to describe the federal procedures for third-party validation and certification of presence sensing devices on mechanical power presses.

- Repealed this section.

WAC 296-24-20700 Appendix A to WAC 296-24-195.

- Repealed this section.

WAC 296-24-20710 Appendix B to WAC 296-24-195.

- Repealed this section.

WAC 296-24-20720 Appendix C to WAC 296-24-195.

- Repealed this section.

WAC 296-24-20730 Appendix D to WAC 296-24-195.

- Repealed this section.

The following are amended sections and references were updated:

WAC 296-24-69003 Spot and seam welding machines (nonportable).

- Updated references.

WAC 296-24-88020 Powered platform installations—Equipment.

- Updated a reference.

WAC 296-24-90003 General requirements.

- Updated a reference.

WAC 296-54-573 Logging machines—General.

- Updated references.

WAC 296-59-130 Ski lift machinery guarding.

- Updated a reference.

WAC 296-78-56511 Head rigs and feed works.

- Updated a reference.

WAC 296-78-590 Gang saws and re-saws.

- Updated a reference.

WAC 296-78-605 Swing saws.

- Updated a reference.

WAC 296-78-615 Saw filing and grinding rooms and equipment.

- Updated a reference.

WAC 296-78-650 Boring and mortising machines.

- Updated a reference.

WAC 296-78-660 Lathe (pail and barrel).

- Updated a reference.

WAC 296-78-665 Sanding machines.

- Updated a reference.

WAC 296-78-690 Veneer slicer and cutter.

- Updated a reference.

WAC 296-78-70503 Shake and shingle machinery—General.

- Updated references.

WAC 296-78-71007 Footwalks and passageways.

- Updated a reference.

WAC 296-78-71017 Dry kilns.

- Updated a reference.

WAC 296-78-71505 Mechanical power transmission apparatus.

- Updated a reference.

WAC 296-79-030 Guards and guarding.

- Updated a reference.

WAC 296-115-050 General requirements.

- Updated a reference.

WAC 296-155-487 Manually propelled elevating work platforms.

- Updated a reference.

WAC 296-155-488 Self propelled elevating work platforms.

- Updated a reference.

WAC 296-155-525 Cranes and derricks.

- Updated a reference.

WAC 296-155-682 Requirements for equipment and tools.

- Updated a reference.

WAC 296-301-020 General safety requirements.

- Updated a reference.

WAC 296-301-170 Clothing folding machine.

- Updated a reference.

The following are repealed sections and requirements were moved to chapter 296-806 WAC:

Chapter 296-302 WAC, Safety standards for bakery equipment.

- Repealed this chapter.

WAC 296-302-010 Bakery equipment—General requirements.

- Requirements relating to bakery equipment have been moved to WAC 296-806-425.
- Repealed this section.

WAC 296-302-015 Definitions.

- Definitions relating to bakery equipment have been moved to WAC 296-806-500.
- Repealed this section.

WAC 296-302-020 General machine guarding.

- Requirements relating to electrical grounding of bakery equipment are located in chapter 296-24 WAC, Part L.
- Requirements relating to gears have been moved to WAC 296-806-30020.
- Repealed this section.

WAC 296-302-025 Flour-handling equipment—Scope and application.

- Requirements relating to flour handling equipment have been moved to WAC 296-806-425.
- Repealed this section.

WAC 296-302-02501 General requirements for flour-handling.

- Requirements relating to lockout tagout items have been moved to chapter 296-803 WAC.
- Requirements relating to lifting more than fifty pounds have been moved to WAC 296-806-42544.
- Requirements relating to suitable walkways or platforms are located in chapter 296-24 WAC, Part J-1.
- Requirements relating to oscillating and vibrating sifters have been moved to WAC 296-806-42582.
- Requirements relating to guarding mechanical transmission shafting, gearing, and sprocket drives have been moved to WAC 296-806-300.
- Requirements relating to guards being readily removable have been moved to WAC 296-806-300.
- Repealed this section.

WAC 296-302-02503 Bag chutes and bag lifts (bag-arm elevators).

- Requirements relating to bag chutes have been moved to WAC 296-806-42518.
- Repealed this section.

WAC 296-302-02505 Dumpbin and blender.

- Requirements relating to dumpbins and blenders have been moved to WAC 296-806-42544.
- Repealed this section.

WAC 296-302-02507 Flour elevators.

- Repealed this section.

WAC 296-302-02509 Bolting reels.

- Repealed this section.

WAC 296-302-02511 Storage bins.

- Requirements relating to storage bins have been moved to WAC 296-806-42516.
- Repealed this section.

WAC 296-302-02513 Screw conveyors.

- Requirements relating to screw conveyors have been moved to WAC 296-806-42522.
- Repealed this section.

WAC 296-302-02515 Sifters.

- Requirements relating to sifters have been moved to WAC 296-806-42582.
- Repealed this section.

WAC 296-302-02517 Flour scales.

- Requirements relating to flour scales have been moved to WAC 296-806-42548.
- Repealed this section.

WAC 296-302-02519 Automatic flour gates.

- Repealed this section.

WAC 296-302-03001 Horizontal dough mixers.

- Requirements relating to horizontal dough mixers have been moved to WAC 296-806-42562.
- Repealed this section.

WAC 296-302-03003 Vertical mixers.

- Requirements relating to vertical mixers have been moved to WAC 296-806-42564.
- Repealed this section.

WAC 296-302-035 Dividers.

- Requirements relating to dividers have been moved to WAC 296-806-42536.
- Repealed this section.

WAC 296-302-040 Moulders.

- Requirements relating to mechanical feed moulders have been moved to WAC 296-806-42566.
- Requirements relating to hand fed moulders have been moved to WAC 296-806-42568.
- Repealed this section.

WAC 296-302-045 Manually fed dough brakes.

- Requirements relating to manually fed dough brakes have been moved to WAC 296-806-42538.
- Repealed this section.

WAC 296-302-050 Miscellaneous equipment.

- Requirements relating to proof boxes have been moved to WAC 296-806-42514.
- Requirements relating to fermentation rooms have been moved to WAC 296-806-42506.
- Requirements relating to troughs have been moved to WAC 296-806-42532.
- Requirements relating to hand trucks have been moved to WAC 296-806-42526.

- Requirements relating to lift trucks have been moved to WAC 296-806-42526.
- Requirements relating to conveyors have been moved to WAC 296-806-42522.
- Requirements relating to ingredient premixers and emulsifiers have been moved to WAC 296-806-42552.
- Requirements relating to chain tackle have been moved to WAC 296-806-42520.
- Requirements relating to air-conditioning units have been moved to WAC 296-806-42502.
- Requirements relating to pan washing tanks have been moved to WAC 296-806-42512.
- Requirements relating to doughnut machines have been moved to WAC 296-806-42542.
- Requirements relating to open fat kettles have been moved to WAC 296-806-42554.
- Requirements relating to steam kettles have been moved to WAC 296-806-42556.
- Repealed this section.

WAC 296-302-05501 Slicers.

- Requirements relating to slicers have been moved to WAC 296-806-42528.
- Repealed this section.

WAC 296-302-05503 Wrappers.

- Requirements relating to wrappers have been moved to WAC 296-806-42530.
- Repealed this section.

WAC 296-302-060 Biscuit and cracker equipment.

- Requirements relating to metal, peanut, and fig grinders have been moved to WAC 296-806-42550.
- Requirements relating to sugar and spice pulverizers have been moved to WAC 296-806-42584.
- Requirements relating to cheese, fruit, and food cutters have been moved to WAC 296-806-42550.
- Requirements relating to reversible dough brakes have been moved to WAC 296-806-42540.
- Requirements relating to cross-roll brakes have been moved to WAC 296-806-42538.
- Requirements relating to box and roll type dough sheeters have been moved to WAC 296-806-42580.
- Requirements relating to rotary, die machines, pretzel rolling and pretzel-stick extruding machines have been moved to WAC 296-806-42578.
- Requirements relating to band ovens have been moved to WAC 296-806-20030.
- Requirements relating to chocolate melting, refining, and mixing kettles have been moved to WAC 296-806-42558.
- Requirements relating to peanut cooling trucks have been moved to WAC 296-806-42576.
- Repealed this section.

WAC 296-302-065 Ovens—Scope and application.

- Requirements relating to ovens have been moved to WAC 296-806-42570, 296-806-42572 and 296-806-42574.
- Repealed this section.

WAC 296-302-06501 General location.

- Requirements relating to oven location have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06503 General requirements.

- Requirements relating to oven general requirements have been moved to WAC 296-806-42574.
- Repealed this section.

WAC 296-302-06505 Construction.

- Requirements relating to construction of ovens have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06507 Safeguards of mechanical parts.

- Requirements relating to safeguarding of mechanical oven parts have been moved to WAC 296-806-42572.
- Repealed this section.

WAC 296-302-06509 Gas-burning systems.

- Requirements relating to gas-burning systems have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06511 Gas mixing machines.

- Requirements relating to gas mixing machines have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06513 Oil-burning equipment.

- Requirements relating to oil-burning equipment have been moved to WAC 296-806-42470.
- Repealed this section.

WAC 296-302-06515 Solid-fuel firing equipment.

- Requirements relating to solid-fuel firing equipment have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06517 Electrical heating equipment.

- Requirements relating to electrical heating equipment have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06519 Direct-fired ovens.

- Requirements relating to direct-fired ovens have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06521 Direct recirculating ovens.

- Requirements relating to direct recirculating ovens have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06523 Flue-type ovens.

- Requirements relating to flue-type ovens have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06525 Indirect-fired multiple burner ovens.

- Requirements relating to indirect-fired multiple burner ovens have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06527 Steam-tube ovens.

- Requirements relating to steam-tube ovens have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06529 Indirect recirculating ovens.

- Requirements relating to indirect recirculating ovens have been moved to WAC 296-806-42570.
- Repealed this section.

WAC 296-302-06531 Electric ovens.

- Requirements relating to electric ovens have been moved to WAC 296-806-42570.
- Repealed this section.

The following are amended sections and references were updated:

WAC 296-303-030 Moving parts.

- Updated references.

WAC 296-305-06519 Fire station equipment and tools.

- Updated references.

The following are new sections:

WAC 296-806-100 Scope.

- Created this section to explain the requirements relating to machine safety.

WAC 296-806-200 Summary.

- Created this summary page to include all the sections located in WAC 296-806-200 and 296-806-300 that relate to requirements for all machines.

WAC 296-806-20002 Secure machines designed to stay in one place.

- Requirements in this section were moved from WAC 296-24-15003.

WAC 296-806-20004 Protect employees from slipping hazards around machinery.

- Requirements in this section were moved from WAC 296-24-15005.

WAC 296-806-20006 Arrange work areas to avoid creating hazards.

- Requirements in this section were moved from WAC 296-24-85503.

WAC 296-806-20008 Make sure operating controls meet these requirements.

- Requirements in this section were moved from WAC 296-24-16505.

WAC 296-806-20010 Protect employees from unintentional machine operation.

- Requirements in this section were moved from WAC 296-24-16505.
- Requirements in this section were moved from WAC 296-24-16525.
- Requirements in this section were moved from WAC 296-24-20005.

WAC 296-806-20012 Make sure emergency stop controls meet these requirements.

- Requirements in this section were moved from WAC 296-24-13501.

WAC 296-806-20014 Control machine vibration.

- Requirements in this section were moved from WAC 296-24-16503.

WAC 296-806-20016 Prevent overspeed conditions.

- Requirements in this section were moved from WAC 296-24-16503.

WAC 296-806-20018 Make sure hand feeding and retrieval tools meet these requirements.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-20020 Protect employees who are adjusting or repairing machinery.

- Requirements in this section were moved from WAC 296-24-15007.

WAC 296-806-20022 Keep power transmission equipment in good working condition.

- Requirements in this section were moved from WAC 296-24-20511.

WAC 296-806-20024 Inspect power transmission parts.

- Requirements in this section were moved from WAC 296-24-20511.

WAC 296-806-20026 Protect employees lubricating moving machinery.

- Requirements in this section were moved from WAC 296-24-20511.

WAC 296-806-20028 Safeguard employees from the point of operation.

- Requirements in this section were moved from WAC 296-24-15001.
- Requirements in this section were moved from WAC 296-24-16537.

WAC 296-806-20030 Safeguard employees from nip or shear point hazards.

- Requirements in this section were moved from WAC 296-24-15001.
- Requirements in this section were moved from WAC 296-24-16505.
- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-20032 Safeguard employees from rotating or revolving parts.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-20034 Safeguard employees from reciprocating or other moving parts.

- Requirements in this section were moved from WAC 296-24-15009.

WAC 296-806-20036 Safeguard employees from flying objects.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-20038 Safeguard employees from falling objects.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-20040 Safeguard employees from moving surfaces with hazards.

- Requirements in this section were moved from WAC 296-24-20501.

WAC 296-806-20042 Make sure guards meet these requirements.

- Requirements in this section were moved from WAC 296-24-15001.
- Requirements in this section were moved from WAC 296-24-20503.

WAC 296-806-20044 Make sure devices meet these requirements.

- Requirements in this section were moved from WAC 296-24-20505.

WAC 296-806-20046 Make sure light curtains meet these requirements.

- Requirements in this section were moved from ANSI B11.19 - 1990.

WAC 296-806-20048 Make sure pressure-sensitive mats meet these requirements.

- Requirements in this section were moved from ANSI B11.19 - 1990.

WAC 296-806-20050 Make sure restraint or pullback devices meet these requirements.

- Requirements in this section were moved from ANSI B11.19 - 1990.

WAC 296-806-20052 Make sure two-hand devices meet these requirements.

- Requirements in this section were moved from ANSI B11.19 - 1990.

WAC 296-806-20054 Make sure devices used with barrier guards meet these requirements.

- Requirements in this section were moved from ANSI B11.19 - 1990.

WAC 296-806-20056 Make sure safeguarding by distance meets these requirements.

- Requirements in this section were moved from WAC 296-24-20507.

WAC 296-806-20058 Make sure guardrails used for safeguarding meet these requirements.

- Requirements in this section were moved from WAC 296-24-20513.

WAC 296-806-300 Summary.

- This section was combined with WAC 296-806-200.

WAC 296-806-30002 Fit arbors and mandrels to the machine.

- Requirements in this section were moved from WAC 296-24-16503.
- Requirements in this section were moved from WAC 296-24-16539

WAC 296-806-30004 Safeguard belt and rope drives.

- Requirements in this section were moved from WAC 296-24-20509.
- Requirements in this section were moved from WAC 296-24-20521.
- Requirements in this section were moved from WAC 296-24-20527.

WAC 296-806-30006 Make sure belt or rope drives meet these requirements.

- Requirements in this section were moved from WAC 296-24-20521.
- Requirements in this section were moved from WAC 296-24-20525.

WAC 296-806-30008 Protect employees while shifting belts on belt and pulley drives.

- Requirements in this section were moved from WAC 296-24-16505.
- Requirements in this section were moved from WAC 296-24-20525.

WAC 296-806-30010 Make sure belt tighteners meet these requirements.

- Requirements in this section were moved from WAC 296-24-20525.

WAC 296-806-30012 Safeguard cams, connecting rods, tail rods, and extension piston rods.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-30014 Safeguard chain and sprocket drives.

- Requirements in this section were moved from WAC 296-24-16535.

WAC 296-806-30016 Safeguard fan blades.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-30018 Safeguard flywheels.

- Requirements in this section were moved from WAC 296-24-20515.

WAC 296-806-30020 Safeguard gears.

- Requirements in this section were moved from WAC 296-24-20523.
- Requirements in this section were moved from WAC 296-302-020.

WAC 296-806-30022 Safeguard projections on moving parts.

- Requirements in this section were moved from WAC 296-24-20511.

WAC 296-806-30024 Safeguard pulleys.

- Requirements in this section were moved from WAC 296-24-20509.

WAC 296-806-30026 Make sure pulleys meet these requirements.

- Requirements in this section were moved from WAC 296-24-20519.

WAC 296-806-30028 Safeguard revolving drums, barrels, and containers.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-30030 Safeguard shafting.

- Requirements in this section were moved from WAC 296-24-20509.
- Requirements in this section were moved from WAC 296-24-20517.

WAC 296-806-30032 Make sure shafting meets these requirements.

- Requirements in this section were moved from WAC 296-24-20517.

WAC 296-806-30034 Safeguard unused keyways.

- Requirements in this section were moved from WAC 296-24-20511.

WAC 296-806-30036 Make sure revolving collars meet these requirements.

- Requirements in this section were moved from WAC 296-24-20511.

WAC 296-806-30038 Safeguard counterweights.

- Requirements relating to counterweights were moved from WAC 296-24-15009.

WAC 296-806-400 Summary.

- Created this summary page to include all the sections located in WAC 296-806-400 that relate to requirements for specific machines or operations.

WAC 296-806-405 Summary.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

- Requirements in this section were moved from WAC 296-24-20021.

WAC 296-806-40502 Make sure abrasive wheels and machines are properly designed and constructed.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40504 Make sure machines have safety guards.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40506 Make sure safety guards meet specific requirements.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40508 Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40510 Use a work rest for off-hand grinding.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40512 Make sure abrasive wheels are safe to use.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40514 Mount wheels properly.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40516 Use proper flanges.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40518 Make sure flanges are in good condition.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40520 Use specific flanges for Type 1 cutting-off wheels.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40522 Use specific flanges for Type 27A cutting-off wheels.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40524 Use blotters when required.

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-40526 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

WAC 296-806-410 Summary.

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

WAC 296-806-41002 Provide calender safety controls.

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

WAC 296-806-41004 Follow these stopping limit requirements for calenders.

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

WAC 296-806-415 Summary.

- Requirements in this section were moved from WAC 296-24-197.

WAC 296-806-41502 Safeguard hazardous moving parts of stationary compactors.

- Requirements in this section were moved from WAC 296-24-197.

WAC 296-806-41504 Follow these requirements for compactor controls.

- Requirements in this section were moved from WAC 296-24-197.

WAC 296-806-41506 Follow these requirements for compactor access doors and covers.

- Requirements in this section were moved from WAC 296-24-197.

WAC 296-806-41508 Follow these requirements for compactors that cycle automatically.

- Requirements in this section were moved from WAC 296-24-197.

WAC 296-806-420 Summary.

- Requirements in this section were moved from WAC 296-24-20021.

WAC 296-806-42002 Follow these requirements for conveyors.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42004 Provide emergency stops on conveyors.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42006 Label conveyor controls.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42008 Prohibit riding on conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42010 Provide safe access to conveyors.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42012 Provide backstop or anti-runaway devices on incline, decline, or vertical conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42014 Make only safe alterations to conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42016 Inspect and replace worn conveyor parts.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42018 Follow these requirements for replacing conveyor parts.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42020 Follow these requirements for spill guards.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42022 Provide pedestrian overpasses for conveyors.

- Requirements in this section were moved from ANSI B20.1 - 1957.

WAC 296-806-42024 Guard openings to hoppers and chutes.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42026 Install guideposts.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42028 Guard nip points on belt conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42030 Install emergency stop controllers on overland belt conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42032 Install belt conveyor overpasses.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42034 Safeguard chain conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42036 Guard return strands on chain conveyors.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42038 Guard chain conveyors that are used as a transfer mechanism.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42040 Prevent material from falling off of elevator conveyors.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42042 Provide protection where employees must load shakers.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42044 Provide grating over silo and bunker openings for shuttle conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42046 Guard wheels and rails on mobile conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42048 Prevent hazardous motion on mobile conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42050 Provide a detector for mobile conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42052 Provide safe access on mobile conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42054 Guard pusher-bar conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42056 Prohibit walking on roller-type conveyors.

- Requirements in this section were moved from WAC 296-24-21515.

WAC 296-806-42058 Use speed controls for roller and wheel conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42060 Safeguard belt-driven live roller conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42062 Guard screw conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42064 Provide slack-cable switches on hoists.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42066 Block the skip bucket and counterweight guides.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42068 Protect against wire rope coming off sheaves.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42070 Safeguard slat and roller-slat conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42072 Provide a safe method for disengaging the tow pin.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42074 Protect employees from moving carts on towed conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42076 Provide clearances and warnings for carts on towed conveyors.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-42078 Mark projections above the floor.

- Requirements in this section were moved from ASME B20.1 - 1996.

WAC 296-806-425 Summary.

- Requirements relating to food processing equipment have been moved from chapter 296-302 WAC.

WAC 296-806-42502 Provide locks on chamber doors of large air conditioning units.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42504 Use proper door locks on rack-type bread coolers.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42506 Provide see-through panels on fermentation room doors.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42508 Cover exposed hot pipes.

- Requirements in this section were moved from 29 CFR 1910.263.

WAC 296-806-42510 Provide extension piping on stationary lubrication fittings.

- Requirements in this section were moved from WAC 296-302-02501.

WAC 296-806-42512 Provide hoods for pan washing tanks.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42514 Safeguard proof boxes.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42516 Safeguard storage bins.

- Requirements in this section were moved from WAC 296-302-02511.

WAC 296-806-42518 Follow these design requirements for bag lifts (bag arm elevators) and chutes.

- Requirements in this section were moved from WAC 296-302-02503.

WAC 296-806-42520 Follow these requirements for chain tackle.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42522 Safeguard conveyors.

- Requirements in this section were moved from WAC 296-302-02513.
- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42524 Use properly designed covers for screw conveyors (augers).

- Requirements in this section were moved from WAC 296-302-02513.

WAC 296-806-42526 Safeguard pallet jacks and hand trucks.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42528 Safeguard bakery slicers.

- Requirements in this section were moved from WAC 296-302-05501.

WAC 296-806-42530 Safeguard bakery wrapping machines.

- Requirements in this section were moved from WAC 296-302-05503.

WAC 296-806-42532 Provide troughs with antifriction-bearing casters.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42534 Follow these requirements for trough hoists and similar equipment.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42536 Follow these requirements for dividers.

- Requirements in this section were moved from WAC 296-302-035.

WAC 296-806-42538 Safeguard manually-fed dough and cross-roll brakes.

- Requirements in this section were moved from WAC 296-302-045.

WAC 296-806-42540 Provide a guard or tripping device on reversible dough brakes.

- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-42542 Follow these requirements for doughnut machines.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42544 Follow these requirements for dumpbins and blenders.

- Requirements in this section were moved from WAC 296-302-02505.

WAC 296-806-42546 Follow these requirements for flour-handling machines.

- Requirements in this section were moved from WAC 296-302-025.

WAC 296-806-42548 Follow these requirements for traveling or track-type flour scales.

- Requirements in this section were moved from WAC 296-302-02517.

WAC 296-806-42550 Follow these requirements for food grinders and cutters.

- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-42552 Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42554 Follow these requirements for open fat kettles.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42556 Follow these requirements for steam kettles.

- Requirements in this section were moved from WAC 296-302-050.

WAC 296-806-42558 Follow these requirements for chocolate melting, refining, and mixing kettle.

- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-42560 Safeguard meat-processing equipment (circular meat-cutting saws).

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-42562 Follow these requirements for horizontal dough mixers.

- Requirements in this section were moved from WAC 296-302-03001.

WAC 296-806-42564 Follow these requirements for vertical mixers.

- Requirements in this section were moved from WAC 296-302-03003.

WAC 296-806-42566 Follow these requirements for mechanical-feed moulders.

- Requirements in this section were moved from WAC 296-302-040.

WAC 296-806-42568 Follow these requirements for hand-fed moulders.

- Requirements in this section were moved from WAC 296-302-040.

WAC 296-806-42570 Design, install, and construct your ovens according to these requirements.

- Requirements in this section were moved from WAC 296-302-065 through 296-302-06531.

WAC 296-806-42572 Properly locate emergency "stop" buttons and main shut off valves for ovens.

- Requirements in this section were moved from WAC 296-302-065 through 296-302-06531.

WAC 296-806-42574 Inspect and test safety devices on ovens.

- Requirements in this section were moved from WAC 296-302-065 through 296-302-06531.

WAC 296-806-42576 Follow these requirements for peanut-cooling trucks.

- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-42578 Follow these requirements for pretzel rolling, pretzel stick extruding, rotary, and die machines.

- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-42580 Safeguard box and roll-type dough sheeters.

- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-42582 Provide proper enclosures for sifters.

- Requirements in this section were moved from WAC 296-302-02501.
- Requirements in this section were moved from WAC 296-302-02515.

WAC 296-806-42584 Follow these requirements for sugar and spice pulverizers.

- Requirements in this section were moved from WAC 296-302-060.

WAC 296-806-430 Summary.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43002 Follow these safety requirements when using lead and lead casts.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43004 Properly inspect and maintain forging equipment.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43006 Use safety blocks on hammers and presses.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43008 Make sure tongs meet these requirements.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43010 Protect employees when removing scale.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43012 Provide adequate foundations for hammers and presses.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43014 Follow these requirements for manually operated valves and switches.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43016 Use die keys and shims made of proper-grade material.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43018 Provide a safety cylinder head.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43020 Provide a shutoff valve.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43022 Provide a means for cylinder draining.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43024 Follow these requirements for pressure pipes.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43026 Follow these requirements when using board hammers.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-43028 Protect against sparks from saws.

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

WAC 296-806-435 Summary.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-43502 Safeguard garbage (waste) disposal equipment.

- Requirements in this section were moved from WAC 296-24-15001.

WAC 296-806-440 Summary.

- Requirements in this section were moved from WAC 296-24-16537.

WAC 296-806-44002 Provide guards and automatic shut-offs on glue spreaders.

- Requirements in this section were moved from WAC 296-24-16537.

WAC 296-806-445 Summary.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-44502 Safeguard ironworkers point of operation.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-44504 Follow these requirements for adjustable restrictors when safeguarding ironworkers.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-450 Summary.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-45002 Provide shields or guards on metal lathes for chip or coolant hazards.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-45004 Safeguard work-holding devices (chucks).

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-45006 Follow these requirements for chip control and handling.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-45008 Safeguard power-clamping devices.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-45010 Restrain extended workpieces on horizontal lathes.

- Requirements in this section were moved from ANSI B 11.6.

WAC 296-806-45012 Guard cutting heads on profile lathes and swing-head lathes.

- Requirements in this section were moved from WAC 296-24-16531.

WAC 296-806-45014 Guard cutting heads on turning lathes.

- Requirements in this section were moved from WAC 296-24-16531.

WAC 296-806-45016 Guard automatic turning lathes.

- Requirements in this section were moved from WAC 296-24-16531.

WAC 296-806-45018 Guard wood lathes used for turning long pieces of stock.

- Requirements in this section were moved from WAC 296-24-16531.

WAC 296-806-455 Summary.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45502 Make sure mechanical power presses are properly designed and constructed.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45504 Safeguard presses that use unitized tooling.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45506 Protect operators from guidepost hazards.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45508 Safeguard the point of operation.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45510 Make sure point-of-operation guards are properly designed and constructed.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45512 Make sure barrier guards meet these requirements.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45514 Make sure point-of-operation devices are effective.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45516 Make sure presence-sensing devices used to safeguard the point of operation meet these requirements.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45518 Make sure pull-back devices used to safeguard the point of operation meet these requirements.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45520 Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45522 Make sure two-hand control devices used to safeguard the point of operation meet these requirements.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45524 Make sure two-hand trip devices used to safeguard the point of operation meet these requirements.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45526 Provide additional safeguards when the operator puts one or both hands into the point of operation.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45528 Establish die setting procedures.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45530 Handle dies safely.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45532 Protect die setters during setup and tryout.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45534 Train press operators.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45536 Operate mechanical power presses safely.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45538 Provide tools and other means to protect press operators.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45540 Inspect and maintain presses.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-45542 Make sure presses and operating practices used in PSDI (presence sensing device initiation) mode of operation meet these requirements.

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

WAC 296-806-460 Summary.

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

WAC 296-806-46002 Meet height requirements for mill rolls.

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

WAC 296-806-46004 Provide mill safety controls.

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

WAC 296-806-46006 Follow these stopping limit requirements for mills.

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

WAC 296-806-465 Summary.

- Requirements in this section were moved from ANSI B 11 and OSHA CPL 2-1.25.

WAC 296-806-46502 Provide auxiliary safety aids on press brakes.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-46504 Safeguard the point of operation on press brakes.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-46506 Follow this requirement when using safe distance safeguarding.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-46508 Develop a safe distance safeguarding program for press brakes.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-46510 Follow these requirements for safe distance training for press brakes.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-46512 Require safe distance refresher training for press brake operations.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-46514 Conduct periodic safe distance inspections on press brakes.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-46516 Supervise the safe distance program for press brakes.

- Requirements in this section were moved from OSHA CPL 2-1.25.

WAC 296-806-470 Summary.

- Requirements in this section were moved from ANSI B 11 and chapter 296-24 WAC.

WAC 296-806-47002 Follow these requirements for machine initiation.

- Requirements in this section were moved from ANSI B 11.12 - 1996.

WAC 296-806-47004 Safeguarding nip points of roll-forming and bending machines.

- Requirements in this section were moved from ANSI B 11.12 - 1996.

WAC 296-806-475 Summary.

- Requirements in this section were moved from WAC 296-24-16533.

WAC 296-806-47502 Guard drum sanders.

- Requirements in this section were moved from WAC 296-24-16533.

WAC 296-806-47504 Guard disk sanders.

- Requirements in this section were moved from WAC 296-24-16533.

WAC 296-806-47506 Guard belt sanders.

- Requirements in this section were moved from WAC 296-24-16533.

WAC 296-806-47508 Follow these requirements for feed roll guarding.

- Requirements in this section were moved from WAC 296-24-16533.

WAC 296-806-480 Summary.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48002 Protect employees using saws and cutting heads.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48004 Make sure saws and cutting heads are sharpened and tensioned by qualified people.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48006 Make sure saws are safe to use.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48008 Make sure all circular saws meet these requirements.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48010 Make sure circular saw gages meet these requirements.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48012 Safeguard hand-fed circular table saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48014 Provide kickback protection for employees using hand-fed circular table rip-saws when ripping wood products.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48016 Safeguard self-feed circular saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48018 Provide kickback protection for self-feed circular rip-saws when ripping wood products.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48020 Guard circular resaws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48022 Provide spreaders for circular resaws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48024 Protect employees from automatic saw hazards.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48026 Guard inverted swing (jump) saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48028 Guard miter saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48030 Guard radial saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48032 Limit the travel of radial saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48034 Provide kickback protection for radial saws used for ripping wood products.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48036 Guard revolving double arbor doors.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48038 Guard swing saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48040 Limit the travel of swing saws.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48042 Make sure bandsaws meet these requirements.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48044 Protect employees from drag saw hazards.

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

WAC 296-806-48046 Maintain and balance knives and cutting heads.

- Requirements in this section were moved from WAC 296-24-16539.

WAC 296-806-48048 Make sure boring and mortising machines meet these requirements.

- Requirements in this section were moved from WAC 296-24-16525.

WAC 296-806-48050 Follow these requirements for chipper mills.

- Requirements in this section were moved from WAC 296-78-84007.

WAC 296-806-48052 Follow these requirements for hog mills.

- Requirements in this section were moved from WAC 296-78-84007.

WAC 296-806-48054 Protect employees from falling into chipper and hog mills.

- Requirements in this section were moved from WAC 296-78-84007.

WAC 296-806-48056 Make sure jointers with horizontal cutting heads meet these requirements.

- Requirements in this section were moved from WAC 296-24-16521.

WAC 296-806-48058 Guard horizontal cutting heads on hand-fed jointers.

- Requirements in this section were moved from WAC 296-24-16521.

WAC 296-806-48060 Guard vertical cutting heads on jointers.

- Requirements in this section were moved from WAC 296-24-16521.

WAC 296-806-48062 Make sure molding, sticking and matching machines meet these requirements.

- Requirements in this section were moved from WAC 296-24-16529.

WAC 296-806-48064 Guard hand-fed panel raisers and other similar machines.

- Requirements in this section were moved from WAC 296-24-16527.

WAC 296-806-48066 Make sure planers with a horizontal cutting head meet these requirements.

- Requirements in this section were moved from WAC 296-24-16521.

WAC 296-806-48068 Guard planers.

- Requirements in this section were moved from WAC 296-24-16529.

WAC 296-806-48070 Guard planer feed rolls.

- Requirements in this section were moved from WAC 296-24-16529.

WAC 296-806-48072 Provide kickback protection on planers running stock of varied thickness.

- Requirements in this section were moved from WAC 296-24-16529.

WAC 296-806-48074 Make sure shapers meet these requirements.

- Requirements in this section were moved from WAC 296-24-16527.

WAC 296-806-48076 Guard tenoning machine feed chains and sprockets.

- Requirements in this section were moved from WAC 296-24-16523.

WAC 296-806-48078 Guard tenoning machines.

- Requirements in this section were moved from WAC 296-24-16523.

WAC 296-806-48080 Guard veneer cutters and wringer knives.

- Requirements in this section were moved from WAC 296-24-16535.

WAC 296-806-48082 Guard veneer clippers.

- Requirements in this section were moved from WAC 296-24-16535.

WAC 296-806-48084 Follow these requirements for guarding guillotine cutters.

- Requirements in this section were moved from WAC 296-24-16535.

WAC 296-806-48086 Provide mechanisms to stop power-driven guillotine cutters.

- Requirements in this section were moved from WAC 296-24-16535.

WAC 296-806-48088 Prohibit riders on veneer slicer carriages.

- Requirements in this section were moved from WAC 296-24-16535.

WAC 296-806-485 Summary.

- Requirements in this section were moved from WAC 296-24-20527.

WAC 296-806-48502 Guard sewing machine needles.

- Requirements in this section were moved from WAC 296-24-20527.

WAC 296-806-500 Definitions.

- The following definitions have been added or moved from chapters 296-24 and 296-302 WAC: Abrasive wheel, adjustable barrier guard, air-lift hammer, anti-repeat, arbor, authorized person, awareness barrier, barricade, barrier guard, belt conveyors, belt pole, belt shifter, bench grinder, bending, blade, blanking, blind hole, blotter, board hammer, bolster plate, brake, chain conveyor, channel blanking, chipper, chuck, clutch, comb, concurrent, cone pulley, cone and plug wheels (types 16, 17, 18, 18R, and 19), control system, coping-notching, counterbalance, cutting-off wheels, cutting tool or saw blade, cycle, dado, device, die or dies, die enclosure guard, die setter, die setting, die shoe, die shutheight, divider, dough sheeter, dressed, drilling/boring machine, dross, dump bin and blender, face of the slide, feather board/comb, feeding, fence, fixed barricade, fixed barrier guard, fixed blade, fixed blanking, fixture/jig, flanges, floating blanking (floating window), floorstand grinder, forging, forging presses, full revolution clutch, gage, gap (throat), gate or movable barrier device, guard (abrasive wheels), guard, guidepost, hazard, hazard area, hog, horizontal lathe, idler (pulley), inch, indirect recirculating ovens, interlocked barrier guard, inverted swing and jump saws, ironworker, jig, jog, jointer, jump saw, kerf, kickback, live roller conveyor, mandrel, manlift, manual feeding, maximum exposure angle, miter gage, miter saw, mode, modified types 6 and 11 wheels (terrazzo), molding machine, mortiser, moulder, mounted wheels, mov-

able barrier device, nip-point belt and pulley guard, off-hand grinding, overland conveyor, part revolution clutch, pedestal grinder, pinch point, planer, point of operation, power-driven hammers, power transmission parts, presence-sensing device, presence-sensing device initiation (PSDI), pull-back device, push block, pusher-bar conveyor, push stick, racks, reinforced wheels, repeat, restraint device, return-belt idlers, ripping, rivet-making machines, riving knife, SFFPM, safeguarding by location, safeguarding by distance, safeguarding device, safety block, safety cylinder, safety cylinder head, scale, screw conveyor, shaper, sheeter, sifter, single stroke mechanism, slat and roller slat conveyor, slide, snagging, spreader, steam hammers, stripper, surface feet per minute (SFPM), sweep device, swing saw/overhead swing cutoff saw, tenoning machine, terrazzo, threaded hole wheels, tongs, tooling, tongue guard, top grinding, towed conveyor, trimming presses, trip (or tripping), trued, turnover bar, two-hand device, two-hand trip device, type A movable gate, type B movable gate, type 1 wheel, type 2 wheel, type 6 wheel, type 11 wheel, type 16, 17, 18, 18R, and 19 wheels, type 27 wheel, type 27A cutting-off wheel, type 28 wheel, type 29 wheel, unitized tooling, upsetters (or forging machines, or headers), wood products.

Citation of Existing Rules Affected by this Order: Amending WAC 296-24-69003 Spot and seam welding machines (nonportable), 296-24-88020 Powered platform installations—Equipment, 296-24-90003 General requirements, 296-54-573 Logging machines—General, 296-59-130 Ski lift machinery guarding, 296-78-56511 Head rigs and feed works, 296-78-590 Gang saws and re-saws, 296-78-605 Swing saws, 296-78-615 Saw filing and grinding rooms and equipment, 296-78-650 Boring and mortising machines, 296-78-660 Lathe (pail and barrel), 296-78-665 Sanding machines, 296-78-690 Veneer slicer and cutter, 296-78-70503 Shake and shingle machinery—General, 296-78-71007 Footwalks and passageways, 296-78-71017 Dry kilns, 296-78-71505 Mechanical power transmission apparatus, 296-79-030 Guards and guarding, 296-115-050 General requirements, 296-155-487 Manually propelled elevating work platforms, 296-155-488 Self propelled elevating work platforms, 296-155-525 Cranes and derricks, 296-155-682 Requirements for equipment and tools, 296-301-020 General safety requirements, 296-301-170 Clothing folding machine, 296-303-030 Moving parts and 296-305-06519 Fire station equipment and tools; and repealing WAC 296-24-150 Machinery and machine guarding—General requirements for all machines—Scope and application, 296-24-15001 Machine guarding, 296-24-15003 Anchoring fixed machinery, 296-24-15005 Means to prevent slipping, 296-24-15007 Machines shall be stopped when making repairs, 296-24-15009 Counterweights, 296-24-165 Fixed and portable power tool requirements, 296-24-16501 Definitions, 296-24-16503 Machine construction general, 296-24-16505 Machine controls and equipment, 296-24-16507 Hand-fed rip saws, 296-24-16509 Hand-fed crosscut table saws, 296-24-16511 Circular resaws, 296-24-16513 Self-feed circular saws, 296-

24-16515 Swing cutoff saws, 296-24-16517 Radial saws, 296-24-16519 Bandsaws and band resaws, 296-24-16521 Jointers, 296-24-16523 Tenoning machines, 296-24-16525 Boring and mortising machine, 296-24-16527 Shaper and similar equipment, 296-24-16529 Planing, molding, sticking, and matching machines, 296-24-16531 Profile and swing-head lathes and heel turning machine, 296-24-16533 Sanding machines, 296-24-16535 Veneer cutters and wingers, 296-24-16537 Miscellaneous machines, 296-24-16539 Inspection and maintenance of machinery, 296-24-180 Abrasive wheel machinery, 296-24-18001 Definitions, 296-24-18003 General requirements, 296-24-18005 Guarding of abrasive wheel machinery, 296-24-18007 Flanges, 296-24-18009 Mounting, 296-24-190 Mills and calenders in the rubber and plastics industries, 296-24-19001 Definitions, 296-24-19003 General requirements, 296-24-19005 Mill safety controls, 296-24-19007 Calender safety controls, 296-24-19009 Protection by location, 296-24-19011 Trip and emergency switches, 296-24-19013 Stopping limits, 296-24-19015 Alarm, 296-24-195 Mechanical power presses, 296-24-19501 Definitions, 296-24-19503 General requirements, 296-24-19505 Mechanical power press guarding and construction, general, 296-24-19507 Safeguarding the point of operation, 296-24-19509 Design, construction, setting and feeding dies, 296-24-19511 Inspection, maintenance and modification of presses, 296-24-19513 Operation of power presses, 296-24-19514 Reports of injuries to employees operating mechanical power presses, 296-24-19517 Presence sensing device initiation (PSDI), 296-24-197 Compactors, 296-24-200 Forging machines, 296-24-20001 Definitions, 296-24-20003 General requirements, 296-24-20005 Hammers, general, 296-24-20007 Presses, 296-24-20009 Power-driven hammers, 296-24-20011 Gravity hammers, 296-24-20013 Forging presses, 296-24-20015 Trimming presses, 296-24-20017 Upsetters, 296-24-20019 Other forging equipment, 296-24-20021 Other forge facility equipment, 296-24-205 Safeguarding power transmission parts, 296-24-20501 What is an employer's duty to protect employees from hazards of power?, 296-24-20503 What requirements must guards meet, 296-24-20505 What requirements must devices meet?, 296-24-20507 What requirements must safeguarding by distance meet?, 296-24-20509 What requirements must safeguarding by location meet?, 296-24-20511 What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?, 296-24-20513 When may a guardrail be used as a safeguard?, 296-24-20515 What are the additional requirements for flywheels?, 296-24-20517 What are the additional requirements for shafting?, 296-24-20519 What are the additional requirements for pulleys?, 296-24-20521 What are the additional requirements for belt and rope drives?, 296-24-20523 What are the additional requirements for gears?, 296-24-20525 What are the additional requirements for belt shifters?, 296-24-20527 What are the additional requirements for sewing machines?, 296-24-20529 Reserve, 296-24-20531 Reserve, 296-24-20533 Reserve, 296-24-20699 Appendices A through D are added to Part C of chapter 296-24 WAC, to describe the federal procedures for third-party validation and certification of presence sensing devices on mechanical power presses, 296-24-20700 Appendix A to WAC 296-24-195, 296-24-20710 Appendix

B to WAC 296-24-195, 296-24-20720 Appendix C to WAC 296-24-195, 296-24-20730 Appendix D to WAC 296-24-195, 296-302-010 Bakery equipment—General requirements, 296-302-015 Definitions, 296-302-020 General machine guarding, 296-302-025 Flour-handling equipment—Scope and application, 296-302-02501 General requirements for flour-handling, 296-302-02503 Bag chutes and bag lifts (bag-arm elevators), 296-302-02505 Dumpbin and blender, 296-302-02507 Flour elevators, 296-302-02509 Bolting reels, 296-302-02511 Storage bins, 296-302-02513 Screw conveyors, 296-302-02515 Sifters, 296-302-02517 Flour scales, 296-302-02519 Automatic flour gates, 296-302-03001 Horizontal dough mixers, 296-302-03003 Vertical mixers, 296-302-035 Dividers, 296-302-040 Moulders, 296-302-045 Manually fed dough brakes, 296-302-050 Miscellaneous equipment, 296-302-05501 Slicers, 296-302-05503 Wrappers, 296-302-060 Biscuit and cracker equipment, 296-302-065 Ovens—Scope and application, 296-302-06501 General location, 296-302-06503 General requirements, 296-302-06505 Construction, 296-302-06507 Safeguards of mechanical parts, 296-302-06509 Gas-burning systems, 296-302-06511 Gas mixing machines, 296-302-06513 Oil-burning equipment, 296-302-06515 Solid-fuel firing equipment, 296-302-06517 Electrical heating equipment, 296-302-06519 Direct-fired ovens, 296-302-06521 Direct recirculating ovens, 296-302-06523 Flue-type ovens, 296-302-06525 Indirect-fired multiple burner ovens, 296-302-06527 Steam-tube ovens, 296-302-06529 Indirect recirculating ovens, and 296-302-06531 Electric ovens.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 04-03-085 on January 20, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-806-100 Scope.

- Moved the majority of the language in this section to a section in this chapter called, "How to use this book."
- The scope now reads:

"Machines and their moving parts create the potential for workplace injuries. Installed and used properly, safeguards can protect workers by helping to reduce or control machine hazards.

This chapter applies if you have machines or machine operations in your workplace. For requirements on handheld tools go to portable power tools, chapter 296-807 WAC."

WAC 296-806-200 Summary.

- Clarified the language in this section. The first paragraph now reads:
"This section applies to all machines in your workplace. It is organized into the following four categories:
 - General requirements
 - Safeguarding requirements
 - Safeguarding methods
 - Requirements for specific machine hazards."

- Clarified the language in the reference, it now reads:
"In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to determine if additional requirements are listed for machines or operations in your workplace:
 - Additional requirements for some machines and machine operations, chapter 296-807 WAC."
- Clarified the language in the second reference, it now reads:
"For requirements that apply to handheld tools, see portable power tools, chapter 296-807 WAC."
- Incorporated the titles of the sections in the 300 summary to this section.

WAC 296-806-20006 Arrange work areas to avoid creating hazards.

- Clarified the language in the reference, it now reads:
"For requirements that apply to aisles and passageways, see WAC 296-24-73505."

WAC 296-806-20010 Protect employees from unintentional machine operation.

- Added a note for clarity, it reads:
"Operating controls can be protected from unintentional movement by methods such as covers on foot treadles and collars around machinery start buttons."

WAC 296-806-20010 Make sure emergency stop controls meet these requirements.

- Deleted the words "and other hazardous work areas" from the second subbullet.

WAC 296-806-20020 Protect employees who are adjusting or repairing machinery.

- Clarified the language in the reference, it now reads:
"For requirements about maintaining and servicing machinery where the unexpected start-up, energization, or release of stored energy could injure an employee are in lockout/tagout (control of hazardous energy), chapter 296-803 WAC."

WAC 296-806-20026 Protect employees lubricating moving machinery.

- Added a note for clarity, it reads:
"Things such as clothing, hair, jewelry can get caught in machinery and be a hazard on the job."
- Added the words "you must" after the note.

WAC 296-806-20028 Safeguard employees from the point of operation.

- Changed the heading of this section to "safeguarding requirements."
- Clarified the language in the first two paragraphs of the important statement. They now read:
"If a specific safeguarding method in this chapter is required for machinery or machine parts found in your workplace, follow the specific requirement. In the absence of a specific safeguarding method required by this or some other chapter, you need to choose a method or combination of methods from the safeguarding requirements found in safeguard-

ing methods, WAC 296-806-20042 through 296-806-20058."

WAC 296-806-20042 Make sure guards meet these requirements.

- Deleted the note. Deleted the words "you must."

WAC 296-806-20044 Make sure devices meet these requirements.

- Added language to the second subbullet for clarity. It now reads:
"Be designed and constructed to prevent the operator from having any part of their body in the danger zone during the hazardous part of the operating cycle."
- Clarified the language in the reference, it now reads:
"For more information on installation of safety devices, see performance criteria for safeguarding, ANSI B11.19 - 2003."

WAC 296-806-20046 Make sure light curtains meet these requirements.

- Added an important statement at the beginning of this section for clarity. It reads:
"Important! All devices must meet the general requirements for devices found in make sure devices meet these requirements, WAC 296-806-20044."
- Added a reference for clarity. It reads:
"For more information on light curtains and their requirements see performance criteria for safeguarding, ANSI B11.19 - 2003."

WAC 296-806-20048 Make sure pressure-sensitive mats meet these requirements.

- Added an important statement at the beginning of this section for clarity. It reads:
"Important! All devices must meet the general requirements for devices found in make sure devices meet these requirements, WAC 296-806-20044."

WAC 296-806-20050 Make sure restraint or pullback devices meet these requirements.

- Added an important statement at the beginning of this section for clarity. It reads:
"Important! All devices must meet the general requirements for devices found in make sure devices meet these requirements, WAC 296-806-20044."

WAC 296-806-20052 Make sure two-hand devices meet these requirements.

- Added an important statement at the beginning of this section for clarity. It reads:
"Important! All devices must meet the general requirements for devices found in make sure devices meet these requirements, WAC 296-806-20044."
- Clarified the language in the reference, it now reads:
"For more information on proper installation of safety devices, see performance criteria for safeguarding, ANSI B11.19 - 2003."

WAC 296-806-20054 Make sure devices used with barrier guards meet these requirements.

- Added an important statement at the beginning of this section for clarity. It reads:
"Important! All devices must meet the general requirements for devices found in make sure devices meet these requirements, WAC 296-806-20044."

WAC 296-806-20056 Make sure safeguarding by distance meets these requirements.

- Added the number of the table to this section.
- Reformatted the table in this section.
- Moved the language in the example to the end of this section for clarity.

WAC 296-806-300 Summary.

- This section was combined with WAC 296-806-200.

WAC 296-806-30004 Safeguard belt and rope drives.

- Clarified the language in the reference, it now reads:
"You may need to follow additional requirements for sewing machines. See sewing machines, WAC 296-806-485, later in this chapter for more information."
- Added another reference after the first bullet. It reads:
"In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
 - Guards
 - Devices
 - Safeguarding by distance
 - Safeguarding by location."

WAC 296-806-30012 Safeguard cams, connecting rods, tail rods, and extension piston rods.

- Added a reference after the first bullet. It reads:
"In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
 - Guards
 - Devices
 - Safeguarding by distance
 - Safeguarding by location."
- Added the words "you must" before the second bullet.

WAC 296-806-30016 Safeguard fan blades.

- Added another reference after the first bullet. It reads:
"In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
 - Guards
 - Devices

- Safeguarding by distance
- Safeguarding by location."
- Added a bullet that reads:
"Protect employees from exposure to the blades of any fan less than seven feet above the floor or working surface."
- Clarified the language in the last reference, it now reads:
"For guard opening requirements, see Table 200-1, Largest Allowable Guard Opening, in make sure guards meet these requirements, WAC 296-806-20042."

WAC 296-806-30020 Safeguard gears.

- Added a reference after the first bullet. It reads:
"In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
 - Guards
 - Devices
 - Safeguarding by distance
 - Safeguarding by location."

WAC 296-806-30024 Safeguard pulleys.

- Added a reference after the first bullet. It reads:
"In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
 - Guards
 - Devices
 - Safeguarding by distance
 - Safeguarding by location."

WAC 296-806-30034 Safeguard unused keyways.

- Added a reference after the first bullet. It reads:
"In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
 - Guards
 - Devices
 - Safeguarding by distance
 - Safeguarding by location."

WAC 296-806-30036 Make sure revolving collars meet these requirements.

- Added the words "make sure" to the beginning of the second bullet.

WAC 296-806-30038 Safeguard counterweights.

- Added a reference after the first bullet. It reads:
"In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
 - Guards

- Devices
- Safeguarding by distance
- Safeguarding by location."

WAC 296-806-400 Summary.

- Added language to clarify what sections may be applicable. It reads:
"If your specific machine or operation is not listed here, then follow the "requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-405 Summary.

- Changed the title of this section to "Abrasive Wheels."
- Added language to clarify what sections may be applicable. It reads:
 - "In addition to the requirements in this section you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
 - Requirements for all machines, WAC 296-806-200 and 296-806-300.
 - You need to refer to portable power tools, chapter 296-807 WAC for requirements relating to handheld abrasive wheel tools."
- Deleted the reference.

WAC 296-806-40502 Make sure abrasive wheels and machines.

- Changed the date from "September 4, 2004" to "January 1, 2005" in both bullets.

WAC 296-806-40518 Make sure flanges are in good condition.

- Clarified the language in the reference, it now reads:
"Flanges that are refaced or trued need to satisfy minimum dimension requirements specified in Safety Requirements for the Use, Care and Protection of Abrasive Wheels, ANSI B7.1 - 2000."

WAC 296-806-410 Summary.

- Added language to clarify what sections may be applicable. It reads:
 - "In addition to the requirements in this section you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
 - Requirements for all machines, WAC 296-806-200 and 296-806-300.
- Deleted the reference.

WAC 296-806-415 Summary.

- Added language to clarify what sections may be applicable. It reads:
 - "In addition to the requirements in this section you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
 - Requirements for all machines, WAC 296-806-200 and 296-806-300.
- Deleted the reference.

WAC 296-806-41502 Safeguard hazardous moving parts of stationary compactors.

- Clarified the language in the reference, it now reads: "For additional requirements, when adjusting or clearing jams from compactors, see lockout/tagout (control of hazardous energy), chapter 296-803 WAC."

WAC 296-806-41504 Follow these requirements for compactor controls.

- Replaced the word "of" with the word "from" in the last subbullet.

WAC 296-806-420 Summary.

- Added language to clarify what sections may be applicable. It reads: "If your specific conveyor or operation is not listed here, then follow any general requirements in this section along with the "requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300."
- Replaced the word "employees" with the word "people" in the exemption.
- Deleted the reference.

WAC 296-806-42002 Follow these requirements for conveyors.

- Changed the date from "September 4, 2004" to "January 1, 2005" in the second bullet.

WAC 296-806-42004 Provide emergency stops on conveyors.

- Corrected bulleting errors.
- Clarified the language in the third bullet, it now reads: "Make sure where there is the possibility of an employee falling onto a conveyor belt, that the emergency stopping device for conveyors feeding or dumping into a hazardous machine such as a barker, saw, hog, or chipper is at least one of the following:"
- Replaced the word "any" with the words "a sitting" in the last subbullet.

WAC 296-806-42010 Provide safe access to conveyors.

- Clarified the language in the reference, it now reads: "Some additional requirements for protecting employees inspecting and maintaining conveyors can be found in:
 - Lockout/tagout (control of hazardous energy), WAC 296-806-803.
 - Personal fall arrest systems, WAC 296-24-88050."

WAC 296-806-42020 Follow these requirements for spill guards.

- Clarified the language in the reference, it now reads: "For specific requirements when conveyors pass over emergency exit routes, see exit routes, WAC 296-800-310."

WAC 296-806-42022 Provide pedestrian overpasses for conveyors.

- Added the word "dangerous" in the last tertiary bullet.
- Clarified the language in the reference, it now reads: "For guardrail requirements see Railings, toeboards, and cover specifications, WAC 296-24-75011."

WAC 296-806-42024 Guard openings to hoppers and chutes.

- Clarified the language in the reference, it now reads: "For guardrail requirements see Railings, toeboards, and cover specifications, WAC 296-24-75011."

WAC 296-806-42028 Guard nip points on belt conveyors.

- Clarified the language in the exemption. It now reads: "This rule does not normally require guards along the conveyor at the point where the belt rides on return rollers, such as return-belt idlers, unless hazardous conditions such as long, tight heavy belts exist."

WAC 296-806-42038 Guard chain conveyors that are used as a transfer mechanism.

- Moved the WAC number to the end of the first subbullet.

WAC 296-806-42060 Safeguard belt-driven live roller conveyors.

- Moved the WAC number to the end of the tertiary bullet.
- Clarified the language in the reference, it now reads: "For nip points and sheer hazards on power-driven (live) roller conveyors see Guard nip points on belt conveyors, WAC 296-806-42028."

WAC 296-806-42062 Guard screw conveyors.

- Moved the WAC numbers to the end in the first two subbullets.

WAC 296-806-425 Summary.

- Added language to clarify what sections may be applicable. It reads: "If your specific food processing machine or operation is not listed here, then follow any facilities requirements in this section along with the "requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-42514 Safeguard proof boxes.

- Added a note at the end of this section for clarity. It reads: "Guide rails are not required in proof boxes unless there are two doors with a pass through or pull through design."

WAC 296-806-42516 Safeguard storage bins.

- Clarified the language in the reference, it now reads:

"You may need to follow other requirements found in confined spaces, chapter 296-811 WAC."

WAC 296-806-42526 Safeguard pallet jacks and hand trucks.

- Clarified the language in the reference, it now reads: "Motorized hand trucks (pallet jacks) are classified as powered industrial trucks. Additional requirements for powered industrial trucks are found in chapter 296-863 WAC."

WAC 296-806-42528 Safeguard bakery slicers.

- Added clarifying language to subsection (3). It now reads: "Protect employees sharpening blades by installing a barrier guard that provides an opening large enough for the sharpening stone to reach and sharpen slicer blades."

WAC 296-806-42536 Follow these requirements for dividers.

- Added a note at the end of this section for clarity. It reads: "Dividers as discussed in this section utilize pistons, knives and blades to cut and divide large quantities of dough. This does not apply to small vibrating or oscillating rounders."

WAC 296-806-42560 Safeguard meat-processing equipment (circular meat-cutting saws).

- Clarified the language in the reference, it now reads: "When bandsaws are used to cut meat, follow the requirements in make sure bandsaws meet these requirements, WAC 296-806-48042."

WAC 296-806-42564 Follow these requirements for vertical mixers.

- Clarified the language in subsection (1). It now reads: "Provide a safeguarding device to protect employees from the point of operations, if the nature of the work exposes them to contact with:"

WAC 296-806-430 Summary.

- Added language to clarify what sections may be applicable. It reads: "If your specific machine or operation is not listed here, then follow any general requirements in this section along with the "requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-43002 Follow these safety requirements when using lead and lead casts.

- Clarified the language in the reference, it now reads: "For requirements about personal protective equipment (PPE), see the safety and health core rules, WAC 296-800-160.

For ventilation requirements when using portable lead pot units, see the general occupational health standards, chapter 296-62 WAC."

WAC 296-806-43020 Provide a shutoff valve.

- Clarified the language in the reference, it now reads: "For requirements about lockout/tagout (control of hazardous energy), see chapter 296-803 WAC."

WAC 296-806-43024 Follow these requirements for pressure pipes.

- Changed the date from "September 4, 2004" to "January 1, 2005" in the last two subbullets.

WAC 296-806-43028 Protect against sparks.

- Clarified the language in the reference, it now reads: "Other saw requirements may be found in saws and cutting heads, WAC 296-806-480."

WAC 296-806-435 Summary.

- Added language to clarify what sections may be applicable. It reads: "In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
 - Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-43502 Safeguard garbage (waste) disposal equipment.

- Clarified the language in this section. It now reads: "(1) Protect employees exposed to the hazards of screw conveyor disposals with a properly designed and mounted trimboard cover that remains in place during operation. (2) Provide guarding to protect employees from contact with knives or blades of disposal units.
- The guards need to be strong enough so that an employee's downward thrusting motion will not cause the guard material to open larger than two inches.

Reference:

- You may need to follow additional requirements found in make sure guards meet these requirements, WAC 296-806-20042, to keep employees from contacting the knives or blades of disposals."

WAC 296-806-440 Summary.

- Added language to clarify what sections may be applicable. It reads: "In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
 - Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-445 Summary.

- Added language to clarify what sections may be applicable. It reads:

"In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-44502 Safeguard ironworkers point of operation.

- Moved the WAC numbers to the end of the bullet.

WAC 296-806-450 Summary.

- Added language to clarify what sections may be applicable. It reads:
"In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
- Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-455 Summary.

- Added language to clarify what sections may be applicable. It reads:
"In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
- Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Clarified the language in the reference, it now reads:
"See forging machines, for forging press and hammer requirements, WAC 296-806-430.
See ironworkers, for requirements for ironworkers, WAC 296-806-445.
See press brakes, for power press brake requirements, WAC 296-806-465."

WAC 296-806-45502 Make sure mechanical power presses are properly designed and constructed.

- Changed the date from "September 4, 2004" to "January 1, 2005" in the two bullets.

WAC 296-806-45508 Safeguard the point of operation.

- Added the words "before use" to the end of the exemption.

WAC 296-806-45510 Make sure point-of-operation guards are properly designed and constructed.

- Added a WAC number to the end of the second sub-bullet.

WAC 296-806-45512 Make sure barrier guards meet these requirements.

- Clarified the language in the reference, it now reads:
"See provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or

remove parts, and the point of operation is protected by a Type B gate or movable barrier device."

WAC 296-806-45514 Make sure point-of-operation devices are effective.

- Added a bullet that reads:
"Make sure the motor start button is protected against accidental contact."

WAC 296-806-45516 Make sure presence-sensing devices used to safeguard the point of operation meet these requirements.

- Clarified the language in the reference, it now reads:
"See provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by a presence-sensing device."

WAC 296-806-45518 Make sure pull-back devices used to safeguard the point of operation meet these requirements.

- Clarified the language in the reference, it now reads:
"For record-keeping requirements for maintenance or repair work, see Inspect and maintain presses, WAC 296-806-45540."

WAC 296-806-45522 Make sure two-hand control devices used to safeguard the point of operation meet these requirements.

- Clarified the language in the reference, it now reads:
"See provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, for additional required safeguards."

WAC 296-806-45526 Provide additional safeguards when the operator puts one or both hands into the point of operation.

- Changed the date from "September 4, 2004" to "January 1, 2005" in the third and fourth subbullets.

WAC 296-806-45540 Inspect and maintain presses.

- Clarified the language in the reference, it now reads:
"For requirements for these monitoring devices, see provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526."

WAC 296-806-460 Summary.

- Added language to clarify what sections may be applicable. It reads:
"In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
- Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-46004 Provide mill safety controls.

- Added a subbullet to end of subsection (1). It reads: "Easy to operate whether pushed or pulled."

WAC 296-806-465 Summary.

- Added language to clarify what sections may be applicable. It reads: "If your specific machine or operation is not listed here, then follow any general requirements in this section along with the "requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-46508 Develop a safe distance safeguarding program for press brakes.

- Clarified the language in the subbullet. It now reads: "Include methods for maintaining the minimum safe distance requirements in Follow this requirement when using safe distance safeguarding, WAC 296-806-46506."

WAC 296-806-46512 Require safe distance refresher training for press brake operators.

- Changed the title of this section to "Require safe distance retraining for press brake operators."
- Replaced the words "refresher training" with the word "retraining" in subsection (1).
- Replaced the words "refresher training" with the word "retraining" in subsection (2).

WAC 296-806-46516 Supervise the safe distance program for press brakes.

- Moved the WAC number to the end of the third subbullet.

WAC 296-806-470 Summary.

- Added language to clarify what sections may be applicable. It reads: "In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
 - Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-807-475 Summary.

- Added language to clarify what sections may be applicable. It reads: "In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
 - Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Added language to the exemption. It now reads: "This section does not apply to hand-held sanders. See Portable power tools, chapter 296-807 WAC, for requirements that apply to hand-held tools."

- Deleted the reference.

WAC 296-806-47502 Guard drum sanders.

- Clarified the language in the reference, it now reads: "Exhaust hoods are required on sanders when dust levels exceed exposure limits. For requirements about air contaminants, see respiratory hazards, chapter 296-841 WAC."
- Added language to the exemption. It now reads: "When a table is used for the application of material to be finished, you do not need to enclose the portion of the drum above the table that is necessary to do the work."

WAC 296-806-47504 Guard disk sanders.

- Added language to the exemption. It now reads: "When a table is used for the application of material to be finished, you do not need to enclose the portion of the disk above the table that is necessary to do the work."

WAC 296-806-480 Summary.

- Added language to clarify what sections may be applicable. It reads: "If your specific machine or operation is not listed here, then be sure to follow any of the following requirements that apply:
 - General requirements for all saws and cutting heads in this section
 - General requirements for all saws in this section
 - General requirements for all cutting heads in this section
 - "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300."
- Changed the language in the reference. It now reads: "For requirements on hand-held tools go to portable power tools, chapter 296-807 WAC."
- Deleted the reference.
- Deleted the exemption.

WAC 296-806-48002 Protect employees using saws and cutting heads.

- Added a bullet that reads: "Provide safeguarding to protect employees from the hazards of feed rolls."

WAC 296-806-48028 Guard miter saws.

- Added the words "by making" to the first bullet in subsection (3).

WAC 296-806-48030 Guard radial saws.

- Added a reference in the second bullet to the illustration. It reads: "See guard radial saws, illustration 480-2."
- Added a bullet at the end of this section before the exemption. It reads: "OR
 - Is a manually adjusted (wing) guard that:
 - Is made of material strong enough to withstand the forces put on it. Suggested mate-

rials include polycarbonates or expanded metal.

- Has edges that are smooth so no hazards from the guard exist.
- Extends a minimum of eight inches to both the front and arbor-end sides.
- Is adjustable in a vertical plane to the different thicknesses of stock so the gap is 3/8 inch or less between the bottom of the guard and the top of the stock."

WAC 296-806-48032 Limit the travel of radial saws.

- Deleted the word "unguarded" from the second sub-bullet.

WAC 296-806-48034 Provide kickback protection for radial saws used for ripping wood products.

- Added a reference in the second bullet to the illustration. It reads:
"See ripping with a radial arm saw, illustration 480-3."

WAC 296-806-48038 Guard swing saws.

- Clarified the language in the first bullet of the exemption. It reads:
"Provide protection equivalent to a standard automatic adjusting guard."

WAC 296-806-48050 Follow these requirements for chipper mills.

- Clarified the language in the reference, it now reads:
"Safety requirements for mobile chippers can be found in Pruning, Repairing, Maintaining and Removing Trees and Cutting Brush, section 9.6, ANSI Z133.1 - 2000."

WAC 296-806-48054 Protect employees from falling into chipper and hog mills.

- Clarified the language in the reference, it now reads:
"See railing, toeboards and cover specifications for requirements on guardrails used as barriers, WAC 296-24-75011."

WAC 296-806-48060 Guard vertical cutting heads on jointers.

- Clarified the language in this section. It now reads:
"Provide each jointer that has a vertical cutting head with an exhaust hood or other type of guard that completely encloses the revolving head except for a slot that is wide enough for the material being jointed."

WAC 296-806-48084 Follow these requirements for guarding guillotine cutters.

- Moved the WAC number to the end of the third bullet in subsection (1).

WAC 296-806-485 Summary.

- Added language to clarify what sections may be applicable. It reads:
"In addition to the requirements in this section, you need to refer to the following sections of this chapter

in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300."
- Deleted the reference.

WAC 296-806-48502 Guard sewing machine needles.

- Clarified the language in the reference, it now reads:
"For specific requirements about safeguarding sewing machine belts, see Guard belt and rope drives, WAC 296-806-30004."

WAC 296-806-500 Definitions.

- Deleted the words "see also drop hammer and gravity hammer" from the definition of "air-lift hammer."
- Deleted the words "see also drop hammers" from the definition of "board hammer."
- Replace the word "or" with the word "of" in the definition of "fixed barricade."
- Deleted the word "finished" from the definition of "racks."

A final cost-benefit analysis is available by contacting Trista Zugel, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504, phone (360) 902-6805, fax (360) 902-4202, e-mail zugy235@lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 279, Amended 27, Repealed 130.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 279, Amended 27, Repealed 130.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 279, Amended 27, Repealed 130.

Date Adopted: June 29, 2004.

Paul Trause
Director

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-69003 Spot and seam welding machines (nonportable). (1) Voltage. All external weld initiating control circuits shall operate on low voltage, not over 120 volts.

(2) Capacitor welding. Stored energy or capacitor discharge type of resistance welding equipment and control panels involving high voltage (over 550 volts) shall be suitably insulated and protected by complete enclosures, all doors of which shall be provided with suitable interlocks and contacts wired into the control circuit (similar to elevator interlocks). Such interlocks or contacts shall be so designed as to effectively interrupt power and short circuit all capacitors when

the door or panel is open. A manually operated switch or suitable positive device shall be installed, in addition to the mechanical interlocks or contacts, as an added safety measure assuring absolute discharge of all capacitors.

(3) Interlocks. All doors and access panels of all resistance welding machines and control panels shall be kept locked and interlocked to prevent access, by unauthorized persons, to live portions of the equipment.

(4) Guarding. All press welding machine operations, where there is a possibility of the operator's fingers being under the point of operation, shall be effectively ~~((guarded by the use of a device such as an electronic eye safety circuit, two hand controls or protections similar to that prescribed for punch press operation, WAC 296-24-19501 through 296-24-19513))~~ safeguarded according to the machine safety requirements in WAC 296-806-20044 through 296-806-20054. All chains, gears, operating bus linkage, and belts shall be protected by adequate guards, in accordance with ~~((WAC 296-24-20501 through 296-24-20533))~~ the machine safety requirements in WAC 296-806-20042.

(5) Shields. The hazard of flying sparks shall be, wherever practical, eliminated by installing a shield guard of safety glass or suitable fire-resistant plastic at the point of operation. Additional shields or curtains shall be installed as necessary to protect passing persons from flying sparks. (See WAC 296-24-70003 (1)(c).)

(6) Foot switches. All foot switches shall be guarded to prevent accidental operation of the machine.

(7) Stop buttons. Two or more safety emergency stop buttons shall be provided on all special multispot welding machines, including 2-post and 4-post weld presses.

(8) Safety pins. On large machines, four safety pins with plugs and receptacles (one in each corner) shall be provided so that when safety pins are removed and inserted in the ram or platen, the press becomes inoperative.

(9) Grounding. Where technically practical, the secondary of all welding transformers used in multispot, protection and seam welding machines shall be grounded. This may be done by permanently grounding one side of the welding secondary current circuit. Where not technically practical, a center tapped grounding reactor connected across the secondary or the use of a safety disconnect switch in conjunction with the welding control are acceptable alternates. Safety disconnect shall be arranged to open both sides of the line when welding current is not present.

AMENDATORY SECTION (Amending WSR 00-08-078, filed 4/4/00, effective 7/1/00)

WAC 296-24-88020 Powered platform installations—Equipment. (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations must be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design must provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service must be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and

(d) Equipment that is exposed to wind when in service must be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections must be self-locking or must otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment must be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment must comply with the following:

(i) The horizontal movement of a carriage must be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages must not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface must not require a person to exert a horizontal force greater than 40 pounds (444.8 n);

(iv) Structural stops and curbs must be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage must be of a continuous pressure weatherproof type. Multiple controls when provided must be arranged to permit operation from only one control station at a time. An emergency stop device must be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) must be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages must be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning must not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value must include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation must be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning must be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, must be provided that will prevent unintentional traversing of power-traversed or power assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, must be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage must be provided;

(xi) Safe access to and egress from the carriage must be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage must be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate must be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position must be identified by location markings and/or position indicators; and

(xiii) The motors must stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2).

(ii) Transportable outriggers must be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger must be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage must be designed to have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform must be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger must be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design must be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger must be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger must be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger must be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope must be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable must be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform must be from a safe surface. Access or egress must not require persons to climb over a building's parapet or guard railing; and

(B) The working platform must be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension must not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2);

(B) Access and egress to and from the working platform must only be from a safe surface below the point of suspension.

(iv) A rotating davit must not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) must be provided with a means for its transport, which must keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit must be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(C) Means must be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment must be performed only by a hoisting machine.

(b) Each hoisting machine must be capable of arresting any overspeed descent of the load.

(c) Each hoisting machine must be powered only by air, electric or hydraulic sources.

(d) Flammable liquids must not be carried on the working platform.

(e) Each hoisting machine must be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine must be enclosed or guarded in compliance with ~~((Part C of chapter 296-24 WAC))~~ chapter 296-806 WAC, Machine safety.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines must be compatible with, and sized for, the wire rope used.

(h) Each winding drum must be provided with a positive means of attaching the wire rope to the drum. The attachment must be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine must be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake must be directly connected to the drive train of the hoisting machine, and must not be connected through belts, chains, clutches, or set screw type devices. The brake must automatically set when power to the prime mover is interrupted.

(ii) The secondary brake must be an automatic emergency type of brake that, if actuated during each stopping cycle, must not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it must stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning must be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, must be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component must be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit must be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit must be capable of remaining continuously stable under all conditions of use and position of the live load, and must maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers must be provided, and must compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit must be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-88015 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-88015 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-88015 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-88015 (2)(c)(iii).

(vii) Each working platform of a suspended unit must be provided with a guardrail system on all sides which must meet the following requirements:

(A) The system must consist of a top guardrail, midrail, and a toeboard;

(B) The top guardrail must not be less than 38 inches (950 mm) high and must be able to withstand at least a 200-pound (890 n) force in any downward or outward direction;

(C) The midrail must be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, must be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot (.09 m²). The material must have all openings small enough to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards must be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards must be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards must be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards must be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform must be not less than 24 inches (610 mm) wide and must be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring must be of a slip-resistant type and must contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it must be protected by placing a material under the opening which must prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform must be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform must be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform must be of the continuous-pressure type, and must be located on the platform.

(vi) Each operating station of every working platform must be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform must not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions must be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 must be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, must be provided by stairs, ladders, platforms and runways conforming

to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC. Access gates must be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface must be provided with a guardrail system or ladder handrails that conform to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC.

(xii) The platform must be provided with a secondary wire rope suspension system if the platform contains overhead structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline must be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device must be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device must be mounted in a secured compartment, and the compartment must be labeled with instructions for use. A means for opening the compartment must be mounted in a break-glass receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection must also apply to a single point working platform.

(ii) Each single point suspended working platform must be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms must comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building must be disconnected from a ground-rigged working platform, and the platform must be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie must be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and must be resistant to adverse environmental conditions.

(iii) The platform must be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers must not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms must allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length must be maintained at all building anchor locations.

(vi) The platform must be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties must not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes must not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes must be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform must engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system must be provided with a storage position on the platform.

(iv) Each guide track on the platform must be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks must be mounted on the platform and must provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform must be capable of supporting the weight of the platform, or provision must be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment must maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means must be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes must be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides must be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment must comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation must use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoisting machine used. Connections must be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope must have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and must be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade must be at least improved plow steel or equivalent.

(d) Suspension wire ropes must be sized to conform with the required design factor, but must not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays must be permitted.

(f) A corrosion-resistant tag must be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This tag must bear the following wire rope data:

(i) The diameter (inches and/or mm);

(ii) Construction classification;

(iii) Whether nonpreformed or preformed;

(iv) The grade of material;

(v) The manufacturer's rated strength;

(vi) The manufacturer's name;

(vii) The month and year the ropes were installed; and

(viii) The name of the person or company which installed the ropes.

(g) A new tag must be installed at each rope renewal.

(h) The original tag must be stamped with the date of the resocketing, or the original tag must be retained and a supplemental tag must be provided when ropes are resocketed. The supplemental tag must show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists must contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists must be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment must comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems must be of a type designed for use in exterior locations, and must be located so that they do not come into contact with accumulated snow or water.

(c) Cables must be protected against damage resulting from overtensioning or from other causes.

(d) Devices must be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system must have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment must have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements must apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contract(s) must be provided and so connected that the operating devices for the suspended or supported equipment must be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection must be provided in the hoisting or suspension system to protect against the equipment operating in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector must be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch must only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels must be provided.

(h) Emergency stop switches must be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension must have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices must be coordinated with other overload settings at the time of design of the system, and must be clearly indicated on or near the device. The device must interrupt the equipment travel in the "down" direction.

AMENDATORY SECTION (Amending WSR 00-08-078, filed 4/4/00, effective 7/1/00)

WAC 296-24-90003 General requirements. (1) Application. These standards apply to the construction, maintenance, inspection, and operation of manlifts in relation to accident causing hazards. Manlifts covered by these standards consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that these standards cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. These standards apply to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) Exceptions for new and existing equipment. The purpose of these standards is to provide reasonable safety for life and limb.

(3) Design requirements. All new manlift installations and equipment installed after the effective date of these standards must meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1-1969," and the requirements of this section.

(4) Reference to other codes. The following codes are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1-1953 (R 1958) (~~and chapter 296-24 WAC Part C~~); chapter 296-806 WAC Machine safety; chapter 296-24 WAC Part L; Safety Code for Fixed Ladders, ANSI A14.3-1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and chapter 296-24 WAC Parts J-1 and J-2.

(5) Floor openings.

(a) Allowable size. Floor openings for both the "up" and "down" runs must be not less than 28 inches nor more than 36 inches in width for a 12-inch belt not less than 34 inches nor more than 38 inches for a 14-inch belt; and not less than 36 inches nor more than 40 inches for a 16-inch belt and must extend not less than 24 inches, nor more than 28 inches from the face of the belt.

(b) Uniformity. All floor openings for a given manlift must be uniform in size and must be approximately circular, and each must be located vertically above the opening below it.

(6) Landing.

(a) Vertical clearance. The clearance between the floor or mounting platform and the lower edge for the conical guard above it required by WAC 296-24-90003(7) must not be less than 7 feet 6 inches. Where this clearance cannot be obtained no access to the manlift must be provided and the manlift runway must be enclosed where it passes through such floor.

(b) Clear landing space. The landing space adjacent to the floor openings must be free from obstruction and kept clear at all times. This landing space must be at least 2 feet in width from the edge of the floor opening used for mounting and dismounting.

(c) Lighting and landing. Adequate lighting not less than 5-foot candles, must be provided at each floor landing at all times when the lift is in operation.

(d) Landing surface. The landing surfaces at the entrances and exits to the manlift must be constructed and maintained as to provide safe footing at all times.

(e) Emergency landings. Where there is a travel of 50 feet or more between floor landings, one or more emergency landings must be provided so that there will be a landing (either floor or emergency) for every 25 feet or less of manlift travel.

(i) Emergency landings must be accessible from both the "up" and "down" rungs of the manlift and must give access to the ladder required in WAC 296-24-90003(12).

(ii) Emergency landings must be completely enclosed with a standard railing and toeboard.

(iii) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and must be provided with standard railings and toeboards.

(7) Guards on underside of floor openings.

(a) Fixed type. On the ascending side of the manlift floor openings must be provided with a bevel guard or cone meeting the following requirements:

(i) The cone must make an angle of not less than 45° with the horizontal. An angle of 60° or greater must be used where ceiling heights permit.

(ii) The lower edge of this guard must extend at least 42 inches outward from any handhold on the belt. It must not extend beyond the upper surface of the floor above.

(iii) The cone must be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge must be rolled to a minimum diameter of one-half inch and the interior must be smooth with no rivets, bolts or screws protruding.

(b) Floating type. In lieu of the fixed guards specified in WAC 296-24-90003 (7)(a) a floating type safety cone may be used, such floating cones to be mounted on hinges at least 6 inches below the under side of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) Protection of entrances and exits.

(a) Guardrail requirement. The entrances and exits at all floor landings affording access to the manlift must be guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(b) Construction. The rails must be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and WAC 296-24-750 through 296-24-75011.

(c) Gates. Gates, if used, must open outward and must be self-closing. Corners of gates must be rounded.

(d) Maze. Maze or staggered openings must offer no direct passage between enclosure and outer floor space.

(e) Except where building layout prevents, entrances at all landings must be in the same relative position.

(f) If located in buildings to which the public has access, such manlift or manlifts must be located in an enclosure protected by self-closing spring-locked doors. Keys to such doors must be limited to authorized personnel.

(9) Guards for openings.

(a) Construction. The floor opening at each landing must be guarded on sides not used for entrance or exit by a standard railing and toeboard or by panels or wire mesh of not less than Number 10 U.S. gage, expanded metal of not less than Number 13 U.S. gage or sheet metal of equivalent strength.

(b) Guardrails in stairwells. When belt manlift is installed in a stairwell a standard guardrail must be placed between the floor openings of the manlift and the stairways.

(c) Height and location. Such rails or guards must be at least forty-two inches in height on the "up" running side and sixty-six inches on the "down" running side. If a guardrail is used the section of the guard above the rail may be of the construction specified in WAC 296-24-90003 (9)(a) or may consist of vertical or horizontal bars which will reject a ball six inches in diameter. Rails or guards must be located not more than one foot from the edge of the floor opening.

(d) Safeguards required. Expanded metal, sheet metal or wood guards must be installed to cover the area from the floor to seven feet above the floor on each exposed side of the belt manlift at each floor landing, so persons cannot place their hands in the area where the step rollers travel.

(10) Bottom arrangement.

(a) Bottom landing. At the bottom landing the clear area must be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt must be not less than 48 inches from the face of the belt. This space must not be encroached upon by stairs or ladders.

(b) Location of lower pulley. The lower (boot) pulley must be installed so that it is supported by the lowest landing served. The sides of the pulley support must be guarded to prevent contact with the pulley or the steps.

(c) Mounting platform. A mounting platform must be provided in front or to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform must be at or above the point at which the upper surface of the ascending step completes its turn and assumes a horizontal position.

(d) Guardrails. To guard against persons walking under a descending step, the area on the downside of the manlift must be guarded in accordance with WAC 296-24-90003(8). To guard against a person getting between the mounting platform and an ascending step, the area between the belt and the platform must be protected by a guardrail.

(11) Top arrangements.

(a) Clearance from floor. A top clearance must be provided of at least 11 feet above the top terminal landing. This clearance must be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(b) Pulley clearance.

(i) There must be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(ii) The center of the head pulley shaft must be not less than 6 feet above the top terminal landing.

(c) Emergency grab rail. An emergency grab bar or rail and platform must be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(12) Emergency exit ladder. A fixed metal ladder accessible from both the "up" and "down" run of the manlift must be provided for the entire travel of the manlift. Such ladder must be in accordance with ANSI A14.3-1956, Safety Code for Fixed Ladders and WAC 296-24-810 through 296-24-81013.

(13) Superstructure bracing. Manlift rails must be secured in such a manner as to avoid spreading, vibration, and misalignment.

(14) Illumination.

(a) General. Both runs of the manlift must be illuminated at all times when the lift is in operation. An intensity of not less than 1-foot candle must be maintained at all points. (However, see WAC 296-24-90003 (6)(c) for illumination requirements at landings.)

(b) Control of illumination. Lighting of manlift runways must be by means of circuits permanently tied into the building circuits (no switches), or must be controlled by switches at each landing. Where separate switches are provided at each landing, any switch must turn on all lights necessary to illuminate the entire runway.

(15) Weather protection. The entire manlift and its driving mechanism must be protected from the weather at all times.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-150	Machinery and machine guarding—General requirements for all machines—Scope and application.
WAC 296-24-15001	Machine guarding.
WAC 296-24-15003	Anchoring fixed machinery.
WAC 296-24-15005	Means to prevent slipping.
WAC 296-24-15007	Machines shall be stopped when making repairs.
WAC 296-24-15009	Counterweights.
WAC 296-24-165	Fixed and portable power tool requirements.
WAC 296-24-16501	Definitions.
WAC 296-24-16503	Machine construction general.

WAC 296-24-16505	Machine controls and equipment.	WAC 296-24-19015	Alarm.
WAC 296-24-16507	Hand-fed rip saws.	WAC 296-24-195	Mechanical power presses.
WAC 296-24-16509	Hand-fed crosscut table saws.	WAC 296-24-19501	Definitions.
WAC 296-24-16511	Circular resaws.	WAC 296-24-19503	General requirements.
WAC 296-24-16513	Self-feed circular saws.	WAC 296-24-19505	Mechanical power press guarding and construction, general.
WAC 296-24-16515	Swing cutoff saws.	WAC 296-24-19507	Safeguarding the point of operation.
WAC 296-24-16517	Radial saws.	WAC 296-24-19509	Design, construction, setting and feeding of dies.
WAC 296-24-16519	Bandsaws and band resaws.	WAC 296-24-19511	Inspection, maintenance and modification of presses.
WAC 296-24-16521	Jointers.	WAC 296-24-19513	Operation of power presses.
WAC 296-24-16523	Tenoning machines.	WAC 296-24-19514	Reports of injuries to employees operating mechanical power presses.
WAC 296-24-16525	Boring and mortising machines.	WAC 296-24-19517	Presence sensing device initiation (PSDI).
WAC 296-24-16527	Shapers and similar equipment.	WAC 296-24-197	Compactors.
WAC 296-24-16529	Planing, molding, sticking, and matching machines.	WAC 296-24-200	Forging machines.
WAC 296-24-16531	Profile and swing-head lathes and heel turning machine.	WAC 296-24-20001	Definitions.
WAC 296-24-16533	Sanding machines.	WAC 296-24-20003	General requirements.
WAC 296-24-16535	Veneer cutters and wringers.	WAC 296-24-20005	Hammers, general.
WAC 296-24-16537	Miscellaneous machines.	WAC 296-24-20007	Presses.
WAC 296-24-16539	Inspection and maintenance of machinery.	WAC 296-24-20009	Power-driven hammers.
WAC 296-24-180	Abrasive wheel machinery.	WAC 296-24-20011	Gravity hammers.
WAC 296-24-18001	Definitions.	WAC 296-24-20013	Forging presses.
WAC 296-24-18003	General requirements.	WAC 296-24-20015	Trimming presses.
WAC 296-24-18005	Guarding of abrasive wheel machinery.	WAC 296-24-20017	Upsetters.
WAC 296-24-18007	Flanges.	WAC 296-24-20019	Other forging equipment.
WAC 296-24-18009	Mounting.	WAC 296-24-20021	Other forge facility equipment.
WAC 296-24-190	Mills and calenders in the rubber and plastics industries.	WAC 296-24-205	Safeguarding power transmission parts.
WAC 296-24-19001	Definitions.	WAC 296-24-20501	What is an employer's duty to protect employees from hazards of power transmission parts?
WAC 296-24-19003	General requirements.	WAC 296-24-20503	What requirements must guards meet?
WAC 296-24-19005	Mill safety controls.	WAC 296-24-20505	What requirements must devices meet?
WAC 296-24-19007	Calender safety controls.		
WAC 296-24-19009	Protection by location.		
WAC 296-24-19011	Trip and emergency switches.		
WAC 296-24-19013	Stopping limits.		

- WAC 296-24-20507 What requirements must safeguarding by distance meet?
- WAC 296-24-20509 What requirements must safeguarding by location meet?
- WAC 296-24-20511 What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?
- WAC 296-24-20513 When may a guardrail be used as a safeguard?
- WAC 296-24-20515 What are the additional requirements for flywheels?
- WAC 296-24-20517 What are the additional requirements for shafting?
- WAC 296-24-20519 What are the additional requirements for pulleys?
- WAC 296-24-20521 What are the additional requirements for belt and rope drives?
- WAC 296-24-20523 What are the additional requirements for gears?
- WAC 296-24-20525 What are the additional requirements for belt shifters?
- WAC 296-24-20527 What are the additional requirements for sewing machines?
- WAC 296-24-20529 Reserve.
- WAC 296-24-20531 Reserve.
- WAC 296-24-20533 Reserve.
- WAC 296-24-20699 Appendices A through D are added to Part C of chapter 296-24 WAC, to describe the federal procedures for third-party validation and certification of presence sensing devices on mechanical power presses.
- WAC 296-24-20700 Appendix A to WAC 296-24-195.
- WAC 296-24-20710 Appendix B to WAC 296-24-195.
- WAC 296-24-20720 Appendix C to WAC 296-24-195.
- WAC 296-24-20730 Appendix D to WAC 296-24-195.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-573 Logging machines—General. (1)

All logging machinery must have speed limiting devices, safety stops, or emergency shut down devices or shut off valves, with the controls located so that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators must be experienced in operating the equipment they use.

EXCEPTION: Inexperienced employees may operate equipment to gain experience while in training but may do so only while working under the immediate supervision of an experienced authorized person.

(3) All machine controls must be marked as to their purpose in the operation of the machine.

(4) The rated capacity of any vehicle transporting a machine must not be exceeded.

(5) Machines must be loaded, secured, and unloaded in a manner that will not create a hazard for any employee.

Note: This requirement includes the loading, securing and unloading of a machine on and off a transport vehicle.

(6) The employer must not make any modifications or additions that affect the capacity or safe operation of the equipment without written approval of the manufacturer or a qualified engineer. If modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, must be changed accordingly. The original safety factor of the equipment must never be reduced.

(7) Equipment must be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (6) of this section, the size of the rigging must be increased accordingly so that it will safely withstand the increased strains.

(8) Each machine, including any machine provided by an employee, must be maintained in serviceable condition and the following:

(a) Each machine must be inspected before initial use during each workshift. Defects or damage must be repaired or the unserviceable machine is replaced before beginning work.

(b) Operating and maintenance instructions must be available on the machine or in the area where the machine is being operated. Each machine operator and maintenance employee must comply with the operating and maintenance instructions.

(c) Each machine must be operated only from the operator's station or as otherwise recommended by the manufacturer.

(d) Employees must not be allowed to ride on any load.

(9) The yarding machine or vehicle, including its load, must be operated with safe clearance from all obstructions.

(10) While manual/mechanized falling is in progress, all logging machines must be operated at least two tree lengths away from trees being fell.

EXCEPTION: This provision does not apply to logging machines performing tree pulling operations or logging machines called upon by the cutter to ground hazard

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trees. All cutters must be notified of the logging machine entrance into the area and all falling within two tree lengths of the logging machine must stop.

(11) If a hydraulic or pneumatic storage device can move the moving elements such as, but not limited to, blades, buckets, saws and shears, after the machine is shut down, the pressure or stored energy from the element must be discharged as specified by the manufacturer.

(12) Loads must not exceed the rated capacity of the pallet, trailer, or other carrier.

(13) Boom-type logging machines must have a boom stop to prevent over-topping of the boom.

(14) Boom points of timber booms must be equipped with metal straps, plates, or other devices as needed to properly secure eyebolts and fittings used to support lines, blocks, or other rigging.

(15) Logging machine sleds or bases must be strong enough to withstand any stresses imposed upon them.

(16) Stationary logging machines must be securely anchored or otherwise stabilized to prevent unintended movement while yarding or skidding.

(17) Logging machines and their components must be securely anchored to their bases.

(18) Logging machines must be kept free of flammable waste materials and any materials that might contribute to slipping, tripping or falling.

(19) A safe and adequate means of access and egress to all parts of logging machinery where persons must go must be provided and maintained in a safe and uncluttered condition. Machine access systems, meeting the specifications of the Society of Automotive Engineers, SAE J185, June 1988, "Recommended Practice for Access Systems for Off-Road Machines," must be provided for each machine where the operator or any other employee must climb onto the machine to enter the cab or to perform maintenance. Walking and working surfaces of each machine and machine work station must have a slip-resistant surface to assure safe footing.

(20) Enclosed-type cabs installed on mobile logging machines must have two means of exit. One may be an emergency exit and be available for use at all times regardless of the position of the side arms or other movable parts of the machine. An easily removable window is acceptable as the emergency exit if it is large enough for an employee to readily exit.

EXCEPTION: Mobile logging machines manufactured before July 1, 1980 are not required to have two means of exit.

(21) Before leaving the operator's station of a machine, the operator must ensure the machine is secured as follows:

(a) The parking brake or brake locks must be applied;

(b) The transmission must be placed in the manufacturer's specified park position; and

(c) Each moving element such as, but not limited to, blades, buckets, saws and shears, must be lowered to the ground or otherwise secured.

(22) Storing employee property, tools, or other miscellaneous materials on or within three feet of any logging machine is prohibited if retrieving the items would expose an employee to the hazardous pinch point area between the rotating superstructure and the nonrotating undercarriage.

(23) Employees must approach the hazardous pinch point area only after informing the operator of that intent and receiving acknowledgment from the operator that the operator understands the employee's intention. All logging machines must be stopped while any employee is in the hazardous pinch point area.

(24) After adjustments or repairs are made, logging machines must not be operated until all guards are reinstalled, safety devices reactivated, and maintenance equipment removed.

(25) Fairleads must be properly aligned at all times and designed to prevent line damage.

(26) Employee(s), except a mechanic or employee in training to operate equipment, must not ride on any mobile logging machine unless provided with seating, seat belts, and other protection equivalent to that provided for the operator.

(27) Riding on arches, reaches or turn of logs is prohibited.

(28) Tractors, skidders, arches, or logs being yarded by them must not run over or rub against anchored lines, tailhold stumps, or other rigging.

(29) Ends of lines attached to drums on logging machines must be secured by end attachments that develop the ultimate strength of the line unless three wraps of line are maintained on the drum at all times.

EXCEPTION: This does not apply to tractors or skidders.

(30) Wire rope must be wound on drum spools in a manner to prevent excessive wear, kinking, chafing or fouling.

(31) Guylines required in rigging spars or towers must be evenly spooled to prevent fouling.

(32) A guide pulley, tool, stick, iron bar or other mechanical or manual means must be used when guiding lines onto drums. Guiding lines onto drums with any part of the body in direct contact with the line is prohibited.

(33) A limit switch must be installed on electric-powered log loaders to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(34) All forklift type log handling machines must be equipped with a grapple system and the arms must be closed whenever logs are being carried.

(35) When forklift machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment on the fork must be installed and used.

(36) Loads on forklift type log handling machines must be transported as low as safely operable without obstructing visibility.

(37) Guyline drum controls and outrigger controls must be separated and clearly identified in a manner that will prevent the engaging of the wrong control.

(38) Each machine must be equipped with guarding to protect employees from exposed moving elements, such as, but not limited to, shafts, belts, pulleys on chains, sprockets and gears in accordance with the requirements of this standard and chapter ((296-24 WAC, Part C, Machinery and machine guarding)) 296-806 WAC, Machine safety. Guards must be in place at all times when machines are in use.

Note: This does not apply to lifting or yarding components such as, but not limited to, cable nip points, sheaves and blocks.

(39) Each machine used for debarking, limbing, and chipping must be guarded to protect employees from flying wood chunks, logs, chips, bark, limbs, and other material in accordance with the requirements of this standard and chapter ((296-24 WAC, Part C, Machinery and machine guarding)) 296-806 WAC, Machine safety.

(40) Grab rails must be provided and maintained in good repair on all walkways of stationary units elevated more than four feet.

(41) Towed equipment such as, but not limited to, skid pans, pallets, arches, and trailers, must be attached to each machine or vehicle to allow a full ninety degree turn; to prevent overrunning of the towing machine or vehicles; and to ensure that the operator is always in control of the towed equipment.

(42) Timbers used for masts or booms shall be straight-grained, solid, and capable of withstanding the working load.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-130 Ski lift machinery guarding. (1) Moving machine parts that are located within normal reach shall be fitted with safety guards in compliance with ((WAC 296-24-150 through 296-24-20533, Machinery and machine guarding)) chapter 296-806 WAC, Machine safety.

(a) The coupling apparatus for the ski lift emergency drive may be provided with a removable or swing guard.

(b) When removable or swing guards are used, the guard and mounting means shall be so designed and constructed as to sustain a two hundred fifty pound weight loading without displacement.

(2) All guards shall be maintained in good condition and shall be secured in place when the equipment is in operation except for inspection and adjustment purposes.

(3) The drive machinery and primary control apparatus shall be installed in a facility which can prevent access by unauthorized personnel. The access door shall have a sign which states that entry is restricted to authorized personnel.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-56511 Head rigs and feed works. (1) A clear walkway shall be provided along the upper side of the log deck and around the head rig unless an overhead walkway is provided.

(2) The sawyer shall be primarily responsible for the safety of the carriage crew and off-bearers. He shall exercise due care in the operation of the carriage and log turning devices.

(3) Feedworks and log turning control levers shall be so arranged that they may be securely locked when not in use and shall be guarded against accidental contact.

(4)(a) A positive means shall be provided to prevent unintended movement of the carriage. This shall involve a control locking device, a carriage tie-down, or both.

(b) An emergency control or equally effective means shall be provided so that the sawyer may stop the head rig section of the mill without leaving the operator station.

(5) An effective method of disengaging the head rig saws from the power unit shall be installed on all head rigs where the power unit is not directly controlled by the sawyer. The saws shall be disengaged from the source of power while repairs or changes are made.

(6) A shield of lexan, makrolon, merlon, plestar, or equivalent transparent material, shall be installed between the sawyer's stand and the head saws in all circular mills. In band mills and chipper type installations, a wire screen of not less than twelve gauge wire, one-half inch mesh, mounted in a frame in compliance with ((the requirements of WAC 296-24-20531 of the general safety and health standards)) chapter 296-806 WAC, Machine safety, is an acceptable substitute for the type shield required in circular mills.

(7) Safety glasses, safety shields or other suitable eye protection shall be provided for and use by head rig off-bearers.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-590 Gang saws and re-saws. (1) Gang saws and re-saws shall be fully guarded or housed in accordance with conditions. Cranks, pitman rods, and other moving parts shall be guarded.

(2) Feed rolls shall be enclosed by a cover over the top, front, and open ends except where guarded by location. Drive mechanism to feed rolls shall be enclosed.

(3) Feed rolls shall be enclosed and if the operator stands within thirty inches of the feed rolls, they shall be so guarded as to prevent operator coming into contact with them.

(4) Circular re-saws or rip saws, except power feed rip saws with a roller or wheel back of the saw, shall be provided with splitters or spreaders.

(5) A hood of metal or wood of sufficient strength to give protection against splinters or flying teeth shall be provided over all circular rip saws.

(6) That portion of the saw extending below the table shall be so guarded as to prevent contact.

(7) Circular rip saws shall be equipped with a standard anti-kickback device.

(8) Carriage cradles of whole-log sash gang saws, Swedish gangs shall be of height to prevent logs from kicking out while being loaded.

(9) Band re-saws. Band re-saws shall meet the specifications for band head saws as required in WAC 296-78-570(7).

(10) Circular gang re-saws.

(a) Banks of circular gang re-saws shall be guarded by a hood to contain teeth or debris which can be thrown by the saws.

(b) Circular gang re-saws shall be provided with safety fingers or other anti-kickback devices.

(c) Circular gang re-saws shall not be operated at speeds exceeding those recommended by the manufacturer.

(d) Feed belts and drive pulleys shall be guarded in accordance with ((the requirements of WAC 296-24-205 through 296-24-20533 of the general safety and health standard)) chapter 296-806 WAC, Machine safety.

(e) Each circular gang re-saw, except self-feed saws with a live roll or wheel at back of saw, shall be provided with spreaders.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

WAC 296-78-605 Swing saws. (1) Manually operated swing cut-off saws of the following types shall be set up, guarded and operated in accordance with ~~((WAC 296-24-16515, general safety and health standards))~~ chapter 296-806 WAC, Machine safety:

• Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and/or

• Saws on which the cutting stroke is propelled by hand pressure; and/or

• Saws on which the operator is within arm's reach of the blade when the operator is standing at the operator's control station and the blade is fully extended to the limit of operating travel.

(2) Operators of hand operated swing saws shall not stand directly in front of saw while making a cut.

(3) Swing cut-off saws which are fed by powered live rolls, conveyor chains and/or belts and which are operated from a remote operator's station (defined as being beyond arm's reach of the blade when the blade is fully extended to the limit of operating travel) shall be set up, guarded and operated in accordance with the following:

(a) Overhead swing cut-off saws shall be guarded by a hood which shall cover the upper half of the cutting edge at least to the depth of the teeth.

(b) The driving belts on overhead swing cut-off saws, where exposed to contact, shall be provided with guards as required by WAC 296-78-71505.

(c) Saws shall be completely enclosed when in idle position.

(d) Power operated swing saws shall have controls so arranged that the operators will not stand directly in front of saw when making cut.

(e) All swing saws shall be equipped with a counter balance which shall be permanently fastened to the frame of the saw and so arranged or adjusted that it will return the saw beyond the rear edge of the table or roll case without a rebounding motion. Wire rope, chain or nonmetallic rope running to a weight over a sheave shall not be used for attaching counter balance.

(f) No swing cut-off or trim saw shall be located directly in line with stock coming from an edger.

(g) Swing limit stops shall be provided and so adjusted that at no time shall the forward swing of the saw extend the cutting edge of the saw beyond a line perpendicular with the edge of the saw table, roll case, guard or barrier.

(h) Saws that are fed into the cut by means of air, steam, hydraulic cylinders, or other power device or arrangement shall be designed so they can be locked or rendered inoperative.

(i) Foot treadle operated saws shall be provided with safeguards to prevent accidental contact.

(j) Swing saws on log decks shall be equipped with a positive stop for the protection of persons who may be on the opposite side of the log haul chute.

(k) Tables or roll casings for swing saws shall be provided with stops or lineup rail to prevent material being pushed off on opposite side.

(4) Operators of hand operated swing saws shall not stand directly in front of saw while making cut.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-615 Saw filing and grinding rooms and equipment. (1) Approaches to filing rooms shall be kept free from material and equipment at all times.

(2) Enclosed grinding and filing rooms shall be ventilated as specified in the general occupational health standard, WAC 296-62-110 through 296-62-11019.

(3) Each filing and grinding room shall be provided with two exits so arranged as to permit easy escape in case of fire.

(4) Floor shall be cleaned regularly and shall be kept free from oil, grease and other materials that might cause employees to slip or fall.

(5) Flooring around machines shall be kept in good repair at all times.

(6) Saw grinding machine belts shall be provided with guards where these belts pass through the frame of the machine.

(7) All grinding wheels on such machines shall be provided with a metal retaining hood which shall also cover the arbor ends if they are exposed to contact.

(8) Filing room employees shall be provided with goggles, face shields, or other necessary protective equipment and are required to wear the same.

(9) Guarding and mounting of abrasive wheels shall be in accordance with ~~((WAC 296-24-18003 through 296-24-18007 of the general safety and health standards))~~ chapter 296-806 WAC, Machine safety.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

WAC 296-78-650 Boring and mortising machines. (1) Boring and mortising machines shall be provided with safety bit chucks without projecting set screws. Automatic machines shall be provided with point of operation guards. When necessary to prevent material from revolving with the bit, clamps or stops shall be provided and used to hold material firmly against the guides.

(2) The requirements of WAC ~~((296-24-16525, general safety and health standards))~~ 296-806-48048, Make sure boring and mortising machines meet these requirements, shall be applicable to boring and mortising machines.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

WAC 296-78-660 Lathe (pail and barrel). (1) Each profile, swing-head and back-knife lathe shall have all cutting heads covered by a solid metal guard.

(2) If sheet metal is used, it shall be not less than ten U.S. gauge in thickness. If cast metal is used, it shall be not less than three-sixteenths inch thick, or if aluminum is used, it shall be not less than five-eighths inch thick. The hood of the exhaust system may form part or all of the guard. When so used, the hood shall be constructed of metal of a thickness not less than that specified above.

(3) Pail and barrel lathes shall be guarded in accordance with the specifications for profile and back-knife lathes insofar as they are applicable.

(4) The requirements of WAC (~~(296-24-16531, general safety and health standards)~~) 296-806-450, Lathes, shall be applicable to pail and barrel lathes.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-78-665 Sanding machines. (1) Each belt sanding machine shall have both pulleys enclosed in such a manner as to guard the points where the belt runs onto the pulleys. The edges of the unused run of belt shall be enclosed or otherwise guarded from contact by employees.

(2) Each drum sanding machine shall be provided with a guard so arranged as to completely enclose the revolving drum except such portion required for the application of the material to be finished. Guards with hinges to facilitate the insertion of sandpaper may be installed. The exhaust hood may form part or all of this guard. When so used, the hood shall conform to the specifications as given under exhaust systems in WAC 296-78-710.

(3) All standard stationary sanding machines shall be provided with exhaust systems in conformity with the section of this code dealing with exhaust systems.

(4) All portable sanding machines shall be provided with means of removing excessive dust, or employees using equipment shall be provided with such necessary respiratory protective equipment as will conform to the requirements of the general occupational health standards, chapter 296-62 WAC, Part E.

(5) The requirements of WAC (~~(296-24-16533, general safety and health standards)~~) 296-806-475 Sanding machines, shall be applicable to sanding machines.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

WAC 296-78-690 Veneer slicer and cutter. (1) Each veneer slicer and each rotary veneer cutter shall have all revolving and other moving knives provided with guards.

(2) The requirements of (~~WAC 296-24-16535, general safety and health standards~~) chapter 296-806 WAC, Machine safety, shall be applicable to veneer slicers and cutters.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

WAC 296-78-70503 Shake and shingle machinery—General. (1) Track or swing cutoff circular saw.

(a) Manually operated track or swing circular cutoff saws of the following types shall be set up, guarded and oper-

ated in accordance with (~~WAC 296-24-16515, general safety and health standards~~) chapter 296-806 WAC, Machine safety:

• Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and

• Saws on which the cutting stroke is propelled by manual (hand) pressure; and

• Saws on which the operator is within arm's reach of the blade when the blade is fully extended to the limit of operating travel and the operator is standing at the operator's normal control station/location.

(b) Large track or swing circular cutoff saws into which materials to be cut are fed by powered live rolls, conveyor belts and/or chains and which are operated from a remote operator's control station, defined as beyond arm's reach when the blade is fully extended to the limit of operating travel, shall be set up, guarded and operated in accordance with the following:

(i) A power operated track or swing cutoff circular saw shall have controls so arranged that operators are not positioned directly in front of the saw while making a cut.

(ii) All track or swing cutoff circular saws shall be completely encased or guarded when the saw is in the retract position, except for that portion of the guard that must be left open for the operation of the saw.

(iii) Track or swing cutoff circular saw guards shall be constructed of sheet metal not less than one-eighth inch thick, or a wood guard of not less than nominal two inch thick wood material, or equivalent.

Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.

(iv) The driving belt(s) on the track or swing cutoff circular saw shall be guarded in accordance with (~~the general safety and health standard, WAC 296-24-205 through 296-24-20533~~) chapter 296-806 WAC, Machine safety.

(v) A safety catch shall be provided to prevent the track cutoff saw from leaving the track.

(2) Overhead deck splitter - panagraph.

(a) Panagraph splitters shall have a shroud incorporated on the upper pressure plate to eliminate the possibility of the splitter moving from the operating area. This shroud shall be constructed of solid design with a minimum width of three inches and a minimum thickness of three-eighths inch.

(b) Mechanically operated overhead splitters shall have handles moving opposite the stroke of the piston.

(c) When the leading edge of the panagraph splitter is completely extended, the maximum clearance from the deck to the splitting edge shall be two inches.

(3) Power splitter saw. Power splitters shall have spreaders behind the saw to prevent materials from squeezing the saw or being thrown back on the operator. The top of the saw shall be completely covered.

(4) Knee bolter circular saw.

(a) A safety catch shall be provided to prevent the bolter carriage from leaving the track.

(b) Bolter saws shall be provided with a canopy guard of sheet metal not less than one-eighth inch thick, or cast iron guard not less than three-sixteenths inch thick or a wood

guard of not less than nominal four inch thick wood material or equivalent.

The bolter canopy guard shall completely enclose the rear portion of the saw. It shall be so arranged and adjusted as to cover the front of the saw; not to exceed twenty inches from the top of the carriage to the bottom of the guard on sixteen inch and eighteen inch block and twenty-six inches on twenty-four inch blocks, of the material being cut.

(c) Bolter saws shall be provided with wipers of belting or other suitable material. These wipers shall be installed on both sides of the saw in such a manner as to deflect knots, chips, slivers, etc., that are carried by the saw.

(d) A positive device shall be provided and used to manually lock and hold the feed table in the neutral position when not in use.

(e) That portion of all bolter saws which is below and behind the saw table shall be guarded by the exhaust hood or other device. Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-71007 Footwalks and passageways. (1)

All footwalks and passageways subject to slipping hazards due to peculiarities of conditions or processes of the operation shall be provided with nonslip surfaces.

(2) Walkways in accordance with WAC 296-78-71001(8) shall be provided over roll casings, transfer tables, conveyors or other moving parts except where stepping over such equipment is not in connection with usual and necessary traffic.

(3) Walkways alongside of sorting tables shall be of sufficient width to provide safe working area. Such walkways shall be evenly floored and kept in good repair at all times. They shall be kept free from obstructions and debris.

(4) When employees are required to clear plug-ups in veneer trays or lumber sorting trays, adequate walkways with standard guardrails shall be provided for access to the trays whenever possible. When walkways are not provided, safety belts or harnesses with lanyards, tied off to substantial anchorages, shall be provided and used at all times.

(5) Walkways and stairways with standard hand rails shall be provided wherever space will permit, for oilers and other employees whose duties require them to go consistently to elevated and hazardous locations.

(a) Where such passageways are over walkways or work areas, standard toeboards shall be provided.

(b) Protection as required by ~~((the general safety and health standard, WAC 296-24-205 through 296-24-20533))~~ chapter 296-806 WAC, Machine safety, shall be provided against contact with transmission machinery or moving conveyors.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-78-71017 Dry kilns. (1) Dry kilns shall be so constructed upon solid foundations that tracks will not sag. Dry kilns shall be provided with suitable walkways. Each kiln shall have doors that operate from the inside and be pro-

vided with escape doors of adequate height and width to accommodate an average size man, that also operates from the inside, and shall be located in or near the main door. Escape doors shall swing in the direction of exit. Kiln doors and door carriers shall be fitted with safety devices to prevent the doors or carriers from falling.

(2) Ladders. A fixed ladder, in accordance with the requirements of WAC 296-24-810 through 296-24-81013 of the general safety and health standards and WAC 296-800-290 of the safety and health core rules, or other means shall be provided to permit access to the roof. Where controls and machinery are mounted on the roof, a permanent stairway with standard handrail shall be installed in accordance with the requirements of WAC 296-800-290.

(3) A heated room shall be provided for the use of the kiln operator in inclement weather. He should remain in such room for at least ten minutes after leaving a hot kiln before going to cold outside air.

(4) Where operating pits are used, they shall be well ventilated, drained and lighted. Substantial gratings shall be installed at the kiln floor line. Steam lines shall be provided with insulation wherever exposed to contact by employees. Fans shall be enclosed by standard safeguards.

(5) Mechanical equipment. All belts, pulleys, blowers, and other exposed moving equipment used in or about kilns shall be guarded in accordance with ~~((the requirements of WAC 296-24-205 through 296-24-20533 of the general safety and health standards))~~ chapter 296-806 WAC, Machine safety.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-71505 Mechanical power transmission apparatus. (1) Machines and other equipment shall not be oiled while in motion, unless provided with guards or other devices to permit oiling without any possibility of contact with moving parts of machinery.

(2) Inspections shall be made to assure that shaftings, bearings and machines are in proper alignment at all times and that bolts in shaft hangars, couplings and boxes are tight.

(3) Isolated bearings or other equipment not reached by walkway shall be served by a ladder or other means of safe access.

(4) Running belts under power on or off pulleys shall be accomplished by mechanical means which will not expose employees to moving elements of the operation.

(5) Counterweights located on or near passageways or work areas shall be provided with enclosures. Overhead counterweights shall be provided with substantial safety chains or cables, or otherwise secured against falling.

(6) The construction, operation, and maintenance of all mechanical power-transmission apparatus shall be in accordance with ~~((the requirements of WAC 296-24-205 through 296-24-20533 of the general safety and health standard))~~ chapter 296-806 WAC, Machine safety.

(7) Baffles shall be erected, where necessary, to protect employees from breaking belts, chains, ropes or cables.

(8) Overhead horizontal belts, chains or rope drives shall be provided with guards.

(9) Hydraulic systems. Means shall be provided to block, chain, or otherwise secure equipment normally supported by hydraulic pressure so as to provide for safe maintenance.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-030 Guards and guarding. For additional guarding requirements see chapter ((296-24 WAC, Part C)) **296-806 WAC, Machine safety.**

(1) Safeguarding specific areas, machines or conditions. Certain equipment, tools, machines, and areas present definite hazards and must be safeguarded by compliance with the following requirements:

(a) Broke shredders. Cutting heads must be completely enclosed except for opening at feed side sufficient only to permit entry of stock. The enclosure must be:

- Bolted or locked in place, and
- Of solid material or with mesh or other openings not exceeding 1/2 inch.

(b) Stitching or sewing machine. Carton or bag stitching machines must be properly safeguarded to prevent persons from coming in contact with the stitching head and other pinch or nip points.

(c) Beaters and pulpers.

(i) A guardrail of standard height must be installed when the top edge of vessels or tubs is less than standard height guardrails above the floor or operator's platform. If necessary for the protection of the person feeding equipment, an intermediate guardrail or other suitable protection shall be installed.

(ii) Beater rolls must be provided with covers.

(d) First dryer. A permanent guard or apron guard, or both, must be installed to protect workers from any exposed ingoing nip of the first dryer drum in each section if the area is accessible to workers while the dryer is in operation.

(e) Floor and drain openings. Floor and drain openings in walkways and general work areas must be covered with material or gratings with openings no larger than 2" in the narrow dimension.

(f) Mechanical devices to dump chip cars, trucks or trailers.

- When using mechanical equipment to elevate the front end of the chip containers for dumping into a hopper, the shear area between the floor and the elevated section must be safeguarded.

- The pit area must be adequately safeguarded or barricaded.

- Safeguards must be installed around the exposed sides of a chip hopper.

(2) Replacing guards. All permanent guards must be replaced or adequate temporary safeguards provided before a machine is put into operation.

(3) Protection from moving materials. When material, such as chunks, slivers, cants, or logs, could be thrown or flipped by a saw, barker, or other machines, adequate barricades, screens, netting, or other safeguards must be provided and maintained.

(4) Protection for areas where guards are impractical. When normal guarding is impractical:

- The hazard must be reduced to a minimum by use of safety chains, lifelines, signs or other reasonable means, and
- Areas which present a hazard which cannot be reasonably safeguarded must be identified by use of paint or other materials.

(5) Knives and scissors.

(a) Knives used for chip or hog fuel machines, or guillotine cutters, must be secured in properly constructed containers during transportation.

(b) Workers must be furnished properly designed and constructed sheaths for safely carrying knives and scissors used for cutting or trimming pulp and paper.

(c) Tables where paper is being cut must be equipped with sheaths or shelves for safe storage of knives and scissors.

(d) Sharp edged slitter knives subject to accidental contact must be effectively guarded. Carriers must be provided and used when transporting or carrying sharp edged slitter knives.

(e) Hand knives and sharpening steels used in paper preparation, must be provided with guards at the junction of the handle and the blade. Utility knives with blade exposure two and one-half inches or less are exempted from this requirement.

(6) Safeguard for foot operated treadle switch used to activate power driven equipment. Foot operated treadle switches used for activation of power driven equipment must be protected by a stirrup type guard or equivalent protection must be provided to prevent accidental activation.

(7) Automatic pressure actuated stopping devices. Hand fed machines and other moving equipment which create shear or pinch points which cannot be reasonably guarded may be safeguarded by the installation of pressure activated bars or sensing devices which, when contacted, will automatically stop the machine or equipment.

AMENDATORY SECTION (Amending WSR 03-18-090, filed 9/2/03, effective 11/1/03)

WAC 296-115-050 General requirements. (1) Application.

(a) The following rules are applicable to all vessels operated within the scope of this chapter.

(b) Where an existing vessel does not comply with a particular requirement of this section, the director may grant a temporary variance to allow time for modifications to be made.

(c) Where an existing vessel does not comply with a specific requirement contained herein but the degree of protection afforded is judged to be adequate for the service in which the vessel is used, the director may grant a permanent variance.

(2) Lifesaving equipment. Where equipment required by this section is required to be of an approved type, the equipment is required to be approved by the USCG.

(3) Lifesaving equipment required.

(a) All vessels carrying passengers must carry life floats or buoyant apparatus for all persons on board.

(b) All life floats or buoyant apparatus must be international orange in color.

(c) In the case of vessels operating not more than one mile from land, the director may permit operation with reduced amounts of life floats or buoyant apparatus, when, in his opinion, it is safe to do so.

(d) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the director.

(e) Life floats, buoyant apparatus, or any authorized substitute must have the following equipment:

(i) A life line around the sides at least equivalent to 3/8-inch manila, festooned in bights of at least three feet, with a seine float in the center of each bight.

(ii) Two paddles or oars not less than four feet in length.

(iii) A painter of at least thirty feet in length and of at least two-inch manila or the equivalent.

(f) All vessels must have an approved adult type life preserver for each person carried, with at least ten percent additional of a type suitable for children.

(g) Life preservers must be stowed in readily accessible places in the upper part of the vessel, and each life preserver shall be marked with the vessel's name.

(h) All vessels must carry at least one life ring buoy of an approved type with sixty feet of line attached.

(i) The life ring buoy must be carried in a readily accessible location and must be capable of being cast loose at any time.

(4) Fire protection.

(a) The general construction of a vessel must minimize fire hazards.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable or combustible liquids must be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required by this section, when required to be of an approved type, must be of a type approved by the USCG or other agency acceptable to the director.

(6) Fire pumps.

(a) All vessels carrying more than forty-nine passengers must carry an approved power fire pump, and all other vessels must carry an approved hand fire pump. These pumps must be provided with a suitable suction and discharge hose. These pumps may also serve as bilge pumps.

(b) Vessels required to have a power fire pump must also have a fire main system, including fire main, hydrants, hose, and nozzles. The fire hose may be a good commercial grade garden hose of not less than 5/8 inch size.

(7) Fixed fire extinguishing system.

(a) All vessels powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower, must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces.

(b) This system must be an approved type using carbon dioxide and have a capacity sufficient to protect the space.

(c) Controls for the fixed system must be installed in an accessible location outside the space protected.

(8) Fire axe. All vessels must have one fire axe located in or near the pilothouse.

(9) Portable fire extinguishers.

(a) All vessels must have a minimum number of portable fire extinguishers of an approved type. The number required will be determined by the director.

(b) Portable fire extinguishers must be inspected at least once a month. Extinguishers found defective must be serviced or replaced.

(c) Portable fire extinguishers must be serviced at least once a year. The required service must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(d) Portable fire extinguishers must be hydrostatically tested at intervals not to exceed those specified in WAC 296-24-59211(2) and Table I (after August 31, 2001, see WAC 296-800-300).

(e) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and must not be carried on any vessel.

(f) Portable fire extinguishers must be mounted in brackets or hangers near the space protected. The location must be marked in a manner satisfactory to the director.

(10) Means of escape.

(a) Except as otherwise provided in this section, all vessels must be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) Where the length of the compartment is less than twelve feet, one vertical means of escape will be acceptable under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(11) Ventilation.

(a) All enclosed spaces within the vessel must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means must be provided to close them.

(b) All crew and passenger space must be adequately ventilated in a manner suitable to the purpose of the space.

(12) Crew and passenger accommodations.

(a) Vessels with crew members living aboard must have suitable accommodations.

(b) Vessels carrying passengers must have fixed seating for the maximum number of passengers permitted to be carried.

(c) Fixed seating must be installed with spacing to provide for ready escape in case of fire or other casualty.

(d) Fixed seating must be installed as follows, except that special consideration may be given by the director if escape over the side can be readily accomplished through windows or other openings in the way of the seats:

(i) Aisles not over fifteen feet long must be not less than twenty-four inches wide.

(ii) Aisles over fifteen feet long must be not less than thirty inches wide.

(iii) Where seats are in rows the distance from seat front to seat front must be not less than thirty inches.

(e) Portable or temporary seating may be installed but must be arranged in general as provided for fixed seating.

(13) Toilet facilities and drinking water.

(a) Vessels must be provided with toilets and wash basins as specified in WAC 296-800-230, except that in the case of vessels used exclusively on short runs of approximately thirty minutes or less, the director may approve other arrangements.

(b) All toilets and wash basins must be fitted with adequate plumbing. Facilities for men and women must be in separate compartments, except in the case of vessels carrying forty-nine passengers and less, the director may approve other arrangements.

(c) Potable drinking water must be provided for all passengers and crew. The provisions of WAC 296-800-230 apply.

(d) Covered trash containers must be provided in passenger areas.

(14) Rails and guards.

(a) Except as otherwise provided in this section, rails or equivalent protection must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails must consist of evenly spaced courses. The spacing must not be greater than twelve inches except as provided in WAC 296-115-050 (14)(f). The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails must be at least forty-two inches high. The top rail must be pipe, wire, chain, or wood and must withstand at least two hundred pounds of side loading. The space below the top rail must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels in other than passenger service, the rails must be not less than thirty-six inches high, except that where vessels are used in special service, the director may approve other arrangements, but in no case less than thirty inches.

(e) Suitable storm rails or hand grabs must be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails must be installed in the way of all exposed and hazardous places such as gears or machinery. (See ((WAC 296-24-150)) chapter 296-806 WAC. Machine safety for detailed requirements.)

(15) Machinery installation.

(a) Propulsion machinery.

(i) Propulsion machinery must be suitable in type and design for the propulsion requirements of the hull in which it is installed. Installations meeting the requirements of the

USCG or other classification society will be considered acceptable to the director.

(ii) Installations using gasoline as a fuel must meet the requirements of applicable USCG standards.

(iii) Installations using diesel fuel must meet the requirements of applicable USCG standards.

(b) Auxiliary machinery and bilge systems.

(i) All vessels must be provided with a suitable bilge pump, piping and valves for removing water from the vessel.

(ii) Vessels carrying more than forty-nine passengers must have a power operated bilge pump. The source of power must be independent of the propulsion machinery. Other vessels must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems.

(i) All vessels must be provided with a suitable steering apparatus.

(ii) All vessels must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by the USCG rules of navigation.

(iii) All vessels must be equipped with a suitable number of portable battery lights for emergency purposes.

(d) Electrical installations. The electrical installations of all vessels must be at least equal to applicable USCG standards, or as approved by the director.

AMENDATORY SECTION (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

WAC 296-155-487 Manually propelled elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms shall be in accordance with ANSI A92.3-1990.

(2) General requirements.

(a) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, shall be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(b) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, shall not be used on an inclined surface.

(c) Any work platform designed by the manufacturer to be operated on an inclined surface shall also be capable of passing the stability tests outlined in (a) of this subsection while on such a surface. Procedures for maintaining stability shall be clearly outlined in the special warnings section of the operating instructions and users shall follow these instructions.

(d) If outriggers or stabilizers must be employed to meet the tests for stability outlined in (a) of this subsection, the operating instructions shall require their use and such outriggers or stabilizers shall be provided and used.

(e) The platform width shall not be less than eighteen inches and shall be provided with a surface to minimize slipping.

(f) The platform shall be provided with a guardrail or other structure around its upper periphery and the guardrail shall be approximately forty-two inches high, plus or minus three inches, with a midrail approximately midway between the top rail and the platform surface.

(i) The guardrail system shall be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail.

(ii) The top rail or midrail shall withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts.

(iii) Guardrail terminal posts shall withstand two hundred pounds applied in any direction at the top of the post.

(g) The platform shall be provided with four-inch (nominal dimension) toeboards on all sides.

(h) Toeboards may be omitted at the access openings.

(i) The configuration of the work platform shall include access for personnel to use in reaching the platform deck when it is in the lowered position.

(i) Any access system used in this way shall have rungs or steps located on uniform centers not to exceed sixteen inches.

(ii) Steps or rungs shall be provided with a face that minimizes slipping.

(3) Safety factor specifications.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components of a hydraulic or pneumatic system used in a work platform shall have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.)

(c) All noncritical hydraulic components shall have a bursting strength safety factor of at least two to one.

(4) Fail safe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of failure of a hydraulic or pneumatic line.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device which will prevent free descent of the platform.

(e) Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above shall apply.

(f) The control system shall be designed so that a single malfunction in the control system will not result in unintended machine motion.

(g) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(5) Emergency lowering means. Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(6) Guarding. Mechanical power transmission apparatus shall be guarded in accordance with ~~((WAC 296-24-205, General safety and health standards))~~ chapter 296-806 WAC, Machine safety.

(7) Directional controls.

(a) All directional controls shall be marked for the direction they control and shall be of the type which automatically returns to the "off" or the neutral position when released.

(b) Controls shall be protected against inadvertent operation.

(8) Motor requirements.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines shall be hard lines except where isolation from vibration requires a flexible connection.

(b) LP-gas engine fuel systems shall comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1995.

(c) The exhaust system shall be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(9) Prevention of lateral movement. Each work platform shall be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(10) Specifications display. The following information shall be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage rating of batteries or rated voltage of AC line.

(f) Statement of the need for the operator's familiarity with the work platform before it is used.

(11) Alternative configuration statement. When a work platform is designed with alternative configurations:

(a) The manufacturer shall clearly describe these alternatives, including the rated capacity in each situation.

(b) If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.

(12) Insulation marking. A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated in accordance with ANSI A92.2-1990.

(13) Maintenance and operating manuals requirement. An operating and maintenance manual(s) shall be provided with each work platform and shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (10) of this section.

(b) The maximum hydraulic and pneumatic systems pressure and the maximum voltage of the electrical systems which are part of the work platform.

(c) Instructions regarding operation and maintenance.

(d) Replacement part(s) information.

(14) Rated load display. The rated work load shall be clearly displayed at each entrance to the work platform.

(15) Management responsibilities.

(a) Employers responsibilities shall be in accordance with ANSI A92.3-1990.

(b) Only trained and authorized personnel shall be permitted to operate the work platform.

(c) Work platforms that are not in safe operating condition shall be removed from service until repaired.

(d) Repairs shall be made by a qualified person in conformance with the manufacturer's operating and maintenance manuals.

(e) Operators shall be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1990.

(f) Modifications or alterations of work platforms shall be made only with written permission of the manufacturer or any other equivalent entity.

AMENDATORY SECTION (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

WAC 296-155-488 Self propelled elevating work platforms. (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms shall be in accordance with ANSI A92.6-1990.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms shall not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform shall have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) shall have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests shall be in accordance with ANSI A92.6-1990.

(e) Each production unit on level ground shall sustain a load test with a platform load at least one hundred fifty percent of the rated capacity imposed. The test shall include the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit shall use interlock means that will prevent driving the unit unless the platform height, platform configu-

ration, or any combination of these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks shall prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks shall also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure shall be provided around its upper periphery, which shall be approximately forty-two inches plus or minus three inches in height, a mid-rail, and toeboards which shall be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform shall have a minimum width of eighteen inches. Proper access shall be provided for personnel to use in reaching the platform deck when it is in the lowered position.

(c) A floor surface shall be provided for both the platform and the access that will minimize slipping.

(6) System safety factors.

(a) When the platform supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains shall not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components shall have a minimum bursting strength of at least twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a bro-

ken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform shall be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus shall be guarded in accordance with ~~((WAC 296-24-205, General safety and health standards))~~ chapter 296-806 WAC, Machine safety.

(8) Directional controls.

(a) Directional controls shall move in the direction of the function they control. The controls shall be of the type that automatically return to the off or the neutral position when released.

(b) Such controls shall be protected against inadvertent operation and shall be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum. They shall be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers. The lines shall be located to minimize the exposure of noise and fumes to operators and personnel near the units.

(10) Each work platform shall be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information shall be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer shall clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level

of protection and the applicable test standard shall be stated, in accordance with ANSI 92.2-1990.

(i) The rated work load shall be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform shall be provided with an appropriate manual. The manual shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition shall be removed from service until it is repaired.

(c) All repairs shall be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Read and understand the manufacturer's operating instructions and safety rules, and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it shall be given a thorough inspection, which shall include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection shall be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(e) Before the work platform is used, the operator shall survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

(iii) Dropoffs or holes.

(iv) Bumps and floor obstructions.

(v) Debris.

(vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform shall be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1990, and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits shall never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) The operator shall limit travel speed according to conditions. Conditions to be observed are: Ground surface,

congestion, slope, location of personnel, and other factors that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height shall be prohibited.

(g) The operator shall immediately report defects or malfunctions which become evident during operation and shall stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks shall be prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, etc., from tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(17) Batteries shall not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms shall be certified in writing as being in conformance with ANSI A92.6-1990 by the manufacturer or any equivalent entity, such as a nationally recognized testing laboratory.

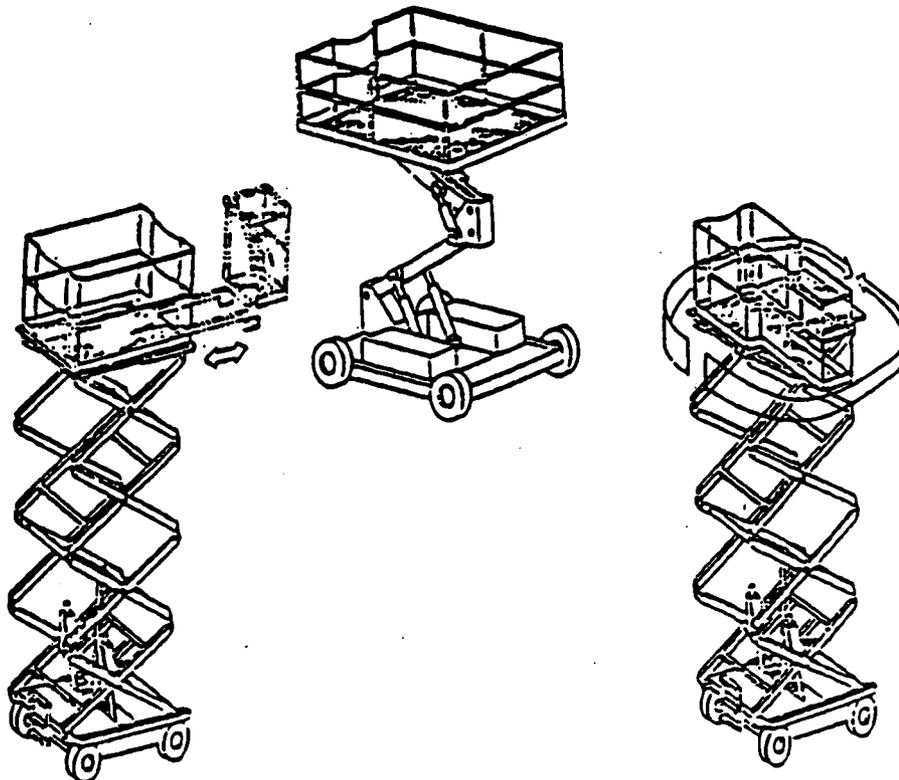


Fig. 1
Examples of Work Platforms

AMENDATORY SECTION (Amending WSR 02-12-098, filed 6/5/02, effective 8/1/02)

WAC 296-155-525 Cranes and derricks. (1) Definitions applicable to this part:

Accessory - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Administrative or regulatory authority - a governmental agency, or the employer in the absence of governmental jurisdiction.

Angle indicator (boom) - an accessory which measures the angle of the boom to the horizontal.

Appointed - assigned specific responsibilities by the employer or the employer's representative.

Authorized person - means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Auxiliary hoist - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axis of rotation - the vertical axis around which the crane superstructure rotates.

Axle - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Axle (bogie) - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Ballast - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term **ballast** is normally associated with locomotive cranes).

Base, anchor bolt - a crane base that is bolted to a footing.

Base, expendable - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete footing block; all or part of this component is lost to future installations.

Base, fixed - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

Base (mounting) - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

Base, tower crane - the lowermost supporting component of the crane.

Base, travel - a crane base that is a ballasted platform mounted on trucks that ride along rails.

Boom (crane) - a member hinged at the rotating superstructure and used for supporting the existing tackle.

Boom angle - the angle above or below horizontal of the longitudinal axis of the base boom section.

Boom hoist mechanism - means for supporting the boom and controlling the boom angle.

Boom point - the outer extremity of the crane boom, containing the hoist sheave assembly.

Boom point sheave assembly - an assembly of sheaves and pin built as an integral part of the boom point.

Boom stop - a device used to limit the angle of the boom at the highest recommended position.

Brake - a device used for retarding or stopping motion.

Brace, tower - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

Buffer - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

Cab - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

Climbing frame - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

Climbing ladder - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

Clutch - a means for engagement or disengagement of power.

Commercial truck vehicle - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Counterweight - weight used to supplement the weight of the machine in providing stability for lifting working loads.

Counterweight jib - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

Crane carrier - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

Cross-over points - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

Designated - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Drum - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

Dynamic (loading) - loads introduced into the machine or its components due to accelerating or decelerating forces.

Flange point - a point of contact between rope and drum flange where the rope changes layers.

Free standing height - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

Gage, track - the horizontal distance between two rails measured perpendicular to the direction of travel.

Gantry (A-frame) - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

High strength (traction) bolts - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

Hoist mechanism - a hoist drum and rope reeving system used for lifting and lowering loads.

Jib - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

Jib backstop - a device which will restrain the jib from turning over backward.

Job site - work area defined by the construction contract.

Limiting device - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Load (working) - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

Load block, lower - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

Load block, upper - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load ratings - crane ratings in pounds (kilograms) established by the manufacturer.

Mast (boom) - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) - a frame hinged at or near the boom point for use in connection with supporting a jib.

Normal operating conditions.

Cab- or station-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

Ground- or floor-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

Remote-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

Out-of-service - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

Outriggers - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

Pawl (dog) - a device for positively holding a member against motion in one or more directions.

Payload - that load or loads being transported by the commercial truck chassis from place to place.

Pendant - a rope or strand of specified length with fixed end connections.

Pitch diameter - the diameter of a sheave or rope drum measured at the center line of the rope.

Power-controlled lowering - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

Qualified person - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

Radius (load) - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

Rail clamp - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

Reeving - a rope system in which the rope travels around drums and sheaves.

Remote control station - a location, not on the crane, from which the operator can control all the crane movements.

Repetitive pickup point - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rope - refers to wire rope unless otherwise specified.

Rotation resistant rope - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

Running rope - a rope which travels around sheaves or drums.

Shall - this word indicates that the rule is mandatory and must be followed.

Service, light - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

Service, normal - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

Service, heavy - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

Sheave - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

Should - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

Side loading - a load applied to an angle to the vertical plane of the boom.

Stabilizer - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

Standby crane - a crane which is not in regular service but which is used occasionally or intermittently as required.

Standing (guy) rope - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Structural competence - the ability of the machine and its components to withstand the stresses imposed by applied loads.

Superstructure - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing mechanism - the machinery involved in providing rotation of the superstructure.

Swivel - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

Swiveling - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

Tackle - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

Telescoping boom - consists of a base boom from which one or more boom sections are telescoped for additional length.

Telescoping (tower crane) - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

Tower (mast) - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

Traction (high strength) bolts - see high strength bolts.

Transit - the moving or transporting of a crane from one job site to another.

Travel - the function of the machine moving under its own power from one location to another on a job site.

Trolley - the device that travels along the load jib and contains the upper load block.

Two-blocking - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

Weathervaning - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

Wedge - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

Wheel base - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

Whipline (runner or auxiliary) - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

Winch head - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

(g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

(h) The operator shall avoid carrying loads over people.

(i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

(j) Only authorized personnel shall make sling hitches on loads.

(k) Workers shall not be allowed to ride on loads handled by derricks.

(l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of chapter ((296-24 WAC)) 296-806 WAC, Machine safety.

(n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suit-

able barricades or safeguards shall be used to isolate the pinch point hazard area.

(c) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 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 to insure that the required separation is maintained for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) 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;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1989, Safety Code for Crawler, Locomotive and Truck Cranes.

(5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

(iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

(f) Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1990 Chapter 3-1.

(i) The test shall consist of suspending a load of not less than 110% of the rated capacity for 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

(ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

(s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

(t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(6) Additional tower crane requirements.

(a) An approved method must be instituted for transmitting signals to the operator. Standard hand signals for crane operations must be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication must be used. (See WAC 296-155-525 (5)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but

shall conform to manufacturer's recommendations and specifications.

(7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-1990, Safety Code for Overhead and Gantry Cranes.

(8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1990, Safety Code for Derricks.

(9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge brackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

AMENDATORY SECTION (Amending WSR 00-21-102, filed 10/18/00, effective 2/1/01)

WAC 296-155-682 Requirements for equipment and tools. (1) Bulk cement storage. Bulk storage bins, containers, and silos shall be equipped with the following:

(a) Conical or tapered bottoms; and

(b) Mechanical or pneumatic means of starting the flow of material.

(2) No employee shall be permitted to enter storage facilities unless the ejection system has been shut down and locked out in accordance with WAC 296-155-429.

(3) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used as prescribed in chapter 296-155 WAC, Part C-1.

(4) Concrete mixers. Concrete mixers with one cubic yard (.8 m³) or larger loading skips shall be equipped with the following:

(a) A mechanical device to clear the skip of materials; and

(b) Guardrails installed on each side of the skip.

(5) Power concrete trowels. Powered and rotating type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the hands of the operator are removed from the equipment handles.

(6) Concrete buggies. Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

(7) Runways.

(a) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface, and be of sufficient width for two buggies to pass. Single runs to have a minimum width of forty-two inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum four-inches by four-inches wheel guard shall be securely fastened to outside edge of runways.

(b) All concrete buggy runways which are 12 inches or more above a work surface or floor, or ramps with more than 4 percent incline shall be considered "elevated" runways.

- Exception:** Small jobs utilizing only one concrete buggy, or larger jobs utilizing a "one-way traffic pattern" may be exempt from the requirements for "turnouts" or for "sufficient width for two buggies to pass."
- Exemption:** Runways less than 12 inches above the floor or ground which are utilized by hard-powered buggies only, may be exempt from the requirements for guardrails and wheelguards.

(8) Concrete pumps and placing booms.

(a) Definitions.

"Concrete delivery hose" means a flexible concrete delivery hose which has two end couplings.

"Concrete pump" means a construction machine that pumps concrete.

"Controls" means the devices used to operate a machine.

"Delivery systems" means the pipe, hoses and components, through which the concrete is pumped.

"Grooved end" means a pipe clamp pipe connection where a groove is machined or rolled directly into the outside of the pipe wall (for example: Victualic).

"Material pressure" means the pressure exerted on the concrete inside the delivery system.

"Placing boom and placing unit" means a manual or power driven, slewable working device which:

- Consists of one or more extendable or folding parts for supporting the concrete delivery system, and directs the discharge into the desired location; and

- May be mounted on trucks, trailers, or special vehicles.

"Qualified person" means someone who:

- Possesses a recognized degree or certificate of professional standing; or

- Has extensive knowledge, training, and experience; or

- Successfully demonstrated the ability to resolve problems relating to the work.

"Restraining devices" means a sling, cable, or equivalent device used to minimize excess movement of a delivery system in case of separation.

"Whip hoses" means a suspended hose that has only one coupling and is used to direct the delivery of concrete.

(b) Equipment requirements.

(i) Equipment identification tag.

The employer must ensure the following identification is furnished if originally identified by the manufacturer and on all pumps manufactured after January 1, 1998:

- The manufacturer's name;

- The year of manufacture;

- The model and serial number;

- The maximum material pressure;

- The maximum allowable pressure in the hydraulic system; and

- The maximum weight per foot of delivery system including concrete.

(ii) Manufacturer's manual.

The employer must have the manufacturer's operation/safety manual or equivalent available for each concrete pump or placing boom.

(iii) Unsafe condition of equipment.

If during an equipment inspection a condition is revealed that might endanger workers, the equipment must not be returned to service until the condition is corrected.

(iv) Controls.

Controls must have their function clearly marked.

(v) Hydraulic systems.

(A) Concrete pumps and placing booms hydraulic systems must have pressure relief valves to prevent cylinder and boom damage.

(B) Hydraulic systems must have hydraulic holding valves if hose or coupling failure could result in uncontrolled vertical movement.

(vi) Certification.

In the event of failure of a structural member, overload-ing, or contact with energized electric power lines and before return to service, the equipment must be certified safe by:

- The manufacturer; or

- An agent of the manufacturer; or

- A professional engineer.

(vii) Marking weight. A permanent, legible notice stating the total weight of the unit must be marked on:

- Trailer or skid mounted concrete pumps;

- Placing booms; and

- All major detachable components over five hundred pounds.

(viii) Lifting a pump.

A concrete pump must be lifted using the lift points specified by the manufacturer or a professional engineer.

(ix) Emergency shutoff.

A concrete pump must have a clearly labeled emergency stop switch that stops the pumping action.

(x) Inlet and outlet guarding.

(A) The waterbox must have a fixed guard to prevent unintentional access to the moving parts.

(B) The agitator must be guarded with a point of operation guard in accordance with ((WAC 296-24-19507, Table 0-40)) chapter 296-806 WAC, Machine safety, and the guard must be:

- Hinged or bolted in place;

- At least three inches distance from the agitator;

- Be capable of supporting a load of two hundred fifty pounds.

(C) A person must not stand on the guard when the pump or agitator is running.

(xi) Outriggers.

(A) Outriggers must be used in accordance with the manufacturer's specifications.

(B) Concrete pump trucks manufactured after January 1, 1998, must have outriggers or jacks permanently marked to indicate the maximum loading they transmit to the ground.

(xii) Load on a placing boom.

(A) The manufacturer's or a licensed, registered, structural engineer's specifications for the placing boom must not be exceeded by:

- The weight of the load;

- The length and diameter of suspended hose;

- The diameter and weight of mounted pipe.

(B) A concrete placing boom must not be used to drag hoses or lift other loads.

(C) All engineering calculations regarding modifications must be:

- Documented;

- Recorded; and

- Available upon request.

(xiii) Pipe diameter thickness. The pipe wall thickness must be measured in accordance with the manufacturer's instruction, and:

- Be sufficient to maintain a burst pressure greater than the maximum pressure the pump can produce;
- The pipe sections must be replaced when measurements indicate wall thickness has been reduced to the limits specified by the manufacturer.

(xiv) Pipe clamps.

(A) Concrete must not be pumped through a delivery system with grooved ends, such as those for Victualic-type couplers.

(B) Pipe clamps must have a pressure rating at least equal to the pump pressure rating.

(C) Pipe clamps contact surfaces must be free of concrete and other foreign matter.

(D) If quick connect clamps are used, they must be pinned or secured to keep them from opening when used in a vertical application.

(xv) Delivery pipe.

(A) Delivery pipe between the concrete pump and the placing system must be supported and anchored to prevent movement and excessive loading on clamps.

(B) Double ended hoses must not be used as whip hoses.

(C) Attachments must not be placed on whip hoses (i.e., "S" hooks, valves, etc.).

Table 1, Nonmandatory

Recommended maximum yards per hour through hose

Hose Diameter	Hose Length (12' and less) Max. yards per hour	Hose Length (12' and longer) Max. yards per hour
2"	30	30
3"	90	50
4"	160	110
5"	See manufacturer specs	See manufacturer specs

• The above figures are based on a minimum of a 4" slump and a 5 sack mix.

• Variables in mix design can have an effect on these ratings.

• Aggregate should not exceed 1/3 the diameter of the delivery system.

(xvi) Restraining. A restraining device must:

• Be used on attachments suspended from the boom tips; and

• Have a load rating not less than one-fifth of its ultimate breaking strength.

(xvii) Equipment inspection.

(A) An inspection must be conducted annually for the first five years and semiannually thereafter and must include the following:

• Nondestructive testing of all sections of the boom by a method capable of ensuring the structural integrity of the boom;

• Be conducted by a qualified person or by a private agency.

(B) The inspection report must be documented and a copy maintained by the employer and in each unit inspected. It must contain the following:

• The identification, including the serial numbers and manufacturer's name, of the components and parts inspected and tested;

• A description of the test methods and results;

• The names and qualifications of the people performing the inspection;

• A listing of necessary repairs; and

• The signature of the manufacturer, an agent of the manufacturer, or a qualified person.

Note: See WAC 296-155-628 (8)(d) for the inspection worksheet criteria.

(xviii) Equipment repair.

(A) Replacement parts must meet or exceed the original manufacturer's specifications or be certified by a registered professional structural engineer.

(B) A properly certified welder must perform any welding on the boom, outrigger, or structural component.

(xix) Compressed air cleaning of the piping system. To clean the piping system:

(A) The pipe system must be securely anchored before it is cleaned out.

(B) The flexible discharge hose must be removed.

(C) Workers not essential to the cleaning process must leave the vicinity.

(D) The compressed air system must have a shutoff valve.

(E) Blow out caps must have a bleeder valve to relieve air pressure.

(F) A trap basket or containment device (i.e., concrete truck, concrete bucket) must be available and secured to receive the clean out device.

(G) Delivery pipes must be depressurized before clamps and fittings are released.

(c) Qualification and training requirements.

(i) Operator trainee—Qualification requirements. To be qualified to become a concrete pump operator, the trainee must meet the following requirements unless it can be shown that failure to meet the requirements will not affect the operation of the concrete pump boom.

(A) Vision requirements:

• At least 20/30 Snellen in one eye and 20/50 in the other. Corrective lenses may be used to fulfill this requirement;

• Ability to distinguish colors, regardless of position, if color differentiation is required;

• Normal depth perception and field of vision.

(B) Hearing requirements: Hearing adequate to meet operational demands. Corrective devices may be used to fulfill this requirement.

(ii) Operator trainee—Training requirements. Operator trainee training requirements include, but are not limited to, the following:

(A) Demonstrated their ability to read and comprehend the pump manufacturer's operation and safety manual.

(B) Be of legal age to perform the duties required.

(C) Received documented classroom training and testing (as applicable) on these recommended subjects:

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- Driving, operating, cleaning and maintaining concrete pumps, placing booms, and related equipment;
- Jib/boom extensions;
- Boom length/angle;
- Manufacturer's variances;
- Radii;
- Range diagram, stability, tipping axis; and
- Structural/tipping determinations.

(D) Maintain and have available upon request a copy of all training materials and a record of training.

(E) Satisfactorily completed a written examination for the concrete pump boom for which they are becoming qualified. It will cover:

- Safety;
- Operational characteristics and limitations; and
- Controls.

(iii) Operator—Qualification requirements. Operators will be considered qualified when they have:

(A) Completed the operator trainee requirements listed in (c)(i) and (ii) of this subsection.

(B) Completed a program of training conducted by a qualified person, including practical experience under the direct supervision of a qualified person.

(C) Passed a practical operating examination of their ability to operate a specific model and type of equipment. Possess the knowledge and the ability to implement emergency procedures.

(D) Possess the knowledge regarding the restart procedure after emergency stop has been activated.

(E) Possess the proper class of driver's license to drive the concrete pump truck.

(F) Demonstrate the ability to comprehend and interpret all labels, safety decals, operator's manuals, and other information required to safely operate the concrete pump.

(G) Be familiar with the applicable safety requirements.

(H) Understand the responsibility for equipment maintenance.

(d) Concrete pump inspection worksheet criteria. Concrete pump trucks will be inspected using the following criteria: The manufacturer's required inspection criteria will be followed in all instances.

Note: DOT requirements for inspections - Ref. 49.C.F.R.396.11, Driver Vehicle Inspections and 396.13, Driver Pre-Trip Inspections; and WAC 296-155-610.

(i) Hydraulic systems.

(A) Oil level;

(B) Hoses;

(C) Fittings;

(D) Holding valves;

(E) Pressure settings;

(F) Hydraulic cylinders;

(G) Ensure that the emergency stop system is functioning properly;

(H) All controls clearly marked.

(ii) Electrical.

(A) All systems functioning properly.

(B) All remote control functions are operating properly. Ensure that the emergency stop system is functioning properly.

(C) All controls clearly marked.

(iii) Structural.

(A) Visual inspection for cracks, corrosion, and deformations of the concrete pump with placing boom structure, and all load carrying components such as outriggers, cross frames, torsion box beams, and delivery line support structures that may lead to nondestructive testing.

(B) Visual examination of all links, pivots, pins, and bolts.

(C) Vertical and horizontal movement at the turret, turntable, rotation gear lash, bearing tolerances, not to exceed manufacturer's specifications.

(iv) Piping systems.

(A) Wall thickness must not exceed original manufacturer's specifications.

(B) Mounting hardware for attaching delivery system.

(C) Correct clamps and safety pins.

(v) Safety decals.

All safety decals shall be in place as required by the manufacturer.

(9) Concrete buckets.

(a) Concrete buckets equipped with hydraulic or pneumatic gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

(b) Concrete buckets shall be designed to prevent concrete from hanging up on top and the sides.

(c) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(d) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

(10) Tremies. Sections of tremies and similar concrete conveyances shall be secured with wire rope (or equivalent materials in addition to the regular couplings or connections).

(11) Bull floats. Bull float handles, used where they might contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(12) Masonry saws shall be constructed, guarded, and operated in accordance with WAC 296-155-367 (1) through (4).

(13) Lockout/tagout procedures. No employee shall be permitted to perform maintenance or repair activity on equipment (such as compressors, mixers, screens, or pumps used for concrete and masonry construction activities) where the inadvertent operation of the equipment could occur and cause injury, unless all potentially hazardous energy sources have been locked out and tagged in accordance with chapter 296-155 WAC, Part I.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-301-020 General safety requirements. (1) Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and

shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. An employer must ensure that power transmission parts are guarded according to the requirements of ~~((WAC 296-24-205 through 296-24-20527))~~ chapter 296-806 WAC, Machine safety.

(4) Housekeeping. Aisles and working spaces shall be kept in good order in accordance with requirements of WAC 296-24-735 through 296-24-73505 and WAC 296-800-220.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to the safety and health core rule book, WAC 296-800-210.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

(8) Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.

(9) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-301-170 Clothing folding machine. Clothing folding machines shall meet the requirements of ~~((WAC 296-24-195 through 296-24-19513))~~ chapter 296-806 WAC, Machine safety.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-302-010 Bakery equipment—General requirements.
- WAC 296-302-015 Definitions.
- WAC 296-302-020 General machine guarding.
- WAC 296-302-025 Flour-handling equipment—Scope and application.
- WAC 296-302-02501 General requirements for flour-handling.
- WAC 296-302-02503 Bag chutes and bag lifts (bag-arm elevators).

- WAC 296-302-02505 Dumpbin and blender.
- WAC 296-302-02507 Flour elevators.
- WAC 296-302-02509 Bolting reels.
- WAC 296-302-02511 Storage bins.
- WAC 296-302-02513 Screw conveyors.
- WAC 296-302-02515 Sifters.
- WAC 296-302-02517 Flour scales.
- WAC 296-302-02519 Automatic flour gates.
- WAC 296-302-03001 Horizontal dough mixers.
- WAC 296-302-03003 Vertical mixers.
- WAC 296-302-035 Dividers.
- WAC 296-302-040 Moulders.
- WAC 296-302-045 Manually fed dough brakes.
- WAC 296-302-050 Miscellaneous equipment.
- WAC 296-302-05501 Slicers.
- WAC 296-302-05503 Wrappers.
- WAC 296-302-060 Biscuit and cracker equipment.
- WAC 296-302-065 Ovens—Scope and application.
- WAC 296-302-06501 General location.
- WAC 296-302-06503 General requirements.
- WAC 296-302-06505 Construction.
- WAC 296-302-06507 Safeguards of mechanical parts.
- WAC 296-302-06509 Gas-burning systems.
- WAC 296-302-06511 Gas mixing machines.
- WAC 296-302-06513 Oil-burning equipment.
- WAC 296-302-06515 Solid-fuel firing equipment.
- WAC 296-302-06517 Electrical heating equipment.
- WAC 296-302-06519 Direct-fired ovens.
- WAC 296-302-06521 Direct recirculating ovens.
- WAC 296-302-06523 Flue-type ovens.
- WAC 296-302-06525 Indirect-fired multiple burner ovens.
- WAC 296-302-06527 Steam-tube ovens.
- WAC 296-302-06529 Indirect recirculating ovens.
- WAC 296-302-06531 Electric ovens.

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AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-030 Moving parts. (1) Machine guarding (other than point of operation). Moving parts of machines, such as gears, sprockets, belts, pulleys, and shafts, shall be guarded in accordance with the requirements of (~~WAC 296-24-20507 through 296-24-20513, of the general safety and health standards~~) chapter 296-806 WAC, Machine safety.

(2) Prime-mover guarding. Moving parts of prime movers such as fly-wheels, cranks and connecting rods, tail rods or extension piston rods, and governor balls, shall be guarded in accordance with the requirements of (~~WAC 296-24-20505, of the general safety and health standards~~) chapter 296-806 WAC, Machine safety.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-06519 Fire station equipment and tools. (1) Equipment and tools in maintenance shops shall be guarded as required by the guarding provisions of chapter (~~296-24 WAC, Part C, Machine guarding~~) 296-806 WAC, Machine safety, and (~~Part H-1, Hand and portable powered tools~~) chapter 296-807, Portable power tools.

(2) Exposure of fan blades. When the periphery of the blades of a fan is less than ten feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch. This provision shall not apply to residential ceiling fans.

(3) Abrasive wheels and grinders.

(a) All abrasive wheels and grinders, shall be guarded as required by chapter (~~296-24 WAC, Part C~~) 296-806 WAC, Machine safety.

(b) Goggles or face shields shall be used when grinding.

(c) Abrasive and composite blades shall be stored and protected against exposure to fuel and oil.

(d) Work rests on bench mounted abrasive wheel grinders shall be used to support the work. These shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted sufficiently close to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest. Adjustment of the work rest shall not be made while the wheel is turning.

NEW SECTION

WAC 296-806-100 Scope. Machines and their moving parts create the potential for workplace injuries. Installed and used properly safeguards can protect workers by helping to reduce or control machine hazards.

This chapter applies if you have machines or machine operations in your workplace. For requirements on hand-held tools go to Portable power tools, chapter 296-807 WAC.

REQUIREMENTS FOR ALL MACHINESNEW SECTION

WAC 296-806-200 Summary. This section applies to all machines in your workplace. It is organized into the following four categories:

- General requirements.
- Safeguarding requirements.
- Safeguarding methods.
- Requirements for specific machine hazards.

Reference:

- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to determine if additional requirements are listed for machines or operations in your workplace:
 - Additional requirements for some machines and machine operations, WAC 296-806-400.
 - For requirements that apply to hand-held tools, see Portable power tools, chapter 296-807 WAC.

Your responsibility:

To protect employees from machine hazards in your workplace.

You must:**GENERAL REQUIREMENTS****WORKPLACE**

Secure machines designed to stay in one place
WAC 296-806-20002.

Protect employees from slipping hazards around machinery

WAC 296-806-20004.

Arrange work areas to avoid creating hazards

WAC 296-806-20006.

MACHINE CONTROLS AND OPERATION

Make sure operating controls meet these requirements

WAC 296-806-20008.

Protect employees from unintentional machine operation

WAC 296-806-20010.

Make sure emergency stop controls meet these requirements

WAC 296-806-20012.

Control machine vibration

WAC 296-806-20014.

Prevent overspeed conditions

WAC 296-806-20016.

Make sure hand feeding and retrieval tools meet these requirements

WAC 296-806-20018.

Protect employees who are adjusting or repairing machinery

WAC 296-806-20020.

POWER TRANSMISSION PARTS

Keep power transmission parts in good working condition

WAC 296-806-20022.

Inspect power transmission parts

WAC 296-806-20024.

Protect employees lubricating moving machinery

WAC 296-806-20026.

SAFEGUARDING REQUIREMENTS

SAFEGUARD MACHINERY

- Safeguard employees from the point of operation
WAC 296-806-20028.
- Safeguard employees from nip or shear point hazards
WAC 296-806-20030.
- Safeguard employees from rotating or revolving parts
WAC 296-806-20032.
- Safeguard employees from reciprocating or other moving parts
WAC 296-806-20034.
- Safeguard employees from flying objects
WAC 296-806-20036.
- Safeguard employees from falling objects
WAC 296-806-20038.

- Safeguard employees from hazards created by moving surfaces with hazards such as sharp edges, burrs, and protruding nails and bolts
WAC 296-806-20040.

SAFEGUARDING METHODS

Guards

- Make sure guards meet these requirements
WAC 296-806-20042.

Devices

- Make sure devices meet these requirements
WAC 296-806-20044.
- Make sure light curtains meet these requirements
WAC 296-806-20046.
- Make sure pressure-sensitive mats meet these requirements
WAC 296-806-20048.

- Make sure restraint or pullback devices meet these requirements

WAC 296-806-20050.

- Make sure two-hand devices meet these requirements

WAC 296-806-20052.

- Make sure devices used with barrier guards meet these requirements

WAC 296-806-20054.

Distance

- Make sure safeguarding by distance meets these requirements

WAC 296-806-20056.

- Make sure guardrails used for safeguarding meet these requirements

WAC 296-806-20058.

REQUIREMENTS FOR SPECIFIC MACHINE HAZARDS

Fit arbors and mandrels to the machine

WAC 296-806-30002.

Safeguard belt and rope drives

WAC 296-806-30004.

Make sure belt or rope drives meet these requirements

WAC 296-806-30006.

- Protect employees while shifting belts on belt and pulley drives

WAC 296-806-30008.

Make sure belt tighteners meet these requirements

WAC 296-806-30010.

- Safeguard cams, connecting rods, tail rods, and extension piston rods

WAC 296-806-30012.

Safeguard chain and sprocket drives

WAC 296-806-30014.

Safeguard fan blades

WAC 296-806-30016.

Safeguard flywheels

WAC 296-806-30018.

Safeguard gears

WAC 296-806-30020.

Safeguard projections on moving parts

WAC 296-806-30022.

Safeguard pulleys

WAC 296-806-30024.

Make sure pulleys meet these requirements

WAC 296-806-30026.

Safeguard revolving drums, barrels, and containers

WAC 296-806-30028.

Safeguard shafting

WAC 296-806-30030.

Make sure shafting meets these requirements

WAC 296-806-30032.

Safeguard unused keyways

WAC 296-806-30034.

Make sure revolving collars meet these requirements

WAC 296-806-30036.

Safeguard counterweights

WAC 296-806-30038.

WORKPLACE

NEW SECTION

WAC 296-806-20002 Secure machines designed to stay in one place.

You must:

- Make sure machines designed to stay in one place are secured so they will not move or change position during use.

Exemption:

Machines that have either rubber feet or foot pads made of nonskid (high coefficient of friction) or similar vibration dampening materials do not have to be secured as long as the machine will not tip, fall over, or walk (move).

NEW SECTION

WAC 296-806-20004 Protect employees from slipping hazards around machinery.

You must:

- Make sure employees working around dangerous machines are protected from slipping on smooth, oily, or otherwise slippery floors by providing one of the following types of floor covering:

- Nonslip matting.
- Grating.
- Nonslip composition flooring.
- Some other effective floor treatment.

Reference:

For additional requirements about housekeeping, personal protective equipment (PPE), and work practices, see the Safety and health core rules, chapter 296-800 WAC.

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NEW SECTION

WAC 296-806-20006 Arrange work areas to avoid creating hazards.

You must:

- Make sure work areas around machinery are designed with enough space so each operator:
 - Can clean and handle material without interference from other workers or machines.
 - Does **not** have to stand in the way of passing traffic.
- Provide enough space so employees can bring in and remove materials safely.

Reference: For requirements that apply to Aisles and passageways, see WAC 296-24-73505.

MACHINE CONTROLS AND OPERATIONSNEW SECTION

WAC 296-806-20008 Make sure operating controls meet these requirements.

Exemption: This rule does not apply to constant pressure controls used only for setup.

You must:

- (1) Make sure each machine has a control that both:
- Stops the machine;

AND

- Can be reached by the operator without leaving the operator's position.

- (2) Make sure the operator can easily reach all machine controls without reaching into a hazard area of the machine.

NEW SECTION

WAC 296-806-20010 Protect employees from unintentional machine operation.

You must:

- (1) Make sure foot-operated controls are located or guarded so that unintentional movement to the "ON" position is unlikely.

- (2) Make sure machines will **not** automatically restart when power is restored after a power failure, if restarting would create a hazard for employees.

Note: Operating controls can be protected from unintentional movement by methods such as covers on foot treadles and collars around machinery start buttons.

NEW SECTION

WAC 296-806-20012 Make sure emergency stop controls meet these requirements.

You must:

- Make sure emergency stop controls, if required, meet all the following:
 - Are red in color.
 - Are easily reached from the operator's normal work position.
 - Are kept in a good working condition.
 - Have to be manually reset before a machine can be restarted.

NEW SECTION

WAC 296-806-20014 Control machine vibration.

You must:

- Prevent excessive machine vibration that could create a hazard to employees.

NEW SECTION

WAC 296-806-20016 Prevent overspeed conditions.

You must:

- Operate tools and equipment within their rated speed.

Note: Actions that could cause an overspeed condition include:

- Installing a more powerful motor.
- Changing or increasing the power source.
- Changing attachment size or type, such as a blade or wheel.
 - The attachment speed (rpm) and motor speed (rpm) should match.

NEW SECTION

WAC 296-806-20018 Make sure hand feeding and retrieval tools meet these requirements.

You must:

- Make sure hand feeding and retrieval tools:
 - Are suitable for the work to be done.
 - Do not create a hazard when used.
 - Are of a size and shape that will keep the operator's hands outside the hazardous area.
 - Are constructed so they will not shatter if they come in contact with the machine tool or tooling.

Note: Hand feeding and retrieval tools, such as push sticks or push blocks, can **not** be used instead of required safeguarding, unless a specific machine requirement allows it.

NEW SECTION

WAC 296-806-20020 Protect employees who are adjusting or repairing machinery.

Exemption: This rule does not apply if the machine has to be in motion to properly adjust it.

You must:

- Make sure power-driven machinery is completely stopped before **either**:
 - Making adjustments or repairs;
- OR**
- Removing material or refuse from the machine.

Reference: For requirements about maintaining and servicing machinery where the unexpected start-up, energization, or release of stored energy could injure an employee are in Lockout/tagout (control of hazardous energy), chapter 296-803 WAC.

POWER TRANSMISSION PARTSNEW SECTION

WAC 296-806-20022 Keep power transmission equipment in good working condition.

Definition:

A power transmission part is a mechanical component of a system that provides motion to a part of a machine or piece of equipment.

You must:

- Make sure power transmission parts are kept in good working condition at all times.
- Keep bearings free from lost motion and well lubricated.

NEW SECTION

WAC 296-806-20024 Inspect power transmission parts.

You must:

- Inspect power transmission parts at least once every sixty days to make sure that all:
 - Safeguarding meets the requirements of this chapter.
 - Parts are in proper alignment.
 - Bolts and screws that hold power transmission parts together or support the system are tight.

NEW SECTION

WAC 296-806-20026 Protect employees lubricating moving machinery.

You must:

- (1) Protect employees who lubricate moving machinery by:
 - Providing tools, such as oil cans or grease guns, that have spouts or necks that are long enough to keep the employees' hands out of hazardous areas.
 - Requiring employees to wear closely fitted clothing.

Note: Things such as clothing, hair, and jewelry can get caught in machinery and be a hazard on the job.

You must:

- (2) Make sure drip cups and pans are securely fastened to the machinery.

SAFEGUARDING REQUIREMENTS

NEW SECTION

WAC 296-806-20028 Safeguard employees from the point of operation.

IMPORTANT:

If a specific safeguarding method in this chapter is required for machinery or machine parts found in your workplace, follow the specific requirement.

In the absence of a specific safeguarding method required by this or some other chapter, you need to choose a method or combination of methods from the safeguarding requirements found in Safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- Guards.
- Devices.
- Safeguarding by distance.
- Safeguarding by location.

You must:

- Protect employees from hazards created by the point of operation by using one or more safeguarding methods.

NEW SECTION

WAC 296-806-20030 Safeguard employees from nip or shear point hazards.

You must:

- Protect employees from hazards created by nip or shear points by using one or more safeguarding methods.

NEW SECTION

WAC 296-806-20032 Safeguard employees from rotating or revolving parts.

You must:

- Protect employees from hazards created by rotating or revolving parts by using one or more safeguarding methods.

NEW SECTION

WAC 296-806-20034 Safeguard employees from reciprocating or other moving parts.

You must:

- Protect employees from hazards created by reciprocating or other moving parts by using one or more safeguarding methods.

NEW SECTION

WAC 296-806-20036 Safeguard employees from flying objects. You must:

- Protect employees from hazards created by flying objects, including chips, sparks, and fluids by using one or more safeguarding methods.

NEW SECTION

WAC 296-806-20038 Safeguard employees from falling objects. You must:

- Protect employees from hazards created by falling objects by using one or more safeguarding methods.

NEW SECTION

WAC 296-806-20040 Safeguard employees from moving surfaces with hazards.

You must:

- Safeguard employees from hazards created by moving surfaces with hazards such as sharp edges, burrs, and protruding nails and bolts.

SAFEGUARDING METHODS

Guards

NEW SECTION

WAC 296-806-20042 Make sure guards meet these requirements. You must:

- Make sure guards do not create additional hazards such as sharp edges or pinch points between the guard and moving machine parts.
- Make sure guards are:
 - Made of durable materials.

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– Strong enough to withstand the forces to which they are exposed.

– Securely fastened to the machine, if possible, or to the building structure if they cannot be attached to the machine.

• Make sure guards protect employees by doing both of the following:

– Preventing hands or other body parts from reaching through, over, under, or around the guard into the hazard area;

AND

– Preventing objects or debris from falling onto or being thrown towards an employee.

• Make sure barrier guards:

– Are properly installed, adjusted, and maintained.

– Have no opening at any point larger than shown in Table 200-1, Largest Allowable Guard Opening.

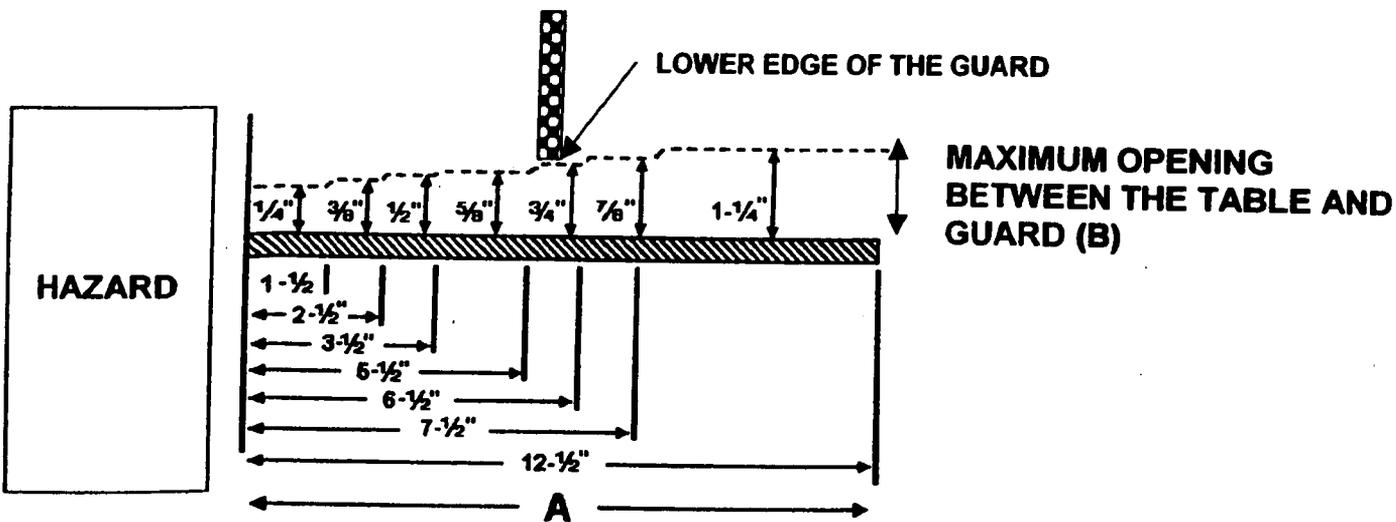
Reference: Metal cutting shears are allowed to be guarded with properly applied awareness barrier safeguarding as described in ANSI B11.4-1993, Sections 6.3.3.

Table 200-1

Largest Allowable Guard Opening (inches)	
If the distance (A) from hazard to the guard is:	Then the opening (B) in the guard or between the table and the guard can NOT be greater than:
1/2 to 1 1/2	1/4
1 1/2 to 2 1/2	3/8
2 1/2 to 3 1/2	1/2
3 1/2 to 5 1/2	5/8
5 1/2 to 6 1/2	3/4
6 1/2 to 7 1/2	7/8
7 1/2 to 12 1/2	1 1/4
12 1/2 to 15 1/2	1 1/2
15 1/2 to 17 1/2	1 7/8
17 1/2 to 31 1/2	2 1/8
Over 31 1/2	6

This diagram illustrates the information found in Table 200-1. The size of the opening in the guard, or between the bottom edge of the guard and the feed table is small enough to prevent any part of the operator's body from reaching the hazardous area.

Illustration #1 - Distance from hazard to Guard (A)



DEVICES

NEW SECTION

WAC 296-806-20044 Make sure devices meet these requirements.

You must:

• Make sure devices used to safeguard employees do either of the following:

– Stop the motion of a moving part before an employee comes in contact with it and has to be manually reset before machines can be restarted;

OR

– Be designed and constructed to prevent the operator from having any part of their body in the danger zone during the hazardous part of the operating cycle.

Reference: For more information on installation of safety devices, see Performance criteria for safeguarding, ANSI B11.19-2003.

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NEW SECTION**WAC 296-806-20046 Make sure light curtains meet these requirements.****IMPORTANT:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

You must:

- Make sure light curtains, when used:
 - Respond to the presence of an operator's hand, other body part, or a work piece.
 - Have indicators that are easily seen by the operator showing when the device is functioning or has been bypassed.

Note: Even if a shiny reflective object or work piece is used with a light curtain or other electro-optical device, it should still respond to the operator's hand or other body part.

You must:

- Make sure only authorized persons can make the following adjustments to light curtains:
 - Variations in operating conditions.
 - Fixed or channel blanking.
 - Floating blanking (sometimes referred to as floating channel or floating window features).
- Safeguard access to the point of operation that is **not** protected by light curtains.

Reference: For more information on light curtains and their requirements, see Performance criteria for safeguarding, ANSI B11.19-2003

NEW SECTION**WAC 296-806-20048 Make sure pressure-sensitive mats meet these requirements.****IMPORTANT:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-2004.

You must:

- Make sure pressure-sensitive mats:
 - Detect the presence or absence of the operator or others.
 - Send the stop command and prevent successive machine cycles if any single component fails.
 - Are connected with the machine control system so the device's stop signal immediately stops action of the machine tool and requires use of the start control before the machine can begin another cycle.
 - Are located so that the operator can **not** reach the recognized hazard before hazardous motion has stopped.
 - Have an indicator easily seen by the operator that shows the mat is operating.

NEW SECTION**WAC 296-806-20050 Make sure restraint or pull-back devices meet these requirements.****IMPORTANT:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

You must:

- Make sure restraint or pullback devices:
 - Prevent the operator from reaching into the point of operation or withdraw the operator's hands from the point of operation before motion of the machine creates a hazard.
 - Have fasteners, pins, and other items used to secure and maintain the setting of the device applied in a way that minimizes loosening, slipping, or failure during use.
 - Are worn inside gloves, if used, so if a glove becomes trapped inside a machine or tool, the device can still remove the operator's hand from the hazard area.

NEW SECTION**WAC 296-806-20052 Make sure two-hand devices meet these requirements.****IMPORTANT:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

You must:

- Make sure two-hand devices:
 - Protect each hand device against accidental operation.
 - Require simultaneous operation of both hand devices to begin the cycle, including the first cycle (automatic mode).
 - Are provided with an antirepeat feature when used in single cycle mode.
 - Have a set of devices for each operator if more than one needs to be safeguarded.
 - Are located far enough from the nearest hazard so the operator can **not** reach the hazard before hazardous motion stops.

Reference: For more information on proper installation of safety devices, see Performance criteria for safeguarding, ANSI B11.19-2003.

NEW SECTION**WAC 296-806-20054 Make sure devices used with barrier guards meet these requirements.****IMPORTANT:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

You must:

- Make sure movable barrier devices:
 - Return to the open position if they encounter an obstruction while enclosing the hazardous area.
 - Are designed so the operator or others cannot reach the hazard by reaching over, under, around or through the device when it is in the closed position.
- Make sure interlocks used with barrier guards do **all** of the following:
 - Stop hazardous motion of machines when interlocks are open.
 - Are **not** easily bypassed.
 - Are designed and installed so that closing the interlocks will not cause a hazard to employees.

DISTANCE

NEW SECTION

WAC 296-806-20056 Make sure safeguarding by distance meets these requirements.

You must:

• Make sure means used to safeguard by distance do both of the following:

– Prevent parts or material from falling on employees below;

AND

– Separate employees on fixed ladders, stairs, floors, or other walking or working surfaces from the hazard by:

- More than seven feet vertically;

OR

- A horizontal distance that prevents employees from contacting or being injured by the hazard according to the distances in Table 200-2.

TABLE 200-2

SAFE DISTANCES FROM FIXED BARRIERS TO HAZARDS

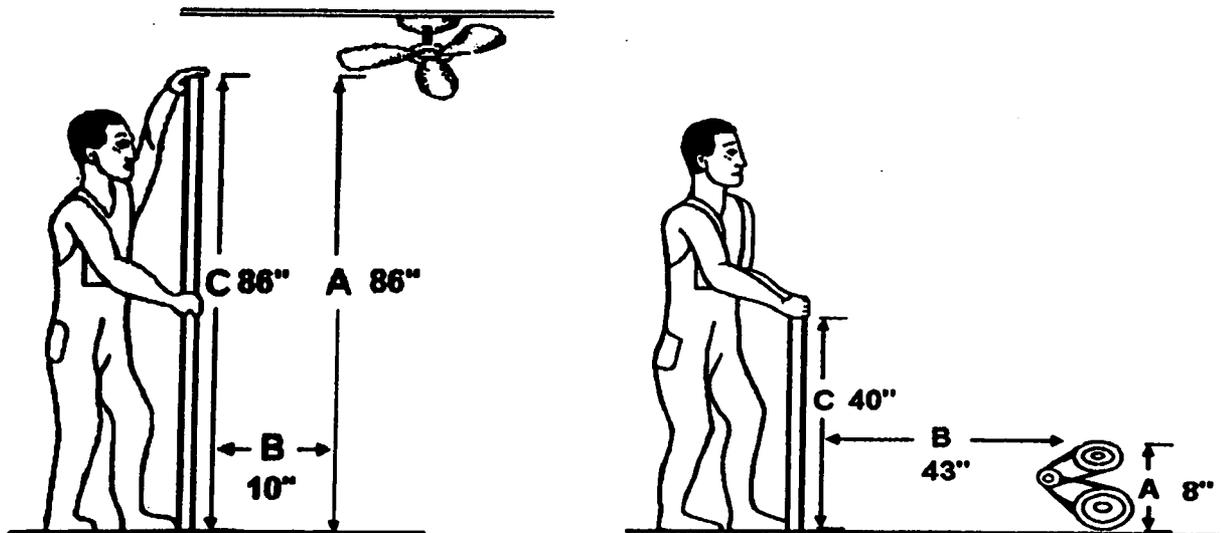
Table 200-2 helps you identify either the required horizontal distance from the hazard to the barricade (B), or the required height of the barricade (C), as long as you know A and either variable, B or C.

**Table 200-2
Safe Distances for Fixed Barricades (B)**

Height of the Hazard (A)	Height of the Barricade (C)							
	96	86	78	71	63	55	48	40
96	0	4	4	4	4	4	4	4
86	10	14	16	20	20	24	24
78	14	20	24	28	36	43
71	24	36	36	40	43
63	20	36	36	40	51
55	4	32	36	40	51
48	20	36	40	55
40	12	36	40	55
32	24	36	51
24	20	48
16	12	48
8	8	43

Note: The height and distance requirements of Table 200-2 are designed to safeguard workers from a fixed hazard. If a hazard involves flying chips, fluids, parts or materials, the barrier height, distance, and construction may need to be adjusted to provide adequate protection.

Illustration 2 - How to measure variables for Table 2



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Examples:

- If the height of the hazard (A) is seventy-eight inches, and the horizontal distance from the hazard to the barricade (B) is fourteen inches, the required height of the barricade (C) is seventy-eight inches.
- If the height of the hazard (A) is eighty-six inches, and the height of the barricade (C) is fifty-five inches, then the required horizontal distance from the hazard to the barricade (B) is twenty inches.

NEW SECTION**WAC 296-806-20058 Make sure guardrails used for safeguarding meet these requirements.**

Note: Guardrails may be used to safeguard:

- Flywheels.
- Cranks and connecting rods.
- Tail rods and extension piston rods.
- Horizontal belts in a power generating room.
- Clutches, cutoff couplings, or clutch pulleys in an engine room occupied only by an attendant.
- Power transmission parts on a runway used only for oiling, maintenance, running adjustment, or repair work.

You must:

- Make sure top rails are:
 - Smooth-surfaced.
 - Strong enough to withstand a force of at least two hundred pounds.
 - Between thirty-nine and forty-five inches above the floor, platform, runway, or ramp.
- Make sure guardrails have an intermediate rail (mid-rail) installed approximately halfway between the top rail and the floor, platform, runway, or ramp.
- Make sure rails do not extend beyond the end posts of the guardrail and create a projection hazard.
- Make sure toe boards, if required by this chapter to safeguard a machinery hazard, are:
 - At least four inches high.
 - Securely fastened in place with no more than one-fourth inch between the bottom of the toe board and the floor, platform, runway, or ramp.
 - Made of substantial material that is either solid or that has openings in the material no larger than one inch.

REQUIREMENTS FOR SPECIFIC MACHINE HAZARDS**NEW SECTION****WAC 296-806-30002 Fit arbors and mandrels to the machine.****You must:**

- Make sure that arbors and mandrels:
 - Have firm and secure bearing.
 - Are free from play.
- Only place or mount attachments on a machine arbor that have been accurately machined to the correct size and shape.

NEW SECTION**WAC 296-806-30004 Safeguard belt and rope drives.****Exemption:**

- You do not need to safeguard the following types of belts when they are operating at two hundred and fifty linear feet per minute or less:
 - Flat belts that are:
 - One inch wide or less.
 - Two inches wide or less and have no metal lacings or fasteners.
 - Round belts one-half inch or less in diameter.
 - Single-strand v-belts 13/32 inch wide or less.
 - You do not need to safeguard belts that are in a room, vault, or similar space that contains only power transmission parts or equipment if the space:
 - Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
 - Is well lit.
 - Has a dry, level, and firm floor.
 - Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.
 - You do not need to safeguard belt drives of light or medium duty sewing machines if all of the following apply:
 - It uses either a flat or a round belt without metal lacings and fasteners.
 - The belt is located above the table top.
 - The table top is designed so that employees near the machine are not exposed to motion hazards while they work or as they pass by.
 - The machine is not used to sew heavy materials such as leather, canvas, denim, or vinyl.
 - The operators' hands are not in, near, or on the wheel, nip point, belt area, or other motion hazard when the machine is operating.
- Reference:** You may need to follow additional requirements for sewing machines. See, Sewing machines, WAC 296-806-485, later in this chapter for more information.

You must:

- Safeguard belt or rope drives that are seven feet or less above the floor or working surface.

Reference:

- In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
- Guards.
 - Devices.
 - Safeguarding by distance.
 - Safeguarding by location.

Note:

- You may use a nip point and pulley guard on a vertical or inclined belt if it meets all of the following requirements:
- Two and one-half inches wide or less.
 - Running at a speed of less than one thousand feet per minute.
 - Free from metal lacings or fastenings.

You must:

- Safeguard overhead belts located more than seven feet above the floor or working surface if any of the following apply:
 - The belt is located over a passageway or work space and travels at a speed of eighteen hundred feet per minute or more.
 - The distance between the centers of its pulleys is ten feet or more.
 - The belt is wider than eight inches.

• Safeguard the space between the upper and lower runs of a horizontal belt if there is enough room for an employee to pass between them by providing both:

– A guard along the upper run to keep the belt from contacting the worker or anything they may be carrying;

AND

– A platform over the lower run that has a railing that is completely filled in with wire mesh or other filler or by a solid barrier.

Note: The passage between the two belts is considered safeguarded if you completely block it with a guardrail or other barrier.

Exemption: In a power generating room, only the lower run of a horizontal belt has to be safeguarded.

NEW SECTION

WAC 296-806-30006 Make sure belt or rope drives meet these requirements.

You must:

(1) Use an idler when your machine uses a quarter-twist belt that can run in either direction.

(2) Make sure, when it is necessary to apply dressing to moving belts or ropes, that you apply the dressing at a point where the belts or ropes leave the pulley.

(3) Make sure that a belt shifted by hand is **not** fastened with metal or other material that creates a hazard.

(4) Make sure a bearing support that is next to a friction clutch or cutoff coupling has self-lubricating bearings that do not need frequent attention.

(5) Use a substantial belt perch, such as a bracket or roller, when it is not practical to use a loose pulley or idler to keep idle belts away from shafts.

NEW SECTION

WAC 296-806-30008 Protect employees while shifting belts on belt and pulley drives.

Exemption: A belt shifter is not required on a belt and pulley system if:

• It was installed on or before August 17, 1971;

OR

• The belt and pulley drive meets **all** of these requirements:

– The belt is endless or laced with rawhide.

– A nip point guard in front of the cone safeguards the nip point of the belt and pulley.

– The nip point guard extends at least to the top of the largest step of the cone and is formed to show the contour of the cone.

Definition: A nip point belt and pulley guard is a guard that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

You must:

(1) Provide a permanent mechanical belt shifter on belt drives that use either:

• Tight and loose (drive and idler) pulleys;

OR

• A cone pulley.

(2) Protect employees from the nip point of the belt and pulley by either:

• The belt shifter or clutch handle;

OR

• A vertical guard in front of the pulley that extends at least to the top of the largest step of the cone.

(3) Make sure a belt shifter or clutch handle is:

• Rounded to keep the operator from being injured.

• Easy to reach.

• Positioned to reduce the chance of being accidentally moved.

• Located either:

– Over the machine;

OR

– Not higher than six feet six inches above the floor.

(4) Make sure each belt shifter or clutch handle of the same type in your workplace moves in the same direction to stop a machine, that is, either all right or all left.

Exemption: A friction clutch handle on a countershaft carrying two clutch pulleys with open and crossed belts is not required to move in the same direction as all other clutch handles or belt shifters if:

• The clutch handle has three positions;

AND

• The machine is at rest when the clutch handle is in the center position.

You must:

(5) Use a belt shifter to shift a belt on and off a fixed pulley.

• When a belt shifter cannot be used, you may use a belt pole if it is both:

– Smooth;

AND

– Large enough to grasp securely.

Note: A belt pole is also known as a "belt shipper" or "shipper pole."

You must:

(6) Provide a locking-type belt shifter or other positive securing device on woodworking machines driven by belts and shafting.

NEW SECTION

WAC 296-806-30010 Make sure belt tighteners meet these requirements.

You must:

• Make sure belt tighteners:

– Are substantially constructed and securely fastened.

– Have bearings that are securely capped.

– Have a mechanism to prevent them from falling.

• Make sure belt tighteners used to activate machinery are securely held in the "OFF" position by either:

– Gravity;

OR

– An automatic mechanism that must be released by hand.

NEW SECTION

WAC 296-806-30012 Safeguard cams, connecting rods, tail rods, and extension piston rods.

You must:

• Safeguard cams, connecting rods, tail rods, or extension piston rods that could be contacted by employees.

Reference: In the absence of a specific safeguarding method, follow the safeguarding requirements found in safe-

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guarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- Guards.
- Devices.
- Safeguarding by distance.
- Safeguarding by location.

You must:

- Make sure guardrails used to safeguard the side or ends of rods are at least fifteen inches away from the rod when it is fully extended.

NEW SECTION

WAC 296-806-30014 Safeguard chain and sprocket drives.

Exemption: This section does not apply to hand-operated sprockets.

You must:

- Enclose chains and sprocket wheels that are seven feet or less above the floor or working surface.
- Make sure chain and sprocket drive enclosures that extend over machine or other working areas protect workers from falling drive parts.

NEW SECTION

WAC 296-806-30016 Safeguard fan blades.

Reference: In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- Guards.
- Devices.
- Safeguarding by distance.
- Safeguarding by location.

Exemption: A fan is considered guarded if it meets all of the following requirements:

- It is in a basement, tower, or room locked against unauthorized entrance.
- The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches.
- The intensity of illumination must be a minimum of ten foot candles when the area is occupied.
- The footing is dry, firm, and level.
- The route followed by the oiler or authorized personnel is protected in such a manner as to prevent accident.
- The periphery of the fan blade is covered by a shroud.

You must:

- Protect employees from exposure to the blades of any fan less than seven feet above the floor or working surface.
- Prevent rods, pipes, or other material being handled by workers, from contacting moving fan blades.

Reference: For guard opening requirements, see Table 200-1, Largest Allowable Guard Opening in, Make sure guards meet these requirements, WAC 296-806-20042.

FLYWHEELS

NEW SECTION

WAC 296-806-30018 Safeguard flywheels.

You must:

- Safeguard flywheels that have any part of the wheel seven feet or less above the floor or working surface with either:

– An enclosure;

OR

- A guardrail, at least fifteen inches but no more than twenty inches from the rim.

- Make sure enclosures that safeguard flywheels located above a working area are strong enough to hold the weight of the wheel, if a shaft or wheel mounting fails.

- Provide a toeboard on guardrails used to safeguard flywheels that have any part of the wheel within twelve inches of the floor or working surface.

- Do both of the following to safeguard spoked flywheels that are five feet or less in diameter with smooth rims, when enclosures or guardrails cannot be used:

- Cover the spokes on the exposed side of the wheel with a disk guard that creates a smooth surface and edge;

AND

- Remove or cover keys or other dangerous projections on the wheel that are not covered by the disk guard.

Exemption: • You may leave an open space of four inches or less between the outside edge of the disk guard and the rim of the spoked flywheel to make it easier to turn the wheel over.

• You may use an adjustable guard for the flywheel of a gasoline or diesel engine for starting the engine or for making running adjustments. A slot opening for a jack bar is permitted.

NEW SECTION

WAC 296-806-30020 Safeguard gears.

You must:

- Safeguard gears that are seven feet or less above the floor or working surface.

Reference: In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- Guards.
- Devices.
- Safeguarding by distance.
- Safeguarding by location.

Exemption: You do not need to guard hand-operated gears that are used only to adjust machine parts that stop when the gears are not being turned by hand.

NEW SECTION

WAC 296-806-30022 Safeguard projections on moving parts.

You must:

- Safeguard projections on moving parts such as keys, setscrews, bolts, and nuts, by:
 - Removing them.
 - Making them flush.

– Guarding with metal covers.

- Exemption:** This requirement does not apply to keys or setscrews that are:
- Within an enclosure.
 - Below the plane of the rim of a pulley that is less than twenty inches in diameter.
 - Located where employee contact is not possible.

- Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.

You must:

- Enclose shafting that is seven feet or less above the floor or working surface.
- Make sure projecting shaft ends either:
 - Have a smooth edge, smooth end, and project no more than one-half the diameter of the shaft;

OR

- Are guarded by a nonrotating cap or safety sleeve.
- Safeguard shafting under a bench or table by enclosing it in a stationary casing or by using a trough with sides that both:

- Cover the shafting to within six inches of the bottom of the table or to within six inches of the floor or working surface, whichever is appropriate;

AND

- Extend two inches beyond the end of the shafting.

NEW SECTION

WAC 296-806-30024 Safeguard pulleys.

You must:

- Safeguard pulleys that have any part of the pulley seven feet or less above the floor or working surface.

- Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
- Guards.
 - Devices.
 - Safeguarding by distance.
 - Safeguarding by location.

- Exemption:** You do not need to safeguard pulleys that are in a room, vault, or similar space that contain only power transmission parts or equipment if the space:
- Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
 - Is well lit.
 - Has a dry, level, and firm floor.
 - Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.

NEW SECTION

WAC 296-806-30026 Make sure pulleys meet these requirements.

You must:

- (1) Make sure pulleys are designed and balanced for the speed at which they operate.
- (2) Make sure **not** to use pulleys that are cracked or have a piece broken out of the rim.

NEW SECTION

WAC 296-806-30028 Safeguard revolving drums, barrels, and containers.

You must:

- Safeguard revolving drums, barrels, or containers by an enclosure that is interlocked with the drive mechanism so that they cannot revolve unless the enclosure is in place.

NEW SECTION

WAC 296-806-30030 Safeguard shafting.

- Exemption:** You do not need to safeguard shafting that is in a room, vault, or similar space that contains only power transmission parts or equipment if the space:
- Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
 - Is well lit.
 - Has a dry, level, and firm floor.

NEW SECTION

WAC 296-806-30032 Make sure shafting meets these requirements.

You must:

- (1) Keep shafting free of:
 - Excessive oil or grease.
 - Rust or pitting from corrosion.
- (2) Secure shafting against excessive endwise movement.

NEW SECTION

WAC 296-806-30034 Safeguard unused keyways.

You must:

- Fill, cover, or otherwise safeguard all unused keyways.

- Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:
- Guards.
 - Devices.
 - Safeguarding by distance.
 - Safeguarding by location.

NEW SECTION

WAC 296-806-30036 Make sure revolving collars meet these requirements.

You must:

- Make sure revolving collars are cylindrical.
- Make sure screws or bolts used in the collar do **not** project beyond the outside of the collar.

NEW SECTION

WAC 296-806-30038 Safeguard counterweights.

You must:

- Provide safeguarding for all counterweights where employees are exposed to contact.

- Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safe-

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guarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- Guards.
- Devices.
- Safeguarding by distance.
- Safeguarding by location.

ADDITIONAL REQUIREMENTS FOR SOME MACHINES AND MACHINE OPERATIONS

NEW SECTION

WAC 296-806-400 Summary. If your specific machine or operation is not listed here, then follow the "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

Your responsibility:

To protect employees from hazards associated with specific machines and their operations in your workplace.

You must:

Abrasive wheels and machines
WAC 296-806-405.
Calenders
WAC 296-806-410.
Compactors
WAC 296-806-415.
Conveyors
WAC 296-806-420.
Food processing equipment
WAC 296-806-425.
Forging machines
WAC 296-806-430.
Garbage (waste) disposals
WAC 296-806-435.
Glue spreaders
WAC 296-806-440.
Ironworkers
WAC 296-806-445.
Lathes
WAC 296-806-450.
Mechanical power presses
WAC 296-806-455.
Mills
WAC 296-806-460.
Press brakes
WAC 296-806-465.
Roll-forming and bending machines
WAC 296-806-470.
Sanding machines
WAC 296-806-475.
Saws and cutting heads
WAC 296-806-480.
Sewing machines
WAC 296-806-485.

ABRASIVE WHEELS

NEW SECTION

WAC 296-806-405 Summary.

• In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards.

• Requirements for all machines, WAC 296-806-200 and 296-806-300.

• You need to refer to Portable power tools, chapter 296-807 WAC for requirements relating to hand-held abrasive wheel tools.

This section applies to machines that are not hand held and that use an abrasive wheel.

Definition:

An *abrasive wheel* is a grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

Your responsibility:

To make sure abrasive wheel machines and wheels are safe to use.

You must:

GENERAL REQUIREMENTS FOR ABRASIVE WHEELS

Make sure abrasive wheels and machines are properly designed and constructed

WAC 296-806-40502.

Make sure machines have safety guards

WAC 296-806-40504.

Make sure safety guards meet specific requirements

WAC 296-806-40506.

Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders

WAC 296-806-40508.

Use a work rest for off-hand grinding

WAC 296-806-40510.

MOUNTING ABRASIVE WHEELS

Make sure abrasive wheels are safe to use

WAC 296-806-40512.

Mount wheels properly

WAC 296-806-40514.

Use proper flanges

WAC 296-806-40516.

Make sure flanges are in good condition

WAC 296-806-40518.

Use specific flanges for Type 1 cutting-off wheels

WAC 296-806-40520.

Use specific flanges for Type 27A cutting-off wheels

WAC 296-806-40522.

Use blotters when required

WAC 296-806-40524.

Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo)

WAC 296-806-40526.

NEW SECTION

WAC 296-806-40502 Make sure abrasive wheels and machines are properly designed and constructed.

You must:

- Make sure abrasive wheels and machines, including safety guards and flanges, manufactured on or after January 1, 2005, meet the design and construction requirements of American National Standards Institute (ANSI) B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels.

- Make sure abrasive wheels and machines, including safety guards and flanges, manufactured before January 1, 2005, meet the design and construction requirements of American National Standards Institute (ANSI) B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels.

Note: There may be a statement on the machine or in the instruction manual that the machine meets the appropriate ANSI standard. If in doubt, check with the manufacturer.

NEW SECTION

WAC 296-806-40504 Make sure machines have safety guards. You must:

- Use abrasive wheels only on machines that have safety guards.
- Make sure the safety guard:
 - Is mounted so it maintains proper alignment with the wheel.
 - Is mounted with fasteners strong enough to keep the guard in position if a wheel breaks.
 - Covers the spindle end, nut, and flange projections.

Exemption: Safety guards are not required on machines that use:

- Wheels for internal grinding while advancing, retracting or within the work.
- Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls where either:
 - The work offers protection;

OR

- The size does not exceed three inches in diameter by five inches long.
- Notched, segmented, or continuous rim metal centered diamond lapidary wheels that are:
 - Used with a coolant deflector;

AND

- Operated at 3,500 SFPM or less.
- Type 1 reinforced wheels that are:
 - Three inches or less in diameter.
 - One-fourth inch or less thick.
 - Operating at peripheral speeds of 9,500 SFPM or less.
 - Used by operators wearing safety glasses and face shields.
 - Valve seating grinding wheels.
 - Remotely operated machines in an enclosure that will retain the pieces of a broken wheel.

NEW SECTION

WAC 296-806-40506 Make sure safety guards meet specific requirements.

You must:

- Make sure the machine safety guards meet the requirements of Table 405-1, Guard Requirements.

Definition:

Maximum exposure angle is the largest part of a wheel that does not need to be covered by a safety guard.

- Note:**
- The maximum exposure angle is measured by lines starting at the center of the spindle and extending to the ends of the guard at the wheel periphery.
 - Visors and other accessory equipment are used in determining the size of the guard opening only if they are at least as strong as the safety guard.

**Table 405-1
Guard Requirements**

Machine	Maximum exposure angle and other guard restrictions
Bench, pedestal, or floorstand grinders	<ul style="list-style-type: none"> • Not higher than sixty-five degrees above the horizontal centerline of the wheel • One-fourth (ninety degrees) of the wheel for grinding done at or above the horizontal centerline of the wheel • One hundred twenty-five degrees if the work has to contact the wheel below the horizontal centerline of the wheel
Cylindrical grinders	<ul style="list-style-type: none"> • One-half (one hundred eighty degrees) of the wheel • Not higher than sixty-five degrees above the horizontal centerline of the wheel
Surface grinders	<ul style="list-style-type: none"> • One hundred fifty degrees of the wheel • Not higher than fifteen degrees below the horizontal
Cutting-off machines	<ul style="list-style-type: none"> • One-half (one hundred eighty degrees) of the wheel
Swing frame grinders	<ul style="list-style-type: none"> • One-half (one hundred eighty degrees) of the wheel • Encloses the top one-half of the wheel
Swing frame grinders using cup wheels	<ul style="list-style-type: none"> • One-half (one hundred eighty degrees) of the wheel • Covers the wheel on the side towards the operator
Semiautomatic snagging machines	<ul style="list-style-type: none"> • One-half (one hundred eighty degrees) of the wheel • Covers the wheel on the side towards the operator
Machines used for top grinding	<ul style="list-style-type: none"> • As small as possible up to one-sixth (sixty degrees) of the wheel

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NEW SECTION

WAC 296-806-40508 Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders.

You must:

- Make sure, if the operator stands in front of the opening in the safety guard, that the safety guard (tongue guard) at the

top of the opening is adjusted to within one-fourth inch of the wheel.

Definition:

The tongue guard is an integral part of a safety guard that is located where the upper exposed part of the abrasive wheel meets the safety guard. It can be adjusted as necessary to maintain a set distance from the constantly decreasing diameter of the wheel.

NEW SECTION

WAC 296-806-40510 Use a work rest for off-hand grinding.

- Exemption:** You do not need to use a work rest if:
- The size, shape, weight or finishing area of the workpiece prevents its use;
- OR**
- Contact with the grinding wheel below the horizontal plane of the spindle is necessary.

You must:

- Use a work rest to support the work.
- Make sure the work rest is:
 - Rigidly constructed.
 - Adjustable to compensate for wheel wear.
 - Adjusted only when the wheel is stopped.
 - Securely clamped after each adjustment.
 - Kept within one-eighth inch of the wheel.

NEW SECTION

WAC 296-806-40512 Make sure abrasive wheels are safe to use.

You must:

- Do the following before mounting a wheel:
 - Visually inspect the wheel for cracks or damage.
 - Perform a ring test for cracks if the size and shape of the wheel permits testing.
 - Make sure the spindle speed of the machine is not greater than the operating speed of the wheel.
- Make sure a damaged or cracked wheel is not mounted or used.

Note: Wheels that have gouges, grooves, other damage, or material buildup on the grinding surface need to be dressed or trued to correct the problem. Wheels that cannot be trued are considered damaged and cannot be used.

NEW SECTION

WAC 296-806-40514 Mount wheels properly.

You must:

- (1) Make sure wheels fit freely on the spindle, wheel sleeves, or adaptors, and remain free under all grinding conditions.
 - (2) Make sure wheel, blotter and flange surfaces that contact each other are flat and free of foreign particles.
 - (3) Make sure any reducing bushing used in the wheel hole:
 - Fits freely on the spindle and maintains proper clearance;
- AND**
- Does not exceed the width of the wheel or contact the flanges.

(4) Make sure that multiple wheels mounted between a single set of flanges are either:

- Cemented together;

OR

• Separated by spacers that have a diameter and bearing surface that is the same as the mounting flanges.

NEW SECTION

WAC 296-806-40516 Use proper flanges.

You must:

• Mount all abrasive wheels between flanges that have a diameter at least one-third the diameter of the wheel.

Exemption: This flange requirement does not apply to the following wheels:

- Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- Abrasive disc wheels (inserted nut, inserted washer and projecting stud type).
- Plate mounted wheels.
- Cylinder, cup, or segmental wheels mounted in chucks.
- Types 27, 28, and 29 wheels.
- Internal wheels less than two inches in diameter.
- Modified Type 6 and 11 wheels (terrazzo).
- Types 1 and 27A cutting-off wheels.

You must:

- Make sure flanges are:
 - Dimensionally accurate.
 - Properly balanced.
 - Flat.
 - Free of rough surfaces or sharp edges.
- Make sure the driving flange is:
 - Part of the spindle;

OR

– Securely fastened to the spindle.

• Make sure, if a wheel is mounted between two flanges, that both flanges:

- Are the same diameter;

AND

- Have equal bearing surfaces.

Exemption: The following wheels do not require same diameter, equal bearing surface flanges:

- Types 27, 28, and 29 wheels with adaptors.
- Modified Types 6 and 11 wheels with tapered K dimension.
- Internal wheels less than two inches in diameter.

NEW SECTION

WAC 296-806-40518 Make sure flanges are in good condition. You must:

- Make sure flange bearing surfaces are in good condition.
- Replace or remachine a flange with a mounting surface that has any of the following problems:
 - Warped.
 - Burred on the bearing surface.
 - Excessively worn (thickness or diameter).
 - Out of true.

Reference: Flanges that are refaced or trued need to satisfy minimum dimension requirements specified in Safety Requirements for the Use, Care and Protection of Abrasive Wheels, ANSI B7.1-2000.

NEW SECTION**WAC 296-806-40520 Use specific flanges for Type 1 cutting-off wheels.****You must:**

- Mount Type 1 cutting-off wheels between flanges that are:
 - Properly relieved with matching bearing surfaces.
 - At least one-fourth the wheel diameter.

NEW SECTION**WAC 296-806-40522 Use specific flanges for Type 27A cutting-off wheels.****You must:**

- Mount Type 27A cutting-off wheels between flanges that are:
 - Flat (unrelieved) with matching bearing surfaces;
- AND**
- At least one-fourth the wheel diameter.

NEW SECTION**WAC 296-806-40524 Use blotters when required.**

Exemption: You do not need to use a blotter with any of the following:

- Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- Abrasive disc and Type 2 wheels which are mounted by inserted nuts, inserted washers, or projecting studs.
- Plate mounted wheels.
- Wheels mounted in chucks (such as cylinders and segmental wheels).
- Types 27, 28, and 29 wheels.
- Type 1 and Type 27A cutting-off wheels.
- Internal wheels less than two inches in diameter.
- Diamond and cubic boron nitride wheels with metal or carbon fiber cores.

You must:

- Use a blotter between each flange and the abrasive wheel surface to uniformly distribute flange pressure.
- Make sure the blotter covers the entire flange contact area.
- Use a new blotter each time a wheel is mounted unless the wheel has a blotter already attached to it by the manufacturer.
- Make sure scuffed or damaged blotters are not used.

NEW SECTION**WAC 296-806-40526 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).****You must:**

- Apply the blotter to the flat side only when mounting Modified Types 6 and 11 wheels (terrazzo).

CalendersNEW SECTION

WAC 296-806-410 Summary. In addition to the requirements in this section, you need to refer to the follow-

ing sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies only to hazards associated with calenders in the rubber and plastics industry where two or more metal rolls are set vertically and revolving in opposite directions.

Your responsibility:

To protect employees from hazards associated with calenders.

You must:

- Provide calender safety controls
- WAC 296-806-41002.
- Follow these stopping limit requirements for calenders
- WAC 296-806-41004.

NEW SECTION**WAC 296-806-41002 Provide calender safety controls.**

- Exemption:** These rules do not apply to calenders if the machinery is permanently set up so employees:
- Cannot reach through, over, under, or around to come in contact with the roll bite;
- OR**
- Cannot be caught between a roll and nearby objects.

You must:

- (1) Provide a safety trip control for the face of the calender that meets **all** of the following:
 - Provided in front and back of each calender.
 - Is accessible.
 - Operates readily upon contact.
 - (2) Provide **at least one** of the following safety trip controls for the face of the calender:
 - Safety trip rods, tripwire cables or wire center cords that:
 - Are within reach of the operator and the bite (nip point).
 - Operate whether pushed or pulled.
 - Are located across each pair of in-running rolls extending the length of the face of the rolls.
 - Pressure sensitive body bars that:
 - Are approximately forty inches vertically above the working level.
 - Are horizontally at thirty-four inches from the in-running nip point.
 - Operate readily by pressure of the mill operator's body.
 - (3) Include safety trip rods, cables or cords, in addition to the pressure sensitive body bars, if **both** of these apply:
 - In-running rolls are located below the bar;
- AND**
- (4) Provide a safety cable or wire center cord on both sides of the calender that:
 - Operates readily when pushed or pulled.
 - Is connected to the safety trip.
- Note:**
- The center cord should be all of the following:
 - Twelve inches or less from the faces of the individual rolls.
 - At least two inches from the calender frame.

- Anchored to the frame not more than six inches from the floor or operator's platform.

NEW SECTION

WAC 296-806-41004 Follow these stopping limit requirements for calenders.

You must:

- Make sure that calenders are stopped within one and three-quarters percent of the fastest speed at which they operate when empty.
 - When calenders operate at more than two hundred fifty feet per minute, stopping distances above one and three-quarters percent of their fastest speed are allowed, but must have engineering support.

COMPACTORS

NEW SECTION

WAC 296-806-415 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to all stationary compactors in your workplace.

Your responsibility:

To protect employees from hazards associated with stationary compactors.

You must:

Safeguard hazardous moving parts of stationary compactors

WAC 296-806-41502.

Follow these requirements for compactor controls

WAC 296-806-41504.

Follow these requirements for compactor access doors and covers

WAC 296-806-41506.

Follow these requirements for compactors that cycle automatically

WAC 296-806-41508.

NEW SECTION

WAC 296-806-41502 Safeguard hazardous moving parts of stationary compactors.

You must:

- Prevent the compactor from operating while employees have any body parts in the compactor or hazard area.
- Provide a safeguarding method that prevents employees from putting hands, fingers, or any body part into the compactor during operation.

Note:

Examples of safeguarding methods include:

- Making sure the compactor will not compact material while the gate or door is open.
- Installing a guard, loading hopper, or enclosure at least forty-two inches high that prevents:
 - Entry of hands, fingers, or any body part into the loading chamber during operation.

- An operator from being caught between moving parts of the equipment and material.
- The creation of any hazard between the guard and moving parts.
- You may also provide sustained manual pressure controls located so the operator cannot reach, but can still see, the point of operation if a guard is not used.

Reference:

For additional requirements when adjusting or clearing jams from compactors, see Lockout/tagout (control of hazardous energy), chapter 296-803 WAC.

NEW SECTION

WAC 296-806-41504 Follow these requirements for compactor controls.

You must:

- Follow these requirements for compactor controls:
 - Each control must have its function clearly labeled.
 - Controls must be designed and located to prevent them from unintentionally activating.
 - Electric stop buttons, including emergency stop buttons, must be:
 - Red in color, distinguishable from all other controls by size, and not recessed.

- Emergency stop controls must be either:

- Readily accessible to the operator;

OR

- Located within three feet (91.4 cm) of the point of operation or feed area or if chute fed, within three feet (91.4 cm) of the access door.

- An electrical disconnect must be located within sight, no more than fifty feet (1,524 cm), from the operating control panel.

NEW SECTION

WAC 296-806-41506 Follow these requirements for compactor access doors and covers.

You must:

- Make sure access covers meet at least one of the following:
 - Interlocked.
 - Secured by a lockable device.
 - Removable by hand tools only.
- Make sure any loading chamber access door has an interlock system that prevents cycling motion when the door is open.

NEW SECTION

WAC 296-806-41508 Follow these requirements for compactors that cycle automatically.

You must:

- Use automatic cycling controls only on compactors where the loading chamber is located so that it cannot be accessed during operation.

CONVEYORS

NEW SECTION

WAC 296-806-420 Summary. If your specific conveyor or operation is not listed here, then follow any general requirements in this section along with the "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

This section applies to hazards related to conveyors and conveying systems, including bulk material, package, or unit handling types. These requirements are designed to protect employees operating, maintaining, cleaning, and working around conveyors.

Exemption: This section does not apply to conveyor systems used primarily for moving people.

Your responsibility:

To make sure all conveyors in your workplace are constructed, operated, and maintained in a safe manner.

You must:

GENERAL REQUIREMENTS FOR CONVEYORS

Follow these requirements for conveyors

WAC 296-806-42002.

Provide emergency stops on conveyors

WAC 296-806-42004.

Label conveyor controls

WAC 296-806-42006.

Prohibit riding on conveyors

WAC 296-806-42008.

Provide safe access to conveyors

WAC 296-806-42010.

Provide backstop or antirunaway devices to incline, decline, or vertical conveyors

WAC 296-806-42012.

Make only safe alterations to conveyors

WAC 296-806-42014.

Inspect and replace worn conveyor parts

WAC 296-806-42016.

Follow these requirements for replacing conveyor parts

WAC 296-806-42018.

Follow these requirements for spill guards

WAC 296-806-42020.

Provide pedestrian overpasses for conveyors

WAC 296-806-42022.

Guard openings to hoppers and chutes

WAC 296-806-42024.

Install guideposts

WAC 296-806-42026.

BELT CONVEYORS

Guard nip points on belt conveyors

WAC 296-806-42028.

Install emergency stop controllers on overland belt conveyors

WAC 296-806-42030.

Install belt conveyor overpasses

WAC 296-806-42032.

CHAIN CONVEYORS

Safeguard chain conveyors

WAC 296-806-42034.

Guard return strands on chain conveyors

WAC 296-806-42036.

Guard chain conveyors that are used as a transfer mechanism

WAC 296-806-42038.

ELEVATOR CONVEYORS

Prevent material from falling off of elevator conveyors

WAC 296-806-42040.

INCLINED RECIPROCATING CONVEYORS (SHAKERS)

Provide protection where employees must load shakers

WAC 296-806-42042.

Provide grating over silo and bunker openings for shuttle conveyors

WAC 296-806-42044.

MOBILE CONVEYORS

Guard wheels and rails on mobile conveyors

WAC 296-806-42046.

Prevent hazardous motion on mobile conveyors

WAC 296-806-42048.

Provide a detector for mobile conveyors

WAC 296-806-42050.

Provide safe access on mobile conveyors

WAC 296-806-42052.

PUSHER-BAR CONVEYORS

Guard pusher-bar conveyors

WAC 296-806-42054.

ROLLER CONVEYORS

Prohibit walking on roller-type conveyors

WAC 296-806-42056.

Use speed controls for roller and wheel conveyors

WAC 296-806-42058.

Safeguard belt-driven live roller conveyors

WAC 296-806-42060.

SCREW CONVEYORS

Guard screw conveyors

WAC 296-806-42062.

SKIP HOISTS

Provide slack-cable switches on hoists

WAC 296-806-42064.

Block the skip bucket and counterweight guides

WAC 296-806-42066.

Protect against wire rope coming off sheaves

WAC 296-806-42068.

SLAT AND ROLLER-SLAT CONVEYORS

Safeguard slat and roller-slat conveyors

WAC 296-806-42070.

TOWED CONVEYORS

Provide a safe method for disengaging the tow pin

WAC 296-806-42072.

Protect employees from moving carts on towed conveyors

WAC 296-806-42074.

Provide clearances and warnings for carts on towed conveyors

WAC 296-806-42076.

Mark projections above the floor

WAC 296-806-42078.

GENERAL REQUIREMENTS FOR CONVEYORS**NEW SECTION**

WAC 296-806-42002 Follow these requirements for conveyors. You must:

- Construct, operate, and maintain all conveyors according to this chapter and the American National Standards Institute (ANSI) B20.1-1957.
- Make sure all new conveyors constructed after January 1, 2005, meet the requirements of the American Society of Mechanical Engineers (ASME) B20.1-1996.

NEW SECTION

WAC 296-806-42004 Provide emergency stops on conveyors. You must:

• Make sure each conveyor has an emergency stopping device such as an emergency stop button, pull cord, or similar device.

• Make sure each emergency stopping device meets all of the following requirements. They must:

- Stop the conveyor a safe distance from the hazard.
- Be easily identified.
- Directly control that conveyor.
- Require a manual reset.
- NOT be overridden from another location.
- NOT require other equipment to be stopped in order to stop the conveyor.

• Make sure where there is the possibility of an employee falling onto a conveyor, that the emergency stopping device for conveyors feeding or dumping into a hazardous machine such as a barker, saw, hog, or chipper is **at least one** of the following:

– Under the continuous control of an operator who cannot fall onto the conveyor and has full view of the material entrance;

OR

– Located where it can be reached from a sitting position on the conveyor where it feeds or dumps into the hazardous machine.

NEW SECTION

WAC 296-806-42006 Label conveyor controls.

You must:

- Clearly label the function of each conveyor control.

Note: Controls and wiring that are no longer used should be removed from control stations.

NEW SECTION

WAC 296-806-42008 Prohibit riding on conveyors.

You must:

- Prohibit employees from riding on conveyors.

Exemption: You do not need to prohibit riding on an assembly conveyor moving eighty feet or less per minute or a conveyor with a station specifically designed for operating personnel.

NEW SECTION

WAC 296-806-42010 Provide safe access to conveyors.

You must:

- Provide a way to safely inspect and maintain conveyors located more than seven feet from the floor.

Reference: Some additional requirements for protecting employees inspecting and maintaining conveyors can be found in:

- Lockout/tagout (control of hazardous energy), chapter 296-803 WAC.
- Personal fall arrest systems, WAC 296-24-88050.

NEW SECTION

WAC 296-806-42012 Provide backstop or antirunaway devices on incline, decline, or vertical conveyors.

You must:

- Make sure all incline, decline, or vertical conveyors use backstop or antirunaway devices when there is a danger of conveyor reversal or runaway.

NEW SECTION

WAC 296-806-42014 Make only safe alterations to conveyors. You must:

- Make sure, when making conveyor alterations, that you do not affect safety characteristics such as emergency stop controls, guards, or the incline of the conveyor, if such changes would create a danger to workers.

NEW SECTION

WAC 296-806-42016 Inspect and replace worn conveyor parts. You must:

- Carefully inspect and replace any conveyor part that shows signs of significant wear before it becomes a hazard.

NEW SECTION

WAC 296-806-42018 Follow these requirements for replacing conveyor parts.

You must:

- Make sure replacement conveyor parts are equal to or exceed the manufacturer's specifications.

NEW SECTION

WAC 296-806-42020 Follow these requirements for spill guards.

You must:

- Install protective or spill guards wherever conveyors pass next to or over working areas or passageways.
- These guards must be designed to catch and hold any materials that may become dislodged or fall off.

Reference: For specific requirements when conveyors pass over emergency exit routes, see Exit routes, WAC 296-800-310.

NEW SECTION

WAC 296-806-42022 Provide pedestrian overpasses for conveyors.

You must:

- Provide a pedestrian overpass covering the full width of a passageway if **one** of these conditions exists:
 - The working strand of a conveyor crosses within three feet of floor level.
 - Workers must step over the strand and trough at or below floor level.
- Provide a pedestrian overpass where workers cannot pass under the conveyor safely.
 - The sides of the crossing platform must have standard railings if **one** of the following exists:
 - The overpass is more than four feet high.
 - The conveyor feeds a dangerous machine such as saws, chippers, hogs, or galvanizing tanks.

Reference: For guardrail requirements see, Railing, toeboards, and cover specifications, WAC 296-24-75011.

NEW SECTION

WAC 296-806-42024 Guard openings to hoppers and chutes.

You must:

- Guard all openings to hoppers, chutes, and elevator-type conveyors to prevent workers from:
 - Falling or stepping into them.
 - Making any kind of bodily contact with conveyors.

Note: Grating provided at floor level with no openings larger than two inches (50 mm) that is strong enough to withstand any

load of personnel or trucks that may be imposed upon it is acceptable guarding.

You must:

- Do **all** of the following when dumping operations use chutes or hoppers that are flush with the floor and their use cannot be guarded:
 - Place a temporary guardrail around ground or floor-level hoppers when dumping operations are **not** in progress.
 - Post warning signs in a conspicuous location alerting personnel to the presence of an open pit in order to protect employees when dumping operations are in progress.

Reference: For guardrail requirements see, Railing, toeboards, and cover specifications, WAC 296-24-75011.

NEW SECTION

WAC 296-806-42026 Install guideposts.

You must:

- Install guideposts to direct employees driving trucks, loaders, or other equipment to the pit, hopper, or chute.

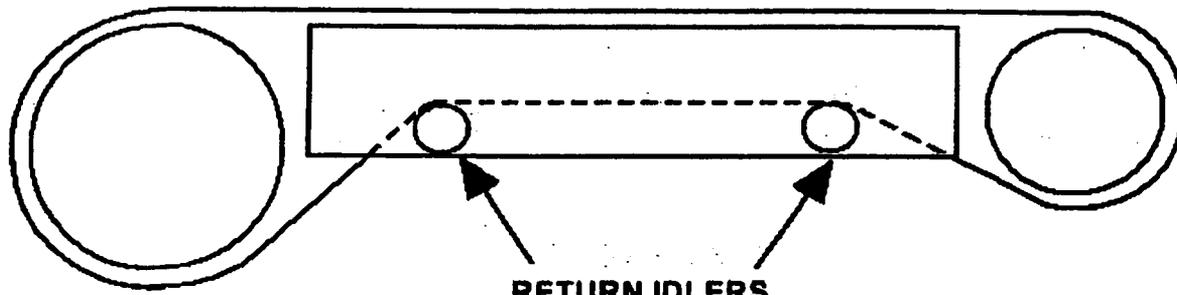
BELT CONVEYORS

NEW SECTION

WAC 296-806-42028 Guard nip points on belt conveyors.

Exemption: This rule does not normally require guards along the conveyor at the point where the belt rides on return rollers, such as return-belt idlers, unless hazardous conditions such as long, tight heavy belts exist.

Return-belt idlers



RETURN IDLERS

These turn freely and just idle.

You must:

- Place nip point guards at **all** of these points:
 - Where the belt wraps around the pulley.
 - At terminals, take-ups, and snub rollers where the belt changes directions at transfers and deflectors.
 - At the discharge end.
 - At other points where workers may be injured by nip or shear points.

Note: The practice of applying a belt dressing or other foreign material to a rotating drive pulley or a conveyor belt is hazardous and should be avoided.

NEW SECTION

WAC 296-806-42030 Install emergency stop controllers on overland belt conveyors.

You must:

- Install permanent emergency pull cords or similar emergency stop controllers at points where workers are normally stationed along overland belt conveyors.

Note: Personnel that patrol overland belt conveyors may use portable emergency stop controllers instead of permanently installed pull cords and push-button stations.

PERMANENT

NEW SECTION

WAC 296-806-42032 Install belt conveyor overpasses.

You must:

- Install a pedestrian overpass or underpass along the sides of long overland belt conveyors, where there is the most foot traffic.

- The distance between overpasses should not exceed three hundred meters or one thousand feet.

CHAIN CONVEYORSNEW SECTION

WAC 296-806-42034 Safeguard chain conveyors.

You must:

- Provide safeguards for drive, tail, and idler sprocket pulleys where the chain creates a nip or shear point.

NEW SECTION

WAC 296-806-42036 Guard return strands on chain conveyors. You must:

- Provide a way to catch and support the ends of a chain that break over a passageway.
- Provide a strong enough trough to carry the weight from a broken chain on conveyors when return strands operate within seven feet of the floor.

NEW SECTION

WAC 296-806-42038 Guard chain conveyors that are used as a transfer mechanism.

You must:

- Guard chain conveyors whose moving chains cannot be enclosed without impairing their function by one of the following methods:

- Distance as required in, Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.
- Personnel barriers.
- Warning signs where personnel barriers are not practical.

Note: Chain conveyors with moving chains that cannot be enclosed include those:

- Mounted within another conveyor.
- Raised and lowered as a transfer mechanism.

ELEVATOR CONVEYORSNEW SECTION

WAC 296-806-42040 Prevent material from falling off of elevator conveyors.

You must:

- Install strong guards, screens, or barricades to prevent material from falling in any direction into the shaft way of elevator-type conveyors, except at loading and unloading areas.

- Install automatic shaft way gates or suitable barriers at each floor level where material is loaded or unloaded.

**INCLINED RECIPROCATING CONVEYORS
(SHAKERS)**NEW SECTION

WAC 296-806-42042 Provide protection where employees must load shakers.

You must:

- Provide standard guardrails or snap chains along loading sides of the shaker where personnel must load or unload material.

- Snap chains must be at least thirty-nine inches high at their lowest point.

- Make sure controls are located so the conveyor cannot be started by an employee on the moving part of the conveyor.

NEW SECTION

WAC 296-806-42044 Provide grating over silo and bunker openings for shuttle conveyors.

You must:

- Provide grating with openings to match the size of the material being discharged into silos or bunkers. Make sure openings are:

- Small enough so that workers cannot fall through.
- Protected by other effective means if the material size requires openings large enough for a worker to fall through.

MOBILE CONVEYORSNEW SECTION

WAC 296-806-42046 Guard wheels and rails on mobile conveyors.

You must:

- Install sweeps in front of the nip points created by the wheels and rails to deflect objects that could derail the conveyor.

NEW SECTION

WAC 296-806-42048 Prevent hazardous motion on mobile conveyors.

You must:

- Make sure mobile conveyors have at least one of the following to prevent hazardous motion:

- Brakes.
- Rail clamps.
- Other position-locking devices.
- Provide limit switches that will stop travel when exceeding the design limits of rail-mounted mobile conveyors.

- Provide rail stops to keep the conveyor from traveling past its designed end location.

NEW SECTION

WAC 296-806-42050 Provide a detector for mobile conveyors.

You must:

- Provide a detector to stop conveyor movement when the operation creates a danger of running into a stockpile or other obstacle.

NEW SECTION

WAC 296-806-42052 Provide safe access on mobile conveyors.

You must:

- Make sure that access stairways, ladders, and platforms are designed and located to avoid the shear or nip point hazards of the conveyor and moving machinery.

PUSHER-BAR CONVEYORS**NEW SECTION**

WAC 296-806-42054 Guard pusher-bar conveyors.

You must:

- Provide a guard when hazards exist at each of these points:
 - At the discharge point where the bar passes through the bed.
 - Where there is a shear point between the return pusher bar and a frame member.

ROLLER CONVEYORS**NEW SECTION**

WAC 296-806-42056 Prohibit walking on roller-type conveyors.

You must:

- Prohibit employees from walking on the rolls of roller-type conveyors.
 - Tread plates or other types of walkways can be used between the rollers as a walking surface for operators when performing their duties.

NEW SECTION

WAC 296-806-42058 Use speed controls for roller and wheel conveyors.

You must:

- Avoid safety hazards created by unit or package speeds by **one** of the following methods:
 - Limiting the length of the sloped run.
 - Using speed retarders or brakes.
 - Other means of providing speed control.
- Make sure rollers and wheels are free running to prevent locked wheels from steering or pulling materials to one side or off the conveyor.

NEW SECTION

WAC 296-806-42060 Safeguard belt-driven live roller conveyors.

You must:

- Guard belt and roller nip points by **one** of the following methods:

- Space load-carrying rollers to prevent access to the belt and roller nip points.
- Insert rods or plates between the rollers to prevent access to the belt and roller nip points.
- Use rollers that pop out when something contacts the nip point.
- Distance safeguarding found in:
 - Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.

Reference: For nip points and shear hazards on power-driven (live) roller conveyors see, Guard nip points on belt conveyors, WAC 296-806-42028.

SCREW CONVEYORS**NEW SECTION**

WAC 296-806-42062 Guard screw conveyors.

You must:

- Enclose the rotating screw to prevent contact with the shear points where it passes the sides of the trough or casing.
- Guard screw conveyors requiring an open housing by using **one** of the following:
 - Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.
 - Make sure guardrails used for safeguarding meet these requirements, WAC 296-806-20058.
 - Construct feed openings for shovel, front-end loader, or other manual or mechanical equipment so that the conveyor screw is covered by a grating.
 - If the nature of the material is such that a grating cannot be used, then the exposed section of the conveyor must be guarded by a railing and warning signs.

SKIP HOISTS**NEW SECTION**

WAC 296-806-42064 Provide slack-cable switches on hoists. You must:

- Provide and arrange slack cable switches to cut power to the drive and set the brake when the skip or counterweight hoisting ropes either:
 - Develop slack;
- OR**
- Lose tension due to sticking in the guides, over travel, or for any other reason.

NEW SECTION

WAC 296-806-42066 Block the skip bucket and counterweight guides.

You must:

- Make sure the skip bucket and counterweight are blocked in their guides when the brake or any part of the drive train between the brake and the drum shaft are being repaired or replaced.

NEW SECTION

WAC 296-806-42068 Protect against wire rope coming off sheaves.

You must:

- Fit all sheaves with sheave guards to prevent the wire rope from coming off under slack cable or similar conditions.

SLAT AND ROLLER-SLAT CONVEYORS**NEW SECTION**

WAC 296-806-42070 Safeguard slat and roller-slat conveyors. You must:

- Provide **either** of these safeguards at the tail end of a slat conveyor if the slats are above the centerline of the chain:

- A guard over the hazardous tail end;

OR

- Warning signs if guards are impractical because of material flowing over the tail sprocket.

- Provide **either** of these safeguards when there is a gap between the slats wide enough to permit access to cross members below the slats:

- A continuous pan under the slats;

OR

- Keep all cross members a safe distance from the slats.

TOWED CONVEYORS**NEW SECTION**

WAC 296-806-42072 Provide a safe method for disengaging the tow pin.

You must:

- Provide a method for the operator to disengage the tow pin from a conveyor pusher without being in front of the cart.

NEW SECTION

WAC 296-806-42074 Protect employees from moving carts on towed conveyors.

You must:

- Make sure runaway carts are unable to exit ramps and enter work areas.

- Have a barrier of sufficient strength and height on ramps with pedestrian or traffic aisles to prevent a runaway cart from entering the aisle.

- Have signs warning employees not to enter ramps that do not have pedestrian or traffic aisles.

NEW SECTION

WAC 296-806-42076 Provide clearances and warnings for carts on towed conveyors.

You must:

- Provide clearance space for personnel in **all** of the following:

- Between the sides of carts.

- Between any load overhanging the side of a cart.

- Any fixed or moving object.

- Identify the cart path with floor stripes that are:

- Parallel to the cart path.

- Arranged so one line is on each side of the path.

- Located a safe distance from the edge of the cart or overhanging load.

- Mark reduced clearance areas with appropriate warning signs.

Note: An example of a reduced clearance area is an area where a cart goes through a wall opening.

You must:

- Place an appropriate warning on those areas where a cart may unexpectedly change direction, such as switching off the main line into a transfer conveyor or a spur.

Note: An example of an appropriate warning would be to use diagonal stripes on the floor between clearance lines.

You must:

- Install a sign, signal, or other warning where carts start automatically.

NEW SECTION

WAC 296-806-42078 Mark projections above the floor.

You must:

- Mark the area around projections above the floor with appropriate diagonal stripes, warning signs, or both.

Note: This is especially important if projections above the floor are unpredictable or occur intermittently.

FOOD PROCESSING EQUIPMENT**NEW SECTION**

WAC 296-806-425 Summary. If your specific food processing machine or operation is not listed here, then follow any facilities requirements in this section along with the "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

This section applies to:

- All businesses that manufacture or process food, whether or not they are contained inside food stores;

AND

- The design, installation, operations, and maintenance of machinery and equipment used in the food processing industry.

Your responsibility:

To protect employees from hazards associated with food processing facilities and machines.

You must:**FACILITIES**

Provide locks on chamber doors of large air conditioning units

WAC 296-806-42502.

Use proper door locks on rack-type bread coolers

WAC 296-806-42504.

Provide see-through panels on fermentation room doors

WAC 296-806-42506.

Cover exposed hot pipes

WAC 296-806-42508.

Provide extension piping on stationary lubrication fittings

WAC 296-806-42510.

Provide hoods for pan-washing tanks

WAC 296-806-42512.

Safeguard proof boxes

WAC 296-806-42514.

Safeguard storage bins

WAC 296-806-42516.

MATERIAL HANDLING

Follow these design requirements for bag lifts (bag arm elevators) and chutes

WAC 296-806-42518.

Follow these requirements for chain tackle

WAC 296-806-42520.

Safeguard conveyors

WAC 296-806-42522.

Use properly designed covers for screw conveyors (augers)

WAC 296-806-42524.

Safeguard pallet jacks and hand trucks

WAC 296-806-42526.

SPECIFIC FOOD PROCESSING EQUIPMENT

Safeguard bakery slicers

WAC 296-806-42528.

Safeguard bakery wrapping machines

WAC 296-806-42530.

Provide troughs with antifriction-bearing casters

WAC 296-806-42532.

Follow these requirements for trough hoists and similar equipment

WAC 296-806-42534.

Follow these requirements for dividers

WAC 296-806-42536.

Safeguard manually-fed dough and cross-roll brakes

WAC 296-806-42538.

Provide a guard or tripping device on reversible dough brakes

WAC 296-806-42540.

Follow these requirements for doughnut machines

WAC 296-806-42542.

Follow these requirements for dumpbins and blenders

WAC 296-806-42544.

Follow these requirements for flour-handling machines

WAC 296-806-42546.

Follow these requirements for traveling or track-type flour scales

WAC 296-806-42548.

Follow these requirements for food grinders and cutters

WAC 296-806-42550.

Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines

WAC 296-806-42552.

Follow these requirements for open fat kettles

WAC 296-806-42554.

Follow these requirements for steam kettles

WAC 296-806-42556.

Follow these requirements for chocolate melting, refining, and mixing kettles

WAC 296-806-42558.

Safeguard meat-processing equipment (circular meat-cutting saws)

WAC 296-806-42560.

Follow these requirements for horizontal dough mixers

WAC 296-806-42562.

Follow these requirements for vertical mixers

WAC 296-806-42564.

Follow these requirements for mechanical-feed moulders

WAC 296-806-42566.

Follow these requirements for hand-fed moulders

WAC 296-806-42568.

Design, install, and construct your ovens according to these requirements

WAC 296-806-42570.

Properly locate emergency "stop" buttons and main shut off valves for ovens

WAC 296-806-42572.

Inspect and test safety devices on ovens

WAC 296-806-42574.

Follow these requirements for peanut-cooling trucks

WAC 296-806-42576.

Follow these requirements for pretzel-rolling, pretzel-stick extruding, rotary, and die machines

WAC 296-806-42578.

Safeguard box and roll-type dough sheeters

WAC 296-806-42580.

Provide proper enclosures for sifters

WAC 296-806-42582.

Follow these requirements for sugar and spice pulverizers

WAC 296-806-42584.

FACILITIES

NEW SECTION

WAC 296-806-42502 Provide locks on chamber doors of large air conditioning units.

You must:

- Make sure all door locks on air conditioning unit chambers, that are large enough for employees to enter, can be operated from both inside and outside the chamber.

NEW SECTION

WAC 296-806-42504 Use proper door locks on rack-type bread coolers.

You must:

- Make sure all door locks can be operated from both inside and outside the bread cooler.

NEW SECTION

WAC 296-806-42506 Provide see-through panels on fermentation room doors.

You must:

- Provide shatterproof, see-through panels, made of wire glass or plastic, on fermentation room doors.

NEW SECTION**WAC 296-806-42508 Cover exposed hot pipes.****You must:**

- Cover exposed hot (160°F or more) water and steam pipes with insulating material wherever necessary to prevent employee contact.

NEW SECTION**WAC 296-806-42510 Provide extension piping on stationary lubrication fittings.****You must:**

- Provide extension piping on stationary lubrication fittings to prevent workers from reaching into the hazardous area when lubricating moving machinery.

NEW SECTION**WAC 296-806-42512 Provide hoods for pan-washing tanks.**

Exemption: This requirement does not apply to dishwashers or sanitizers used in restaurants or retail establishments.

You must:

- Provide power-ventilated exhaust hoods over the tank.

NEW SECTION**WAC 296-806-42514 Safeguard proof boxes.****You must:**

(1) Make sure all door locks can be operated from both inside and outside the proof box.

(2) Provide guide rails to center the racks as they enter, pass through, and leave the proof box if pans, boards, or trays may be easily dislodged.

Note: Guide rails are not required in proof boxes unless there are two doors with a pass through or pull through design.

NEW SECTION**WAC 296-806-42516 Safeguard storage bins.**

Exemption: This requirement does not apply to under-the-counter ingredient bins found in retail stores.

You must:

(1) Provide locks or latches to keep storage bin covers closed, and gaskets or other equivalent devices, to make sure covers are dust tight.

(2) Make sure employees lock covers in the open position when entering bins.

- Covers for bins that employees may enter must have a metal fastener (hasp) and lock that can be locked in the "open" position.

(3) Provide a standard stationary safety ladder on the inside and outside of storage bins with sides more than five feet deep.

- The ends of ladders must be kept away from moving screw conveyors.

- Outside ladders must reach from floor level to the top of the bin.

- Inside ladders must reach from the top of the bin to the bottom of the bin.

(4) Provide an electric interlock on the main entrance cover of large storage bins near the interior exit ladder.

- The interlock needs to prevent feed and unloading screw motors from operating while the cover is open.

Reference: You may need to follow other requirements found in Confined spaces, chapter 296-811 WAC.

MATERIAL HANDLING**NEW SECTION****WAC 296-806-42518 Follow these design requirements for bag lifts (bag arm elevators) and chutes.****You must:**

(1) Make sure bag arm elevators with manual takeoff are designed to include:

- Maximum operating capacity of seven bags per minute.
- Spacing of arms on the conveyor chain to obtain the full capacity of the elevator with the lowest possible chain speed.
- An electric limit switch at the unloading end that automatically stops the conveyor chain if any bag does not clear the conveyor arms.

(2) Make sure bag chutes (gravity chutes for handling flour bags) that incline more than thirty degrees from horizontal:

- Are designed to keep the speed of flour bags as low as possible.

- Provide an upturn at the lower end of the chute to slow down the bags.

(3) Prohibit the use of bag or barrel lifts as personnel lifts.

(4) Prohibit manlifts in bakeries.

Definition:**Manlift**

A device consisting of a power driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

NEW SECTION**WAC 296-806-42520 Follow these requirements for chain tackle.****You must:**

(1) Mark all chain tackle with the maximum load capacity so the marking is:

- Prominently displayed.
- Legible.
- Permanent.

(2) Mark all chain tackle with minimum support specifications so the marking is legible and permanent.

(3) Use safety hooks with chain tackle.

NEW SECTION**WAC 296-806-42522 Safeguard conveyors.****You must:**

(1) Install stop bumpers on all delivery ends of conveyors when products are manually removed.

(2) Make sure all conveyors have "stop" buttons at all operating stations.

(3) Provide emergency stop bars or switches at any point where both of these exist:

- The conveyor feeds into a machine;
- AND
- Pinch points or catching hazards exist.

Reference: Additional requirements for conveyors are found in WAC 296-806-420.

NEW SECTION

WAC 296-806-42524 Use properly designed covers for screw conveyors (augers).

Exemption: This requirement does not apply to screw conveyors where there are drop or hinged bottom sections that cannot remain airtight.

You must:

- Design covers for screw conveyors that are:
 - Removable in convenient sections.
 - Held in place with stationary clamps.
- Locate stationary clamps at intervals that will keep all covers dust tight.

NEW SECTION

WAC 296-806-42526 Safeguard pallet jacks and hand trucks.

You must:

(1) Make sure motorized and nonmotorized pallet jacks have a lock or other device that holds the handle in the vertical position when the hand truck is not in use.

(2) Make sure hand truck casters are set back from corners:

- Locate them back from corners so they do not present a hazard to employee's toes and heels, but not close enough to cause the hand truck to become unstable.

Reference: Motorized hand trucks (pallet jacks) are classified as powered industrial trucks. Additional requirements for powered industrial trucks are found in chapter 296-863 WAC.

SPECIFIC FOOD PROCESSING EQUIPMENT

NEW SECTION

WAC 296-806-42528 Safeguard bakery slicers.

You must:

(1) Provide all slicers with a mechanical device to push the last loaf through the slicer knives.

(2) Equip all slicers with an interlock to deenergize the motor whenever a door, panel, or other point of access to the cutting blades is open.

(3) Protect employees sharpening blades by installing a barrier guard that provides an opening large enough for the sharpening stone to reach and sharpen slicer blades.

(4) Provide automatic braking to stop slicers with endless band knives when the motor is not energized.

NEW SECTION

WAC 296-806-42530 Safeguard bakery wrapping machines.

You must:

(1) Extend or locate mechanical control levers that start and stop slicing machine conveyors and wrapping machines so an operator can control both machines from either location.

- Note:**
- The levers should be provided wherever necessary, but arranged so only one station can start the wrapping machine and conveyor assembly.
 - Set up or guard controls to prevent accidental starting.
 - The electronic control station for starting and stopping the electric motor that drives the wrapping machine and conveyor should be near the clutch-starting lever.

You must:

(2) Provide a protective cover plate over electric heaters on bakery wrapping machines.

- The cover plate must be properly separated or insulated from heaters so the plate itself is not a burn hazard to operators.

NEW SECTION

WAC 296-806-42532 Provide troughs with antifric-tion-bearing casters.

You must:

- Provide antifric-tion-bearing casters on troughs so operators can move and direct them with minimal effort.

NEW SECTION

WAC 296-806-42534 Follow these requirements for trough hoists and similar equipment.

You must:

(1) Mark all hoists and similar equipment with the maximum loading capacity so the marking is:

- Prominently displayed.
- Legible.
- Permanent.

(2) Mark all hoists with minimum support specifications so that the marking is legible and permanent.

(3) Provide safety catches for the chain so that it will hold the load in any position.

(4) Use safety hooks with hoists.

NEW SECTION

WAC 296-806-42536 Follow these requirements for dividers.

You must:

• Enclose or safeguard the moving parts in the back of the divider with **all** of the following:

- A complete cover to enclose **all** moving parts OR an enclosure or guard for each individual part to remove separate hazards.
- A limit switch to shut off the machine when the rear cover is open.
- A hinged guard on the back that cannot be completely removed.

■ If a catch or brace is provided for holding the cover open, make sure it will not release due to vibrations or minor bumping, causing the cover to drop on an employee.

Note: Dividers as discussed in this section utilize pistons, knives and blades to cut and divide large quantities of dough. This does not apply to small vibrating or oscillating rounders.

NEW SECTION

WAC 296-806-42538 Safeguard manually-fed dough and cross-roll brakes.

You must:

(1) Guard the top roll with a heavy-gage metal shield that extends over the roll to within six inches of the hopper bottom board.

Note: The shield may be perforated to allow observation of the dough entering the rolls.

You must:

(2) Provide an emergency "stop" bar that includes a self-engaging brake.

- Locate it so that if the operator falls forward or gets their hands caught in the rolls, their body will press against the bar, causing the rolls to stop instantly by opening the circuit to:

- Deenergize the drive motor.

- Activate a spring-set magnetic brake.

- Activate the emergency "stop" bar before each shift to make sure it is functioning properly.

NEW SECTION

WAC 296-806-42540 Provide a guard or tripping device on reversible dough brakes.

You must:

- Provide a guard or tripping device on each side of the rolls of reversible dough brakes.

- The guard or device must be designed so that it stops the machine or reverses the direction of the rolls, if moved by the operator.

NEW SECTION

WAC 296-806-42542 Follow these requirements for doughnut machines.

You must:

- Provide separate flues for venting both of the following:

- Vapors from the frying section;

AND

- Products of combustion from the combustion chamber used to heat the fat.

NEW SECTION

WAC 296-806-42544 Follow these requirements for dumpbins and blenders.

Definition:

Dumpbin and blender

The part of the flour handling system where the containers of flour are emptied.

You must:

(1) Make sure dumpbin and blender hoods are large enough to prevent circulation of flour dust outside the hoods.

(2) Provide a stop control device for dumpbins and blenders located close to the operator's work station.

(3) Position dumpbins at an appropriate height from the floor so that operators can dump flour from bags without excessive strain or fatigue.

(4) Provide a bag rest stop, when the edge of a dumpbin is more than twenty-four inches above the floor.

NEW SECTION

WAC 296-806-42546 Follow these requirements for flour-handling machines.

You must:

- Make sure the following safeguards are used when flour-handling systems are run in electrical unity with one another:

- When the beginning of the system is located far from its final delivery end, make sure:

- All electric motors operating the system have one control at each end;

AND

- Either control will stop all motors.

- Arrange control circuits for magnetic controllers so opening any limit switch on an individual unit will deenergize all motors on that unit.

NEW SECTION

WAC 296-806-42548 Follow these requirements for traveling or track-type flour scales.

You must:

- Provide bar handles for the moving of traveling or track-type flour scales.

Note: For easier grip, the bar should be at least one inch in diameter.

You must:

- Guard trolley track wheels.

NEW SECTION

WAC 296-806-42550 Follow these requirements for food grinders and cutters.

You must:

- Make sure that food grinders and cutters:

- Have an interlock so machines with removeable hoppers cannot be operated when the hopper is removed:

- Limit access to hoppers where grid guards cannot be used by providing feed conveyors or baffle-type hoppers. Hoppers must be both:

- Enclosed and provided with hinged covers;

AND

- Equipped with an electric interlock so the machine will not operate with the cover open.

NEW SECTION

WAC 296-806-42552 Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines.

You must:

- Provide covers that attach to machines that have top openings.

Note: The covers should be arranged and interlocked so that power to the machine is shut off when the cover is opened far enough for the operator's fingers to come in contact with the beaters.

NEW SECTION

WAC 296-806-42554 Follow these requirements for open fat kettles.

You must:

- (1) Keep the floor around kettles in nonslip condition.
- (2) Make sure the top of the kettle is at least thirty-six inches above the floor or working level.

NEW SECTION

WAC 296-806-42556 Follow these requirements for steam kettles.

You must:

- (1) Provide positive locking devices to hold kettles in the desired position.
- (2) Provide safety devices for steam kettles according to:
 - The American Society of Mechanical Engineers (ASME) Pressure Vessel Code, section VIII, division I, Unfired Pressure Vessels, 2001, Kettles with Steam Jackets.

NEW SECTION

WAC 296-806-42558 Follow these requirements for chocolate melting, refining, and mixing kettles.

You must:

- (1) Provide a cover to enclose the top of the kettle.
- (2) Make sure the bottom outlet of each kettle is designed so the operator cannot:
 - Reach in to touch the revolving paddle.
 - Come in contact with the shear point between the paddle and the side of the kettle.

NEW SECTION

WAC 296-806-42560 Safeguard meat-processing equipment (circular meat-cutting saws).

Exemption: These requirements do not apply to table-top slicers such as those used in delis and restaurants.

Reference: When bandsaws are used to cut meat, follow the requirements in, Make sure bandsaws meet these requirements, WAC 296-806-48042.

You must:

- (1) Make sure all circular meat-cutting saws have both:
 - Constant pressure controls;

AND

- A brake that automatically begins to stop the blade when the switch is released.

- (2) Make sure each circular meat-cutting saw has a protective guard between the operator and the blade.

- (3) Provide suspended, counterbalanced circular meat-cutting saws with guards that cover at least one of the following:
 - Twenty-five degrees of the blade if the saw has two-hand controls;

OR

- Ninety degrees of the blade if the saw can be operated with one hand.

- (4) Provide saws that are not suspended with a guard that covers ninety degrees of the blade.

Note: The size of the guard depends on whether it is suspended or has one- or two-handed controls.

NEW SECTION

WAC 296-806-42562 Follow these requirements for horizontal dough mixers.

You must:

- (1) Make sure mixers are equipped with both of the following:
 - An individual motor and control;

AND

- A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.

- (2) Locate electrical control stations so control operators have a full view of bowls in the "open" position.
 - These controls, other than a "stop" switch, must not be duplicated.

- (3) Provide mixers with a full enclosure over the bowl that remains closed whenever the agitator is in motion.
 - Minor openings in the enclosure during operation, such as ingredient doors and flour inlets, must each be less than one and one-half square feet in area.

Exemption: The full enclosure does not have to remain closed if the mixer has a dumping arrangement that provides safety devices where operators must use both hands in either of these situations:

- When the agitator is in motion under power and the bowl is open more than one-fifth of its total opening;

OR

- When starting the agitator, if the bowl is open more than one-fifth of its total opening.

You must:

- (4) Make sure overhead covers or doors that can accidentally close are either:
 - Counterbalanced to remain in the "open" position;

OR

- Provided with a catch, brace, or other positive means to hold them open until the operator releases them.

- (5) Locate valves and controls that regulate the coolant in mixer jackets so they can be accessed without creating hazards to the operator.

NEW SECTION

WAC 296-806-42564 Follow these requirements for vertical mixers.

You must:

(1) Provide a safeguarding device to protect employees from the point of operation, if the nature of the work exposes them to contact with:

- The pinch point where the mixing tool meets the bowl.
- The catching hazard of the mixing tool.

Note:

- When evaluating exposure, the following conditions need to be considered:
 - How the mixer functions such as visibility of the agitator or ability to accidentally switch the mixer on.
 - How the worker performs operations such as adding ingredients without scraping the bowl or reaching into the bowl when the mixer is in motion.
 - How close the worker gets to the hazard during operation.
 - The worker's tools, clothing, jewelry, or hair that might get caught or fall into mixer.
 - Type of guarding, if any.
 - Slipping or tripping hazards in the area.

You must:

(2) Make sure mixers are equipped with both of the following:

- An individual motor and control;

AND

• A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.

(3) Make sure overhead panels or doors on mixers that can accidentally close are either:

- Counterbalanced to remain in an open position;

OR

• Provided with catches, braces, or other positive means to hold them open until the operator releases them.

(4) Make sure bowl-locking devices are the type that must be intentionally unlocked by the operator.

(5) Provide devices for moving filled bowls that weigh more than eighty pounds in and out of the mixing position on the machine.

NEW SECTION

WAC 296-806-42566 Follow these requirements for mechanical-feed moulders.

You must:

• Make sure hoppers for mechanical-feed moulders are designed and connected to the proofer so employee's hands cannot contact the in-running rolls.

NEW SECTION

WAC 296-806-42568 Follow these requirements for hand-fed moulders.

You must:

(1) Provide hand-fed moulders with either of the following, so employee's hands cannot enter the hopper and contact in-running rolls:

• A hopper that can be extended high enough to protect the employee;

– The top edge of the hopper needs to be well rounded to prevent injury when struck or bumped by an employee's hand;

OR

- A belt feed device.

(2) Provide each of these workers with a stopping device that can be easily reached:

- The operator feeding the moulder.
- The employee taking the dough away from the moulder.

NEW SECTION

WAC 296-806-42570 Design, install, and construct your ovens according to these requirements.

You must:

• Make sure all ovens manufactured or installed before August 13, 1999 meet or exceed ANSI Z50.1-1947 design, manufacturing, and installation requirements.

• Make sure all ovens manufactured or installed on or after August 13, 1999 meet the design, manufacturing, and installation requirements in ANSI/NFPA 86-1999.

NEW SECTION

WAC 296-806-42572 Properly locate emergency "stop" buttons and main shut off valves for ovens.

You must:

(1) Locate emergency stop buttons on mechanical ovens close to where operators are stationed.

(2) Locate main shutoff valves where they can be accessed in case of an emergency.

• Main shutoff valves that permit turning off the fuel or steam in case of an emergency must operate independently of any automatic valves.

NEW SECTION

WAC 296-806-42574 Inspect and test safety devices on ovens.

You must:

(1) Inspect ovens at least twice a month by a formally appointed, properly trained, bakery employee.

- Include the following in your inspection:

– All safety devices.

– Testing of all safety shutoff valves, making sure they are positively tight.

(2) Make sure a representative of the oven manufacturer performs an annual inspection.

(3) Test all piping on ovens to make sure they are gas tight.

(4) Test oven systems as follows:

• Test duct systems on indirect recirculating ovens that operate under pressure for tightness at the following intervals:

– When the oven is first started.

– At least every six months after that.

NEW SECTION

WAC 296-806-42576 Follow these requirements for peanut-cooling trucks.

You must:

• Make sure the entire top of the peanut-cooling truck has a grid-type cover.

NEW SECTION

WAC 296-806-42578 Follow these requirements for pretzel-rolling, pretzel stick extruding, rotary, and die machines.

You must:

- Protect the operator's hands from getting caught in moving parts by doing at least one of the following:
 - Cover the entire opening of dough hoppers with grid-type guards.
 - Extend the hopper higher.

NEW SECTION

WAC 296-806-42580 Safeguard box and roll-type dough sheeters.

You must:

- (1) Guard exposed rolls with either of these methods:
 - Guard the nip point of exposed sheeting rolls at the point where the dough enters the rolls;
- OR**
- Provide an emergency "stop" bar that extends the length of unguarded rolls that will stop the rolls on contact with the operator, if a barrier guard interferes with machine operation.
- (2) Provide a stopping device for hoppers.
 - Provide an automatic "stop" bar or stopping device along the back edge of the hopper.
 - If machine construction does not allow for this, place the bar or device where it will be most effective.

NEW SECTION

WAC 296-806-42582 Provide proper enclosures for sifters.

You must:

- Make sure enclosures on flour sifters:
 - Are dust tight.
 - Allow for ease of interior inspection.

NEW SECTION

WAC 296-806-42584 Follow these requirements for sugar and spice pulverizers.

You must:

- (1) Remove static electricity by grounding all drive belts used in sugar and spice pulverizers by using metal combs.
- (2) Follow the National Fire Protection Association (NFPA) 61-1999, standard for pulverizing sugar and spice grinding in order to prevent fires and dust explosions in agricultural and food products facilities.
- (3) Provide magnetic separators to reduce fire and explosion hazards.

FORGING MACHINES

NEW SECTION

WAC 296-806-430 Summary. If your specific machine or operation is not listed here, then follow any general requirements in this section along with the "Requirements for

all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

The requirements in this section apply to machines used in the forming of hot metal, such as hot trimming presses, forging hammers, hot forging presses, upsetters, hot bending and hot metal presses, and equipment used in boltheaded and rivet making, as well as other forging equipment. For specific forging machine requirements, see Table 430-1.

Exemption: This section does not apply to cold forging operations.

Your responsibility:

To make sure all forging and associated equipment in your workplace are constructed, operated, and maintained in a safe manner.

You must:

GENERAL REQUIREMENTS FOR FORGING MACHINES

Follow these safety requirements when using lead and lead casts

WAC 296-806-43002.

Properly inspect and maintain forging equipment

WAC 296-806-43004.

Use safety blocks on hammers and presses

WAC 296-806-43006.

Make sure tongs meet these requirements

WAC 296-806-43008.

Protect employees when removing scale

WAC 296-806-43010.

Provide adequate foundations for hammers and presses

WAC 296-806-43012.

Follow these requirements for manually operated valves and switches

WAC 296-806-43014.

HAMMERS

Use die keys and shims made of proper-grade material

WAC 296-806-43016.

Provide a safety cylinder head

WAC 296-806-43018.

Provide a shutoff valve

WAC 296-806-43020.

Provide a means for cylinder draining

WAC 296-806-43022.

Follow these requirements for pressure pipes

WAC 296-806-43024.

Follow these requirements when using board hammers

WAC 296-806-43026.

OTHER FORGE FACILITY EQUIPMENT

Protect against sparks from saws

WAC 296-806-43028.

**Table 430-1
Specific Requirements for Forging Machines**

	Steam hammers	Airlift hammers	Board hammers	Saws
WACs needed in addition to those included under "General Requirements for Forging Machines"				
WAC 296-806-43016 Use die keys and shims made of proper-grade material	X	X		

PERMANENT

	Steam hammers	Airlift hammers	Board hammers	Saws
WAC 296-806-43018 Provide a safety cylinder head	X	X		
WAC 296-806-43020 Provide a shutoff valve	X	X		
WAC 296-806-43022 Provide a means for cylinder draining	X	X		
WAC 296-806-43024 Follow these requirements for pressure pipes	X	X		
WAC 296-806-43026 Follow these requirements when using board hammers			X	
WAC 296-806-43028 Protect against sparks from saws				X

GENERAL REQUIREMENTS FOR FORGING

NEW SECTION

WAC 296-806-43002 Follow these safety requirements when using lead and lead casts.

You must:

- (1) Provide thermostats for heating elements to prevent overheating.
- (2) Provide a means of exhaust for fixed or permanent lead pot installations.
- (3) Provide a covered container to store dross skimmings.
- (4) Keep equipment clean, especially from accumulations of yellow lead oxide.

Reference:

- For requirements about, Personal protective equipment (PPE), see the Safety and health core rules, WAC 296-800-160.
- For ventilation requirements when using portable lead pot units, see the General occupational health standards, chapter 296-62 WAC.

NEW SECTION

WAC 296-806-43004 Properly inspect and maintain forging equipment.

You must:

- Keep all forge shop equipment in safe operating condition.
- Train personnel in proper inspection and maintenance procedures.
- Establish periodic and regular safety inspections.
- Schedule frequent and regular safety inspections of all guards and point-of-operation protection devices.
- Keep written records of safety inspections that include all of the following:
 - Date of the inspection.
 - Signature of the person doing the inspection.
 - Serial number or other identification for the piece of equipment inspected.
- Safeguard all overhead machinery parts so they do not fly off or fall, if the equipment breaks.

NEW SECTION

WAC 296-806-43006 Use safety blocks on hammers and presses.

You must:

- Use safety blocks on hammers and presses when dies are being changed and maintenance or repair work is being done on the machine.
- Provide safety blocks or wedges that meet or exceed the specifications and dimensions shown in Table 430-2.

**Table 430-2
Strength and Dimensions for Wood Safety Blocks or Wedges**

Size of timber inches using actual dimensions	4x4	6x6	8x8	10x10	12x12	
Square inches in cross section	16	36	64	100	144	
Minimum allowable crushing strength parallel to grain, p.s.i.	5,000	5,000	5,000	5,000	5,000	Note: Adapted from U.S. Department of Agriculture Technical Bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 p.s.i. (pounds per square inch) or greater.

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Maximum static load within short column range	80,000	180,000	320,000	500,000	720,000	Note: Slenderness ratio formula for short columns is $L/d = 11$, where L = length of timber in inches and d = least dimension in inches; this ratio should not exceed 11.
	Safety factor	10	10	10	10	
Maximum recommended weight of forging hammer for timber used	8,000	18,000	32,000	50,000	72,000	
Maximum allowable length of timber in inches	44	66	88	100	132	

NEW SECTION

WAC 296-806-43008 Make sure tongs meet these requirements.

You must:

- Make sure tongs used with hammers, presses, upsetters, and forging equipment used in boltheaded and rivet making, meet the following requirements:

- They are long enough so the worker can use the tongs without standing behind them, in order to avoid injury, in case of kickback.

- The handle ends are not sharp.

Note:

- The worker should be instructed about proper body positions when using tongs.
- Tongs should be checked periodically to see that they remain at the proper hardness level for the job.
- Rings or equivalent devices that are used for locking tongs should be inspected periodically to make sure they are safe.

NEW SECTION

WAC 296-806-43010 Protect employees when removing scale.

You must:

- Protect employees at every hammer and press by:
 - Making sure they do not place a hand or arm between the dies by providing them with devices that reach the full length of the die when removing scale. Examples include:

- Oil swabs.
- Scale removers.
- Other devices that remove scale by reaching the full length of the die.

- Stopping flying scale through construction and arrangement of a scale guard that is of *substantial construction* at the back of every hammer and press.

NEW SECTION

WAC 296-806-43012 Provide adequate foundations for hammers and presses.

You must:

- Provide foundations adequate to support the imposed weight and normal work stress for hammers and presses.
- Hammers and presses must remain on their foundations.

NEW SECTION

WAC 296-806-43014 Follow these requirements for manually operated valves and switches.

You must:

- Make sure all manually operated valves and switches are clearly identified and readily accessible for all of the following:

- Presses.
- Upsetters.

- Forging equipment involved in boltheaded and rivet making.

HAMMERS

NEW SECTION

WAC 296-806-43016 Use die keys and shims made of proper-grade material.

You must:

- Make sure that die keys and shims are made from a grade of material that will not easily crack or splinter.

Note: Die keys and shims should not project more than two inches in front and four inches in back of the ram or die.

NEW SECTION

WAC 296-806-43018 Provide a safety cylinder head.

You must:

- Make sure that every steam, airlift, or air hammer has a safety cylinder head that acts as a cushion if the rod breaks or pulls out of the ram.

NEW SECTION

WAC 296-806-43020 Provide a shutoff valve.

You must:

- Provide each steam and airlift hammer with a quick-closing emergency valve in the admission pipeline that is distinctly marked and in a convenient location.

- This valve needs to be closed and locked in the "off" position when the hammer is being adjusted, repaired, or serviced, or the dies are being changed.

PERMANENT

Reference: For requirements about Lockout/tagout (control of hazardous energy), see chapter 296-803 WAC.

NEW SECTION

WAC 296-806-43022 Provide a means for cylinder draining.

You must:

- Provide a means for draining cylinders on steam hammers.
- Provide airlift hammers with both main head and clamp cylinder drains.

NEW SECTION

WAC 296-806-43024 Follow these requirements for pressure pipes.

You must:

- Provide steam or air pressure piping on power-driven hammers that meets or exceeds the requirements in:
 - ANSI B31.1.0-1967, Power Piping, with addenda ANSI B31.1.06-1971, for hammers constructed before January 1, 2005.
 - ANSI B31.1.0-2001, Power Piping, with addenda ANSI B31.1.0A-2001, for hammers constructed on or after January 1, 2005.

NEW SECTION

WAC 296-806-43026 Follow these requirements when using board hammers.

You must:

- Securely fasten a suitable enclosure to gravity-dropped board hammers to prevent damaged or detached boards from falling.
- Properly secure all major assemblies and fittings that can loosen and fall.

OTHER FORGE FACILITY EQUIPMENT

NEW SECTION

WAC 296-806-43028 Protect against sparks from saws.

You must:

- Provide all saws with a sheet metal guard that is positioned to stop sparks.
 - The guard must be constructed of at least one-eighth inch sheet metal.

Note: It is advisable to provide all saws with a means to trap sparks below the saw and to use a tank of water below the saw to reduce the fire hazard.

Reference: Other saw requirements may be found in, Saws and cutting heads, WAC 296-806-480.

GARBAGE (WASTE) DISPOSALS

NEW SECTION

WAC 296-806-435 Summary. In addition to the requirements in this section, you need to refer to the follow-

ing sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to the hazards associated with garbage (waste) disposals found in the workplace. These requirements are designed to protect employees from hazards associated with the point of operation and flying materials.

Your responsibility:

To protect employees from hazards associated with garbage (waste) disposals.

You must:

Safeguard garbage waste disposal equipment
WAC 296-806-43502.

NEW SECTION

WAC 296-806-43502 Safeguard garbage (waste) disposal equipment.

You must:

(1) Protect employees exposed to the hazards of screw conveyor disposals with a properly designed and mounted trimboard cover that remains in place during operation.

(2) Provide guarding to protect employees from contact with knives or blades of disposal units.

- The guards need to be strong enough so that an employee's downward thrusting motion will not cause the guard material to open larger than two inches.

Reference:

- You may need to follow additional requirements found in, Make sure guards meet these requirements, WAC 296-806-20042, to keep employees from contacting the knives or blades of disposals.

GLUE SPREADERS

NEW SECTION

WAC 296-806-440 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to safeguarding and emergency controls used to protect employees from the hazards associated with cleaning and operating glue spreaders.

Your responsibility:

To protect employees from hazards associated with glue spreaders.

You must:

Provide guards and automatic shutoffs on glue spreaders
WAC 296-806-44002.

NEW SECTION

WAC 296-806-44002 Provide guards and automatic shutoffs on glue spreaders.

You must:

- Enclose the in-running side of glue spreaders, leaving enough space to insert stock.

• Provide an emergency stop control, such as a panic bar or similar device, that can be reached from the infeed and outfeed sides of the spreader to shut off the power in an emergency.

Note: You may need two controls to reach the emergency stop control from both the infeed and outfeed sides.

IRONWORKERS

NEW SECTION

WAC 296-806-445 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

• Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to the hazards associated with hydraulic and mechanical ironworkers.

Your responsibility:

To protect employees from hazards associated with ironworkers.

You must:

Safeguard ironworkers point of operation
WAC 296-806-44502.

Follow these requirements for adjustable restrictors when safeguarding ironworkers

WAC 296-806-44504.

NEW SECTION

WAC 296-806-44502 Safeguard ironworkers point of operation.

You must:

• Safeguard the different operating stations on ironworkers according to requirements for all machines, safeguarding methods, WAC 296-806-20042 through 296-806-20058.

Exemption: If the point-of-operation opening is one-fourth inch or less, safeguarding is not required.

NEW SECTION

WAC 296-806-44504 Follow these requirements for adjustable restrictors when safeguarding ironworkers.

You must:

• Use adjustable restrictors for safeguarding only when guards, devices, or awareness barriers are not feasible.

LATHES

NEW SECTION

WAC 296-806-450 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

• Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to the hazards associated with metal and woodworking lathes.

Your responsibility:

To protect employees from hazards associated with metal and woodworking lathes.

METAL LATHES

You must:

Provide shields or guards on metal lathes for chip or coolant hazards

WAC 296-806-45002.

Safeguard work-holding devices (chucks)

WAC 296-806-45004.

Follow these requirements for chip control and handling

WAC 296-806-45006.

Safeguard power-clamping devices

WAC 296-806-45008.

Restrain extended workpieces on horizontal lathes

WAC 296-806-45010.

WOODWORKING LATHES

Guard cutting heads on profile lathes and swing-head lathes

WAC 296-806-45012.

Guard cutting heads on turning lathes

WAC 296-806-45014.

Guard automatic turning lathes

WAC 296-806-45016.

Guard wood lathes used for turning long pieces of stock

WAC 296-806-45018.

METAL LATHES

NEW SECTION

WAC 296-806-45002 Provide shields or guards on metal lathes for chip or coolant hazards.

You must:

• Provide a shield or other equally effective guard to prevent chips or coolant from being thrown or splashed on the operator, aisle, or other assigned work area, when exposed to these hazards.

– Examples of guards include permanent chip and coolant shields.

NEW SECTION

WAC 296-806-45004 Safeguard work-holding devices (chucks).

You must:

• Provide a fixed or movable guard, device, awareness barrier, or peripheral cover over areas exposed to the operator on work-holding devices or chucks when:

– It is in the clamped mode and has parts that extend beyond the outside diameter of the holding device.

– It has an irregular shape to the periphery of its body.

NEW SECTION

WAC 296-806-45006 Follow these requirements for chip control and handling.

You must:

• Make sure employees' hands do not contact chips that are being generated, such as long stringy chips.

Note: Chips may be removed by using things such as tools, pullers, brushes, and shovels.

NEW SECTION

WAC 296-806-45008 Safeguard power-clamping devices.

You must:

- Protect the operator from the hazards of thrown material when the clamping device does not have adequate pressure to hold the material.

Note:

- Examples of safeguarding methods include:
 - Interlocks.
 - Retaining covers:
 - That contain the workpiece if it falls or flies out from the clamped work-holding device.
 - Visual or audible warnings:
 - That are located so they can be seen or heard by the operator in the normal work area, making the operator aware that there is no pressure on the clamp side of the actuator.

NEW SECTION

WAC 296-806-45010 Restrain extended workpieces on horizontal lathes.

You must:

- Safeguard employees from the hazards of work pieces that extend beyond the edges of the horizontal lathe by:
 - Restraining work pieces as needed to prevent whipping;

AND

- Isolating work pieces with an awareness barrier, fixed or movable guard, or railing.

WOODWORKING LATHES

NEW SECTION

WAC 296-806-45012 Guard cutting heads on profile lathes and swing-head lathes.

You must:

- Cover all cutting heads on profile lathes, swing-head lathes, and heel-turning machines with a metal guard.
- Make sure guards are made of:
 - Sheet metal at least one-sixteenth inches thick.
 - Cast iron at least three-sixteenth inches thick.

NEW SECTION

WAC 296-806-45014 Guard cutting heads on turning lathes.

You must:

- Install hoods or shields that cover as completely as possible all cutting heads, whether or not they rotate.

Note: The hood or shield should be hinged to the machine so it can be moved to make adjustments.

NEW SECTION

WAC 296-806-45016 Guard automatic turning lathes.

You must:

- Install hoods that completely enclose the cutter blades, except at contact points where stock is being cut, on the following types of machines:

- Shoe last and spoke lathes.
- Doweling machines.
- Heel-turning machines.
- Automatic turning lathes with rotating knives.

NEW SECTION

WAC 296-806-45018 Guard wood lathes used for turning long pieces of stock.

You must:

- Install long, curved guards extending over lathe tops where work pieces are held only between the two centers, to prevent stock from being thrown out of the machine.

MECHANICAL POWER PRESSES

NEW SECTION

WAC 296-806-455 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to mechanically powered machines that transmit force to cut, form, or assemble metal or other materials through tools or dies attached to or operated by slides.

Exemption: This section does not apply to:

- Power press brakes.
- Hydraulic power presses.
- Pneumatic power presses.
- Slow-acting horizontal mechanical presses with large beds (bulldozers).
- Hot bending and hot metal presses.
- Forging presses and hammers.
- Riveting machines.
- Cold headers and cold formers.
- Eyelet machines.
- High energy rate presses.
- Ironworkers and detail punches.
- Metal shears.
- Powdered metal presses.
- Press welders.
- Turret and plate punching machines.
- Wire termination machines.
- Welding presses.

Reference:

- See, Forging machines, for forging press and hammer requirements, WAC 296-806-430.
- See, Ironworkers, for requirements for ironworkers, WAC 296-806-445.
- See, Press brakes, for power press brake requirements, WAC 296-806-465.

Your responsibility:

To make sure mechanical power presses meet the requirements of this section.

You must:

Design and construction

Make sure mechanical power presses are properly designed and constructed

WAC 296-806-45502.

Safeguarding

Safeguard presses that use unitized tooling
WAC 296-806-45504.

Protect operators from guidepost hazards
WAC 296-806-45506.

Safeguard the point of operation
WAC 296-806-45508.

Make sure point-of-operation guards are properly designed and constructed
WAC 296-806-45510.

Make sure barrier guards used to safeguard the point of operation meet these requirements
WAC 296-806-45512.

Make sure point-of-operation devices are effective
WAC 296-806-45514.

Make sure presence-sensing devices used to safeguard the point of operation meet these requirements
WAC 296-806-45516.

Make sure pull-back devices used to safeguard the point of operation meet these requirements
WAC 296-806-45518.

Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements
WAC 296-806-45520.

Make sure two-hand control devices used to safeguard the point of operation meet these requirements
WAC 296-806-45522.

Make sure two-hand trip devices used to safeguard the point of operation meet these requirements
WAC 296-806-45524.

Provide additional safeguards when the operator puts one or both hands into the point of operation
WAC 296-806-45526.

Operations

Establish a die setting procedure
WAC 296-806-45528.

Handle dies safely
WAC 296-806-45530.

Protect die setters during setup and tryout
WAC 296-806-45532.

Train press operators
WAC 296-806-45534.

Operate mechanical power presses safely
WAC 296-806-45536.

Provide tools and other means to protect press operators
WAC 296-806-45538.

Inspect and maintain presses
WAC 296-806-45540.

Make sure presses and operating practices used in the PSDI mode of operation meet these requirements
WAC 296-806-45542.

DESIGN AND CONSTRUCTION**NEW SECTION**

WAC 296-806-45502 Make sure mechanical power presses are properly designed and constructed.

You must:

- Make sure mechanical power presses manufactured **before** January 1, 2005, meet the requirements of American National Standards Institute (ANSI) B11.1-1971, Safety Requirements for the Construction, Care, and Use of Mechanical Power Presses.

- Make sure mechanical power presses manufactured, reconstructed, or modified **on or after** January 1, 2005, meet the requirements of ANSI B11.1-2001, Safety Requirements for Mechanical Power Presses.

SAFEGUARDING**NEW SECTION**

WAC 296-806-45504 Safeguard presses that use unitized tooling.

You must:

- Safeguard the opening between the top of the punch holder and the face of the slide or striking pad by using properly installed, adjusted, and maintained guards or devices.

NEW SECTION

WAC 296-806-45506 Protect operators from guidepost hazards. You must:

- Use properly installed, adjusted, and maintained guards or devices to protect operators from the hazards created by:
 - Guideposts separating from their bushings.
 - Similar pinch points between the slide (moving die) and fixed die or press attachments.

Exemption: This requirement does not apply if the opening is one-fourth inch or less, before use.

NEW SECTION

WAC 296-806-45508 Safeguard the point of operation.

You must:

- Protect employees from point-of-operation hazards by using properly installed, adjusted, and maintained guards or devices.

Exemption: This requirement does not apply if the point-of-operation opening is one-fourth inch or less, before use.

Note: • You may use a combination of guards and devices as long as employees are completely protected from point-of-operation hazards.

• Hand tools used for placing materials into the press, or removing them from the press, are not a substitute for point-of-operation guards or devices.

NEW SECTION

WAC 296-806-45510 Make sure point-of-operation guards are properly designed and constructed.

You must:

- Make sure each guard:
 - Prevents the operator's hands or other body parts from reaching through, over, under, or around the guard into the point of operation.

- Has no opening larger than the maximum permissible openings shown in Table 200-1, Largest Allowable Guard Openings, WAC 296-806-20042.

- Does not create a pinch point between the guard and moving machine parts.
- Uses fasteners that cannot be easily removed by the operator.
- Is easy to inspect.
- Provides the best view of the point of operation for the type of work.

NEW SECTION

WAC 296-806-45512 Make sure barrier guards meet these requirements.

You must:

- Make sure a fixed barrier guard is attached to a fixed surface such as the stripper, die shoe, press frame, or bolster plate.
- Make sure the interlocked barrier guard:
 - Is attached to a fixed surface such as the press frame or bolster plate.
 - Prevents cycling (stroking) of the press when the interlocked section of the guard is not in the protecting position.
 - Cannot open until hazardous motion of the slide has stopped.
- Not use the hinged or movable sections of an interlocked barrier guard for manual feeding.
- Make sure an adjustable barrier guard is:
 - Attached to a fixed surface such as the press frame, bolster plate, or die shoe.
 - Adjusted only by authorized persons who can apply Table 200-1, Largest Allowable Guard Openings, WAC 296-806-20042.

Reference: See, Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by a Type B gate or movable barrier device.

NEW SECTION

WAC 296-806-45514 Make sure point-of-operation devices are effective.

You must:

- Make sure point-of-operation devices protect the operator from hazards as shown in Table 455-1, Point-of-Operation Devices.
- Make sure the motor start button is protected against accidental contact.

**Table 455-1
Point-of-Operation Devices**

Type of device	Type of operator protection that must be provided:
Presence-sensing device (part-revolution clutch press)	If the operator's hands or other body part are in the point of operation: <ul style="list-style-type: none"> • Prevents initiating a press cycle (stroke); OR

**Table 455-1
Point-of-Operation Devices**

Type of device	Type of operator protection that must be provided:
	<ul style="list-style-type: none"> • Stops the press during the closing portion of the cycle (stroke)
Presence-sensing device (full-revolution clutch press)	Do NOT use for point-of-operation safeguarding
Pull-back device	As the die closes: <ul style="list-style-type: none"> • Withdraws the operator's hands if they are located in the point of operation; OR <ul style="list-style-type: none"> • Prevents the operator from reaching into the point of operation
Restraint (holdout) device	Prevents the operator from reaching into the point of operation at all times
Two-hand control device Two-hand trip device	<ul style="list-style-type: none"> • Requires operators to use both hands to activate controls that are far enough away from the point of operation so the slide completes the closing portion of the cycle (stroke) or stops before they can reach into the point of operation
Type A gate or movable barrier device	Encloses the point of operation: <ul style="list-style-type: none"> • Before a press cycle (stroke) can be initiated; AND <ul style="list-style-type: none"> • Remains closed until slide motion has stopped
Type B gate or movable barrier device	Encloses the point of operation: <ul style="list-style-type: none"> • Before a press cycle (stroke) can be initiated; AND <ul style="list-style-type: none"> • Remains closed until slide motion has stopped during the closing portion of the cycle (stroke)
Sweep device	Do NOT use for point-of-operation safeguarding

NEW SECTION

WAC 296-806-45516 Make sure presence-sensing devices used to safeguard the point of operation meet these requirements.

You must:

- Make sure the presence-sensing device is interlocked into the control circuit to prevent or stop slide motion if the

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operator's hand or other body part is within the sensing field of the device during the downstroke of the press slide.

- Make sure muting of the device is done only during the upstroke of the press slide.

- Make sure failure of **any** component of the device:

- Does not prevent normal stopping action of the press.

- Prevents initiation of another cycle (stroke) until corrected.

- Is indicated by the system.

- Use guards to protect all areas of entry to the point of operation not protected by the presence-sensing device.

- Make sure the sensing field of the device is located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

Where:

D = minimum safety distance (in inches)

T = stopping time of the press measured at approximately the 90 degree position of crankshaft rotation (in seconds)

Example: The number in the formula represents the hand speed of the operator (sixty-three inches per second). If your press has a stopping time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The sensing field would need to be at least thirty-one and one-half inches from the point of operation.

Reference: See, Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, while feeding or removing parts, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by a presence-sensing device.

NEW SECTION

WAC 296-806-45518 Make sure pull-back devices used to safeguard the point of operation meet these requirements.

You must:

- Make sure presses requiring more than one operator have a separate pull-back device for each operator.

- Make sure each pull-back device has attachments:

- For each of the operator's hands.

- That are connected to and operated only by the press slide or its attached die.

- That are adjusted to either:

- Prevent the operator from reaching into the point of operation;

OR

- Withdraw the operator's hands from the point of operation before the dies close.

- Check each pull-back device that is being used for proper adjustment at these times:

- At the start of each operator shift.

- After a new die set-up.

- When operators are changed.

- Complete necessary maintenance or repair work before operating the press.

Reference: For recordkeeping requirements for maintenance or repair work, see Inspect and maintain presses, WAC 296-806-45540.

NEW SECTION

WAC 296-806-45520 Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements.

You must:

- Make sure presses requiring more than one operator have separate restraint devices for each operator.

- Make sure each restraint device has attachments:

- For each of the operator's hands.

- That are securely anchored.

- That are adjusted so the operator cannot reach into the point of operation.

NEW SECTION

WAC 296-806-45522 Make sure two-hand control devices used to safeguard the point of operation meet these requirements.

You must:

- Make sure presses that require more than one operator:

- Have separate two-hand controls for each operator.

- Need concurrent application of all operators' controls to activate the slide.

- Make sure the slide stops if any operator's hand is removed from a control button.

- Make sure two-hand controls are fixed in position and can be moved only by authorized persons.

- Make sure the controls are located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

Where:

D = minimum safety distance (in inches)

T = stopping time of the press measured at approximately the 90 degree position of crankshaft rotation (in seconds)

Example: The number in the formula represents the hand speed of the operator (63 inches per second). If your press has a stopping time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The controls would need to be at least 31 1/2 inches from the point of operation.

Reference: See, Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, for additional required safeguards.

NEW SECTION

WAC 296-806-45524 Make sure two-hand trip devices used to safeguard the point of operation meet these requirements.

You must:

- Make sure presses requiring more than one operator:

- Have separate two-hand trips for each operator.

- Need concurrent application of all operators' controls to activate the slide.

- Make sure the two-hand trips are fixed in position and can be moved only by authorized persons.

- Make sure the controls are located farther from the point of operation than the minimum safety distance as determined by the following formula:

D = 63 x T

Where:

D = minimum safety distance (in inches)

T = the maximum time the press takes for the die to close after the press has been tripped (in seconds)

Example: The number in the formula represents the hand speed of the operator (63 inches per second). If your press has a die closing time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The trip devices would need to be at least 31 1/2 inches from the point of operation.

NEW SECTION

WAC 296-806-45526 Provide additional safeguards when the operator puts one or both hands into the point of operation.

IMPORTANT:

This rule applies when the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by **any** of the following:

- Presence-sensing device.
- Two-hand control.
- Type B gate or movable barrier device.

You must:

- Make sure the press has both a:
 - Stopping-performance monitor (previously called brake-system monitor);

AND

- Control system that monitors the performance of safety-related functions (previously called control reliability).

- Make sure the stopping-performance monitor meets the requirements of:

- American National Standards Institute (ANSI) B11.1-1982, Mechanical Power Presses - Safety Requirements for Construction, Care, and Use for presses manufactured **before** January 1, 2005.

- ANSI B11.1-2001, Safety Requirements for Mechanical Power Presses for presses manufactured **on or after** January 1, 2005.

- Make sure the control system monitors the performance of safety-related functions so that failure of any component in the control system:

- Does not prevent normal stopping action of the press.
- Prevents initiation of another cycle (stroke) until the failure is corrected.
- Can be detected by a simple test or is indicated by the control system.

Exemption: This requirement does not apply to control system components that do not affect protection from point-of-operation hazards.

Definition:

The control system includes the sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements of the press-operating devices and mechanisms.

OPERATIONS

NEW SECTION

WAC 296-806-45528 Establish die setting procedures.

You must:

- Develop and use procedures to protect employees from the hazards of die setting.
- Make sure die setters are provided with at least the following information:
 - Rated press capacity requirements for the die.
 - Weight of the upper die and other slide attachments required for job setup and setting counterbalance air pressure.
 - Total die weight.

Note: This information may be stamped on the die or kept in a file that is readily available to the die setters.

NEW SECTION

WAC 296-806-45530 Handle dies safely.

You must:

- Make sure dies requiring mechanical handling have handling equipment attachment points.
- Use die stops or other means to prevent losing control of the die while setting or removing dies from presses that are inclined.
 - Make sure the upper and lower shoes will securely mount the die to the bolster and slide.
 - Use additional means of securing the upper shoe to the slide where clamp caps or set screws are used in conjunction with punch stems.
 - Make sure spring-loaded turnover bars are provided for presses designed to accept them.

NEW SECTION

WAC 296-806-45532 Protect die setters during setup and tryout.

You must:

- (1) Use safety blocks when an employee has to put their hands or other body part into the point of operation to adjust or repair dies.
- (2) Protect die setters doing die tryout from point-of-operation hazards by **at least one** of the following:
 - Properly installed, adjusted, and maintained guards or devices.
 - Proper use of INCH mode (part-revolution clutch press).
 - Proper use of JOG mode (full-revolution clutch press).

NEW SECTION

WAC 296-806-45534 Train press operators.

You must:

- (1) Train operators to safely operate the press.
- (2) Make sure modified or reconstructed presses have instructions to establish new or changed guidelines for use and care of the press.

NEW SECTION

WAC 296-806-45536 Operate mechanical power presses safely.

You must:

- Operate the press within the manufacturer's rated capacities.

Note: Rated capacities include, but are not limited to:

- Structural capacity.
- Torque capacity.
- Energy capacity.
- Thermal capacity.
- Attachment weight.
- Die shutheight.

NEW SECTION

WAC 296-806-45538 Provide tools and other means to protect press operators.

You must:

- Make sure hand tools are provided and used to free and remove workpieces or scrap stuck in the die.
- Provide means for handling scrap from roll feed or random length stock operations.
- Provide and use means to keep operators and die setters from reaching into the point of operation or other hazard area to lubricate material or die components.

- Note:**
- Means for lubricating include, but are not limited to:
 - Brushes.
 - Swabs.
 - Lubricating rolls.
 - Manual spray systems.
 - Automatic spray systems.
 - Handles on brushes or swabs should be long enough to keep persons using them clear of the point of operation.

NEW SECTION

WAC 296-806-45540 Inspect and maintain presses.

You must:

(1) Make sure maintenance personnel are trained and competent to inspect and maintain power presses.

(2) Keep records of all maintenance or repair work.

(3) Inspect and test the following press systems **at least weekly:**

- Clutch/brake mechanism.
- Antirepeat feature.
- Single stroke mechanism.
- Keep records of inspections and tests.

Exemption: You do not have to do weekly inspections if your press has both:

- Performance of safety-related functions monitoring (previously called control reliability);

AND

- A stopping-performance monitor (previously called brake-system monitor) does not require weekly inspections.

Reference: For requirements for these monitoring devices, see Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526.

NEW SECTION

WAC 296-806-45542 Make sure presses and operating practices used in the PSDI (presence sensing device initiation) mode of operation meet these requirements.

You must:

- Make sure presses and operating practices used in the PSDI mode meet the requirements of 29 CFR 1910.217(h), Presence Sensing Device Initiation (PSDI).

Note: 29 CFR 1910.217(h) contains requirements for certification and validation of mechanical power presses used in the PSDI mode of operation.

MILLS**NEW SECTION**

WAC 296-806-460 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies only to mills in the rubber and plastics industry that have in-running metal rolls that are set horizontally and run toward each other.

Your responsibility:

To protect employees from hazards associated with mills.

You must:

Meet height requirements for mill rolls

WAC 296-806-46002.

Provide mill safety controls

WAC 296-806-46004.

Follow these stopping limit requirements for mills

WAC 296-806-46006.

NEW SECTION

WAC 296-806-46002 Meet height requirements for mill rolls. You must:

- Make sure that the tops of mill rolls installed after August 27, 1971, are at least fifty inches above the working level where the operator stands.

- This distance applies to the actual working level, which could be:

- The general floor level.
- In a pit.
- On a platform.

NEW SECTION

WAC 296-806-46004 Provide mill safety controls.

Exemption: These rules do not apply to mills if the machinery is permanently set up so employees:

- Cannot reach through, over, under, or around to come in contact with the roll bite;

OR

- Cannot be caught between a roll and nearby objects.

You must:

- (1) Provide a safety trip control that is easy to reach, operates readily on contact, and is located in front and back of

each mill. Each safety trip control must include at least one of the following:

- Pressure-sensitive body bars that:
 - Are installed at the front and back of mills having a forty-six inch roll height or over.
 - Operate readily on contact from the pressure of the mill operator's body.
 - Safety trip rods that are:
 - Installed in the front and back of each mill and located within two inches of the front and rear rolls.
 - Installed so the top rods are no more than seventy-two inches above the level where the operator stands.
 - Easy to reach and operate when the rods are pushed or pulled.
 - Safety tripwire cables or wire center cords that are:
 - Installed in the front and back of each mill.
 - Located within two inches of the face of the rolls.
 - Installed so that cables are no more than seventy-two inches above the level where the operator stands.
 - Easy to operate whether pushed or pulled.
- (2) Make sure that all auxiliary equipment such as mill dividers, support bars, spray pipes, feed conveyors, and strip knives do not interfere with safety devices.

NEW SECTION

WAC 296-806-46006 Follow these stopping limit requirements for mills.

You must:

- Make sure that mills are stopped within one and one-half percent of the fastest speed at which they operate when empty.
 - When mills operate at more than two hundred fifty feet per minute, stopping distances above one and one-half percent of their fastest speed are allowed, but must have engineering support.

PRESS BRAKES

NEW SECTION

WAC 296-806-465 Summary. If your specific machine or operation is not listed here, then follow any general requirements in this section along with the "Requirements for all machines" in this chapter, WAC 296-806-200 and 296-806-300.

This section applies to all machines classified as power press brakes. Power press brakes use a ram and bed to bend material.

Your responsibility:

To protect employees from hazards associated with power press brakes.

You must:

General requirements for press brakes

Provide auxiliary safety aids

WAC 296-806-46502.

Safeguard the point of operation on press brakes

WAC 296-806-46504.

Safe distance safeguarding

Follow this requirement when using safe distance safeguarding

WAC 296-806-46506.

Develop a safe distance safeguarding program

WAC 296-806-46508.

Follow these requirements for safe distance training

WAC 296-806-46510.

Require safe distance retraining

WAC 296-806-46512.

Conduct periodic safe distance inspections

WAC 296-806-46514.

Supervise the safe distance program

WAC 296-806-46516.

GENERAL REQUIREMENTS FOR PRESS BRAKES

NEW SECTION

WAC 296-806-46502 Provide auxiliary safety aids on press brakes.

IMPORTANT:

This rule applies if the safeguarding method prevents the operator from holding the work piece during the closing of the stroke.

You must:

- Provide one of the following auxiliary safety aids that will allow operators to remove their hands from the work during the closing of the stroke:
 - Work supporting devices.
 - Magnetic material-position gages.

NEW SECTION

WAC 296-806-46504 Safeguard the point of operation on press brakes.

You must:

- Safeguard the point of operation on press brakes by at least one of the following:
 - Physical guards.
 - Devices.
 - One-quarter inch maximum die opening.
 - Safe distance safeguarding if **all** of the following apply:
 - Physical barriers and devices such as two-hand controls, holdouts, restraints, and presence sensors, are demonstrated to not be feasible.
 - This safeguarding method is only for one-time fabrication, custom made parts, or small quantity runs of no more than four hours per month.
 - A safety program is provided that includes safe work procedures, training, and supervision to make sure work is performed using safe distance measures.
 - There is no workplace record of injuries from failing to maintain a safe distance.

SAFE DISTANCE SAFEGUARDING

NEW SECTION

WAC 296-806-46506 Follow this requirement when using safe distance safeguarding.

You must:

- Make sure employees position themselves no closer than necessary and never closer than four inches from the power press brake point of operation.

NEW SECTION**WAC 296-806-46508 Develop a safe distance safeguarding program for press brakes.****You must:**

- Develop, document, and use an effective safe distance safeguarding program.
 - Include methods for maintaining the minimum safe distance requirements in, Follow this requirement when using safe distance safeguarding, WAC 296-806-46506.

NEW SECTION**WAC 296-806-46510 Follow these requirements for safe distance training for press brakes.****You must:**

- (1) Train your employees in the safe distance safeguarding program and include **all** of the following:
 - The need for safety awareness between the power press brake operator and, when required, the helper.
 - The purpose and function of operating controls, operating mode controls, die space height adjustment positions, and other brake controls.
 - The hazards of placing any parts of the body into the point of operation.
 - The hazards related to each specific work piece bending operation.
 - The purpose and function of hand-feeding tools.
 - The dangers of unsafe work practices, inattention, horseplay, and misuse of equipment.
 - The importance of reporting unsafe conditions immediately to the supervisor.
- (2) Make sure employees are proficient in safe distance safeguarding after training, and follow both:
 - Safe-operating instructions and recommendations of power press brake manufacturers;

AND

 - Industry-recognized safe working practices for power press brakes.

NEW SECTION**WAC 296-806-46512 Require safe distance retraining for press brake operations.****You must:**

- (1) Require safe distance retraining when employees either:
 - Are seen operating the power press brake in an unsafe manner;

OR

 - Fail to use safe distance procedures.
- (2) Require safe distance retraining when conditions in the workplace change that can affect safe operation of the power press brakes, such as introducing new or revised control methods and procedures.

NEW SECTION**WAC 296-806-46514 Conduct periodic safe distance inspections on press brakes.****You must:**

- (1) Conduct periodic inspections of safe distance procedures at least annually to make sure that established procedures are being followed.
- (2) Make sure inspections are performed by a trained person who is **not** the person using the safe distance procedure.
- (3) You must identify **all** of the following during safe distance procedure inspections:
 - The date of the inspection.
 - The person performing the inspection.
 - The power press brake for which you are using the procedures.
 - Any deviations or inadequacies with procedures and requirements.
 - Joint reviews with each trained employee about their responsibilities under the safe distance program.

NEW SECTION**WAC 296-806-46516 Supervise the safe distance program for press brakes.****You must:**

- Provide adequate supervision to make sure that:
 - Only trained employees operate power press brakes.
 - Employees use work practices learned in your training program.
 - Periodic safe distance inspections are conducted as outlined in, Conduct periodic safe distance inspections on press brakes, WAC 296-806-46514.
 - Any deviations from, or inadequacies in, program procedures or work practices are promptly corrected.
 - Designated safeguarding means are used, installed, and functioning properly.
 - Recommended hand-feeding tools are used, when needed.
 - To require retraining and other appropriate corrective action when necessary.

ROLL-FORMING AND BENDING MACHINES**NEW SECTION**

WAC 296-806-470 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to power driven roll-forming and bending machines that change the shape or the direction of materials by using rolls, rotary forming dies, and associated tooling.

Your responsibility:

To protect employees from hazards associated with roll-forming and bending machines.

You must:

Follow these requirements for machine initiation
WAC 296-806-47002.

Safeguard nip points on roll-forming and bending machines

WAC 296-806-47004.

NEW SECTION

WAC 296-806-47002 Follow these requirements for machine initiation.

You must:

• Make sure all of the following occur before starting machines:

- Select "normal" operation mode.
- Safeguards are in place and functioning.
- No workers are within the hazard zones.
- Other proper work practices are followed.

• Make sure in the "jog mode," the machine function is initiated by the operator either:

- During set-up;

OR

- By threading the material through the forming rolls.

• Make sure only assigned test employees perform machine testing and start-up.

NEW SECTION

WAC 296-806-47004 Safeguard nip points of roll-forming and bending machines.

You must:

• Safeguard in-running nip points on roll-forming and bending machines with **at least one** of the following:

- A point-of-operation guard or device.
- An emergency stop device.

■ An emergency stop device must be used when a point-of-operation guard or device is not feasible.

SANDING MACHINESNEW SECTION

WAC 296-806-475 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

• Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to sanding machines that remove material from stock with an abrasive sanding surface such as a belt, disk, or drum.

Exemption: This section does not apply to hand-held sanders. See, Portable power tools, chapter 296-807 WAC, for requirements that apply to hand-held tools.

Reference:

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
- For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
- In addition to the requirements in this section, you need to refer to the following sections of this chapter

in order to fully protect your employees from machine hazards:

- WAC 296-806-200, Requirements for all machines.
- WAC 296-806-300, Requirements for machine parts.
- See chapter 296-807 WAC, Portable power tools, for requirements that apply to hand-held sanders.

Your responsibility:

To protect employees from hazards associated with drum, disk, and belt sanders.

You must:

Guard drum sanders
WAC 296-806-47502.

Guard disk sanders
WAC 296-806-47504.

Guard belt sanders
WAC 296-806-47506.

Follow these requirements for feed roll guarding
WAC 296-806-47508.

NEW SECTION

WAC 296-806-47502 Guard drum sanders.

You must:

• Make sure drum sanders have one of the following to enclose that part of the drum not used to work on the material:

- Guard.
- Exhaust hood.

Reference: Exhaust hoods are required on sanders when dust levels exceed exposure limits. For requirements about air contaminants, see Respiratory hazards, chapter 296-841 WAC.

Exemption: When a table is used for the application of material to be finished, you do not need to enclose the portion of the drum above the table that is necessary to do the work.

NEW SECTION

WAC 296-806-47504 Guard disk sanders.

You must:

• Make sure disk sanders have an exhaust hood, when required, or a guard that encloses the part of the disk not used to work on the material.

Exemption: When a table is used for the application of material to be finished, you do not need to enclose the portion of the disk above the table that is necessary to do the work.

NEW SECTION

WAC 296-806-47506 Guard belt sanders.

You must:

- Protect the operator by guarding:
 - Nip points where the sanding belt runs on the pulleys.
 - The unused run of the sanding belt.

NEW SECTION

WAC 296-806-47508 Follow these requirements for feed roll guarding.

You must:

- Make sure that feed rolls have a hood or guard to prevent the operator's hands from coming in contact with the in-running rolls at any point.

- Make sure that the guard meets ALL of the following:

- Is constructed of heavy material, preferably metal.
- The bottom of the guard comes down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls.

- When the three-eighths inch distance is increased to three-quarter inch, the lead edge of the hood must be extended to five and one-half inches or more in front of the nip point between the front roll and the work.

SAWS AND CUTTING HEADS

NEW SECTION

WAC 296-806-480 Summary. If your specific machine or operation is not listed here, then be sure to follow any of the following requirements that apply:

- General requirements for all saws and cutting heads in this section.

- General requirements for all saws in this section.

- General requirements for all cutting heads in this section.

- "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

Reference: For requirements on hand-held tools, see Portable power tools, chapter 296-807 WAC.

This section applies to fixed machines using saws or cutting heads that are used on any material.

Your responsibility:

To make sure machines using saws and cutting heads meet these requirements.

You must:

GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS

Protect employees using saws and cutting heads

WAC 296-806-48002.

Make sure saws and cutting heads are sharpened and tensioned by qualified people

WAC 296-806-48004.

SAWS

General Requirements for All Saws

Make sure saws are safe to use

WAC 296-806-48006.

Requirements for All Circular Saws

Make sure all circular saws meet these requirements

WAC 296-806-48008.

Make sure circular saw gages meet these requirements

WAC 296-806-48010.

Guard hand-fed circular table saws

WAC 296-806-48012.

Provide kickback protection for employees using hand-fed circular table rip-saws when ripping wood

WAC 296-806-48014.

Safeguard self-feed circular saws

WAC 296-806-48016.

Provide kickback protection for self-feed circular rip-saws when ripping wood

WAC 296-806-48018.

Guard circular resaws

WAC 296-806-48020.

Provide spreaders for circular resaws

WAC 296-806-48022.

Requirements for Specific Circular Saws

Protect employees from automatic saw hazards

WAC 296-806-48024.

Guard inverted swing (jump) saws

WAC 296-806-48026.

Guard miter saws

WAC 296-806-48028.

Guard radial saws

WAC 296-806-48030.

Limit the travel of radial saws

WAC 296-806-48032.

Provide kickback protection for radial saws used for ripping wood

WAC 296-806-48034.

Guard revolving double arbor saws

WAC 296-806-48036.

Guard swing saws

WAC 296-806-48038.

Limit the travel of swing saws

WAC 296-806-48040.

Requirements for Band Saws and Drag Saws

Make sure bandsaws meet these requirements

WAC 296-806-48042.

Protect employees from drag saw hazards

WAC 296-806-48044.

CUTTING HEADS

General Requirements for All Cutting Heads

Maintain and balance knives and cutting heads

WAC 296-806-48046.

BORING AND MORTISING MACHINES

Make sure boring and mortising machines meet these requirements

WAC 296-806-48048.

CHIPPER AND HOG MILLS

Follow these requirements for chipper mills

WAC 296-806-48050.

Follow these requirements for hog mills

WAC 296-806-48052.

Protect employees from falling into chipper and hog mills

WAC 296-806-48054.

JOINTERS

Make sure jointers with horizontal cutting heads meet these requirements

WAC 296-806-48056.

Guard horizontal cutting heads on hand-fed jointers

WAC 296-806-48058.

Guard vertical cutting heads on jointers

WAC 296-806-48060.

MOLDING, STICKING AND MATCHING MACHINES

Make sure molding, sticking and matching machines meet these requirements

WAC 296-806-48062.

PANEL RAISERS AND OTHER SIMILAR MACHINES

Guard hand-fed panel raisers and other similar machines

WAC 296-806-48064.

PLANERS

Make sure planers with a horizontal cutting head meet these requirements

WAC 296-806-48066.

Guard planers

WAC 296-806-48068.

Guard planer feed rolls

WAC 296-806-48070.

Provide kickback protection on planers running stock of varied thicknesses

WAC 296-806-48072.

SHAPERS

Make sure shapers meet these requirements

WAC 296-806-48074.

TENONING MACHINES

Guard tenoning machines feed chains and sprockets

WAC 296-806-48076.

Guard tenoning machines

WAC 296-806-48078.

VENEER MACHINERY

Guard veneer cutters and wringer knives

WAC 296-806-48080.

Guard veneer clippers

WAC 296-806-48082.

Follow these requirements for guarding guillotine cutters

WAC 296-806-48084.

Provide mechanisms to stop power-driven guillotine cutters

WAC 296-806-48086.

Prohibit riders on veneer slicer carriages

WAC 296-806-48088.

GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS

NEW SECTION

WAC 296-806-48002 Protect employees using saws and cutting heads.

You must:

- Provide safeguarding to protect employees from the hazards of feed rolls.
- Provide types and sizes of push sticks or push blocks that are suitable for the work being done.
- Use a comb (featherboard) or a suitable jig to protect employees when a standard guard cannot be used.

Note: Operations where you may need a comb or jig include:

- Dadoing.
- Grooving.
- Jointing.
- Moulding.
- Rabbeting.

NEW SECTION

WAC 296-806-48004 Make sure saws and cutting heads are sharpened and tensioned by qualified people.

You must:

- Make sure people who sharpen or tension saw blades or cutters have demonstrated skill in this area.

SAWS**General Requirements for All Saws**NEW SECTION

WAC 296-806-48006 Make sure saws are safe to use.

You must:

- Immediately remove from service a saw that has **any of the following** problems:
 - Cracked.
 - Dull.
 - Badly set.
 - Improperly filed.
 - Improperly tensioned.
- Immediately clean any saw where gum has begun to stick on the sides.
 - Eliminate unintended fence and table movement during operation.
 - Keep hinged tables and fences firmly secured and in true alignment for all positions.

Requirements for All Circular SawsNEW SECTION

WAC 296-806-48008 Make sure all circular saws meet these requirements.

You must:

- Protect employees from contacting the portion of the saw beneath or behind the table by covering it with either:
 - An exhaust hood, if one is required;
- OR
- A guard.
- Prohibit workers from inserting wedges between the saw disk and the collar to form a wobble saw.

NEW SECTION

WAC 296-806-48010 Make sure circular saw gages meet these requirements.

You must:

- Make sure circular saw gages slide in grooves or tracks that are accurately machined to maintain exact alignment with the saw for all positions of the guide.

Note: Circular saw gages are also referred to as miter or positioning gages.

NEW SECTION

WAC 296-806-48012 Safeguard hand-fed circular table saws.

You must:

- Guard each hand-fed circular saw with a hood that completely encloses both the portion of the saw that is above both:
 - The table;
- AND
- The material being cut.
- Make sure the hood is designed and constructed to do all of the following:

– Protect the operator from flying splinters and broken saw teeth.

– Strong enough to resist damage from reasonable operation, adjustments, and handling.

– Made of material soft enough to not break saw teeth.

Note: Hoods should be made of material that:

- Does not shatter when broken.
- Is not explosive.
- Is less combustible than wood.

You must:

• Mount the hood so it does **all** of the following:

– Operates positively and reliably.

– Maintains true alignment with the saw.

– Resists any side thrust or force that could throw it out of line.

• Make sure the hood:

– Allows the material to be inserted or sawed without any considerable resistance;

AND

– Does one of the following:

■ Automatically remains in contact with the material being cut;

OR

■ Is manually adjusted to within one-quarter inch of the material being cut.

Exemption: Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard automatic adjusting guard. Alternative guards have to both:

- Provide protection equivalent to a standard automatic adjusting guard;

AND

- Be used according to the manufacturer's instructions with sufficient supervision to comply with this requirement.

NEW SECTION

WAC 296-806-48014 Provide kickback protection for employees using hand-fed circular table rip saws when ripping wood products.

Definition:

Ripping is a sawing operation made:

• Through the thickness of the work piece with the grain of natural wood;

• Along the long dimension of a rectangular work piece;

AND

• Usually parallel to that edge on reconstituted wood products.

This can also be described as cutting stock to width. Two or more pieces result from the operation.

You must:

• Provide a spreader or riving knife that is:

– Made of hard-tempered steel or its equivalent.

– Thinner than the saw kerf.

– Wide enough to provide sufficient stiffness and rigidity to resist any reasonable side thrust or blow that could bend or throw it out of position.

– Attached so it remains in true alignment with the saw when the saw or table is tilted.

Note: • The spreader or riving knife should:

– Prevent material from either squeezing the saw or being thrown back at the operator.

– Be placed so there is one-half inch or less space between it and the back of the saw when the largest saw is mounted in the machine.

Exemption: You do not have to provide a spreader or riving knife when grooving, dadoing, or rabbeting. When you finish these operations, replace the spreader immediately.

You must:

• Provide nonkickback fingers or dogs that are:

– Located so they prevent the saw from either picking up the material or throwing the material back towards the operator.

– Designed to hold any thickness of material being cut.

Note: Kickbacks occur when a saw seizes the stock and hurls it back at the operator. This can happen when the stock twists and binds against the side of the blades or is caught in the teeth. Kickbacks occur more often when cutting parallel to the wood grain (ripping) than when cross cutting. Common contributors to kickbacks include:

- A blade that is not sharpened.
- A blade set at an incorrect height.
- Poor quality lumber, such as frozen lumber, lumber with many knots, or foreign objects, such as nails.

NEW SECTION

WAC 296-806-48016 Safeguard self-feed circular saws.

You must:

• Provide saws and feed rolls with a hood or guard to protect the operator from contacting the in-running rolls.

• Make sure the guard is constructed of heavy material, preferably metal.

• Make sure the distance between the bottom of the guard and the plane formed by the bottom or working surface of the feed rolls meets the requirements of Table 200-1, Largest Allowable Guard Opening, in WAC 296-806-20042.

NEW SECTION

WAC 296-806-48018 Provide kickback protection for self-feed circular rip saws when ripping wood products.

You must:

• Provide saws with sectional nonkickback fingers that meet **all** of the following requirements:

– They cover the full width of the feed roll.

– They are located in front of the saw.

– They are arranged so they keep continuous contact with the material being fed.

NEW SECTION

WAC 296-806-48020 Guard circular resaws.

You must:

• Provide each circular resaw with a metal hood or shield that is:

– Located above the saw.

– Designed to protect the operator from flying splinters or broken saw teeth.

NEW SECTION**WAC 296-806-48022 Provide spreaders for circular resaws.**

Exemption: This requirement does not apply to self-feed saws with a roller or wheel at the back of the saw.

You must:

- Provide a spreader that is all of the following:
 - Securely fastened behind the saw.
 - Slightly thinner than the saw kerf.
 - Slightly thicker than the saw disk.

Requirements for Specific Circular Saws**NEW SECTION****WAC 296-806-48024 Protect employees from automatic saw hazards.****You must:**

- Make sure automatic saws that stroke continuously without the operator controlling each stroke are not used where employees could be exposed to:
 - Saw hazards during operations such as loading, clamping, cutting, or unloading.

NEW SECTION**WAC 296-806-48026 Guard inverted swing (jump) saws.****You must:**

- (1) Guard jump saws with a hood that both:
 - Covers the part of the saw that is exposed above the top of the table or above the material being cut;
- AND
- Automatically adjusts to the thickness of the material being cut and remains in contact with it.
- (2) Provide a holding device that will prevent stock from moving while cutting materials.

(3) Provide warning signs, stickers, or placards when the pinching hazard created by the holding device cannot be eliminated by design.

(4) Provide the following for automatically fed jump saws.

- Place guards over the roller conveyor to prevent persons from walking into or over the saw.
- Enclose jump saws when below the table or roller conveyor and not in actual use.
- Install a positive stop to prevent the saw from passing the front edge of the roller conveyor or table.
- Make sure the throat in the table or roller conveyor is only wide enough to permit unobstructed operation of the saw.

NEW SECTION**WAC 296-806-48028 Guard miter saws.****IMPORTANT:**

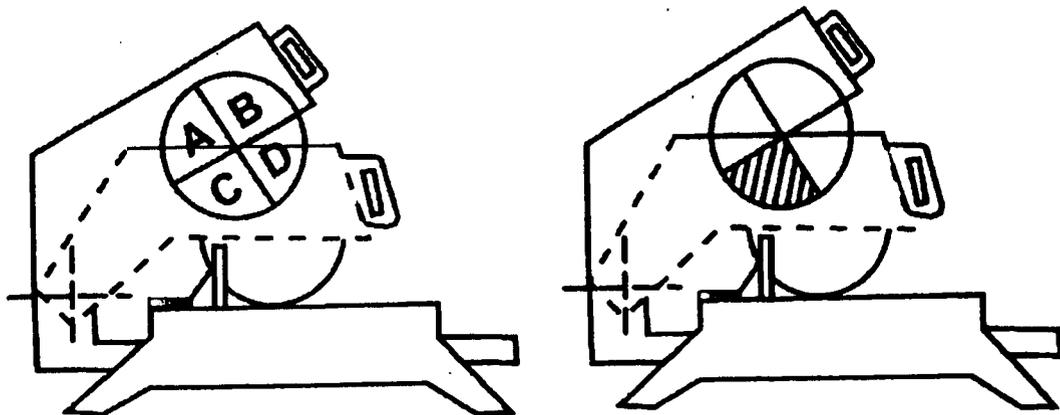
Miter saws include:

- Miter.
- Compound miter.
- Slide miter.
- Compound slide miter.

You must:

- (1) Guard miter saws with an upper hood that completely encloses the upper half of the blade.
- (2) Provide a method to protect employees from contacting the blade underneath the table while in its recommended carrying position.
- (3) Guard the lower blade:
 - By making sure the teeth are guarded at least three-quarters of an inch beyond the root of the teeth, toward the center of the blade, except for a maximum forty-five degree exposure of quadrant C when in the full retract position. See Illustration 480-1, Miter Saw Guarding.
 - With a retractable guard that cannot be locked in any position.

**Illustration 480-1
Miter Saw Guarding**



This illustration shows miter saws in full retract position, and quadrant C, where 45 degrees, or half of quadrant C may be exposed when in the full retract position.

NEW SECTION

WAC 296-806-48030 Guard radial saws.

You must:

- Make sure the radial saw has a hood that does all of the following:
 - Completely encloses the upper portion of the blade down to a point that includes the end of the saw arbor.
 - Protects the operator from flying splinters and broken saw teeth.
 - Deflects sawdust away from the operator.
 - Provide a lower blade guard that does all of the following (see Guard radial saws, illustration 480-2):
 - Guards the sides of the lower exposed portion of the blade to its full diameter.
 - Automatically adjusts to the thickness of the stock being cut.
 - Remains in contact with the stock to provide the maximum protection possible for the operation being performed;
- OR**
- Is manually adjusted (wing) guard that:
 - Is made of material strong enough to withstand the forces put on it.
 - Suggested materials include polycarbonates or expanded metal.
 - Has edges that are smooth so no hazards from the guard exist.
 - Extends a minimum of eight inches to both the front and arbor-end sides.
 - Is adjustable in a vertical plane to the different thicknesses of stock so the gap is three-eighths inch or less between the bottom of the guard and the top of the stock.

Exemption: Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard, automatic adjusting guard. Alternative guards have to both:

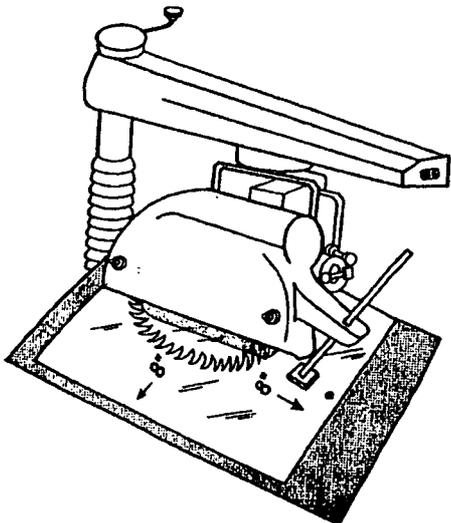
- Provide protection equivalent to a standard automatic adjusting guard;

AND

- Be used according to the manufacturer's instructions with sufficient supervision to meet this requirement.

Illustration 480-2 Guard radial saws

A manually adjusted awareness barrier guard that extends 8 inches to the front and sides of the blade



NEW SECTION

WAC 296-806-48032 Limit the travel of radial saws.

You must:

- Provide an adjustable stop that prevents:
 - Forward travel of the blade beyond the position necessary to complete the cut;
- AND**
- Any part of the saw blade from extending beyond the front edge of the work support table.
 - Install the saw so that the front end is slightly higher than the rear in order to cause the cutting head to return to the starting position when released by the operator.
 - Make sure the cutting head or carriage does all of the following:
 - Returns gently to the rest or starting position when released by the operator.
 - Does not bounce or recoil when reaching the rest or starting position.
 - Remains in the rest or starting position.

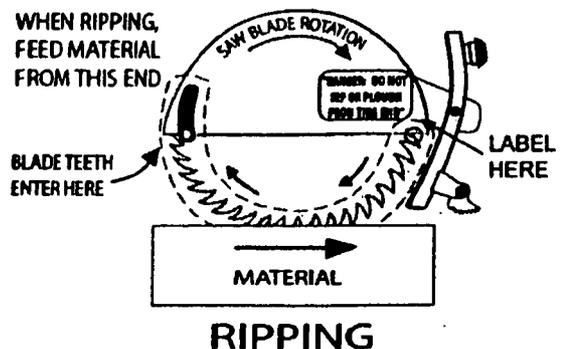
NEW SECTION

WAC 296-806-48034 Provide kickback protection for radial saws used for ripping wood products.

You must:

- Provide nonkickback fingers or dogs that are both:
 - Located on both sides of the saw to resist the tendency of the saw to pick up material or throw it back toward the operator;
- AND**
- Designed to hold any thickness of material being cut.
 - Make sure when ripping or ploughing that you feed the material from the end where the blade teeth enter the upper guard, which is against the direction in which the saw turns. See, Ripping with a radial arm saw, illustration 480-3.
 - Make sure the direction of saw rotation is clearly marked on the hood.
 - Fasten a permanent label at the rear of the guard hood, at about the level of the arbor, where the blade teeth exit the upper hood during saw operation that:
 - Reads, "DANGER: DO NOT RIP OR PLOUGH FROM THIS END."
 - Is colored standard danger red.
 - Is not less than one and one-half inches by three-quarters inch with standard proportional lettering.

RIPPING WITH A RADIAL ARM SAW



PERMANENT

Illustration 480-3

Important requirements for ripping with a radial arm saw.

NEW SECTION**WAC 296-806-48036 Guard revolving double arbor saws.****You must:**

• Guard each revolving double arbor saw with a hood that completely encloses the portion of the saw that is above both:

– The table;

AND

– The material being cut.

Note: Hoods should be made of material that:

- Does not shatter when broken.
- Is not explosive.
- Is less combustible than wood.

NEW SECTION**WAC 296-806-48038 Guard swing saws.****IMPORTANT:**

This section applies to swing saws mounted above the table.

You must:

• Provide saws with a hood that encloses **all** of the following:

– Upper half of the saw.

– Arbor end.

– Point of operation in all positions of the saw.

• Make sure the hood protects operators from flying splinters and broken saw teeth.

• Make sure the lower blade guard will automatically cover the lower portion of the blade by dropping on top of and remaining in contact with the table or the material being cut.

Exemption: Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard, automatic adjusting guard. Alternative guards have to:

- Provide protection equivalent to a standard automatic adjusting guard;

AND

- Be used according to the manufacturer's instructions with sufficient supervision to meet this requirement.

NEW SECTION**WAC 296-806-48040 Limit the travel of swing saws.****IMPORTANT:**

This section applies to swing saws that are mounted above the table.

You must:

• Provide saws with a device that:

– Automatically returns the saw to the back of the table when the saw is released at any point in its travel.

– Does not depend on a rope, cord, or spring to function properly.

• Make sure devices that use a counterweight meets these requirements:

– The bolts supporting the bar and the counterweight use cotter pins.

– The counterweight is prevented from dropping by one of these methods:

■ A bolt passing through both the bar and the counterweight.

■ A bolt through the extreme end of the bar.

■ A safety chain to hold it to the bar if the counterweight does not completely encircle the bar.

• Provide limit chains or another equally effective device to prevent the saw from swinging either:

– Beyond the front or back edge of the table;

OR

– Forward to a position where the gullets of the lowest saw teeth will rise above the table top.

Requirements for Band Saws and Drag Saws**NEW SECTION****WAC 296-806-48042 Make sure band saws meet these requirements.****You must:**

• Enclose or guard all portions of the blade except for the working portion of the blade between the guide rolls and the table.

• Make sure the guard for the portion of the blade between the sliding guide and the wheel guard meets these requirements:

– Protects the front and outer side of the blade.

– Is self-adjusting to move with the guide.

– Adjusts so the gap between the guide rolls and stock is as small as is practical.

• Fully enclose band saw wheels with wheel guards that meet **both** of the following requirements:

– The outside periphery of the wheel enclosure is solid;

AND

– The front and back of the wheels are enclosed by solid material, wire mesh, or perforated metal.

• Make sure the material used for wheel guards meets these requirements:

– Wire mesh and perforated metal guards:

■ Are at least 0.037 inch (U.S. Gage No. 20) thick.

■ Have openings in them that are three-eighths inch or less.

– Solid material has strength and firmness equivalent to a wire mesh or perforated steel guard.

• Make sure band saws have a tension control device to indicate the proper tension for standard saws used on the machine.

NEW SECTION**WAC 296-806-48044 Protect employees from drag saw hazards. You must:**

• Protect employees passing near a drag saw by either:

– Providing a four-foot clearance when the saw is at the extreme end of the stroke;

OR

– Enclosing the saw and its driving mechanism, if you cannot provide a four-foot clearance.

CUTTING HEADS**General Requirements for All Cutting Heads**

Trees and Cutting Brush, section 9.6, ANSI Z133.1-2000.

NEW SECTION**WAC 296-806-48046 Maintain and balance knives and cutting heads.****You must:**

- Make sure knives and cutting heads are kept:
 - Sharp.
 - Properly adjusted.
 - Firmly secured.
- Make sure knives are properly balanced when two or more are used in one cutting head.

BORING AND MORTISING MACHINES**NEW SECTION****WAC 296-806-48048 Make sure boring and mortising machines meet these requirements.**

Exemption: This section does not apply to drill presses, boring machines, or mortising machines if both of the following apply:

- The downward stroke of the chuck and bit is controlled manually by the operator;

AND

- The chuck and bit automatically rises to the start position when control is released.

You must:

- Completely enclose universal joints on spindles of boring machines to prevent accidental contact by the operator.
- Make sure you do not use safety bit chucks that have projecting set screws.
- Enclose the top of the cutting chain and driving mechanism.
- Prevent a counterweight, when used, from dropping by one of the following, or an equivalent method:
 - Securing it to a bar by one of the following:
 - A bolt passing through both the bar and the counterweight.
 - A bolt through the extreme end of the bar.
 - A safety chain to hold it to the bar if the counterweight does not completely encircle the bar;

OR

- Suspending it by a chain or wire rope and having it travel in a pipe or other suitable enclosure if it could fall and injure an employee.

Note: Boring bits should be provided with a guard that will enclose all portions of the bit and chuck above the material being worked.

CHIPPER AND HOG MILLS**NEW SECTION****WAC 296-806-48050 Follow these requirements for chipper mills.**

Exemption: This section does not apply to mobile chippers.

Reference: Safety requirements for mobile chippers can be found in, Pruning, Repairing, Maintaining and Removing

You must:

- (1) Arrange the feed system so the operator does not stand in direct line with the chipper blades or spout (hopper).
- (2) Protect the operator from chips or chunks being thrown out while feeding the machine.
- (3) Enclose the chipper spout to a height or distance of at least forty inches from the floor or the operator's station, whichever is higher.
- (4) Provide a mirror or other device to allow monitoring of material when the operator cannot readily observe the material being fed into the chipper.

NEW SECTION**WAC 296-806-48052 Follow these requirements for hog mills. You must:**

- (1) Make sure that feed chutes are at least forty inches from the knives or feed roll.
- (2) Provide baffles or other suitable safeguards to prevent material from being thrown from the hog mill.

NEW SECTION**WAC 296-806-48054 Protect employees from falling into chipper and hog mills.****You must:**

- Protect employees working near the feed openings of chipper and hog mills from falling into the openings by providing **at least one** of the following:
 - A safety belt (or harness) and a lifeline short enough to prevent workers from falling into the mill.
 - Barriers or other types of protective guarding.

Reference: See, Railing, toeboards and cover specifications for requirements on guardrails used as barriers, WAC 296-24-75011.

JOINTERS**NEW SECTION****WAC 296-806-48056 Make sure jointers with horizontal cutting heads meet these requirements.****You must:**

- Make sure the cutting head on hand-fed jointers is cylindrical:
 - Install and adjust the knife blade so it does not protrude more than one-eighth inch beyond the body of the head.
 - Make sure the opening in the table meets **all** of the following:
 - Is kept as small as possible.
 - The clearance between the edge of the rear table and the cutting head is not more than one-eighth inch.
 - The table throat opening is not more than two and one-half inches when the tables are set or aligned with each other for zero cut.

NEW SECTION**WAC 296-806-48058 Guard horizontal cutting heads on hand-fed jointers.****You must:**

- Provide jointers with an automatic guard on the working side of the fence or gage that does all of the following:
 - Covers all sections of the head.
 - Effectively keeps the operator's hand from contacting the revolving knives.
 - Automatically adjusts to cover the unused portion of the head.
 - Remains in contact with the material at all times.
- Provide jointers with a guard that covers the section of the head behind the gage or fence.

NEW SECTION**WAC 296-806-48060 Guard vertical cutting heads on jointers.****You must:**

- Provide each jointer that has a vertical cutting head with an exhaust hood or other type of guard that completely encloses the revolving head except for a slot that is wide enough for the material being jointed.

MOLDING, STICKING AND MATCHING MACHINESNEW SECTION**WAC 296-806-48062 Make sure molding, sticking and matching machines meet these requirements.****You must:**

- Make sure all cutting heads, and saws if used, are covered by a guard that:
 - Is metal.
 - Forms all or part of the exhaust hood if an exhaust system is used.
- Make sure a guard constructed from:
 - Sheet metal is at least one-sixteenth inch thick.
 - Cast iron is at least three-sixteenths inch thick.
- Make sure feed rolls are guarded by a hood or other suitable guard that both:
 - Prevents the operator's hand from contacting the in-running rolls at any point;

AND

- Is attached to the frame carrying the rolls so it adjusts for any thickness of stock.

PANEL RAISERS AND OTHER SIMILAR MACHINESNEW SECTION**WAC 296-806-48064 Guard hand-fed panel raisers and other similar machines.****You must:**

- Guard the cutting heads of hand-fed panel raisers and other similar machines by enclosing the cutting head with either:
 - A fixed guard such as a cage;

- An adjustable guard designed to keep the operator's hand away from the cutting edge.

OR

- An adjustable guard designed to keep the operator's hand away from the cutting edge.

PLANERSNEW SECTION**WAC 296-806-48066 Make sure planers with a horizontal cutting head meet these requirements.****You must:**

- Make sure the cutting head on hand-fed planers is cylindrical.
 - Install and adjust the knife blade so it does not extend more than one-eighth inch beyond the body of the head.

NEW SECTION**WAC 296-806-48068 Guard planers.****You must:**

- Make sure all cutting heads, and saws if used, are covered by a guard that:
 - Is metal.
 - Forms all or part of the exhaust hood if an exhaust system is used.
- Make sure a guard constructed from:
 - Sheet metal is at least one-sixteenth inch thick.
 - Cast iron is at least three-sixteenths inch thick.

NEW SECTION**WAC 296-806-48070 Guard planer feed rolls.****You must:**

- Make sure feed rolls are guarded by a hood or other suitable guard that:
 - Prevents the operator's hand from contacting the in-running rolls at any point.
 - Is attached to the frame carrying the rolls so it remains in adjustment for any thickness of stock.

NEW SECTION**WAC 296-806-48072 Provide kickback protection on planers running stock of varied thicknesses.****You must:**

- Provide kickback protection on planers running stock of varied thicknesses at the same time by providing either:
 - Sectional feed rolls that provide feeding contact pressure on the stock;
- OR**
- Suitable nonkickback fingers at the infeed end of each section.

- Note:** The sectional feed rolls need to have sufficient yield in their construction to provide contact pressure on:
- Any thickness of stock the machine is capable of processing.

SHAPERS**NEW SECTION**

WAC 296-806-48074 Make sure shapers meet these requirements.

You must:

• Guard the cutting head of the shaper by enclosing it with either:

– A fixed guard, such as a cage;

OR

– An adjustable guard designed to keep the operator's hand away from the cutting edge.

• Make sure the diameter of a circular shaper guard is at least as large as the greatest diameter of the cutter.

Note: A warning device of leather or other material attached to the spindle is **NOT** an acceptable substitute for a guard.

You must:

• Guard all sections of the cutting tool except for an opening to allow access to the work piece by the cutting tool.

Note: A ring guard is one means of satisfying the guarding requirement for cutting tools when involved in free hand or template shaping.

You must:

• Make sure all double-spindle shapers have a spindle starting and stopping device for each spindle.

TENONING MACHINES**NEW SECTION**

WAC 296-806-48076 Guard tenoning machine feed chains and sprockets.

You must:

• Guard feed chains and sprockets of all double-end tenoning machines by completely enclosing both of the following:

– All sprockets;

AND

– Portions of the chain that are not used for conveying stock.

NEW SECTION

WAC 296-806-48078 Guard tenoning machines.

You must:

• Make sure all cutting heads, and saws if used, are covered by a metal guard that:

– Covers at least the unused part of the periphery of the cutting head.

– Forms all or part of the exhaust hood if an exhaust system is used.

• Make sure a guard constructed from:

– Sheet metal is at least one-sixteenth inch thick.

– Cast iron is at least three-sixteenths inch thick.

VENEER MACHINES**NEW SECTION**

WAC 296-806-48080 Guard veneer cutters and wringer knives. You must:

• Provide guards to prevent accidental contact with the front or rear knife edge.

NEW SECTION

WAC 296-806-48082 Guard veneer clippers.

You must:

• Make sure employees do not accidentally contact the knife edge of veneer clippers by providing either:

– An automatic feed;

OR

– Guarding at both the front and rear of the clippers.

NEW SECTION

WAC 296-806-48084 Follow these requirements for guarding guillotine cutters.

Exemption: These requirements do not apply to continuous-feed trimmers.

You must:

(1) Provide **one** of the following to hand and foot powered guillotine cutters, so employees' hands cannot reach the cutting edge of the knife:

• Rods.

• Plates.

• Other satisfactory means of protection such as those outlined in, Safeguarding methods, WAC 296-806-20042 through 296-806-20058.

(2) Provide power-driven guillotine veneer cutters with either of the following:

• Starting devices for each operator that require all of the following:

– Both hands activating controls at the same time to start the cutting motion;

– At least one hand on a control during the complete stroke of the knife;

OR

• An automatic guard that does all of the following:

– Keeps the hands of the operator away from the danger zone every time the blade comes down.

– Is used in combination with one-handed starting devices that require two separate movements of the device to start the cutting motion.

– Is designed to return positively to the nonstarting position after each complete cycle of the knife.

NEW SECTION

WAC 296-806-48086 Provide mechanisms to stop power-driven guillotine cutters.

Exemption: This requirement does not apply to continuous-feed trimmers.

You must:

• Provide power-driven guillotine cutters with both:

– Brakes or other stopping mechanism;

AND

– An emergency device that will prevent the machine from operating if the brake fails when the starting mechanism is in the nonstarting position.

NEW SECTION

WAC 296-806-48088 Prohibit riders on veneer slicer carriages.

You must:

- Prohibit employees from riding on veneer slicer carriages.

SEWING MACHINES**NEW SECTION**

WAC 296-806-485 Summary. In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to the hazards of needle injuries from domestic or light duty sewing machines.

Your responsibility:

To protect employees from hazards associated with sewing machines.

You must:

Guard sewing machine needles

WAC 296-806-48502.

NEW SECTION

WAC 296-806-48502 Guard sewing machine needles.

Exemption: This section does not apply to domestic-type sewing machines having a presser-foot that is in the "down" position during operation of the machine.

You must:

- Provide a permanently attached guard on each sewing machine that:

- Prevents the operator's fingers from passing under the needle.

- Allows the needle to be conveniently threaded without removing the guard.

Reference: For specific requirements about safeguarding sewing machine belts can be found in, Safeguard belt and rope drives, WAC 296-806-30004.

NEW SECTION

WAC 296-806-500 Definitions.

Abrasive wheel

A grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

Adjustable barrier guard

A barrier guard with provisions for adjustment to accommodate various jobs or tooling set-ups.

Air-lift hammer

A type of gravity drop hammer in which the ram is raised for each stroke by an air cylinder. Because the length of

stroke can be controlled, ram velocity, and therefore the energy delivered to the work piece, can be varied.

Antirepeat

A device that limits the machine to a single stroke if the activating means is held in the operative position.

Arbor

A rotating shaft used for mounting and transmitting torque to a cutting tool.

Authorized person

Someone the employer has given the authority and responsibility to perform a specific assignment.

Awareness barrier

A barrier device that allows more access to the hazard area, but still restricts access enough to warn of an approaching hazard.

Barricade

A barrier such as a guardrail, fence, or other framework designed to prevent employee access and exposure to a hazard.

Barrier guard

A barrier that provides a physical restriction from a hazard.

Belt conveyors

An endless belt of any material, operating over suitable pulleys to move materials placed on the belt.

Belt pole

A device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys. Belt poles are sometimes called "belt shippers" or "shipper poles."

Belt shifter

A device for mechanically shifting belts from tight to loose idler pulleys or vice versa, or for shifting belts on cones of speed pulleys.

Bench grinder

A bench mounted off-hand grinding machine with either one or two wheels mounted on a horizontal spindle.

Bending

The application of stress concentrated at specific points to permanently turn, press or force from a straight, level or flat condition to a curved or angular configuration.

Blade

A replaceable tool having one or more cutting edges for shearing, notching or coping.

Blanking

To bypass a portion of the sensing field of a presence-sensing device. The purpose is to allow objects such as tooling, feed stock, and work pieces to pass through the sensing field without sending a stop signal to the controlled machine. There are two blanking modes: Fixed and floating.

Blind hole

A hole drilled in an object, such as an abrasive wheel, that does not go all the way through the object.

Blotter

A compressible disc or washer, usually of blotting paper, plastic, cardboard, or gasket material, that is used between the wheel and the flanges to evenly distribute flange pressure on the wheel.

Board hammer

A type of gravity drop hammer where wood boards attached to the ram are raised vertically by action of contraro-

tating rolls, and then released. Energy for forging is obtained by the mass and velocity of the freely falling ram and the attached upper die.

Bolster plate

Plate attached to the press bed having holes, T-slots, or other means for attaching the lower die or die shoe.

Brake

Mechanism for stopping or preventing motion.

Chain conveyor

A conveyor in which one or more chains (including those with paddles or bars attached to them) move the conveyor. Specific examples of chain conveyors include drag, rolling, pusher bar, pusher chain and sliding chain conveyors.

Channel blanking

A feature that allows a safety light curtain system to be programmed to ignore objects. Also called "fixed blanking."

Chipper

A machine that cuts material into chips.

Chuck

A revolving clamp-like device used for holding and driving the work piece.

Clutch

A mechanism to couple the flywheel to the crankshaft. When engaged, it allows the driving force to be transmitted to the press slide.

Comb

See feather board.

Concurrent

Occurring at the same time.

Cone pulley

A pulley having two or more steps in a conical shape for driving machinery.

Cone and plug wheels (Types 16, 17, 18, 18R, and 19)

Abrasive wheels manufactured with blind hole threaded bushings. They may be used on all surfaces except the flat mounting surface. Specific characteristics of the different cone and plug wheels are:

- Type 16 cones have a curved side with a nose radius.
- Type 17 cones have straight sides with or without a nose radius.
- Type 18 and 18R plug wheels are cylindrical in shape with either a square or curved grinding end.
- Type 19 cone wheels are a combination of cone and plug shapes.

Control system

Sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements of the press-operating devices and mechanisms.

Coping-notching

Where the edge or periphery of the work piece is sheared.

Counterbalance

Mechanism used to balance or support the weight of the connecting rods, slide, and slide attachments.

Cutting-off wheels

Abrasive wheels used to cut material such as masonry, pipe, etc.

Cutting tool or saw blade

A tool used on a metal sawing machine.

Cycle

The complete movement of the ram from its starting position and return to that same starting position.

Dado

A straight-sided groove, perpendicular to the face of the work piece, having a width greater than the thickness of a single saw blade.

Device

A control or attachment that is any of the following:

- Restrains the operator from inadvertently reaching into the hazardous area.
- Prevents normal or hazardous operation if any part of an individual's body is inadvertently within the hazardous area.
- Automatically withdraws the operator's hands, if the operator's hands are inadvertently within the hazardous area during the hazardous portion of the machine cycle.
- Maintains the operator or the operator's hands during the hazardous portion of the machine cycle at a safe distance from the hazardous area.

Die or dies

Tooling used in a press for shearing, punching, forming, drawing, or assembling metal or other material.

Die enclosure guard

Guard attached to the die shoe or stripper in a fixed position.

Die setter

A person who installs or removes dies from the press, and makes the necessary adjustments so the tooling functions properly and safely.

Die setting

Process of installing or removing dies, and adjusting the dies, other tooling and the safeguarding guards or devices.

Die shoe

Plate or block that a die holder is mounted on. It functions primarily as a base for the complete die assembly and, if used, is bolted or clamped to the bolster plate or the face of the slide.

Die shutheight

Actual or design dimension between the mounting surfaces of a die.

Divider

A machine that mechanically divides the dough into pieces of predetermined volume or weight.

Dough sheeter

See sheeter.

Dressed

When material is removed from the cutting surfaces of an abrasive wheel to expose new sharp cutting surfaces.

Drilling/boring machine

A single or multiple spindle machine that uses a rotating cylindrical tool such as a drill, a counterboring tool, and similar tools to produce a hole, blind hole, counterbore, counter-sink, and similar cavities in work pieces. A work support means is provided to feed the tool into the work piece or the work piece into the tool.

Dross

Waste product or impurities formed on the surface of molten metal.

Dump bin and blender

That part of the flour handling system where the containers of flour are emptied.

Face of the slide

Surface of the slide to which the punch or upper die is generally attached.

Feather board/comb

A work-guiding and hold-down device consisting of stock with a series of spring-like fingers along the edge, set and positioned at an angle to the work piece.

Feeding

Placing material in or removing it from the point of operation.

Fence

A device used to locate and guide a work piece relative to the cutting tool.

Fixed barricade

A guard attached to a fixed surface used to enclose a hazardous area and prevent employees from placing any part of their body into the point of operation.

Fixed barrier guard

A guard attached to the frame, bolster, or other surface to enclose all or part of the point of operation or other hazard area.

Fixed blade

A stationary blade having one or more cutting edges.

Fixed blanking

A feature that allows a safety light curtain system to be programmed to ignore objects. Also called "channel blanking."

Fixture/jig

A device used to locate, hold, or clamp one or more work pieces in a desired position.

Flanges

Collars, discs, or plates between or against which wheels are mounted. There are four types of flanges:

- Adaptor.
- Sleeve.
- Straight relieved.
- Straight unrelieved.

Floating blanking (floating window)

A feature that allows a safety light curtain system to be programmed to ignore the interruption of one or two beams within the light curtain. This allows the feeding of an object through the defined area at any point along the length of the curtain without causing it to produce a stop signal.

Floorstand grinder

A floor mounted, off-hand grinding machine with one or two wheels mounted on a horizontal spindle. The wheels are normally twenty-four inches or thirty inches in diameter and used for snagging operations.

Forging

Metal formed to a desired shape by impact or pressure in hammers, forging machines (upsetters), presses, rolls, and related forming equipment. Forging hammers, counterblow equipment, and high-energy-rate forging machines impart impact to the work piece, while most other types of forging equipment impart squeeze pressure in shaping the stock. Some metals can be forged at room temperature, but the majority of metals are made more plastic for forging with

heat. Forged or drop forged parts are much stronger than poured or cast parts from foundries.

Forging presses

A class of forging equipment where the shaping of metal between dies is performed by mechanical or hydraulic pressure and usually is accomplished with a single workstroke of the press for each die station.

Full revolution clutch

Type of clutch that, when engaged, cannot be disengaged until the press has completed a single cycle (stroke).

Gage

See **miter gage**.

Gap (throat)

An opening or recess in the frame of the machine to permit positioning of material or work pieces.

Gate or movable barrier device

Safeguarding device that encloses the point of operation before press motion can be initiated.

Guard (abrasive wheels)

An enclosure designed to restrain the pieces of an abrasive wheel and furnish protection to the operator if the wheel is broken during operation.

Guard

A barrier that does at least one of the following:

- Prevents the hands or other body part from reaching through, over, under, or around the guard into the hazard area.
- Prevents objects or debris from falling onto or being ejected towards an employee.

Guidepost

The pin attached to the upper or lower die shoe. It operates within the bushing on the opposing die shoe to maintain the alignment of the upper and lower dies.

Hazard

A condition that could cause physical harm to a person.

Hazard area

An area or space that poses an immediate or impending physical hazard.

Hog

A machine used for cutting or grinding slabs and other coarse residue from the mill.

Horizontal lathe

A turning machine in which the work piece revolves about a horizontal axis. While the work is revolving, it is being shaped by cutting tools working either parallel to the axis of the work or at an angle to the axis of the work.

Idler (pulley)

A pulley or roller on a shaft that presses against or rests on a drive belt to guide it or take up slack.

Inch

Die setting mode that engages the driving clutch so a small portion of one cycle (stroke) occurs, depending upon the length of time the operator control is held actuated.

Indirect recirculating ovens

Ovens that are equipped with a gas-tight duct system, a furnace, and a circulating fan. Combustion gases are circulated through this enclosed system and mixed with fresh combustion gases generated by the burner in the combustion chamber. A vent or overflow removes a portion of the gases to make room for the fresh gases added by the burner. No

unburned gases or products of combustion enter the baking chamber.

Interlocked barrier guard

Barrier attached to the press frame and interlocked with the press control system so the press stroke cannot be started normally unless the guard, or its hinged or movable sections, enclose the point of operation.

Inverted swing and jump saws

Saws with a saw blade starting position below the table, where the blade must travel through the horizontal plane of the tabletop to make the cut on the stock.

Ironworker

A machine with multiple workstations at which various operations may be performed singly or simultaneously, including but not limited to:

- Punching;
- Shearing;
- Notching;
- Coping; and
- Forming.

Jig

See **fixture**.

Jog

Die setting mode where intermittent motion is imparted to the slide by momentary operation of the drive motor after the flywheel is at rest and the clutch is engaged.

Jointer

A machine that has a cylindrical cutter head with more than one knife or cutting edge. It has an adjustable in-feed means of work support, or an adjustable cutter head or knives, as well as a fence or other work piece guide.

Jump saw

A machine that utilizes a means of work support and hold down, and has a powered arbor on an arm that pivots about a point located behind the saw arbor at approximately the same height. At rest position the saw blade is below the work piece. See **inverted swing and jump saws**.

Kerf

The slot made by a saw blade as it saws through a work piece.

Kickback

The uncontrolled propulsion or self-feed type action of a work piece in the direction of the rotation or travel of the working portion of the saw, cutting tool, sanding belt, or sanding head.

Live roller conveyor

A series of rollers with objects moving over them through power to all or some of the rollers. The power is usually transmitted by a belt or chain.

Mandrel

Tooling or a machine component used to provide internal support. It can be a spindle or shaft on which a tool is mounted, such as a drill bit.

Manlift

A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

Manual feeding

The operator puts material or the part being processed into the press for each cycle (stroke).

Maximum exposure angle

The largest part of a wheel that does not need to be covered by a safety guard.

Miter gage

A device used as a work piece pusher, guided by a table groove.

Miter saw

A cutoff saw with a means of work support. It utilizes a powered arbor on an arm that pivots about a point located behind the saw arbor at approximately the same height. The saw arbor may also slide vertically. In the at-rest position, the saw blade is above the maximum capacity work piece.

Mode

The state or condition of the control system that allows specific operations of the machine.

Modified Types 6 and 11 wheels (terrazzo)

Similar to Type 6 "straight cup" wheels and Type 11 "flaring cup" wheels except for the bottom of the cup. The bottom of the cup is flat in Type 6 and 11 wheels. The modified wheels have bottoms that are sloped downwards towards the mounting hole. These modified wheels need to be mounted using a special tapered flange furnished by the tool manufacturer. These wheels are used in the terrazzo trade.

Molding machine

A machine that uses more than one arbor-mounted cylindrical, rotating cutting tool. It also uses power feeding, where once a work piece is engaged, it carries the work piece linearly through the balance of the intended operations, without further operator action. Operations can be performed on all surfaces of a work piece. Work pieces can be hopper- or hand-loaded and are fed ribbon-style into the machine.

Mortiser

A machine designed to produce a square or rectangular cavity through use of a moving, forming, or reciprocating tool. Means are provided to clamp and support the stock, and either move the stock into the tool or the tool into the stock.

Moulder

A machine in which the dough pieces are shaped and formed prior to final proofing.

Mounted wheels

Bonded abrasive wheels of various shapes, usually two inches diameter or smaller, that are secured to plain or threaded steel shafts or mandrels.

Movable barrier device

See **gate or movable barrier device**.

Nip-point belt and pulley guard

A guard that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

Off-hand grinding

Grinding of a work piece that is held in the operator's hand.

Overland conveyor

A single or series of belt conveyors designed to carry bulk material long distances, usually following the general contour of the land.

Part revolution clutch

Type of clutch that can be disengaged before the press slide completes a full stroke.

Pedestal grinder

An off-hand grinding machine similar to a bench grinder mounted on or otherwise attached to a floor-mounted pedestal.

Pinch point

Any point, other than the point of operation, where it is possible for a part of the body to be caught between moving parts or between a moving part and stationary one.

Planer

A machine with at least one cylindrical cutter head, that includes one or more inserted knife or cutting edge. A planer has a cutter head mounted over a means of work support. It also uses either an adjustable work support or cutter head to size the stock. The work piece is usually power-fed.

Point of operation

The area on a machine where work is actually performed upon the material being processed.

Power-driven hammers

Types of drop hammers in which the ram is raised for each stroke by a double-action steam, air, or hydraulic cylinder, and the energy delivered to the work piece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam, air, or hydraulic pressure. Energy delivered during each stroke may be varied.

Power transmission parts

The mechanical components of a piece of equipment that, together with a source of power (sometimes referred to as a prime mover), provide the motion to a part of a machine or piece of equipment.

Presence-sensing device

A device that creates a sensing field, area, or plane to detect the presence of an individual or object.

Presence-sensing device initiation (PSDI)

Operating mode of a mechanical power press where a single cycle (stroke) is initiated by a presence-sensing device when it senses that the operator has finished feeding or removing parts and all parts of the operator's body are withdrawn from the sensing field of the device.

Pull-back device

A device attached to the operator's hands and connected to the upper die or slide of the press that will pull the operator's hands out of the point of operation as the dies close.

Push block

A nonmetallic device with one or more handles. A push block also has a flat bottom surface with either a heel or friction material on it, used as a hold-down and feed device. The purpose of this is to provide a safe distance between the hands and the cutting tool.

Pusher-bar conveyor

Two endless chains cross-connected at intervals by bars or pushers that propel the load along the bed or trough.

Push stick

A nonmetallic stick shaped device designed to provide a safe distance between the hands and the cutting tool. It has, as part of its design, a notched end with a heel and toe to hold down and feed the work piece past the cutting tool.

Racks

Carriers of pans, panned dough and bakery products. They are usually constructed of metal and mounted on casters or provided with trolleys for use on a monorail system.

Reinforced wheels

Organic bonded abrasive wheels which have webbing, fabric or filament to provide resistance to complete breaking of the wheel should it become cracked or damaged.

Repeat

An unintended or unexpected successive stroke of the press resulting from a malfunction.

Restraint device

A device with attachments for the operator's hands and wrists that prevent the operator from reaching into the hazardous area.

Return-belt idlers

A roller that supports the return run of the conveyor belt.

Ripping

A sawing operation made through the thickness of the work piece with the grain of natural wood, along the long dimension of a rectangular work piece, and usually parallel to that edge on reconstituted wood products. Two or more pieces result from the operation.

Rivet-making machines

The same as upsetters and bolt-headers when producing rivets with stock diameter of one inch or more.

Riving knife

See spreader.

SFPM

See surface feet per minute.

Safeguarding by location

Because of its location, no employee can inadvertently come in contact with a hazard during operation, maintenance, or servicing.

Safeguarding by distance

Employees are kept far enough from a hazard that they will not contact or be injured by the hazard.

Safeguarding device

See device.

Safety block

A prop inserted between the upper and lower dies or between the bolster plate and the face of the slide to prevent the slide from falling of its own weight.

Safety cylinder

This safety device may be of the direct cushion type integral with the main cylinder or it may be of the separate cushion type whereby a constant supply of live steam or air is applied behind a separate piston adjacent to the main cylinder. A spring, suitably constrained, may also be employed.

Safety cylinder head

An air cushion at the top of the hammer, just below the head, to protect the head from damage by the piston.

Scale

Any layer or leaf of metal resembling the scale of a fish in size and thinness; such as a scale of iron.

Screw conveyor

A screw or auger that revolves in a suitably shaped trough or casing, used to move material in one specific direction.

Shaper

A machine that uses one or more vertical spindles that are either fixed or able to be tilted, usually with an arbor mounted rotating cylindrical cutter, to form decorative or functional forms on a manually or power-fed work piece. The work piece is supported on a stationary or moving table. A guide, fixture, or template is used to control the operation. The spindle can be mounted above or below the work support means.

Sheeter

A machine that forms dough into a sheet by compression through one or more sets of driven rolls.

Sifter

A device that sifts flour. Sifter types are brush, oscillating, or vibrating.

Single stroke mechanism

Used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

Slat and roller slat conveyor

A conveyor employing one or more endless chains to which nonoverlapping, noninterlocking, spaced slats are attached.

Slide

Part of the press that moves back and forth in a straight line. Also called a ram, plunger, or platen.

Snagging

Grinding which removes relatively large amounts of material without regard to close tolerances or surface finish.

Spreader

A flat metal device slightly narrower than the saw kerf. It is designed to prevent the saw blade kerf in the work piece from closing on the sides of the blade during a sawing operation.

Steam hammers

A type of drop hammer where the ram is raised for each stroke by a double-action steam cylinder and the energy delivered to the work piece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam pressure. Energy delivered during each stroke may be varied.

Stripper

A mechanism or die part for removing parts or material from the punch.

Surface feet per minute (SFPM)

A measure of the speed of a point on the periphery (outer edge) of an abrasive wheel. It is calculated using the formula:

$$\text{SFPM} = .262 \times \text{diameter of the wheel (in inches)} \times \text{RPM (revolutions per minute)}$$

Example:

Wheel diameter = 24 inches

Spindle speed = 1000 RPM

$\text{SFPM} = .262 \times 24 \times 1000 = 3,144 \text{ SFPM}$

Sweep device

A single or double arm (rod) attached to the upper die or slide of the press that is designed to move the operator's hands to a safe position as the dies close. Sweep devices are not allowed for point-of-operation safeguarding.

Swing saw/overhead swing cutoff saw

A machine with a means of work support using a powered arbor and circular saw blade that pivots about a point located above the saw arbor.

Tenoning machine

A machine designed to use two or more cylindrical cutters, or one or two circular saws, to size or prepare (or both) the ends of a work piece. The work piece is supported on a table or conveying means. A means for clamping the work piece is provided.

Terrazzo

A material of stone chips, such as marble, set in mortar and polished.

Threaded hole wheels

Abrasive wheels that have one central threaded bushing, securely anchored in place. They are mounted by being screwed onto a threaded machine spindle so that the wheel back seats firmly against an unrelieved flat back flange.

Tongs

Metal holder used to handle hot or cold forgings.

Tongue guard

An integral part of a safety guard that is located where the upper exposed part of the abrasive wheel meets the safety guard. It can be adjusted as necessary to maintain a set distance from the constantly decreasing diameter of the wheel.

Tooling

Elements for guiding or imparting a desired configuration to the material.

Top grinding

Grinding done above the horizontal centerline of the wheel.

Towed conveyor

An endless chain supported by trolleys from an overhead track or running in a track on the floor with means for towing floor-supported trucks, dollies, or carts.

Trimming presses

A class of auxiliary forging equipment that removes flash (metal splash) or excess metal from a forging. This trimming operation can also be done cold, as in can coining, a product-sizing operation.

Trip (or tripping)

Momentary actuation of the activating control to initiate the cycle (stroke).

Trued

When the cutting surfaces of an abrasive wheel have been reshaped to expose new sharp cutting surfaces.

Turnover bar

A bar used in die setting to manually turn the crankshaft of the press.

Two-hand device

A device that requires the concurrent use of both of the operator's hands to both initiate and continue the machine cycle during the hazardous portion of the machine cycle.

Two-hand trip device

A device that requires concurrent operation of the trip controls or levers by the operator's hands to initiate the machine cycle.

Type A movable gate

A device that encloses the hazardous area when the machine cycles and does not open until the end of the cycle.

Type B movable gate

A device that encloses the hazardous area when the machine cycles and opens when hazardous motion of the cycle is over. Type B devices are not allowed on full revolution type machinery.

Type 1 wheel

An abrasive wheel shaped like a disc with a mounting hole in the middle. Sometimes called a "straight wheel." It has diameter (D), thickness (T), and hole size (H) dimensions. Grinding is normally done on the periphery (outside curve) of the wheel (T dimension). Can be used for grinding, cutting-off, and tuck pointing.

Type 2 wheel

An abrasive wheel shaped like an open-ended, hollow cylinder. Sometimes called a cylinder wheel. It has diameter (measured from the outer wall of the cylinder), wheel thickness (height of the cylinder), and rim thickness (thickness of the cylinder wall). Grinding is done on the end of the cylinder (rim thickness dimension).

Type 6 wheel

An abrasive wheel shaped like a straight-sided cup or bowl with a mounting hole in the bottom of the cup. Sometimes called a "cup wheel." It has diameter (D), thickness (T), hole size (H), rim thickness (W), and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

Type 11 wheel

An abrasive wheel shaped like a cup or bowl with a mounting hole in the bottom of the cup. The sides of the cup are not straight-sided but are angled outward. Sometimes called a "flaring cup wheel" since the sides are "flared" out. It has double diameter dimensions (top D and bottom J). It also has thickness (T), hole size (H), rim thickness (W) and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

Type 16, 17, 18, 18R, and 19 wheels

See cone and plug wheels.

Type 27 wheel

An abrasive wheel similar to a Type 1 wheel, but the center of the wheel around the mounting hole is pushed back (depressed). Sometimes called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding on the flat surface of the wheel without interference from the flange or mounting hardware.

Type 27A cutting-off wheel

Similar to a Type 27 wheel. Specifically designed for use on cutting-off machines.

Type 28 wheel

An abrasive wheel similar to a Type 27 wheel, but the face of the wheel is angled upward and away from the mounting hole. The face of a Type 27 wheel is flat and perpendicular to the mounting hole. A Type 28 wheel is also called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding without interference from the mounting. A Type 28 wheel has a saucer-shaped grinding rim and is designed for corner grinding and side grinding.

Type 29 wheel

An abrasive wheel that has reversed, saucer-shaped grinding rims (similar to a partially opened umbrella).

Unitized tooling

A die that has the upper and lower members incorporated into a self-contained unit that holds the die members in alignment.

Upsetters (or forging machines, or headers)

A type of forging equipment, related to the mechanical press, in which the main forming energy is applied horizontally to the work piece that is gripped and held by prior action of the dies.

Wood products

Wood products include wood and reconstituted wood products that generate chips or dust in the processing of a wood piece.

WSR 04-15-004**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 7, 2004, 1:29 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adopting amended and new rules in chapter 388-424 WAC, and repealing WAC 388-424-0005 (see below for a list of WAC affected by this order). These rule changes are necessary to conform to changes in federal law and to address gaps and ambiguities in the current rules.

New sections WAC 388-424-0001 Citizenship and alien status—Definitions, 388-424-0006 Citizenship and alien status—Date of entry, 388-424-0007 Citizenship and alien status—Armed services or veteran status, 388-424-0008 Citizenship and alien status—Work quarters, 388-424-0009 Citizenship and alien status—Social Security number (SSN) requirements, and 388-424-0016 Citizenship and alien status—Immigrant eligibility restrictions for state medical benefits; and repealing WAC 388-424-0005 The effect of citizenship and alien status on eligibility for benefits; and amending WAC 388-424-0010 Citizenship and alien status—Immigrant eligibility restrictions for TANF and medical benefits, including Medicaid and SCHIP, 388-424-0015 Citizenship and alien status—Immigrant eligibility restrictions for the SFA, GA, and ADATSA programs, 388-424-0020 How does my alien status impact my eligibility for federally-funded Washington Basic Food program benefits?, and 388-424-0025 How does my alien status impact my eligibility for state-funded benefits under the Washington Basic Food program?

Citation of Existing Rules Affected by this Order: Repealing WAC 388-424-0005; and amending WAC 388-424-0010, 388-424-0015, 388-424-0020, and 388-424-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 04-10-100 on May 4, 2004.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 388-424-0001 is changed:

- To make clear that, under the definition of "qualified aliens," children of abused spouses are included in a parent's petition;
- To substitute the definition of "victim of trafficking" in federal statute (P.L. 106-386) for the definition in the proposed rule;
- To clarify that only victims of trafficking who have been certified or approved by ORR are treated as refugees; and
- To reflect that under federal law (P.L. 108-193) derivative beneficiaries of certified trafficking victims are eligible for federal benefits.

(2) The term "public interest" is deleted from the reference to "parolees" in WAC 388-424-0006.

(3) WAC 388-424-0008 is changed to clarify that the given definition of "federal means tested benefits" is specifically applicable toward the counting of Social Security work quarters.

(4) WAC 388-424-0009 is changed to clarify that all qualified aliens must apply for an SSN, even if not work-authorized, and that the department is obligated to assist in their application.

Number of Sections Adopted in Order to Comply with Federal Statute: New 4, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 4, Repealed 1.

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-424-0001 Citizenship and alien status—

Definitions. "American Indians" born outside the United States. American Indians born outside the U.S. are eligible for benefits without regard to immigration status or date of entry if:

(1) They were born in Canada and are of fifty percent American Indian blood (but need not belong to a federally-recognized tribe); or

(2) They are members of a federally-recognized Indian tribe or Alaskan Native village or corporation.

"Hmong or Highland Lao." These are members of the Hmong or Highland Laotian tribe, which rendered military assistance to the U.S. during the Vietnam era (August 5, 1964 to May 7, 1975), and are "lawfully present" in the United

States. This category also includes the spouse (including unremarried widow or widower) or unmarried dependent child of such tribe members.

"Nonimmigrants." These individuals are allowed to enter the U.S. for a specific purpose, usually for a limited time. Examples include:

- (1) Tourists,
- (2) Students,
- (3) Business visitors.

"PRUCOL" (Permanently residing under color of law) aliens. These are individuals who:

- (1) Are not "qualified aliens" as described below; and
- (2) Intend to reside indefinitely in the U.S.; and
- (3) United States Citizenship and Immigration Services or USCIS (formerly the Immigration and Naturalization Service or INS) knows are residing in the U.S. and is not taking steps to enforce their departure.

"Qualified aliens." Federal law defines the following groups as "qualified aliens." All those not listed below are considered "nonqualified:"

(1) **Abused spouses or children**, parents of abused children, or children of abused spouses, who have either:

(a) A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse or unmarried son or daughter of a Lawful Permanent Resident (LPR) - see definition of LPR below; or

(b) A notice of "prima facie" approval of a pending self-petition under the Violence Against Women Act (VAWA); or

(c) Proof of a pending application for suspension of deportation or cancellation of removal under VAWA; and

(d) The alien no longer resides with the person who committed the abuse.

(e) Children of an abused spouse do not need their own separate pending or approved petition but are included in their parent's petition if it was filed before they turned age twenty-one. Children of abused persons who meet the conditions above retain their "qualified alien" status even after they turn age twenty-one.

(f) An abused person who has initiated a self-petition under VAWA but has not received notice of prima facie approval is not a "qualified alien" but is considered PRUCOL. An abused person who continues to reside with the person who committed the domestic violence is also PRUCOL. For a definition of PRUCOL, see above.

(2) **Amerasians** who were born to U.S. citizen armed services members in Southeast Asia during the Vietnam war.

(3) Individuals who have been granted **asylum** under Section 208 of the Immigration and Nationality Act (INA).

(4) Individuals who were admitted to the U.S. as **conditional entrants** under Section 203 (a)(7) of the INA prior to April 1, 1980.

(5) **Cuban/Haitian entrants.** These are nationals of Cuba or Haiti who were paroled into the U.S. or given other special status.

(6) Individuals who are **lawful permanent residents** (LPRs) under the INA.

(7) Persons who have been granted **parole** into the U.S. for at least a period of one year (or indefinitely) under Section 212 (d)(5) of the INA, including "public interest" parolees.

(8) Individuals who are admitted to the U.S. as **refugees** under Section 207 of the INA.

(9) Persons granted **withholding of deportation or removal** under Sections 243(h) (dated 1995) or 241 (b)(3) (dated 2003) of the INA.

"Undocumented aliens." These are persons who either:

- (1) Entered the U.S. without inspection at the border, or
- (2) Were lawfully admitted but have lost their status.

"U.S. citizens."

(1) The following individuals are considered to be citizens of the U.S.:

(a) Persons born in the U.S. or its territories (Guam, Puerto Rico, and the U.S. Virgin Islands; also residents of the Northern Mariana Islands who elected to become U.S. citizens); or

(b) Legal immigrants who have naturalized after immigrating to the U.S.

(2) Persons born abroad to at least one U.S. citizen parent may be U.S. citizens under certain conditions.

(3) Individuals under the age of eighteen automatically become citizens when they meet the following three conditions on or after February 27, 2001:

(a) The child is a lawful permanent resident (LPR);

(b) At least one of the parents is a U.S. citizen by birth or naturalization; and

(c) The child resides in the U.S. in the legal and physical custody of the citizen parent.

(4) For those individuals who turned eighteen before February 27, 2001, the child would automatically be a citizen if still under eighteen when he or she began lawful permanent residence in the U.S. and both parents had naturalized. Such a child could have derived citizenship when only one parent had naturalized if the other parent were dead, a U.S. citizen by birth, or the parents were legally separated and the naturalizing parent had custody.

"U.S. nationals." A U.S. national is a person who owes permanent allegiance to the U.S. and may enter and work in the U.S. without restriction. The following are the only persons classified as U.S. nationals:

(1) Persons born in American Samoa or Swain's Island after December 24, 1952; and

(2) Residents of the Northern Mariana Islands who did not elect to become U.S. citizens.

"Victims of trafficking." According to federal law, victims of trafficking have been subject to one of the following:

(1) Sex trafficking, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen years of age; or

(2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) Under federal law, persons who have been certified or approved as victims of trafficking by the federal Office of Refugee Resettlement (ORR) are to be treated the same as refugees in their eligibility for public assistance.

(4) Immediate family members of victims are also eligible for public assistance benefits as refugees. Immediate family members are the spouse or child of a victim of any age and the parent or minor sibling if the victim is under twenty-one years old.

NEW SECTION

WAC 388-424-0006 Citizenship and alien status—Date of entry. (1) A person who physically entered the U.S. prior to August 22, 1996 and who continuously resided in the U.S. prior to becoming a "qualified alien" (as defined in WAC 388-424-0001) is not subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP.

(2) A person who entered the U.S. prior to August 22, 1996 but became "qualified" on or after August 22, 1996, or who physically entered the U.S. on or after August 22, 1996 and who requires five years of residency to be eligible for federal Basic Food, can only count years of residence during which they were a "qualified alien."

(3) A person who physically entered the U.S. on or after August 22, 1996 is subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP unless exempt. The five-year bar starts on the date that "qualified" status is obtained.

(4) The following "qualified aliens," as defined in WAC 388-424-0001, are exempt from the five-year bar:

(a) Amerasian lawful permanent residents;

(b) Asylees;

(c) Conditional entrants;

(d) Cuban/Haitian entrants;

(e) Persons granted withholding of deportation or removal;

(f) Refugees;

(g) Victims of trafficking who have been certified or had their eligibility approved by the office of refugee resettlement (ORR);

(h) Lawful permanent residents, parolees, or battered aliens, as defined in WAC 388-424-0001, who are also an armed services member or veteran as described in WAC 388-424-0007 or who meet the work quarters requirement described in WAC 388-424-0008.

NEW SECTION

WAC 388-424-0007 Citizenship and alien status—Armed services or veteran status. (1) An immigrant in one of the following categories is considered a member of the armed forces or a veteran for purposes of establishing eligibility for federal means-tested benefits as defined in WAC 388-424-0008:

(a) On active duty in the U.S. military, other than active duty for training; or

(b) An honorably discharged U.S. veteran; or

(c) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, Section 107 of the U.S. Code; or

(d) The spouse, un-remarried widow or widower, or unmarried dependent child of a veteran or active duty service member.

(2) An immigrant as described in subsection (1) above is not subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP (see WAC 388-424-0010).

(3) An immigrant as described in subsection (1) above who is also a "qualified alien" as described in WAC 388-424-0020 (1)(b)(i) is eligible for federal Basic Food.

(4) An immigrant is not subject to sponsor deeming in state funded programs (see WAC 388-450-0156 (4)(c)) if in any of the categories in subsection (1) above or if:

(a) Employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or

(b) The spouse, un-remarried widow or widower, or unmarried dependent child of a person in subsection (4)(a) of this section.

NEW SECTION

WAC 388-424-0008 Citizenship and alien status—

Work quarters. (1) For purposes of determining Social Security work quarters, the following are considered federal means-tested benefits: Temporary assistance for needy families (TANF), nonemergency Medicaid, state children's health insurance program (SCHIP), Supplemental Security Income (SSI), and federal Basic Food.

(2) An immigrant can receive credit for work quarters by:

(a) Earning enough money to qualify for work quarters;

(b) Getting credit for work quarters earned by a parent or step parent while the alien was under eighteen (including quarters earned before the alien was born); and

(c) Getting credit for work quarters earned by a spouse during the marriage (including a now deceased spouse) or during a period when a couple "hold themselves out" as married.

(3) An immigrant may receive credit for work quarters earned while residing in the U.S. regardless of their (or their family member's) immigration status at the time the money was earned.

(4) An immigrant cannot receive credit for a work quarter on or after January 1, 1997 if the person earning or being credited with the work quarter received a federal means-tested benefit during the quarter.

(5) If the person earning the quarter applied for a federal means-tested benefit during the fortieth quarter and the person earning the quarter earned enough money to qualify for benefits before applying for benefits, the quarter is credited.

(6) An immigrant can be provisionally credited with forty work quarters for up to six months while awaiting verification of work quarters only if:

(a) SSA responded that the immigrant (and spouse and parents) has less than forty quarters, but SSA is making an investigation to see if more quarters can be credited; or

(b) The immigrant has turned in a request to another federal agency for proof of the immigrant's eligible alien status and the agency has accepted the request.

NEW SECTION

WAC 388-424-0009 Citizenship and alien status—Social Security Number (SSN) requirements. (1) A "qual-

ified alien," as defined in WAC 388-424-0001, who has applied for a Social Security number (SSN) as part of their application for benefits cannot have benefits delayed, denied, or terminated pending the issuance of the SSN by the Social Security Administration (SSA).

(2) The following immigrants are not required to apply for an SSN:

(a) An alien, regardless of immigration status, who is applying for a program listed in WAC 388-476-0005(7);

(b) A PRUCOL alien as defined in WAC 388-424-0001; and

(c) Members of a household who are not applying for benefits for themselves.

(3) "Qualified aliens," as defined in WAC 388-424-0001, who are applying for federal benefits but who are not authorized to work in the U.S., must still apply for a nonwork SSN. The department must assist them in this application without delay.

(4) An immigrant who is otherwise eligible for benefits may choose not to provide the department with an SSN without jeopardizing the eligibility of others in the household. See WAC 388-450-0140 for how the income of such individuals is treated.

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

WAC 388-424-0010 Citizenship and alien status—Eligibility (~~requirements~~) restrictions for the temporary assistance for needy families program and medical benefits, including nonemergency Medicaid and the state children's health insurance program (SCHIP). (1) (~~Qualified aliens as described in WAC 388-424-0005(3) who were residing in the United States (U.S.) before August 22, 1996 may receive temporary assistance for needy families (TANF), Medicaid, and CHIP benefits.~~

(2) ~~Qualified aliens who first physically entered the U.S. after August 21, 1996 cannot receive TANF, Medicaid, or SCHIP for five years after obtaining status as a qualified alien, unless they are any of the following:~~

~~(a) An alien as described under WAC 388-424-0005(3)(b), (d), (e), (g), or (h); or~~

~~(b) A lawful permanent resident who is:~~

~~(i) On active duty in the U.S. military, other than active duty for training;~~

~~(ii) An honorably discharged U.S. veteran;~~

~~(iii) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;~~

~~(iv) A Hmong or Highland Lao veteran who served in the military on behalf of the U.S. Government during the Vietnam conflict; or~~

~~(v) The spouse or unmarried dependent child(ren) of a person described in subsection (2)(b)(i) through (iv) of this section.~~

~~(3) A child born outside of the U.S. automatically becomes a U.S. citizen when:~~

~~(a) At least one of the parents is a U.S. citizen by birth or naturalization;~~

~~(b) The child is under eighteen years of age;~~

~~(c) The child is residing in the U.S. in legal and physical custody of the citizen parent; and~~

~~(d) The child is a lawful permanent resident.~~

~~(4) An Indian as described in WAC 388-424-0020 (2)(b) and (e) may receive Medicaid or CHIP benefits.~~

~~(5) Aliens, including PRUCOL aliens as defined in WAC 388-424-0005(4), who would qualify for Medicaid benefits, but are determined ineligible because of alien status or requirements for a Social Security Number, may receive medical coverage as follows:~~

~~(a) State-funded categorically needy (CN) scope of care for pregnant women, as described in WAC 388-462-0015; and~~

~~(b) Alien emergency medical services as described in WAC 388-438-0110.~~

~~(6) Alien status does not affect eligibility for the medically indigent program described in WAC 388-438-0100)) To receive TANF or medical benefits you must meet all other eligibility requirements and be one of the following as defined in WAC 388-424-0001:~~

~~(a) A U.S. citizen;~~

~~(b) A U.S. national;~~

~~(c) An American Indian born outside the U.S.;~~

~~(d) A "qualified alien";~~

~~(e) A victim of trafficking; or~~

~~(f) A Hmong or Highland Lao.~~

~~(2) A "qualified alien" who first physically entered the U.S. before August 22, 1996 as described in WAC 388-424-0006(1) may receive TANF, nonemergency Medicaid, and SCHIP benefits.~~

~~(3) A "qualified alien" who first physically entered the U.S. on or after August 22, 1996 cannot receive TANF, non-emergency Medicaid, or SCHIP for five years after obtaining status as a qualified alien unless he or she is an alien as described under WAC 388-424-0006(4).~~

~~(4) An alien who is ineligible for TANF, nonemergency Medicaid, or SCHIP because of the five-year bar or because of their immigration status may be eligible for:~~

~~(a) Emergency benefits as described in WAC 388-424-0018 (consolidated emergency assistance program) and WAC 388-438-0110 (alien emergency medical program); or~~

~~(b) State-funded cash or chemical dependency benefits as described in WAC 388-424-0015 (SFA, GA and ADATSA) and medical benefits as described in WAC 388-424-0016; or~~

~~(c) Pregnancy medical benefits as described in WAC 388-462-0015.~~

AMENDATORY SECTION (Amending WSR 00-08-060, filed 3/31/00, effective 4/1/00)

~~WAC 388-424-0015 ((Citizenship and alien status—)) **Immigrant eligibility ((requirements)) restrictions for the state family assistance ((program (SFA))), general assistance, and ADATSA programs.** (1) To receive state family assistance (SFA) benefits, you must be:~~

~~((1)) (a) A ((qualified alien who is not eligible for TANF benefits because of the five-year period of ineligibility described in WAC 388-424-0010(2); or~~

~~(2) An alien who is permanently residing in the U.S. under color of law (PRUCOL) as defined in WAC 388-424-0005(4)) "qualified alien" as defined in WAC 388-424-0001 who is ineligible for TANF due to the five-year bar as described in WAC 388-424-0006(3); or~~

~~(b) A PRUCOL alien as defined in WAC 388-424-0001, including a noncitizen American Indian who does not meet the criteria in WAC 388-424-0001.~~

~~(2) To receive general assistance (GA) benefits, you must be ineligible for the TANF, SFA, or SSI program for a reason other than failure to cooperate with program requirements, and belong to one of the following groups as defined in WAC 388-424-0001:~~

~~(a) A U.S. citizen;~~

~~(b) A U.S. national;~~

~~(c) An American Indian born outside the U.S.;~~

~~(d) A "qualified alien" or similarly defined lawful immigrant such as Hmong or Highland Lao or victim of trafficking; or~~

~~(e) A PRUCOL alien.~~

~~(3) To receive ADATSA benefits, you must belong to one of the following groups as defined in WAC 388-424-0001:~~

~~(a) A U.S. citizen;~~

~~(b) A U.S. national;~~

~~(c) An American Indian born outside the U.S.;~~

~~(d) A "qualified alien" or similarly defined lawful immigrant such as Hmong or Highland Lao or victim of trafficking; or~~

~~(e) A PRUCOL alien.~~

NEW SECTION

WAC 388-424-0016 Citizenship and alien status—Immigrant eligibility restrictions for state medical benefits. (1) To receive general assistance medical (medical care services) you must meet the alien requirements of general assistance as described in WAC 388-424-0015(2) and be a recipient of general assistance cash.

(2) To receive medical benefits for pregnancy, you must be ineligible for other programs as described in WAC 388-462-0015, verify you are pregnant, and be:

(a) "qualified alien" who is ineligible for TANF due to the five-year bar as described in WAC 388-424-0006(3);

(b) PRUCOL as defined in WAC 388-424-0001; or

(c) An undocumented alien as defined in WAC 388-424-0001.

AMENDATORY SECTION (Amending WSR 03-05-029, filed 2/10/03, effective 4/1/03)

WAC 388-424-0020 How does my alien status impact my eligibility for the federally-funded Washington Basic Food program benefits? (1) If you are ((not)) a U.S. citizen or U.S. national((, you must fall within one of the following three categories,)) as defined in WAC 388-424-0001 and meet all other eligibility requirements, ((in order to)) you may receive federal Basic Food benefits((:

(a) You are a member of one of the following groups of qualified aliens (as defined in WAC 388-424-0005): A refugee, or an asylee, or a victim of trafficking, or have deporta-

tion/removal withheld, or are a Cuban or Haitian entrant; or are a qualified alien (as defined in WAC 388-424-0005) and Amerasian;

(b) You are a lawful permanent resident, or paroled for one year or more, or a conditional entrant, or a victim of domestic violence or parent or child of a victim (as defined in WAC 388-424-0005), and one of the following also apply to you:

(i) You have worked or can get credit for forty Social Security Administration (SSA) work quarters—see subsections (2) through (5) below;

(ii) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement;

(iii) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;

(iv) You have lived in the U.S. as a "qualified" alien as described in WAC 388-424-0005 for at least five years;

(v) You are under age eighteen;

(vi) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.

(e) You are not in one of the groups listed under (a) or (b) of this subsection but belong to one of the following groups:

(i) You are legally residing in the U.S. and are a Hmong or Highland Laotian tribal members (including the tribal members' spouse and dependent children) when the tribe assisted U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975; or

(ii) Canadian born American Indians who are fifty percent American Indian blood; or

(iii) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(2) For those immigrants who must have credit for forty SSA work quarters to receive Basic Food benefits, you can receive credit for SSA work quarters, earned only in the U.S., by:

(a) Earning enough money to qualify for work quarters;

(b) Getting credit for quarters earned by a parent or step-parent while you are under age eighteen including before you were born; or

(c) Getting credit for quarters earned by your spouse while you are married if you are still married to them or they are deceased.

(3) You cannot receive credit for a SSA work quarter after January 1, 1997 if you received TANF, nonemergency Medicaid, food stamps, or federal Basic Food benefits during the quarter.

(4) If you apply for TANF, nonemergency Medicaid, or Basic Food benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.

(5) You can get federally funded Basic Food benefits for up to six months while we wait for verification of your eligibility if you or the department:

(a) Asked SSA for proof of your work quarters, SSA responded that you have less than forty quarters, and you pro-

vide proof that SSA is making an investigation to decide if they can credit you with more quarters; or

(b) Turned in a request to a federal agency for proof that you meet immigrant eligibility requirements for federally-funded Basic Food benefits. If you requested this proof, you must provide proof that the agency has accepted this request).

(2) If you are not a U.S. citizen or U.S. national, you must fall within (a) or (b) of this subsection, and meet all other eligibility requirements, in order to receive federal Basic Food benefits:

(a) You are a member of one of the following groups of "qualified aliens" or similarly defined lawful immigrants as defined in WAC 388-424-0001:

(i) Amerasian;

(ii) Asylee;

(iii) Cuban or Haitian entrant;

(iv) Deportation or removal withheld;

(v) Refugee;

(vi) Victim of trafficking;

(vii) Noncitizen American Indian; or

(viii) Hmong or Highland Lao tribal member.

(b)(i) You are a member of one of the following groups of qualified aliens as defined in WAC 388-424-0001:

(A) Conditional entrant;

(B) Lawful permanent resident (LPR);

(C) Paroled for one year or more; or

(D) Victim of domestic violence or parent or child of a victim.

(ii) And, one of the following also applies to you:

(A) You have worked or can get credit for forty Social Security Administration (SSA) work quarters - as described in WAC 388-424-0008;

(B) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement, as described in WAC 388-424-0007(1);

(C) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;

(D) You have lived in the U.S. as a "qualified alien" as described in WAC 388-424-0001 for at least five years;

(E) You are under age eighteen; or

(F) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.

(3) If you are ineligible for federal Basic Food benefits due to your alien status, you may be eligible for state Basic Food benefits (see WAC 388-424-0025).

AMENDATORY SECTION (Amending WSR 03-05-029, filed 2/10/03, effective 4/1/03)

WAC 388-424-0025 How does my alien status impact my eligibility for state-funded benefits under the Washington Basic Food program? To receive state-funded benefits under the Washington Basic Food program ((Basic Food)), you must be one of the following:

(1) A "qualified alien," as defined in WAC ((388-424-0005)) 388-424-0001, who does not meet the eligibility

requirements under WAC 388-424-0020 to receive federally-funded Basic Food benefits; or

(2) An alien who does not meet the definition of a qualified alien as defined in WAC ((388-424-0005)) 388-424-0001 but who is(~~:~~

~~(a) Allowed to enter the U.S. for permanent residence by permission of the U.S. Attorney General under section 249 of the Immigration and Nationality Act (INA); or~~

~~(b) Admitted for temporary residence under section 245A of the INA and is aged, blind, or disabled as described in Title XVI of the Social Security Act; or~~

~~(c) Granted temporary resident status by the Immigration and Naturalization Service (INS) as a special agricultural worker under section 210 of the INA; or~~

~~(d) Granted Family Unity status by the INS and the alien's spouse or parent is eligible to receive federal or state-funded Basic Food benefits; or~~

~~(e)) Permanently Residing Under Color of Law (PRUCOL) in the United States as defined in WAC ((388-424-0005(4))) 388-424-0001.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-424-0005	The effect of citizenship and alien status on eligibility for benefits.
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**WSR 04-15-005
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed July 7, 2004, 1:37 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement the Uniform Money Services Act, chapter 287, Laws of 2003, chapter 19.230 RCW specifically to facilitate licensing, monitoring, investigation and examination of money services businesses as required by the act. This permanent rule is to replace the emergency rule filed as WSR 04-07-182.

Statutory Authority for Adoption: RCW 19.230.310 and 43.320.040.

Adopted under notice filed as WSR 04-11-110 on May 19, 2004.

Changes Other than Editing from Proposed to Adopted Version: The requirement that money transmitters notify the department of the addition of authorized delegates before those delegates begin operating is removed. The initial license fee is prorated according to the month the license is issued.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 23, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 22, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 7, 2004.

Helen P. Howell
Director

Chapter 208-690 WAC

REGULATION OF MONEY SERVICES PROVIDERS

**PART A
DEFINITIONS**

NEW SECTION

WAC 208-690-010 Definitions. The definitions in RCW 19.230.010 and this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Act" means the Uniform Money Services Act, chapter 19.230 RCW.

(2) "Audited financial statement" means a statement prepared by an independent accountant according to generally accepted accounting principles.

(3) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, corporation, or association, or the owner of a sole proprietorship.

(4) "RCW" means the *Revised Code of Washington*.

(5) "Unsafe or unsound practice" means a practice or conduct by a person licensed or required to be licensed by the act to provide money services, or an authorized delegate of such a person, which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the financial condition of the licensee or the interests of its customers.

**PART B
LICENSING**

NEW SECTION

WAC 208-690-020 Voluntary license application. (1) Any person otherwise exempt from licensing under the provisions of the act may voluntarily submit an application to the director for a money transmitter or currency exchange license. The director shall review such application and may grant or deny licenses to such applicants upon the same grounds and subject to payment of the same fees as are applicable to persons required to be licensed.

PERMANENT

(2) Upon receipt of a license under this section, the licensee is required to maintain a valid license and is subject to all the provisions of the act and these rules until the license is surrendered or revoked.

NEW SECTION

WAC 208-690-030 License application. Each person required to have a money transmission or currency exchange license must apply to the director by filing:

(1) A completed application in a form and in a medium prescribed by the director. The application must contain:

(a) The legal name, business address, and residential address, if applicable, of the applicant and any fictitious or trade name used by the applicant in conducting its business;

(b) The legal name, residential and business address, date of birth, Social Security number, employment history for the five-year period preceding the submission of the application of the applicant's proposed responsible individual, and documentation that the proposed responsible individual is a citizen of the United States or has obtained legal immigration status to work in the United States. In addition, the applicant shall provide the fingerprints of the proposed responsible individual and a personal credit report from a recognized independent credit reporting agency on the proposed responsible individual;

(c) For the ten-year period preceding submission of the application, a list of any criminal convictions of the proposed responsible individual of the applicant, any material litigation in which the applicant has been involved, and any litigation involving the proposed responsible individual relating to the provision of money services;

(d) A description of any money services previously provided by the applicant and the money services the applicant seeks to provide in this state;

(e) A list of the applicant's authorized delegates including the business name and any additional names by which the business may be known, the business address and name of the primary contact person for each authorized delegate, and the locations in this state where the applicant and its authorized delegates propose to engage in the provision of money services;

(f) A list of other states in which the applicant is licensed to engage in money transmission, or provide other money services, and any license revocations, suspensions, restrictions, or other disciplinary action taken against the applicant in another state;

(g) A list of any license revocations, suspensions, restrictions, or other disciplinary action taken against any money services business involving the proposed responsible individual;

(h) Information concerning any bankruptcy or receivership proceedings involving or affecting the applicant or the proposed responsible individual;

(i) A sample form of the contract for authorized delegates, if applicable;

(j) A description of the source of money and credit to be used by the applicant to provide money services; and

(k) A full description of the screening process used by the applicant in selecting authorized delegates, including a

sample of any forms used, and the method used to screen for criminal history.

(2) If the applicant is a corporation, limited liability company, partnership, or other entity, the applicant shall also provide:

(a) The date of the applicant's incorporation or formation and the state or country of incorporation or formation;

(b) If applicable, a certificate of good standing from the state or country in which the applicant is incorporated or formed;

(c) A brief description of the structure or organization of the applicant, including any parent or subsidiary of the applicant, and whether any parent or subsidiary is publicly traded;

(d) The legal name, any fictitious or trade name, all business and residential addresses, date of birth, Social Security number, and employment history in the ten-year period preceding the submission of the application for each executive officer, board director, or person that has control of the applicant;

(e) If the applicant or its corporate parent is not a publicly traded entity, the fingerprints of each executive officer, board director, or person that has control of the applicant;

(f) A list of any criminal convictions, material litigation, and any litigation related to the provision of money services, in the ten-year period preceding the submission of the application in which any executive officer, board director, or person in control of the applicant has been involved;

(g) A copy of the applicant's audited financial statements for the most recent fiscal year or, if the applicant is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the applicant's most recent audited consolidated annual financial statement, and in each case, if available, for the two-year period preceding the submission of the application;

(h) A copy of the applicant's unconsolidated financial statements for the current fiscal year, whether audited or not, and, if available, for the two-year period preceding the submission of the application;

(i) If the applicant is publicly traded, a copy of the most recent report filed with the United States Securities and Exchange Commission under section 13 of the federal Securities Exchange Act of 1934 (15 U.S.C. Sec. 78m);

(j) If the applicant is a wholly owned subsidiary of:

(i) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed under section 13 of the federal Securities Exchange Act of 1934 (15 U.S.C. Sec. 78m); or

(ii) A corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

(k) If the applicant has a registered agent in this state, the name and address of the applicant's registered agent in this state.

(3) If the application is for money transmission, a surety bond as required by WAC 208-690-040 or an assignment of a certificate of deposit, as required by WAC 208-690-045.

(4) An application fee as prescribed by WAC 208-690-130(1). The application fee is not refundable.

(5) An initial license fee as prescribed by WAC 208-690-130(2). The initial license fee will be refunded if the license application is denied.

(6) If the application is for money transmission, a certification that the applicant's investment portfolio includes only permissible investments under RCW 19.230.200 and 19.230.210.

The director may waive one or more requirements of subsection (1) or (2) of this section or permit an applicant to submit other information in lieu of the required information.

NEW SECTION

WAC 208-690-035 Authorized delegates, limitation, inclusion. (1) Only a licensee may designate an authorized delegate.

(2) An authorized delegate, or any other person exempt from the licensing requirements of chapter 19.230 RCW, cannot have an authorized delegate.

(3) Any person who is designated by a licensee to provide money services on behalf of the licensee is an authorized delegate, regardless of whether that person would be exempt from the application of chapter 19.230 RCW if they provided money services on their own behalf.

NEW SECTION

WAC 208-690-040 Surety bond. (1) Each money transmitter licensee shall continuously maintain a surety bond as required by RCW 19.230.050, issued by a company authorized to do surety business in this state, as a surety. The surety may not be a wholly owned subsidiary or affiliate of the applicant or licensee.

(2) The penal sum of the bond shall be calculated annually according to the following schedule:

(a) Ten thousand dollars if the applicant or licensee had money transmission receipts of less than one million dollars for the previous twelve months, including applicants who have not previously engaged in providing money transmission services.

(b) Twenty thousand dollars if the applicant or licensee had money transmission receipts of at least one million but less than two million dollars for the previous twelve months.

(c) Thirty thousand dollars if the applicant or licensee had money transmission receipts of at least two million but less than three million dollars for the previous twelve months.

(d) Forty thousand dollars if the applicant or licensee had money transmission receipts of at least three million but less than four million dollars for the previous twelve months.

(e) Fifty thousand dollars if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

In addition to these amounts, the penal sum of the bond is increased by ten thousand dollars for each additional location where that applicant provides money services, including each location of authorized delegates, and each location owned and operated by the applicant, up to a maximum total amount of five hundred thousand dollars.

NEW SECTION

WAC 208-690-045 Alternatives to the surety bond, certificate of deposit. In lieu of the surety bond required under WAC 208-690-040, an applicant or licensee may substitute an assignment of a certificate of deposit in favor of the director in a form provided by the director. The certificate of deposit must be issued by a financial institution in the state of Washington whose shares or deposits are insured by an agency of the government of the United States. The depositor is entitled to receive all interest and dividends on the certificate of deposit. The assignment of a certificate of deposit will be held for at least five years after the date when a replacement security instrument is filed with the director, or at least five years after the date the money transmitter licensee ceases to provide money services in this state.

NEW SECTION

WAC 208-690-050 Increase of security. The director may increase the amount of security required, to a maximum of one million dollars, if the financial condition of a money transmitter licensee so requires. The director may consider, without limitation, the following criteria:

(1) Significant reduction of net worth.

(2) Financial losses.

(3) Potential losses resulting from violations of chapter 19.230 RCW, or these rules;

(4) Licensee filing for bankruptcy.

(5) The initiation of any proceedings against the licensee in any state or foreign country.

(6) The filing of a state or federal criminal charge against the licensee, person in control, responsible individual, executive officer, board director, employee, authorized delegate or principal, based on conduct related to providing money services or money laundering.

(7) A licensee, executive officer, board director, person in control, responsible individual, principal or authorized delegate being convicted of a crime.

(8) Any unsafe or unsound practice.

(9) A judicial or administrative finding against a money transmitter licensee under chapter 19.86 RCW, or an examination report finding that the money transmitter licensee engaged in an unfair or deceptive act or practice in the conduct of its business.

(10) Other events and circumstances that, in the judgment of the director, impair the ability of the licensee to meet its obligations to its money services customers.

NEW SECTION

WAC 208-690-060 Net worth. (1) A money transmitter applicant or licensee must demonstrate and maintain a net worth of at least the amounts set forth in the following schedule:

(a) Ten thousand dollars if the applicant has not previously engaged in the provision of money services, or the applicant or licensee had money transmission receipts of less than one million dollars for the previous twelve months;

(b) Twenty thousand dollars if the applicant or licensee had money transmission receipts of at least one million dol-

lars but less than two million dollars for the previous twelve months;

(c) Thirty thousand dollars if the applicant or licensee had money transmission receipts of at least two million dollars but less than three million dollars for the previous twelve months;

(d) Forty thousand dollars if the applicant or licensee had money transmission receipts of at least three million dollars but less than four million dollars for the previous twelve months; or

(e) Fifty thousand dollars if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

(2) Determinations of net worth must be made according to generally accepted accounting principles.

NEW SECTION

WAC 208-690-070 License denial. (1) Director may deny a money services license if the director determines that:

(a) The application is incomplete;

(b) The surety bond or net worth requirements of WAC 208-690-040 through 208-690-060 have not been met;

(c) The general fitness and character requirements of RCW 19.230.070 or 19.230.100 have not been met as demonstrated by findings including, but not limited to, the following:

(i) The applicant, an executive officer, proposed responsible person, board director, person in control or authorized delegate has been convicted of any felony within the past ten years;

(ii) The applicant, an executive officer, proposed responsible person, board director, person in control or authorized delegate has been convicted of a crime involving a financial transaction within the past ten years;

(iii) The applicant, an executive officer, proposed responsible person, board director or person in control has criminal, civil, or administrative charges issued against him/them in any jurisdiction for violations relating to a financial transaction(s) within the past ten years;

(iv) The applicant, an executive officer, proposed responsible person, board director, or person in control has falsified any information supplied in connection with the application;

(v) The applicant, or any proposed authorized delegate thereof, has had an adverse action taken against any business license related to providing financial services by a jurisdiction within the United States within the past five years;

(vi) The applicant has allowed a business under its control to deteriorate to a condition of insolvency determined by the fact that its liabilities exceed its assets or it cannot meet its liabilities as they mature;

(d) The applicant, or any authorized delegate thereof, fails to respond to a request for information from the director;

(e) The description of the screening process used by the applicant in selecting authorized delegates supplied by the applicant describes a process that is ineffective in determining the fitness of proposed authorized delegates;

(f) The applicant has failed to register with the United States Department of the Treasury as required by 31 U.S.C. Section 5330;

(g) The applicant, an executive officer, proposed responsible individual, board director, or person in control is listed on the specially designated nationals and blocked persons list prepared by the United States Department of the Treasury as a potential threat to commit terrorist acts or to finance terrorist acts.

(2) In lieu of denying an application as authorized by any of the findings in subsection (1) of this section, the director may return the application or extend the review period if the director determines that the condition or circumstances that would likely lead to denial may be temporary and resolved satisfactorily within a reasonable period of time. The director may resume processing the application if the director determines that a favorable resolution of the disqualifying condition has occurred.

(3) The director may revoke or suspend a license and issue an order to cease and desist operations as a money services licensee if:

(a) Another jurisdiction initiates an adverse action against the money services license of the licensee; or

(b) Upon finding the existence of any condition or fact that would have led to denial of a license if known by the director during the processing of the application.

PART C RECORDKEEPING AND REPORTING

NEW SECTION

WAC 208-690-075 Transaction records. In addition to the records required to be retained under RCW 19.230.170, a money transmitter licensee shall maintain a record of money transmittals in accordance with Title 31, Code of Federal Regulations, Part 103.33(f), as now appearing or hereafter amended.

NEW SECTION

WAC 208-690-080 Audited annual financial statement. A money transmitter licensee is required to have an audited financial statement prepared annually in accordance with generally accepted accounting principles.

NEW SECTION

WAC 208-690-090 Annual report and annual assessment. Every licensee must submit a completed annual report and annual license assessment fee prescribed by WAC 208-690-140. The completed report and the fee must be received in the department office no later than 5:00 p.m. July 1, or 5:00 p.m. the next business day if July 1 is not a business day. A form for the preparation of the annual report and license assessment will be made available by the department by electronic transmission or mailed upon request. The report shall include the following:

(1) If the licensee is a money transmitter, a copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corpo-

ration, the most recent audited consolidated annual financial statement of the parent company.

(2) A list of current authorized delegates in a form and in a medium prescribed by the director.

(3) If the licensee is a money transmitter, a certification that the licensee's investment portfolio includes only permissible investments under RCW 19.230.200 and 19.230.210.

(4) If the licensee is a money transmitter, proof that the licensee has an adequate surety bond or assignment of a certificate of deposit and net worth as required by WAC 208-690-040 through 208-690-060.

(5) A description of each material change, as defined by WAC 208-690-110, which has not been previously reported to the director.

NEW SECTION

WAC 208-690-100 Late penalty. (1) If a licensee fails to submit the required annual report or license assessment fee by July 1, the director shall send the licensee a notice of suspension and assess a late fee equal to twenty-five percent of the license assessment fee. If a licensee whose license has been suspended under this section submits a completed annual report, the annual assessment and the late fee to the department office no later than 5:00 p.m., July 31, the license suspension shall be removed. If the delay extends past July 31, the director shall send a notice to the licensee that its license has expired effective August 1.

(2) The director may reinstate an expired license under this section if, by August 20, the licensee:

(a) Files the complete annual report and pays both the annual license assessment and the late fee; and

(b) The licensee or its delegates did not engage in providing money services during the period its license was expired.

(3) If any of the deadlines in this section occur on a day that is not a business day, the deadline shall be the next business day.

NEW SECTION

WAC 208-690-110 Report of material change. Material changes described in this section must be reported to the director within thirty business days of the occurrence of the change. "Material change" means any change that is not trivial, and that, if not reported, would cause an investigation or examination to be misled or delayed. Such changes include, but are not limited to:

(1) A change of the physical and/or mailing address;

(2) A change of the responsible individual;

(3) A change of the licensee's name or DBA (doing business as);

(4) A change in the location where the records of the licensee that are required to be retained under RCW 19.230.170 are kept;

(5) The obtaining, revocation or surrender of a money services license in any other jurisdiction;

(6) The conviction of the licensee, an executive officer, responsible individual, board director, principal, or person in control of a misdemeanor or gross misdemeanor involving a financial transaction; and

(7) Other similar activities or events.

The fee prescribed by WAC 208-690-150 must accompany each report.

NEW SECTION

WAC 208-690-112 Other reports. A licensee shall file a report with the director within one business day after the licensee has reason to know of the occurrence of any of the following events:

(1) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, under the United States Bankruptcy Code (11 U.S.C. 101-110) for bankruptcy or reorganization;

(2) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of creditors;

(3) The commencement of a proceeding to revoke, suspend, restrict, or condition its license, or otherwise discipline or sanction the licensee, in a state or country in which the licensee engages in business or is licensed;

(4) The cancellation or other impairment of the licensee's bond or other security;

(5) A charge or conviction of the licensee or of an executive officer, responsible individual, board director of the licensee, principal, or person in control of the licensee, for a felony; or

(6) A charge or conviction of an authorized delegate for a felony.

NEW SECTION

WAC 208-690-115 Request for approval of change of control. A request for approval of change of control as required by RCW 19.230.160 shall be made within fifteen days after learning of the proposed change of control and at least thirty days prior to the proposed change of control. The request for approval shall include:

(1) A comprehensive description of the proposed change that sets forth:

(a) The identity of all persons acquiring control under the proposed change;

(b) The ownership interest and managerial authority of all persons in control under the proposed change.

(2) For each new person in control under the proposed change:

(a) Biographical information, including employment history for the immediate previous five years;

(b) A personal credit report issued by a recognized independent credit reporting agency;

(c) A signed authorization for a background investigation on a form prescribed by the director.

(3) A transaction fee as prescribed by WAC 208-690-150.

NEW SECTION

WAC 208-690-120 Quarterly reports—Deletion of authorized delegates, locations—Address or name change. (1) A licensee shall file with the director within forty-five days after the end of each fiscal quarter:

- (a) Any addition or deletion of licensee-owned locations where money services are provided, including mobile locations;
- (b) Any change in the name or trade name (DBA or doing business as) or business address of an existing authorized delegate;
- (c) Any additions or deletions from its roster of authorized delegates; and
- (d) The fee required by WAC 208-690-150.

(2) If there is no change in the roster of authorized delegates or locations where money services are provided, or no changes in the name or trade name (DBA or doing business as) or business address of any authorized delegate during a fiscal quarter, no report is required.

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

**PART D
FEES**

NEW SECTION

WAC 208-690-130 License fees. (1) A nonrefundable license application fee of five hundred dollars shall be paid by each license applicant, plus fifty dollars for each additional location where the licensee or an authorized delegate will provide money services, up to a maximum of fifteen thousand dollars. A nonrefundable application fee of fifty dollars shall be paid by a licensee for each authorized delegate or company owned location the licensee seeks to add to its roster after the company license has been issued.

(2) An applicant shall pay an initial license fee of five hundred dollars, plus fifty dollars for each additional location where the applicant or an authorized delegate will provide money services, up to a maximum of fifteen thousand dollars. This initial license fee is refundable if the application is denied. The fee is not refundable if the application is withdrawn. A licensee shall pay an initial license fee of fifty dollars for each authorized delegate the licensee seeks to add to its roster after the license has been issued.

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

NEW SECTION

WAC 208-690-140 License assessment. (1) For the first annual assessment due July 1, following the obtaining of a license the licensee shall pay an annual assessment according to the schedule set forth below, plus fifty dollars for each additional location where the licensee or an authorized delegate provides money services, up to a maximum of fifteen thousand dollars.

MONTH LICENSE ISSUED	INITIAL ANNUAL ASSESSMENT
July	\$500
August	458
September	416
October	374
November	332
December	290
January	248
February	206
March	164
April	122
May	80
June	38

(2) For each subsequent year a licensee shall pay an annual license assessment of five hundred dollars plus fifty dollars for each additional location where the licensee or an authorized delegate provides money services, up to a maximum of fifteen thousand dollars.

NEW SECTION

WAC 208-690-150 Transaction fee. (1) A fee of thirty dollars shall be paid by a licensee for the administrative costs connected with processing each:

- (a) Change of a licensee's physical or mailing address, name or trade name (DBA or doing business as);
- (b) Request for approval of a change in control of a licensee;
- (c) Change of the responsible individual;
- (d) Change in the business/trade name or location of an existing authorized delegate, or company-owned location, or deletions from the roster or authorized delegates; or
- (e) Material change.

(2) Transaction fees to cover administrative costs are separate, distinct from, and in addition to investigation and examination fees under WAC 208-690-170.

NEW SECTION

WAC 208-690-160 Late fees. A late fee of twenty five percent of the annual license assessment will be added to the assessment if the annual report and license assessment are not received in the office of the department by 5:00 p.m., July 1. If July 1 is not a business day, the deadline is 5:00 p.m. the next business day.

NEW SECTION

WAC 208-690-170 Investigation and examination fee. (1) The director will collect fees of seventy-five dollars per hour for investigation and examination, including, but not limited to, the following services:

- (a) The review and attendant investigation of changes in control changes in the responsible individual, changes in the identity or location of authorized delegates, and other material changes.

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(b) The review and attendant investigation of permissible investments of the licensee.

(c) Any examination of the licensee's books, records and files deemed necessary by the director.

(2) The licensee, applicant or person subject to licensing under this chapter who is the subject of an examination or investigation shall pay the actual expenses of required out-of-state travel including, but not limited to, travel, lodging and per diem expense.

(3) Investigation and examination fees are separate, distinct from, and in addition to transaction fees imposed by WAC 208-690-150.

PART E ENFORCEMENT

NEW SECTION

WAC 208-690-180 Authority to conduct examinations and investigations. (1) For the purposes of discovering violations of chapter 19.230 RCW or these rules, discovering unsafe and unsound practices, or securing information lawfully required under chapter 19.230 RCW, the director may at any time, either personally or by designee, investigate or examine the business and, wherever located, the books, accounts, records, papers, documents, files, and other information used in the business of every licensee or its authorized delegates, and of every person who is engaged in the business of providing money services, whether the person acts or claims to act under or without the authority of chapter 19.230 RCW. For these purposes, the director or designated representative shall have free access to the offices and places of business, books, accounts, papers, documents, other information, records, files, safes, and vaults of all such persons. The director may require the attendance of and examine under oath all persons whose testimony may be required about the business or the subject matter of any investigation, examination, or hearing and may require such person to produce books, accounts, papers, documents, records, files and any other information the director or designated person declares is relevant to the inquiry. The director may require the production of original books, accounts, papers, documents, records, files, and other information; may require that such original books, accounts, papers, documents, records, files, and other information be copied; or make copies himself or herself or by designee of such original books, accounts, papers, documents, records, files, or other information. If the director determines that there is a danger that original records may be destroyed, altered, or removed to deny access, or hinder an examination or investigation, or that original documents are necessary for the preparation of a criminal referral, the director may take possession of originals of any items described in this section, regardless of the source of such items. Originals and copies taken by the director may be held, returned, or forwarded to other regulatory or law enforcement officials as determined necessary by the director. The director or designated person may issue a subpoena or subpoena duces tecum requiring attendance or compelling production of the books, accounts, papers, documents, records, files, or other information.

(2) The licensee, applicant, or person subject to licensing under this chapter shall pay the cost of examinations and investigations as specified in RCW 19.230.320 and WAC 208-690-170.

(3) Information obtained during an examination or investigation under these rules may be disclosed only as provided in RCW 19.230.190.

(4) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors or investigators, to conduct or assist in the conduct or examinations or investigations. The cost of these services shall be borne by the person who is the subject of the examination or investigation.

WSR 04-15-018

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed July 8, 2004, 2:56 p.m., effective August 8, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SHB 1268 removed most rule-making authority and classification and compensation plan adoption from the Washington Personnel Resources Board and shifted it to the director of the Department of Personnel effective July 1, 2004. These modifications are necessary to implement this change.

Citation of Existing Rules Affected by this Order: Amending WAC 356-05-178 Higher education system or higher education rules, 356-05-210 Law enforcement personnel, 356-05-220 Noncompetitive positions, 356-05-305 Premium payment, 356-05-370 Salary range, 356-05-375 Scheduling plan, 356-05-477 Washington general service, 356-05-479 Washington management service, 356-06-003 Scope, 356-06-040 Classified service, 356-06-065 Incumbent status for position converted by the board from exempt to classified, 356-06-100 Director—Powers—Duties, 356-06-110 Federal preemption—Fair Labor Standards Act, 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption, 356-07-040 General method of operation, 356-09-040 Affirmative action program—Responsibilities—Department of personnel, 356-10-020 Classification plan—Revision, 356-10-045 Employee appointment status—Lateral reallocation, 356-14-010 Compensation plan—General provision, 356-14-031 Compensation plan—Adoption, 356-14-045 Salaries—Comparable worth, 356-14-062 Compensation plan—Fiscal impact, 356-15-010 Compensation plan appendix—Preparation—Provision, 356-15-020 Work period designations, 356-15-060 Shift premium provisions and compensation, 356-15-125 Assignment pay provisions, 356-15-130 Special pay ranges, 356-22-036 College recruitment program—General provisions, 356-22-230 Examinations—Noncompetitive, 356-30-143 Intergovernmental mobility, 356-30-260 Probationary period—Provisions—Status of employee, 356-39-010 Chapter purpose, 356-39-020 Human resource development—Statewide philosophy/definition, 356-46-070 Agencies—Reports on employee status changes—Requirements, 356-46-090 Personnel department—Reciprocity with other jurisdictions, 356-46-100 Rules—Amendments—Notice, 356-46-125 Drug test-

ing—Limitations—Uses, 356-56-010 Application of rules, 356-56-035 Definitions, and 356-56-070 Incumbent status for positions converted by the board from exempt to classified; and repealing WAC 356-06-080 Powers—Duties of the board.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 04-11-114 on May 19, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 40, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 40, Repealed 1.

Date Adopted: July 8, 2004.

E. C. Matt
Director

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-178 Higher education system or higher education rules. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and ~~((exclusively under those chapters of))~~ Title 251 WAC ~~((that are adopted by the board))~~.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-210 Law enforcement personnel. Employees who meet the Fair Labor Standards Act requirements for the section 7(K) special exemption as described and limited by chapter 29, Code of Federal Regulations, sections 553.211 and 553.212, and who are designated as law enforcement work period designation by the ~~((board))~~ **director**.

AMENDATORY SECTION (Amending WSR 84-17-042, filed 8/10/84)

WAC 356-05-220 Noncompetitive positions. Positions designated by the ~~((board))~~ **director** as not requiring a competitive examination.

AMENDATORY SECTION (Amending WSR 84-17-042, filed 8/10/84)

WAC 356-05-305 Premium payment. Wage payment over and above the basic salary rate authorized by the

~~((board))~~ **director** for extraordinary conditions of employment.

AMENDATORY SECTION (Amending WSR 92-20-024, filed 9/28/92, effective 11/1/92)

WAC 356-05-370 Salary range. A sequence of minimum, intervening, and maximum dollar amounts designated by the ~~((board))~~ **director** as the monthly compensation for a class. Salary ranges are identified in the compensation plan by number.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-375 Scheduling plan. A series of schedules, approved for specific positions by the director ~~((of personnel or the board))~~, through which schedules the incumbents move in an established pattern.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-477 Washington general service. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 356 WAC that are adopted by the ~~((board))~~ **director**.

AMENDATORY SECTION (Amending WSR 94-04-011, filed 1/21/94, effective 3/1/94)

WAC 356-05-479 Washington management service. The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500 ~~((and those chapters of Title 356 WAC that are adopted by the director of personnel))~~.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-003 Scope. The provisions of these rules shall apply to all personnel under the jurisdiction of chapter 41.06 RCW except those exempted under the provisions of WAC ~~((356-06-020))~~ **356-03-010**. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with those adopted under the former higher education civil service law (chapter 28B.16 RCW). Further, these rules and compensation and classification plans shall continue to apply as before until such time as the ~~((board))~~ **director** has had adequate time to review and consider changes to the existing rules and plans.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-040 Classified service. Positions subject to these rules are in the classified service and will be desig-

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nated by the ((board)) director as competitive or noncompetitive.

(1) The competitive service includes positions in classes for which a competitive examination is required prior to appointment.

(2) The noncompetitive service includes those unskilled, seasonal and temporary classes or positions for which the ((board)) director has determined ranked registers to be impracticable.

(3) The director of personnel may at any time review the duties and requirements of any class or position to determine the practicality of competitive examinations and after such studies, present to the ((board)) director for determination, the proper inclusion or exclusion from the noncompetitive service.

(4) No positions in agencies designated as grant-in-aid, will be included in the noncompetitive service except those positions that need not meet the federal merit system standards or positions which can be placed in the noncompetitive service according to the federal merit system standards.

AMENDATORY SECTION (Amending WSR 03-16-085, filed 8/5/03, effective 9/5/03)

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the ((board)) director determines that a position that has been treated as exempt does not meet the exemption criteria in WAC ((356-06-020)) 356-03-010 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the ((board)) director on or before the fifteenth of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the ((board)) director after the fifteenth of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the ((board)) director and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of

placement in a position converted by the ((board)) director and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The ((board)) director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the ((board)) director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the ((board's)) director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Titles 356 and 358 WAC.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-100 Director—Powers—Duties. ((+) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of the state civil service law and the rules and regulations approved and promulgated thereunder. The director shall prepare proposed rules and regulations for consideration by the board.

(2) The director shall establish a department completely separate from other state agencies and shall select a staff of assistants whose employment shall be subject to the provisions of these rules.

(3) The director shall serve as secretary to the board.

(4) The director may delegate authority to subordinates to act for him or her in carrying out duties duly assigned to the director in merit system rules. Such delegations of authority shall be in writing.

(5) The director of personnel may delegate to any agency the director's authority to perform administrative and technical personnel activities if such authority is requested. When an agency requests a delegation of the director's authority, the requesting agency shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director

shall conduct a timely investigation. If the director of personnel determines that an agency is not appropriately performing delegated activities, the director may withdraw from the agency the authority to perform such activities.)

The director of personnel is appointed by the governor under the provisions of RCW 41.06.130.

The director directs and supervises all the department of personnel's administrative and technical activities in accordance with the provisions of chapter 41.06 RCW and the civil service rules. The director is responsible to:

Adopt rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.

Audit and review the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.

Adopt and revise as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions the director must comply with RCW 41.06.152, 41.06.150(4), and chapter 43.88 RCW.

Adopt and revise as necessary a state salary schedule in accordance with RCW 41.06.133(10).

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-110 Federal preemption—Fair Labor Standards Act. Agencies shall comply with the ((board)) rules of the director (Title 356 WAC) unless doing so causes them to violate the Fair Labor Standards Act.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption. Agencies shall comply with the ((board)) rules of the director (Title 356 WAC) unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-07-040 General method of operation. (1) The general conduct of agency business is pursuant to the charter established in chapters 41.06 and 41.05 RCW, and Title 356 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal ((board)) action being taken by the board or the director on any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board or the director subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff of the department of personnel as necessary to ensure representation from interested parties before proposals are made to the board or the director.

(5) All business of the department of personnel will be conducted in facilities which are accessible and/or in a manner which reasonably accommodates the needs of persons of disability.

AMENDATORY SECTION (Amending WSR 99-19-114, filed 9/21/99, effective 11/1/99)

WAC 356-09-040 Affirmative action program—Responsibilities—Department of personnel. The department of personnel is responsible for administering the state's affirmative action program and providing technical assistance to state agencies in the development and implementation of their affirmative action programs. In keeping with these responsibilities, the department of personnel will accomplish the following:

(1) Publish guidelines that will assist agencies in developing and implementing their affirmative action plan.

(2) Provide agencies with the data required to develop and implement affirmative action goals.

(3) Review agency affirmative action plans and equal employment opportunity policy statements for compliance with applicable merit system rules and established affirmative action guidelines, and recommend changes as appropriate.

(4) When plans and policy statements are in compliance, recommend them for approval to the governor's affirmative action policy committee.

(5) With the assistance of state agencies, initiate the recruitment of affected group members, including target recruitment when appropriate.

(6) Monitor items submitted to the ((board)) director for possible negative effect on affirmative action.

(7) Monitor affected group participation in agencies' human resource development activities.

(8) Monitor agencies' progress in meeting goals and addressing problems identified in their affirmative action program.

AMENDATORY SECTION (Amending WSR 02-15-050, filed 7/11/02, effective 9/1/02)

WAC 356-10-020 Classification plan—Revision. ((The director shall submit proposed)) Proposed revisions to the classification plan shall be submitted to the ((board)) director for review and approval.

(1) The ((board)) director shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The ((board)) director may modify the proposals.

(2) In adopting these revisions the ((board)) director shall comply with RCW 41.06.152, 41.06.150(12), and chapter 43.88 RCW.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-10-045 Employee appointment status—Lateral reallocation. Employees in positions that have been reallocated laterally (to a different classification with the same salary range) are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of ((board)) director action (if any), when the reallocation involves no change in duties or responsibilities.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged.

AMENDATORY SECTION (Amending WSR 02-15-049, filed 7/11/02, effective 9/1/02)

WAC 356-14-010 Compensation plan—General provisions. The ((director)) department of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in setting the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range giving full consideration to the prevailing rates in Washington state private industries, and other governmental units.

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay, shift premium, and standby pay schedules determined by the ((board)) director in the same manner as are basic salaries.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-031 Compensation plan—Adoption.

(1) The compensation plan as developed under this chapter shall be presented to the ((board)) director for review and adoption after consultation with and consideration of proposals from employee representatives and agencies affected.

(2) Twenty calendar days prior to the open hearing on the plan, the director of personnel shall circulate notice of the hearing to enable employee representatives and agencies affected to present their views either orally or in writing. The notice shall state the date, time, and place of the hearing, and either the terms or a description of the proposed plan. The ((board)) director may amend and adopt the plan at the hearing.

AMENDATORY SECTION (Amending WSR 00-10-026, filed 4/24/00, effective 6/1/00)

WAC 356-14-045 Salaries—Comparable worth.

(1) Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department of personnel. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under chapter 41.06 RCW shall be fully achieved not later than June 30, 1993.

(2) Comparable worth entitlements shall comply with the December 31, 1985 settlement agreement between the state of Washington and the American Federation of State, County and Municipal Employees (AFSCME), et al., as approved by federal district court and ratified by the Washington legislature.

(3) Upon the establishment of new classes, or redefinition of existing classes, the following policy shall apply:

(a) When an existing class or class series that is covered by the settlement agreement is substantially revised, the comparable worth salary range involvement shall be determined by reevaluating the classes using the Willis methodology.

(b) The comparable worth salary range involvement for classes that were not covered by the settlement agreement and newly created classes or class series shall be determined based on internal indexing, or Willis evaluation, whichever is determined most appropriate by the director.

(c) Salary ranges for new or revised classes which are substantially common with higher education classes shall be equal, as applicable.

(4) Comparable worth evaluation committee:

(a) Comparable worth evaluations using the Willis methodology shall be conducted by an evaluation committee composed of at least eight member representatives from operating agencies, employee organizations, and department of personnel staff.

(b) Members shall be experienced in agency programs or personnel administration. Members must also attend meetings on a regular basis a majority of the time.

(c) The director shall process committee appointments, appoint officers, establish meeting agendas, call meetings, and schedule (or reschedule) evaluations as he/she deems appropriate. Affected agency or employee representatives

must submit any requests for evaluations or reevaluations in writing to the director for disposition and written response.

(5) Other administrative requirements regarding comparable worth adjustments include, but are not limited to, the following:

(a) The process for determining comparable worth class salary range involvement, if any, will be made a part of the ((regular monthly board)) director's meeting agenda.

(b) Requesting agencies and organizations should submit new and revised class proposals in sufficient time to accommodate a possible two-month review and evaluation period requirement.

(c) Agency requests should include proposed salary survey indexing and proposed comparable worth involvement, if any, at time of item submission. Indexing and comparable worth information will be included in ((board)) director's meeting agenda ((publications)).

(d) For purposes of legal, fiscal, and legislative disclosure, comparable worth involvement salary ranges will be tracked and recorded by class.

AMENDATORY SECTION (Amending WSR 87-15-045, filed 7/13/87, effective 9/1/87)

WAC 356-14-062 Compensation plan—Fiscal impact. The ((board)) director will not consider fiscal impact in determining salaries. However, salary changes are subject to approval by the director of the office of financial management in accordance with provisions of chapter 43.88 RCW.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-010 Compensation plan appendix—Preparation—Provisions. The ((board)) director shall establish rules as an appendix to the compensation plan which shall provide for:

(1) Definitions of work period designations.

(2) Definitions of authorized overtime and the rate of overtime compensation for all work period groups.

(3) Compensation rates and provisions for holidays, travel time, shift differential, split shift, standby, shift changes, call back, and work on scheduled days off or holidays.

(4) Definitions and provisions for special pay assignments and special pay ranges.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-15-020 Work period designations. (1) The ((board)) director shall assign a specific work period designation to each job class. In deciding which work period designation is appropriate, the ((board)) director shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The ((board)) director may authorize a work period designation for an individual position which differs from the class-wide designation when the position has atypical working conditions. When two or more designations are indicated for a job class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled."

(a) **Scheduled (S):**

(i) Standard: Full-time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours.

(ii) Alternate: Full-time positions with conditions of employment which may be completed within:

(A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(B) Four work days lasting not more than ten working hours each within the same workweek; or

(C) Four nine-hour work days and one four-hour work day; or

(D) Ten consecutive work days with four consecutive days off; or

(E) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(F) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(iii) Unlisted: Full-time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclu-

sive representative shall constitute approval of employees within a certified bargaining unit.

(b) **Nonscheduled (NS):** Full-time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.

(c) **Law enforcement (1):** Full-time positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. (Defined as law enforcement personnel in WAC 356-05-210.)

(d) **Exceptions (e):** Full-time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

AMENDATORY SECTION (Amending WSR 98-09-066, filed 4/20/98, effective 6/1/98)

WAC 356-15-060 Shift premium provisions and compensation. (1) Basic shift premium shall be paid in the amount specified in WAC 356-15-061. For purposes of this section, regularly scheduled means the permanently assigned work schedule/work shift, not including overtime hours, as determined by the agency.

(2) For purposes of this section, evening shift is defined as a work shift of eight or more hours which ends at or after 10:00 p.m. Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

(3) Full time employees shall be entitled to basic shift premium under the following circumstances:

(a) Regularly scheduled evening and night shift employees are entitled to shift premium for all hours worked.

(b) Regularly scheduled day shift employees are not entitled to shift premium unless:

(i) The employee's regular or temporary scheduled work-shift includes hours after 6:00 p.m. and before 6:00 a.m. where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for those hours actually worked after 6:00 p.m. and before 6:00 a.m.

(ii) The employee is temporarily assigned a full evening or night shift where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for all evening or night-shift hours worked in this circumstance.

(c) Employees regularly scheduled to work at least one, but not all, evening and/or night shifts are entitled to shift premium for those shifts. Additionally, these employees are entitled to shift premium for all hours adjoining that evening or night shift which are worked.

(4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:

(a) For all assigned hours of work after 6:00 p.m. and before 6:00 a.m.

(b) For assigned full evening or night shifts, as defined in subsection (2) of this section.

(5) **Monthly shift premium rates:** In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the ((board)) director.

(6) **Shift premium and overtime:** When an employee is compensated for working overtime during hours for which shift premium is authorized in this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

(7) **Payment during leave and for holidays not scheduled to work:** Employees eligible for shift premium for their regularly scheduled shifts will receive the same proportion of shift premium for respective periods of authorized paid leave and for holidays not worked which fall within their regularly scheduled shift.

AMENDATORY SECTION (Amending WSR 01-08-005, filed 3/22/01, effective 5/1/01)

WAC 356-15-125 Assignment pay provisions. The ((board)) director may grant additional pay to recognize assigned duties and/or conditions that exceed the ordinary. Hazards, equipment operations and other specialized skills are examples of areas for ((board)) director consideration. Out of the ordinary conditions include being in a position which is experiencing recruitment and/or retention problems and is located in an area where the cost of living impacts the agency's ability to recruit and/or retain employees. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-15-130 Special pay ranges. The ((board)) director may allow for special pay ranges to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

Details of the affected classes with a special pay range will appear in the salary schedule section of the compensation plan.

AMENDATORY SECTION (Amending WSR 92-14-066, filed 6/26/92, effective 9/1/92)

WAC 356-22-036 College recruitment program—General provisions. (1) Positions included within the college recruitment program must meet the classification and

minimum qualifications criteria established by the ((board)) director specifically for the college recruitment program job classes.

(2) State employees meeting the requirements of specifically established college recruitment program classifications shall be eligible for testing and placement on the appropriate college recruitment program register under this program.

(3) All positions participating in this program shall be included under the combined register and referral program unless requested differently by a participating agency.

(4) Selective skill certifications for completion of specific internships, work study, or fellowship assignments or for specific bachelor's or master's degree fields are permitted as required by a participating position and authorized by the director of the department of personnel or designee.

(5) College recruitment program position advertisement may be targeted or limited by design and distribution to meet specific recruitment needs. Participating agencies may develop specific recruiting strategies and notices to support the filling of program positions.

(6) Eligible applicants may apply at any time and may be placed on the appropriate college recruitment program register without further testing if a previous passing score for the same college recruitment program classification and test was attained.

(7) College recruitment program registers shall be maintained by the director of the department of personnel and may be purged as required to ensure register viability.

(8) Emphasis shall be given to support agency training requests in accordance with WAC 356-30-135 in support of training, career tracks, affirmative action programs, and retention goals of the college recruitment program.

(9) Salary ranges for the college recruitment program job classifications shall be established by the board director to ensure that salaries fairly represent positions embodied in the college recruitment program classifications.

(10) Specific college recruitment program merit system rules established herein shall take precedence in the administration of this program. All other merit system rules apply in the absence of specific rules established herein.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-22-230 Examinations—Noncompetitive.

(1) The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the ((board)) director has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score.

(2) The director of personnel may designate agency personnel officers to act in the director's behalf, as agents of the department of personnel, for purposes of establishing and maintaining unranked registers within the noncompetitive service for those positions approved by the ((board)) director. The director of personnel shall be responsible for developing necessary procedures which include yearly audit provisions.

Applicants shall have appeal rights to the director of personnel in accordance with other provisions of these rules.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-30-143 Intergovernmental mobility. In accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) regarding mobility assignments and/or notwithstanding any other provisions of these rules, the ((board)) director or designee may authorize appointments into the classified service from other governmental units when such appointments are for purposes of cross-training or sharing of expertise across governmental boundaries. Such appointments shall be time limited.

AMENDATORY SECTION (Amending WSR 02-15-053, filed 7/11/02, effective 9/1/02)

WAC 356-30-260 Probationary period—Provisions—Status of employee. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the ((board)) director. Employees appointed from the open competitive or promotional register prior to completing their probationary period shall start a new probationary period, except as provided in WAC 356-30-280. The ((board)) director shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The ((board)) director shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of thirty in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds thirty calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending WSR 78-02-049, filed 1/19/78)

WAC 356-39-010 Chapter purpose. This chapter sets forth the ((board's)) philosophy of the board and the director on elements of human resource development. Further, this chapter establishes regulatory policies on and assigns specific responsibilities for those elements of human resource development to the department of personnel, the agencies and individual employees.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-39-020 Human resource development—State-wide philosophy/definition. Optimum utilization of its human resources aids state government in providing effective and economic services. Therefore, it is the ((board's)) philosophy of the board and the director that a highly productive, motivated workforce be achieved and maintained through a state-wide program of human resource development.

AMENDATORY SECTION (Amending Order 75, filed 3/24/75)

WAC 356-46-070 Agencies—Reports on employee status changes—Requirements. The director shall provide appropriate forms for reporting of appointment, transfer, promotion, demotion, salary change, and any other temporary or permanent change in status of any employee. Utilizing such forms, appointing authorities shall report each status change to the director. Except as provided below, the director will indicate approval or disapproval on the forms and return a copy to the agency. The director shall also maintain a copy of the completed forms in department of personnel files, or in lieu thereof, may maintain in the files copies of listings of transactions accomplished by automated data processing equipment: *Provided*, That periodic salary increment increases, as defined by WAC 356-14-110 through 356-14-120, shall not be individually approved by the director. Each agency head shall be responsible for approval of such increases and shall assure that such are made in accordance with the rules and the approved compensation plan of the ((board)) director.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-46-090 Personnel department—Reciprocity with other jurisdictions. The ((board)) director may cooperate with other state departments or with federal or local departments whose merit systems operate in conformity with standards comparable to those contained in these rules. The ((board)) director may announce and administer joint examinations in conformity with the provisions of these rules, and the ((board)) director may, in the absence of an appropriate register for a particular class of positions, recognize an appropriate register for such class of position established under another merit system operating in conformity with these standards and may accept regular certification from such registers under the rules governing certification.

AMENDATORY SECTION (Amending WSR 78-07-008, filed 6/12/78)

WAC 356-46-100 Rules—Amendments—Notice. Whenever necessary or desirable, the director shall consult with agencies and employee representatives affected to receive recommended amendments to the merit system rules. After 20 calendar days' notice to the above affected groups, the ((board)) director shall hold hearings to approve, modify or reject the recommendation. Copies of approved amendments shall be sent to all agencies and made available for public distribution.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-46-125 Drug testing—Limitations—Uses. Except as required by federal or state laws or as provided in subsection (1) of this section, no agency may perform or cause to be performed a drug test of any employee or prospective employee.

(1) An agency may require a specific employee to submit to drug testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

(a) The agency has specific, objective grounds stated in writing to believe the employee's work performance is impaired due to the presence of such substances in the body; and

(b) The employee is in a position where such impairment presents a danger to the physical safety of the employee or another; and

(c) The agency has a specific written policy authorizing such test, establishing procedures under which they may be conducted, and protecting the confidentiality of the results, provided the results may be disclosed in an action or proceeding challenging any disciplinary action arising from the incident which led to the test. The agency's proposed policy must be submitted to the affected exclusive bargaining representative or representatives and approved by the director of the department of personnel before implementation.

(2) An employee who is found to be impaired on the job due to the use of controlled substances may be subject to disciplinary action in accordance with existing laws and regulations, but the results of such drug test shall provide no independent basis for disciplinary action. However, the agency may use the results of a drug test to require an employee to successfully complete a rehabilitation plan. The rehabilitation plan terms may require the employee to pass all subsequent drug tests. In this situation, the independent use of a subsequent drug test may be the basis for disciplinary action.

(3) In the event an employee is found to have used controlled substances, the agency shall inform the employee of available assistance through the employee advisory service or other similar program.

(4) Nothing herein shall prevent an agency from conducting medical screening to monitor exposure to toxic or other unhealthy substances in the work place, provided such screenings are limited to the specific substances reasonably believed to be present.

(5) Except as expressly set forth above, nothing herein shall add to or detract from any agency authority under chapter 41.06 RCW or regulations of the ~~((board))~~ director to establish job performance standards, or conditions of employment, or to base continued employment on satisfactory job performance.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

WAC 356-56-010 Application of rules. (1) These rules shall be separate from rules adopted by the Washington personnel resources board or the director for ~~((other))~~ classified employees in the Washington general service, and to the extent that the rules adopted apply only to managers ~~((shall take precedence over rules adopted by the board, and are not subject to review by the board))~~.

(2) The intent of the director of personnel in adopting the rules in this chapter is to comprehensively cover the personnel matters relating to Washington management service positions. Therefore, if a Washington management service issue

is identified that the director has not specifically addressed by adopting rules, the ~~((Washington personnel resources board))~~ rules governing Washington general service shall not be effective or take precedence in addressing the issue.

(3) Except where specifically stated otherwise, the following WAC chapters do not apply to positions or employees included in the Washington management service:

- WAC 356-05 Definitions
- WAC 356-10 Classification
- WAC 356-14 Compensation
- WAC 356-15 Compensation plan appendix
- WAC 356-22 Recruitment—Examination
- WAC 356-26 Registers—Certification
- WAC 356-30 Appointments—Separation
- WAC 356-34 Disciplinary action—Appeals
- WAC 356-37 Hearings
- WAC 356-39 Human resource development
- WAC 356-49 Intersystem employment

(4) Except where specifically stated otherwise, the following WAC chapters do apply to positions or employees included in the Washington management service:

- WAC 356-06 General provisions
- WAC 356-07 Operations and public records
- WAC 356-09 Affirmative action program
- WAC 356-18 Leave
- WAC 356-35 Disability—Separation—Appeals—Procedures
- WAC 356-42 Labor relations
- WAC 356-46 Miscellaneous
- WAC 356-48 State internship program

AMENDATORY SECTION (Amending WSR 97-23-001, filed 11/5/97, effective 12/8/97)

WAC 356-56-035 Definitions. (1) **Anchor positions.** Generic anchor positions are those which are found in many agencies; they are commonly understood and similarly used from agency to agency. Agency-specific anchor positions are those anchor positions in each agency which are commonly understood and similarly used throughout the agency.

(2) **Appointing authority.** A person or group of persons designated by the agency head to make appointments, impose formal discipline or otherwise regulate personnel matters.

(3) **Evaluation points.** The points resulting from an evaluation of a position using the managerial job value assessment chart.

(4) **Management bands.** A series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position.

(5) **Salary standard.** The maximum dollar amount assigned to a position in those agencies that use a salary standard in addition to, or in place of, evaluation points.

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(6) **Transfer.** Movement from one position to a different position with the same evaluation points.

(7) **Washington general service.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW (~~and exclusively under those chapters of Title 356 WAC that are adopted by the Washington personnel resources board~~) which do not meet the definition of manager found in RCW 41.06.020.

(8) **Washington management service.** The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500 (~~and those chapters of Title 356 WAC that are adopted by the director of personnel~~).

AMENDATORY SECTION (Amending WSR 02-15-043, filed 7/11/02, effective 9/1/02)

WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified. (1) When the (~~board~~) director determines that a position that has been treated as exempt does not meet the exemption criteria in WAC (~~(356-06-020)~~) 356-03-010 the incumbent's status within the classified Washington management service will be in accordance with subsections (2) through (9) of this section.

(2) The incumbent shall not be required to meet any additional agency selection requirements in order to be placed into the converted position.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the Washington management review period that the agency requires to obtain permanent status shall not be required to complete a review period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the established review period shall be required to complete the remaining portion of the Washington management service review period.

(4) Incumbents whose salary is higher than the range of consideration or band assigned to the Washington management service shall retain their current salary, which will be administered as a Y-rate in accordance with WAC 356-14-075.

(5) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the (~~board~~) director and shall begin to accrue sick leave as provided in WAC 356-18-050.

(6) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the (~~board~~) director and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(7) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency is entitled to a presumption that its calculations are accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(8) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the director's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(9) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Titles 356 and 358 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-06-080

Powers—Duties of the board.

WSR 04-15-020

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed July 8, 2004, 2:57 p.m., effective August 8, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SHB 1268 removed most rule-making authority and classification and compensation plan adoption from the Washington Personnel Resources Board and shifted it to the director of the Department of Personnel effective July 1, 2004. These modifications are necessary to implement this change.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-160 Executive head exemption, 251-01-201 Higher education system or higher education rules, 251-01-305 Principal assistant exemption, 251-01-310 Probationary period, 251-01-382 Salary range, 251-04-030 Scope, 251-04-060 Director, 251-04-070 Personnel officers, 251-04-160 Federal preemption—Fair Labor Standards Act, 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption, 251-05-040 Method of operation, 251-06-010 Classification plan—Preparation, 251-06-020 Classification plan—Adoption, 251-06-090 Probationary period—Duration, 251-07-100 Temporary appointment records, 251-08-005 Compensation plans—General, 251-08-007 Compensation plans—Content, 251-08-031 Compensation plans—Adoption, 251-08-070 Salary—Limits, 251-08-112 Salary—Reallocation, 251-08-160 Payroll certification, 251-09-080 Standby pay, 251-09-090 Special pay—Purpose, 251-09-094 Special pay—Requirements, 251-09-100 Haz-

ardous conditions pay, 251-19-070 Appointment—Alternate, 251-19-140 Apprenticeship programs, 251-22-165 Workers' compensation—Leave, 251-22-240 Suspended operation, 251-23-010 Affirmative action—Authority, and 251-24-010 Employee development—Authority, purpose objective; and repealing WAC 251-04-050 Powers—Duties of the board.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 04-11-115 on May 19, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 31, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 31, Repealed 1.

Date Adopted: July 8, 2004.

E. C. Matt
Director

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-01-160 Executive head exemption. Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice-presidents, deans and chairmen. Directors may be executive heads as determined by the ((board)) director. An executive head is in charge of a separate budget unit and directs subordinates.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-01-201 Higher education system or higher education rules. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and ((exclusively under these chapters of)) Title 251 WAC ((that are adopted by the board)).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-01-305 Principal assistant exemption. Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the ((board)) director.

AMENDATORY SECTION (Amending WSR 86-09-078, filed 4/22/86)

WAC 251-01-310 Probationary period. The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee. However, upon prior approval by the ((board)) director, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

AMENDATORY SECTION (Amending WSR 87-20-024, filed 9/30/87)

WAC 251-01-382 Salary range. A sequence of minimum, intervening, and maximum dollar amounts designated by the ((board)) director as the monthly compensation for a class. Salary ranges are identified in the classification/compensation plan by either a whole number (standard range) or a whole number with a decimal suffix (comparable worth adjustment indicator).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-030 Scope. The provisions of these rules shall apply to all personnel of the higher education institutions/related boards except those exempted under the provisions of WAC ((251-04-040)) 251-04-035. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with Title 356 WAC. Further, these rules and compensation and classification plans shall continue to apply as before until such time as the ((board)) director has had adequate time to review and consider changes to the existing rules and plans.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-060 Director. ~~((1) The director shall periodically and at such other times as may be necessary, audit and review the personnel administration and management at each institution and related board.~~

All relevant files and records of appointing authorities and personnel officers shall be made available to the director at any time.

~~((2) The director shall take any action necessary to ensure and enforce compliance with chapter 41.06 RCW and these rules.~~

~~((3) The director of personnel may delegate to the personnel officer of any higher education institution or related board the director's authority to perform administrative and technical activities if such authority is requested. When an institution or related board requests a delegation of the director's authority, the requesting person shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of person-~~

~~net determines that an institution or related board is not appropriately performing delegated activities, the director may withdraw the authority to perform such activities. Delegation of the director's authority is separate from the statutory local administration in RCW 41.06.520.)~~

The director of personnel is appointed by the governor under the provisions of RCW 41.06.130.

The director directs and supervises all the department of personnel's administrative and technical activities in accordance with the provisions of chapter 41.06 RCW and the civil service rules. The director is responsible to:

Adopt rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.

Audit and review the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.

Adopt and revise as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions the director must comply with RCW 41.06.152, 41.06.150(4), and chapter 43.88 RCW.

Adopt and revise as necessary a state salary schedule in accordance with RCW 41.06.133(10).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-070 Personnel officers. (1) Each higher education institution/related board shall designate an officer who shall perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service consistent with policies established by the institution/related board and in accordance with the provisions of chapter 41.06 RCW and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one another to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects.

(2) The state board for community and technical colleges shall have general supervision and control over activities undertaken by the various state community colleges.

(3) Rules adopted by the ~~((board))~~ director shall provide for local administration and management by the higher education institutions/related boards, subject to periodic audit and review by the ~~((board))~~ director, of the following:

- (a) Appointment, promotion, and transfer of employees.
- (b) Dismissal, suspension, or demotion of employees.
- (c) Examinations for all positions in the competitive and noncompetitive service.
- (d) Probationary periods of six to twelve months and retention and rejections therein.
- (e) Sick leaves and vacations.
- (f) Hours of work.
- (g) Layoffs when necessary and subsequent reemployment.
- (h) Allocation and reallocation of positions within the classification plans.

(i) Training programs.

(j) Maintenance of personnel records.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-160 Federal preemption—Fair Labor Standards Act. Institutions shall comply with the ~~((board))~~ rules of the director (Title 251 WAC) unless doing so would cause them to violate the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption. Institutions shall comply with the ~~((board))~~ rules of the director (Title 251 WAC) unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-05-040 Method of operation. (1) The general conduct of the department of personnel's business is pursuant to the charter established in chapter 41.06 RCW and Title 251 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal ~~((board))~~ adoption by the board or the director of any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board or the director subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff as necessary to insure maximum representation from employee organizations and institutions before proposals are made to the board or the director.

AMENDATORY SECTION (Amending WSR 82-16-002, filed 7/22/82, effective 9/1/82)

WAC 251-06-010 Classification plan—Preparation. The director shall prepare and may revise ~~((for board approval))~~ a comprehensive classification plan for all positions after investigation and in consultation with personnel officers, employee representatives, and other interested parties, and after analysis of the duties and responsibilities of positions within each class including relevant supporting data. When complete, the plan will include, for each class, a specification including an appropriate title, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications, and identification of the classes which require a probationary period of more than six months.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-06-020 Classification plan—Adoption. (1)

The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the ~~((board by the))~~ director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the ~~((board))~~ director shall hold open hearings on the plan. The plan shall become effective as determined by the ~~((board))~~ director.

(2) In adopting these revisions the ~~((board))~~ director shall comply with RCW 41.06.152, 41.06.150(15), and chapter 43.88 RCW. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.

AMENDATORY SECTION (Amending WSR 02-15-051, filed 7/11/02, effective 9/1/02)

WAC 251-06-090 Probationary period—Duration.

(1) Except as provided in WAC 251-06-091, the probationary period for all classes in the classification plan will be six months, unless the ~~((board))~~ director approves a longer probationary period for the class.

(2) ~~((The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months.))~~ Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-07-100 Temporary appointment records.

Each institution shall maintain information for temporary employees as specified in WAC 251-19-122. At least quarterly each institution shall produce a record which shows the cumulative hours worked for each temporary employee. This record shall be kept on file in the personnel office and shall be made available to the ~~((board staff))~~ director upon request.

AMENDATORY SECTION (Amending WSR 02-15-049, filed 7/11/02, effective 9/1/02)

WAC 251-08-005 Compensation plans—General.

The ~~((director))~~ department of personnel shall prepare, and subject to ~~((board))~~ director approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is

such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

(5) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending Order 63, filed 11/22/77)

WAC 251-08-007 Compensation plans—Content.

The compensation plan shall apply to all approved classes, and shall include:

(1) Salary schedules (grids) including regular increment step increases within salary ranges.

(2) Classification schemas assigning each class to a salary range of an approved salary schedule.

(3) Such supplemental compensation plans and provisions as are necessary to implement approved compensation practices as provided in chapter 251-09 WAC and/or such area wage variances as may be approved by the ~~((board))~~ director for each member institution.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-031 Compensation plans—Adoption.

(1) The proposed compensation plans shall be submitted ~~((by))~~ to the director ~~((to the board))~~ for adoption, revision, or rejection.

(2) Twenty calendar days prior to open hearings on the plans, the director shall circulate notice of the hearing to enable affected employees, employee representatives, institutions, and related boards to present their views either orally or in writing. The notice shall state the date, time, and place of the hearing, and shall include a copy of the proposed plans or revisions or reference thereto.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-070 Salary—Limits. The basic compensation rate for all employees shall be within the salary range assigned to the class, unless a different rate is permitted by these rules or by the ~~((board))~~ director because of special circumstances.

AMENDATORY SECTION (Amending WSR 91-13-011, filed 6/7/91, effective 6/7/91)

WAC 251-08-112 Salary—Reallocation. (1) An employee occupying a position that is reallocated to an existing class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion

in WAC 251-08-110. The periodic increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to an existing class with a lower salary maximum shall be placed in the salary step in the new range which is closest to the current salary, provided such salary does not exceed the top step of the new salary range.

(3) When reallocation is necessary because the board or the director has created, abolished, or modified a class, the incumbent will remain in the position and therefore will not be afforded layoff rights. Employees will be affected as follows:

(a) An employee occupying a position reallocated to a class with a lower salary range maximum will retain his/her salary as of the date preceding the effective date of the board's action and will be allowed to achieve the salary maximum of the former class. The employee will lose the right to such salary maintenance if he/she subsequently voluntarily demotes, promotes, or moves to another class;

(b) An employee occupying a position reallocated to a class with a higher salary range maximum will have his/her salary adjusted to the same step in the new range as was held in the previous range. The periodic increment date of the affected employee will remain unchanged;

(c) Reallocations due to the board's or the director's creation, abolishment, or modification of a class become effective on the effective date of the board's action.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-08-160 Payroll certification. A disbursing officer shall not pay any employee holding a position covered by chapter 41.06 RCW unless the employment is in accordance with chapter 41.06 RCW and the provisions of these rules. The ~~((board))~~ director and the institutions of higher education, including the state board for community and technical colleges which shall act for the various community colleges, and the director of the office of financial management shall jointly establish procedures for the certification of payrolls.

AMENDATORY SECTION (Amending WSR 00-10-026, filed 4/24/00, effective 6/1/00)

WAC 251-09-080 Standby pay. Compensation for a scheduled or nonscheduled work period employee required to restrict off-duty activities to be available for duty will be approved by the ~~((board))~~ director and will be included in the individual institution compensation plan.

AMENDATORY SECTION (Amending WSR 90-10-044, filed 4/27/90, effective 6/1/90)

WAC 251-09-090 Special pay—Purpose. (1) The ~~((board or the))~~ director may adopt special pay salaries and/or compensation practices which are locally competitive to alleviate or prevent recruitment and/or retention problems, to maintain effective operations of an institution, or to address other unique working conditions.

~~((2) Actions approved by the director are subject to confirmation by the board.))~~

~~((3))~~ (2) Requests may be initiated by institutions, employees, or employee representatives.

~~((4))~~ (3) Except when the ~~((board))~~ director specifies otherwise, special pay ranges will remain in effect until the system-wide pay range for the class equals or exceeds the special pay range.

AMENDATORY SECTION (Amending WSR 90-10-044, filed 4/27/90, effective 6/1/90)

WAC 251-09-094 Special pay—Requirements. It is the responsibility of the requesting party to provide ~~((board))~~ department of personnel staff with information necessary to make recommendation to the ~~((board))~~ director. Information to be provided shall include:

- (1) Data supporting the pay practice in the locality of the institution for which the request is being made; and
- (2) Rationale supporting the request; and
- (3) When applicable, data showing recruitment/retention difficulty.

AMENDATORY SECTION (Amending Order 62, filed 8/30/77, effective 10/1/77)

WAC 251-09-100 Hazardous conditions pay. The ~~((board))~~ director may approve special pay provisions to the institution compensation plan to reflect hazardous/dangerous working conditions when:

- (1) Such conditions are not normally expected of those positions assigned to the respective classes; and
- (2) Such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the institution is located.

AMENDATORY SECTION (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

WAC 251-19-070 Appointment—Alternate. Application of the alternate appointment rule shall apply only to unique research classes pre-approved by the board or the director. An alternate appointment for research positions shall consist of the six month period following appointment from a layoff list or an option taken in lieu of layoff. This provides the employing official an opportunity to observe the employee's work and determine whether or not he/she can perform in that specific position. If it is determined that the employee cannot perform, as documented by a written performance review, the employee shall be placed on the appropriate layoff list or provided other transfer options as available.

Application of this rule shall be appealable under the same provisions as WAC 251-12-080 et seq.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-19-140 Apprenticeship programs. (1) Apprentices shall be employed and compensated under conditions appropriate for the particular apprenticeable class

which have been recommended by the joint apprenticeship committee as approved by the state apprenticeship council and the board or the director. Each apprentice shall enter into a training contract with the joint apprenticeship committee and shall abide by its term and conditions.

(2) When an apprenticeship agreement is cancelled, the employee shall have the same reversionary employment rights he/she had available at the time of entering the apprenticeship program.

(3) When an employee moves into an apprenticeship program and he/she has a higher salary than is provided by the apprenticeship program, his/her salary shall be continued at the existing level until the employee has been in the apprenticeship program long enough to move onto the apprenticeship salary schedule without a reduction in salary.

(4) Incremental salary step increases shall be in accordance with the appropriate salary schedule but are not solely dependent upon time in grade. Objective evaluation of performance in on-the-job and related training may be justification to delay an incremental salary increase until training requirements for that step have been fulfilled. Conversely, objective evaluation of performance may be justification to advance incremental salary steps to the level equal to ability and training.

(5) Graduates from the apprenticeship program will be assigned to the mid-step of the journey scale and will remain until twelve months elapse before moving to the top step. Movement from the apprenticeship program into the journey class does not require competition and a trial service appointment is not required.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-22-165 Workers' compensation—Leave.

(1) Employees who suffer a work related injury or illness that is compensable under the state workers' compensation law may select time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and accrued paid leave.

(2) Employees taking sick leave during a period in which they receive workers' compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for workers' compensation is determined by the department of labor and industries, the institution may pay full sick leave, provided that the employee shall return any overpayment to the institution when the salary adjustment is determined.

(b) Sick leave hours charged to an employee who receives workers' compensation, as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the institution during the claim period.

(3) During a period when an employee receives pay for vacation leave, compensatory time off or holidays and also receives workers' compensation for time loss, he/she is entitled to both payments without any deduction for the industrial insurance payment.

(4) When an employee receives workers' compensation payment for time loss and is on leave without pay, no deductions will be made for the industrial insurance payment.

(5) An employee who sustains an industrial injury, accident or illness, arising from employment by an institution under the jurisdiction of ~~((the board))~~ chapter 41.06 RCW shall, upon written request and proof of continuing disability, be granted leave of absence without pay for up to six months without loss of layoff seniority or change in annual increment date. Leave without pay exceeding six months without loss of layoff seniority or change in annual increment date may be granted at the option of the employing institution.

AMENDATORY SECTION (Amending WSR 83-20-020, filed 9/23/83, effective 10/24/83)

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 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. The following options shall be made available to affected employees not required to work for the balance of the closure:

(i) Vacation 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).

(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. 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.

(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.))~~

AMENDATORY SECTION (Amending WSR 99-05-042, filed 2/12/99, effective 4/1/99)

PERMANENT

WAC 251-23-010 Affirmative action—Authority. ~~((The rules contained in this chapter follow from the authority of RCW 41.06.150, which provides in part, "... The board shall adopt rules, consistent with the purposes and provisions of this chapter ... regarding the basis and procedures to be followed for ..."; RCW 41.06.150, which provides in part, "... Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals; and monitoring of progress against those goals ..."))~~ The purpose of this chapter is to ensure compliance by each institution/related board with the provisions of chapter 41.06 RCW and executive orders, which provide for affirmative action and equal employment opportunity in appointment, promotion, transfer, recruitment and career development; development and implementation of affirmative action goals, and monitoring progress toward achieving those goals.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-24-010 Employee development—Authority, purpose, objective. (1) ~~((The rules contained in this chapter follow from the authority of RCW 41.06.150, which provides in part, "... the board shall adopt and promulgate rules and regulations consistent with the purposes and provisions of this chapter ... regarding the basis for, and the procedures to be followed for ... training and career development ..."))~~ This chapter sets forth the requirements for institutions and related boards to provide training and career development.

(2) It is the ~~((board's))~~ director's intent that institutions will establish, conduct and report employee training and development programs. The rules in this chapter provide the guidelines for such programs.

(3) The objective of these rules is to provide opportunity for the development of the potential occupational or professional ability of each employee to make the most effective and economic use of employee resources in accomplishing institution's goals.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-04-050 Powers—Duties of the board.

WSR 04-15-057
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed July 13, 2004, 4:53 p.m., effective August 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending WAC 388-400-0005 Who is eligible for temporary assistance for needy families?, 388-400-0010 Who is eligible for state family assistance?, 388-400-0025 General assistance unemployable—General eligibility requirements, 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, 388-438-0110 The alien emergency medical (AEM) program, 388-450-0100 Allocating income—Definitions, 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?, 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien?, 388-450-0156 When am I exempt from deeming?, 388-462-0020 Breast and cervical cancer treatment program (BCCTP) for women—Client eligibility, 388-505-0210 Children's medical eligibility, 388-532-720 TAKE CHARGE—Client eligibility, and 388-800-0048 Who is eligible for ADATSA? These rules are amended in order to conform to proposed changes in citizenship and alien status in chapter 388-424 WAC, including the repeal of WAC 388-424-0005.

Citation of Existing Rules Affected by this Order: Amending 388-400-0005, 388-400-0010, 388-400-0025, 388-400-0040, 388-438-0110, 388-450-0100, 388-450-0106, 388-450-0116, 388-450-0156, 388-462-0020, 388-505-0210, 388-532-720, and 388-800-0048.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 04-10-099 on May 24 [4], 2004.

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Date Adopted: July 7, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-121, filed 1/22/01, effective 3/1/01)

WAC 388-400-0005 Who is eligible for temporary assistance for needy families? (1) You can get temporary assistance for needy families (TANF), if you:

- (a) Can be in a TANF/SFA assistance unit as allowed under WAC 388-408-0015 through 388-408-0030;
- (b) Meet the citizenship/alien status requirements of WAC ((~~388-424-0005~~) 388-424-0001);
- (c) Live in the state of Washington. A child must live with a caretaker relative, guardian, or custodian who meets the state residency requirements of WAC 388-468-0005;
- (d) Do not live in a public institution unless specifically allowed under RCW 74.08.025;
- (e) Meet TANF/SFA:
 - (i) Income requirements under chapter 388-450 WAC;
 - (ii) Resource requirements under chapter 388-470 WAC; and
 - (iii) Transfer of property requirements under chapter 388-488 WAC.
- (f) Assign your rights to child support as required under WAC 388-422-0005;
- (g) Cooperate with the division of child support (DCS) as required under WAC 388-422-0010 by helping them:
 - (i) Prove who is the father of children applying for or getting TANF or SFA; and
 - (ii) Collect child support.
- (h) Tell us your Social Security number as required under WAC 388-476-0005;
 - (i) Cooperate in a review of your eligibility as required under WAC 388-434-0005;
 - (j) Cooperate in a quality assurance review as required under WAC 388-464-0001;
 - (k) Participate in the WorkFirst program as required under chapter 388-310 WAC; and
 - (l) Report changes of circumstances as required under WAC 388-418-0005.
- (2) If you are an adult and do not have a child living with you, you must be pregnant and meet the requirements of WAC 388-462-0010.
- (3) If you are an unmarried pregnant teen or teen parent:
 - (a) Your living arrangements must meet the requirements of WAC 388-486-0005; and
 - (b) You must attend school as required under WAC 388-486-0010.
- (4) In addition to rules listed in subsection (1) of this section, a child must meet the following rules to get TANF:
 - (a) Meet the age requirements under WAC 388-404-0005; and
 - (b) Live in the home of a relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* as required under WAC 388-454-0005; or

(c) If the child lives with a parent or other adult relative that provides care for the child, that adult cannot have used up their sixty-month lifetime limit of TANF or SFA cash benefits as defined in WAC 388-484-0005.

(5) You cannot get TANF if you have been:

- (a) Convicted of certain felonies and other crimes under WAC 388-442-0010; or
- (b) Convicted of unlawful practices to get public assistance under WAC 388-446-0005 or 388-446-0010.

AMENDATORY SECTION (Amending WSR 00-05-007, filed 2/4/00, effective 3/6/00)

WAC 388-400-0010 Who is eligible for state family assistance? (1) To be eligible for state family assistance (SFA), ((~~certain~~)) aliens must meet Washington state residency requirements as listed in WAC 388-468-0005 and immigrant eligibility requirements as listed in WAC 388-424-0015.

(2) You are eligible for SFA if you are not eligible for temporary assistance for needy families for the following reasons:

- (a) You are a qualified alien and have been in the United States for less than five years as described in WAC ((~~388-424-0010~~) 388-424-0006);
- (b) You are a alien who is permanently residing in the United States under color ((~~of~~)) of law (PRUCOL) as defined in WAC ((~~388-424-0005~~) 388-424-0001);
- (c) You are a nineteen or twenty-year-old student that meets the education requirements of WAC 388-404-0005;
- (d) You are a caretaker relative of a nineteen or twenty-year-old student that meets the education requirements of WAC 388-404-0005; or
- (e) You are a pregnant woman who has been convicted of:
 - (i) Misrepresenting their residence in order to receive benefits from two or more states at the same time; or
 - (ii) A drug-related felony as described in WAC 388-442-0010.

AMENDATORY SECTION (Amending WSR 00-15-017, filed 7/10/00, effective 9/1/00)

WAC 388-400-0025 General assistance unemployable—General eligibility requirements. (1) You can get general assistance unemployable (GAU) benefits if:

- (a) You are incapacitated as required under WAC 388-448-0010 through 388-448-0120;
- (b) You are at least eighteen years old or, if under eighteen, a member of a married couple;
- (c) You are in financial need according to GAU income and resource rules in chapters 388-450, 388-470 and 388-488 WAC;
- (d) You meet the general assistance citizenship/alien status requirements under WAC ((~~388-424-0005(3)~~) 388-424-0015(2));
- (e) You provide a Social Security number as required under WAC 388-476-0005;
- (f) You reside in the state of Washington as required under WAC 388-468-0005;

(g) You undergo a treatment and referral assessment as provided under WAC 388-448-0130 through 388-448-0150;

(h) You assign interim assistance as provided under WAC 388-448-0210.

(2) You cannot get GAU benefits if:

(a) You are eligible for temporary assistance for needy families (TANF) benefits;

(b) You are eligible for state family assistance (SFA) benefits unless you are not eligible under WAC 388-400-0010;

(c) You have the ability to, but refuse to meet a TANF or SFA eligibility rule;

(d) You are eligible for supplemental security income (SSI) benefits;

(e) You are an ineligible spouse of an SSI recipient; or

(f) You were denied benefits or your benefits were terminated by the Social Security Administration (SSA) for failing to follow a SSI program rule or application requirement.

(3) The assistance unit will be established according to WAC 388-408-0010.

(4) You may be eligible for GAU if you reside in a public institution. A "public institution" is an institution that is supported by public funds, and a governmental unit either is responsible for it or exercises administrative control over it. Your eligibility will depend upon the type of institution you are in.

(a) If you reside in a public institution and are otherwise eligible for GAU, you may be eligible for general assistance if you are:

(i) A patient in a public medical institution; or

(ii) A patient in a public mental institution and are:

(A) Sixty-five years of age or older; or

(B) Twenty years of age or younger.

(b) You are not eligible for GAU when you are in the custody of or confined in a public institution such as a state penitentiary or county jail including placement:

(i) In a work release program; or

(ii) Outside of the institution.

AMENDATORY SECTION (Amending WSR 03-05-028, filed 2/10/03, effective 4/1/03)

WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program? The Washington Basic Food program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements of the most current version of the Food Stamp Act of 1977.

(3) To be eligible for **federal** Basic Food benefits, each AU member must:

~~(a) Be a U.S. citizen or national as described under WAC 388-424-0005; or~~

~~(b))~~ meet the citizenship or alien status requirements for federal benefits described under WAC 388-424-0020.

(4) An AU member who is not eligible for federal benefits may be eligible for **state-funded** Basic Food benefits if they meet the requirements described under WAC 388-400-0045.

(5) To be eligible for **federal** or **state** Basic Food benefits, each AU member must:

(a) Be a resident of the state of Washington as required under WAC 388-468-0005;

(b) Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;

(c) Provide their Social Security number as required under WAC 388-476-0005;

(d) Provide proof of identity as required under WAC 388-490-0005;

(e) Participate in the food stamp employment and training program (FSE&T) as required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(6) To be eligible for Basic Food, your AU must:

(a) Have countable income at or below gross and net income standards as described under WAC 388-478-0060; and

(b) Have countable resources at or below your AU's resource limit under WAC 388-470-0005.

(7) If your AU has income under the gross income standard, we deduct certain expenses from your income under WAC 388-450-0200 before we calculate your Basic Food benefits.

(8) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to get more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470((-)) WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for out-of-pocket medical expenses for the elderly or disabled individual if they are over thirty-five dollars a month under WAC 388-450-0200; and

(d) Being exempt from the **gross** income standard under WAC 388-478-0060.

(9) For Basic Food, **elderly** means a person who is age sixty or older;

(10) For Basic Food, **disabled** means a person who:

(a) Gets SSI;

(b) Gets disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Gets disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Gets disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for Medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

- (g) Is a spouse of a veteran and:
- (i) Either needs an attendant or is permanently house-bound; or
- (ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

(11) If a person in your AU attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not consider this person as a member of your AU.

(12) If your AU lives on or near an Indian reservation and participates in a tribal food distribution program approved by Food and Nutrition Service (FNS), your AU is not eligible for Basic Food benefits.

(13) If an AU member is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons convicted of a drug-related felony or fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status (~~under WAC 388-424-0005~~) as defined in WAC 388-424-0001;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

AMENDATORY SECTION (Amending WSR 03-24-058, filed 12/1/03, effective 1/1/04)

WAC 388-438-0110 The alien emergency medical (AEM) program. (1) The alien emergency medical (AEM) program is a required federally funded program. It is for aliens who are ineligible for other Medicaid programs, due to the citizenship or alien status requirements described in WAC ((388-424-0005 and)) 388-424-0010.

(2) Except for the social security number, citizenship, or alien status requirements, an alien must meet categorical Medicaid eligibility requirements as described in:

(a) WAC 388-505-0110, for an SSI-related person;

(b) WAC 388-505-0220, for family medical programs;

(c) WAC 388-505-0210, for a child under the age of nineteen; or

(d) WAC 388-523-0100, for medical extensions.

(3) When an alien has monthly income that exceeds the CN medical standards, the department will consider AEM medically needy coverage for children or for adults who are age sixty-five or over or who meet SSI disability criteria. See WAC 388-519-0100.

(4) To qualify for the AEM program, the alien must meet one of the criteria described in subsection (2) of this section and have:

(a) A qualifying emergency medical condition as described in WAC 388-500-0005; or

(b) Been approved by the department for, and receiving, nursing facility or COPES level of care.

(5) The alien's date of arrival in the United States is not used when determining eligibility for the AEM program.

(6) The department does not deem a sponsor's income and resources as available to the client when determining eligibility for the AEM program. The department counts only the income and resources a sponsor makes available to the client.

(7) Under the AEM program, a person receives CN scope of care, as described in WAC 388-529-0100. Covered services are limited to those medical services necessary for treatment of the person's emergency medical condition. The following services are not covered:

(a) Organ transplants and related services;

(b) Prenatal care, except labor and delivery; and

(c) School-based services.

(8) When a person's income exceeds the CN income standard as described in subsection (3) of this section, the person has spend down liability and MN scope of care. MN scope of care is described in WAC 388-529-0100. The medical service limitations and exclusions described in subsection (7) are also excluded under the MN program.

(9) A person determined eligible for the AEM program is certified for three months. The number of three-month certification periods is not limited, but, the person must continue to meet eligibility criteria in subsection (2) and (4) of this section.

(10) A person is not eligible for the AEM program if they entered the state specifically to obtain medical care.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0100 Allocating income—Definitions. The following definitions apply to the allocation rules for TANF/SFA, RCA, and GA programs:

(1) **"Dependent"** means a person who:

(a) Is or could be claimed for federal income tax purposes by the financially responsible person; or

(b) The financially responsible person is legally obligated to support.

(2) **"Financially responsible person"** means a parent, stepparent, adoptive parent, spouse or caretaker relative.

(3) A **"disqualified assistance unit member"** means a person who is:

(a) An unmarried pregnant or parenting minor under age eighteen who has not completed a high school education or general education development (GED) certification and is not participating in those educational activities which would lead to the attainment of a high school diploma or GED;

(b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation;

(c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed ninety days;

(d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and

(e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.

(4) **"Ineligible assistance unit member"** means an individual who is:

(a) Ineligible for cash assistance due to the citizenship/alien status (~~requirement in WAC 388-424-0005~~) requirements in WAC 388-424-0010;

(b) Ineligible to receive assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;

(c) Ineligible to receive assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;

(d) Ineligible to receive assistance under WAC 388-442-0010 for violating a condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;

(e) The spouse of a woman who receives cash benefits from the GA-S program; or

(f) The adult parent of a minor parent's child.

AMENDATORY SECTION (Amending WSR 02-21-097, filed 10/21/02, effective 10/24/02)

WAC 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status? This section applies to TANF/SFA, RCA, and RMA. We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

If you are included in the assistance unit and you are financially responsible for someone, as defined in WAC 388-450-0100, who does not meet the alien requirements described in WAC (~~388-424-0005~~) 388-424-0010, we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance. To figure out how much we count, we take the following seven steps:

(1) We start by only counting fifty percent of your earned income, as defined in WAC 388-450-0030;

(2) We add all of your unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020):

(a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

(4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f).

(5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(6) We subtract any employment-related child care expenses you have.

(7) Then, we count whatever is left as unearned income.

AMENDATORY SECTION (Amending WSR 02-14-021, filed 6/21/02, effective 6/22/02)

WAC 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien? This section applies to TANF/SFA, RCA, and RMA programs. We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

Some people cannot get assistance because they do not meet the alien requirements described in WAC (~~388-424-0005~~) 388-424-0010. If you do not meet those requirements but you are financially responsible for someone in the assistance unit, as defined in WAC 388-450-0100, we count some of your income as part of the assistance unit's income. To figure out how much we count, we take the following seven steps:

(1) We start by only counting fifty percent of your earned income, as described in WAC 388-450-0030.

(2) We add all of your unearned income, as described in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards:

(a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

(4) We subtract the payment standard for the number of people who are ineligible for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f).

(5) We subtract any court or administratively ordered child support you pay for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0005 for the number of dependents.

(6) We subtract any employment-related childcare expenses you have.

(7) Then, we count whatever is left as unearned income.

AMENDATORY SECTION (Amending WSR 03-05-030, filed 2/10/03, effective 4/1/03)

WAC 388-450-0156 When am I exempt from deeming? (1) If you meet any of the following conditions, you are **permanently** exempt from deeming and we do not count your sponsor's income or resources against your benefits:

(a) The Immigration and Nationality Act (INA) does not require you to have a sponsor. Immigrants who are not

required to have a sponsor include those with the following status with Immigration and Naturalization Service (INS):

- (i) Refugee;
- (ii) Parolee;
- (iii) Asylee;
- (iv) Cuban entrant; or
- (v) Haitian entrant.

(b) You were sponsored by an organization or group as opposed to an individual;

(c) You do not meet the alien status requirements to be eligible for benefits under chapter 388-424 WAC;

(d) You have worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. We do not count a quarter of work toward this requirement if the person working received TANF, food stamps, Basic Food, SSI, CHIP, or nonemergency Medicaid benefits. We count a quarter of work by the following people toward your forty qualifying quarters:

- (i) Yourself;
- (ii) Each of your parents for the time they worked before you turned eighteen years old (including the time they worked before you were born); and
- (iii) Your spouse if you are still married or your spouse is deceased.

(e) You become a United States (U.S.) Citizen;

(f) Your sponsor is dead; or

(g) If INS or a court decides that you, your child, or your parent was a victim of domestic violence from your sponsor and:

- (i) You no longer live with your sponsor; and
- (ii) Leaving your sponsor caused your need for benefits.

(2) You are exempt from the deeming process while you are in the same AU as your sponsor;

(3) For Basic Food, you are exempt from deeming while you are under age eighteen.

(4) For state family assistance, general assistance, state-funded Basic Food benefits, and state-funded medical assistance for legal immigrants you are exempt from the deeming process if:

(a) Your sponsor signed the affidavit of support more than five years ago;

(b) Your sponsor becomes permanently incapacitated; or

(c) You are a qualified alien according to WAC ((388-424-0005)) 388-424-0001 and you:

(i) Are on active duty with the U.S. armed forces or you are the spouse or unmarried dependent child of someone on active duty;

(ii) Are an honorably-discharged veteran of the U.S. armed forces or you are the spouse or unmarried dependent child of a honorably-discharged veteran;

(iii) Were employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or

(iv) Are a victim of domestic violence and you have petitioned for legal status under the Violence Against Women Act.

(5) If you, your child, or your parent was a victim of domestic violence, you are exempt from the deeming process for twelve months if:

(a) You no longer live with the person who committed the violence; and

(b) Leaving this person caused your need for benefits.

(6) If your AU has income at or below one hundred thirty percent of the Federal Poverty Level (FPL), you are exempt from the deeming process for twelve months. For this rule, we count the following as income to your AU:

(a) Earned and unearned income your AU receives from any source; and

(b) Any noncash items of value such as free rent, commodities, goods, or services you receive from an individual or organization.

(7) If you are exempt from deeming because your AU does not have income over one hundred thirty percent of the FPL, we give the United States Attorney General the following information:

(a) The names of the sponsored people in your AU;

(b) That you are exempt from deeming due to your income; and

(c) Your sponsor's name.

AMENDATORY SECTION (Amending WSR 02-01-134, filed 12/19/01, effective 1/19/02)

WAC 388-462-0020 Breast and cervical cancer treatment program (BCCTP) for women—Client eligibility.

(1) Effective July 1, 2001, a woman is eligible for categorically needy (CN) coverage under the BCCTP only when she:

(a) Has been screened for breast or cervical cancer under the center for disease control (CDC) breast and cervical cancer early detection program (BCCEDP);

(b) Is found to require treatment for either breast or cervical cancer or for a related precancerous condition;

(c) Is under sixty-five years of age;

(d) Is not eligible for another CN Medicaid program;

(e) Is uninsured or does not otherwise have creditable coverage;

(f) Meets residency requirements as described in WAC 388-468-0005;

(g) Meets Social Security Number requirements as described in WAC 388-476-0005; and

(h) Meets the requirements for citizenship (~~and alien status requirements as described in:~~

(i) WAC 388-424-0005 (1)(a) and (b); or

(ii) WAC 388-424-0010 (1) or (2)(a) and (b)) or U.S. national status as defined in WAC 388-424-0001 or "qualified alien" status as described in WAC 388-424-0006 (1) or (4).

(2) The certification periods described in WAC 388-416-0015 (1), (4), and (6) apply to the BCCTP. Eligibility for Medicaid continues throughout the course of treatment as certified by the CDC-BCCEDP.

(3) Income and asset limits are set by the CDC-BCCEDP.

AMENDATORY SECTION (Amending WSR 03-14-107, filed 6/30/03, effective 7/31/03)

WAC 388-505-0210 Children's medical eligibility.

(1) A child under the age of one is eligible for categorically needy (CN) medical assistance when:

(a) The child's mother was eligible for and receiving coverage under a medical program at the time of the child's birth; and

(b) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they meet the requirements for:

(a) Citizenship or U.S. national status as ~~((described)) defined in WAC ((388-424-0005(1) or immigrant)) 388-424-0001 or "qualified alien" status as described in WAC ((388-424-0010 (1) or (2))) 388-424-0006 (1) or (4);~~

(b) State residence as described in chapter 388-468 WAC;

(c) A social security number as described in chapter 388-476 WAC; and

(d) Family income levels as described in WAC 388-478-0075 (1)(c).

(3) Children under the age of nineteen are eligible for the state children's health insurance program (SCHIP), as described in chapter 388-542 WAC, when:

(a) They meet the requirements of subsection (2)(a)~~((1))~~, (b), and (c) of this section;

(b) They do not have other creditable health insurance coverage; and

(c) Family income exceeds two hundred percent of the federal poverty level (FPL), but does not exceed two hundred fifty percent of the FPL as described in WAC 388-478-0075 (1)(c) and (d).

(4) Children under the age of twenty-one are eligible for CN medical assistance when they meet:

(a) Citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c) of this section;

(b) Income levels described in WAC 388-478-0075; and

(c) One of the following criteria:

(i) Reside, or are expected to reside, in a medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing facility for thirty days or more;

(ii) Reside in a psychiatric or chemical dependency facility for ninety days or more;

(iii) Are in foster care; or

(iv) Receive subsidized adoption services.

(d) For a child meeting the criteria (c)(i) of this subsection, the only parental income the department considers available to the child is the amount the parent chooses to contribute.

(e) For a child meeting the criteria in (c)(ii) of this subsection, parental income is counted as described in WAC 388-408-0055 (1)(c).

(5) Children are eligible for CN medical assistance if they:

(a) Receive Supplemental Security Income (SSI) payments based upon their own disability; or

(b) Received SSI cash assistance for August 1996, and except for the August 1996 passage of amendments to federal disability definitions, would be eligible for SSI cash assistance.

(6) Children under the age of nineteen are eligible for medically needy (MN) medical assistance as defined in chapter 388-500 WAC when they:

(a) Meet citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c); and

(b) Have income above the income levels described in WAC 388-478-0075 (1)(c).

(7) A child is eligible for SSI-related MN when the child:

(a) Meets the blind and/or disability criteria of the federal SSI program or the condition in subsection (5)(b); and

(b) Has countable income above the level described in WAC 388-478-0070(1).

(8) There are no resource limits for children under CN, MN, or SCHIP coverage.

(9) Children may also be eligible for:

(a) Family medical as described in WAC 388-505-0220; or

(b) Medical extensions as described in WAC 388-523-0100.

(10) Except for a client described in subsection (4)(c)(i) and (ii), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-720 TAKE CHARGE—Client eligibility.

(1) To be eligible for the TAKE CHARGE program, a client must:

(a) Be a United States citizen, U.S. national, or ~~((qualified alien of the U.S.A.)) "qualified alien" as described in WAC ((388-424-0005(1))) 388-424-0001;~~

(b) Be a resident of the state of Washington as described in WAC 388-468-0005;

(c) Have income at or below two hundred percent of the federal poverty level as described in WAC 388-478-0075;

(d) Apply voluntarily for family planning services with a TAKE CHARGE provider; and

(e) Need family planning services but have:

(i) No family planning coverage through health insurance or another medical assistance administration (MAA) program;

(ii) Family planning coverage that does not cover all family planning methods or services; or

(iii) Good cause for not using family planning coverage through health insurance. See WAC 388-532-790 for information on good cause.

(2) To be eligible for the TAKE CHARGE program, a client must not be:

(a) Eligible for the requested TAKE CHARGE family planning services under another MAA medical program;

(b) Pregnant; or

(c) Currently sterilized.

(3) A client is authorized for TAKE CHARGE coverage for one year from the date MAA determines eligibility. Upon reapplication for TAKE CHARGE by the client, MAA may renew the coverage for additional periods of up to one year each, for the duration of the demonstration and research program.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0048 Who is eligible for ADATSA? To be eligible for ADATSA services you must:

- (1) Be eighteen years of age or older;
- (2) Be a resident of Washington as defined in WAC 388-468-0005;
- (3) Meet citizenship requirements as described in WAC ((388-424-0005)) 388-424-0015(3).
- (4) Provide your social security number; and
- (5) Meet the same income and resource criteria for the GA-U program; OR be receiving federal assistance under SSI or TANF.

**WSR 04-16-003
PERMANENT RULES
LAKE WASHINGTON
TECHNICAL COLLEGE**

[Filed July 22, 2004, 9:00 a.m., effective August 22, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To provide a current and comprehensive student conduct code consistent with federal and state regulations and intercollege agreements.

Citation of Existing Rules Affected by this Order: Revision to, and replacement of, chapter 495D-120 WAC with chapter 495D-121 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 04-11-103 on May 19, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; **Federal Rules or Standards:** New 0, Amended 1, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Date Adopted: July 1, 2004.

Michael Metke, Ed.D.
President

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 495D-120-010 Student conduct code—Definitions.

WAC 495D-120-020	Student conduct code—Statement of purpose.
WAC 495D-120-030	Student conduct code—Jurisdiction.
WAC 495D-120-040	Student conduct code—Student misconduct.
WAC 495D-120-045	Student conduct code—Loss of eligibility—Student activity participation.
WAC 495D-120-050	Student conduct code—Civil disturbances.
WAC 495D-120-060	Student conduct code—Free movement on campus.
WAC 495D-120-070	Student conduct code—Right to demand identification.
WAC 495D-120-080	Student conduct code—Academic dishonesty/and classroom/lab/clinic conduct.
WAC 495D-120-085	Student conduct code—Hazing prohibited.
WAC 495D-120-090	Student conduct code—Campus speakers.
WAC 495D-120-100	Student conduct code—Distribution of information.
WAC 495D-120-110	Student conduct code—Commercial activities.
WAC 495D-120-120	Student conduct code—Student conduct sanctions.
WAC 495D-120-130	Student conduct code—Initiation of discipline.
WAC 495D-120-140	Student conduct code—Appeal of academic action or disciplinary action and student grievances.
WAC 495D-120-170	Student conduct code—Refunds and access.
WAC 495D-120-180	Student conduct code—Readmission after dismissal or suspension.
WAC 495D-120-190	Student conduct code—Reestablishment of academic standing.
WAC 495D-120-200	Student conduct code—Reporting, recording, and maintaining records.

NEW SECTION

WAC 495D-121-010 Student conduct code—Statement of purpose. (1) Lake Washington Technical College is operated by the state of Washington to provide programs of

PERMANENT

instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Violations of college rules or conduct that interfere with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. Provisions of this code are subject to change. Misconduct of students under the age of eighteen who attend the Lake Washington Technical Academy will be reported to the student's parents. The college and the academy may report misconduct to any parent who claims the student as a dependant or as otherwise provided by the Family Educational Rights and Privacy Act of 1972, as amended.

NEW SECTION

WAC 495D-121-020 Student conduct code—Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of College District 26.

(2) "College" means Lake Washington Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.-201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto, including various distance learning environments not limited to online courses, telecourses, Washington Online, and interactive video.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary official" means the instructor or administrator who takes disciplinary action as authorized in this chapter.

(8) "Student" means a person who is enrolled at the college, including enrollment in distance learning courses.

(9) "Disciplinary action" means one or more of the sanctions described in WAC 495D-121-170.

(10) "Good standing" means that the student is currently enrolled in the college, has no restrictions on the use of college facilities and/or services, is eligible to participate in college activities, and is not under any current disciplinary or academic sanctions.

NEW SECTION

WAC 495D-121-030 Student conduct code—Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities. A nonstudent who violates any provisions of this conduct code may be referred to civilian authorities for criminal prosecution and/or may be barred from the campus and be subject to prosecution for trespass.

The vice-president of student services or designee is responsible for the administration of the conduct code. The vice-president's responsibilities include the authority to adjudicate and administer sanctions pursuant to the initiation of discipline (WAC 495D-121-040).

(1) Off-campus conduct. When a student violates the student conduct code by an offense committed off campus that is not associated with a college-connected activity, the disciplinary authority of the college will not be used merely to duplicate the penalty involved for such an act under applicable ordinances and laws.

(2) The college will take disciplinary action against a student for such an off-campus offense only when the nature of the offense is such that, in the judgment of the vice-president of student services, the student's conduct is likely to interfere with the educational process, the orderly operation of the college, or the student presents an imminent danger to college property or to himself or herself or other persons on or off campus.

NEW SECTION

WAC 495D-121-040 Student conduct code—Initiation of discipline. (1) Any college faculty, or administrator, or managing authority of a distance learning course except the president and the vice-president who would hear any appeal, may initiate proceedings and recommend to take any of the disciplinary actions defined in WAC 495D-121-170, except that only the president, a vice-president, or designee may expel, dismiss, or suspend a student from the college. Before taking the action, the disciplining official will notify his/her supervisor and meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student.

(2) Disciplinary proceedings.

Any person shall have the right to request disciplinary proceedings for violations of the student conduct code.

All requested or referred disciplinary proceedings will be initiated by the vice-president of student services who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

Any student accused of violating any provision of the rules of student conduct will be called for a meeting with the vice-president of student services or designee and will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the range of penalties which might result from consideration of the disciplinary proceeding.

After considering the evidence in the case and interviewing the accused, the vice-president of student services or designee may take the following actions:

- (a) Terminate the proceeding, exonerating the accused;
- (b) Dismiss the case after whatever counseling and advice may be appropriate;
- (c) Impose minor sanctions directly such as warning, reprimand, restitution, and/or disciplinary probation;
- (d) Impose major sanctions such as deferred suspension, suspension, dismissal or expulsion;
- (e) Refer the matter to the student conduct board for a recommendation to a college vice-president as to appropriate action;

A student accused of violating any provision of the code of student conduct shall be given written notification of the vice-president of student services or designee's action.

Disciplinary action recommended by the vice-president of student services is final unless the accused exercises his/her right of appeal within ten working days as provided in WAC 495D-121-200.

The student should be given written notice of any disciplinary action except a verbal warning. Such written notice shall be either delivered personally or mailed by first-class mail to the student's last known address. The notice or warning should advise the student of his/her right to appeal under these rules.

NEW SECTION

WAC 495D-121-050 Student conduct code—Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the vice-president of administrative services or any other person he or she may designate.

NEW SECTION

WAC 495D-121-060 Student conduct code—Right to demand identification. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce identification and/or evidence of student enrollment at the college by tender of that person's student identification card, registration schedule, and/or receipt for payment of fees for a current course.

NEW SECTION

WAC 495D-121-070 Student conduct code—Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

- (1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any

administrator, faculty, staff member, or student of the college who is in the peaceful discharge or conduct of his/her duties or studies.

- (2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty, staff member or student of the college who is in the peaceful discharge of his/her duties or studies.

- (3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator, faculty, or staff member who is engaged in the reasonable exercise of their disciplinary authority.

- (4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

NEW SECTION

WAC 495D-121-080 Student conduct code—Authority to prohibit trespass. In the instance of any event that is deemed to impede the movement of persons or vehicles or which is deemed to disrupt or threatens to immediately disrupt the ingress and/or egress of persons from college facilities or for violations of this chapter by nonstudents, the president or designee, acting through the vice-president of student services or such other designated person, shall have authority and power to:

- (1) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

- (2) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

- (3) Order any person, persons or group of persons to leave or vacate all or any portion of a college facility.

Any student or person who shall disobey a lawful order given by the college president or designee pursuant to the requirements of this rule shall be subject to disciplinary and/or legal action.

NEW SECTION

WAC 495D-121-090 Student conduct code—Notice of summary suspension. If the college president or designee determines that it is necessary to exercise the authority to summarily suspend a student for more than ten instructional days, the president or designee shall cause notice and an order thereof to be served on that student by registered and/or certified mail at the student's last known address, or by personal service of such notice and order to the student. The notice shall be entitled notice and order of summary suspension together with a statement of charges and shall state:

- (1) The statement of charges against the student including reference to provisions of the student conduct code and/or law.

- (2) The order of summary suspension shall contain a brief statement of the findings of fact, conclusions of law, and policy reasons for the decision to justify the determination of

an immediate danger and the college's decision to take the specific action.

(3) The notice of summary suspension shall inform the student that the student charged must appear before the vice-president of student services or designee for a summary suspension hearing at a date and time specified in the notice.

NEW SECTION

WAC 495D-121-100 Student conduct code—Initiation of summary suspension proceedings. The college president or designee may suspend any student for not more than ten instructional days pending investigation, action, or prosecution on charges of an alleged violation of the student conduct code if the president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college or its functioning renders the normal disciplinary process ineffectual and commands such suspension. Any summary suspension for more than ten instructional days requires a formal notice and order of summary suspension.

NEW SECTION

WAC 495D-121-110 Student conduct code—Summary suspension hearing procedures. At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity to prove to the vice-president of student services that the findings and conclusions in the order of summary suspension are not supported by probable cause to believe that the violations cited on the notice of summary suspension did occur, and do not justify summary action and that summary suspension is not necessary or justifiable pursuant to WAC 495D-121-170.

The student may offer oral testimony, present witnesses, submit any statement, declaration or affidavit, examine any document offered into evidence, or cross-examine any witness who may appear against him/her and submit any matter in extenuation or mitigation of the offense or offenses charged.

The vice-president of student services shall at the time of the summary suspension hearing determine whether there is probable cause to believe that a violation of the law occurred or believe summary suspension continues to be necessary pursuant to RCW 34.05.479 and WAC 495D-121-170, 495D-121-040, and 495D-121-200. In the course of making such decisions, the vice-president may consider only the sworn affidavits or declarations, and oral testimony, or other competent evidence presented at the hearing of persons who alleged that the student charged has committed a violation of law or the student conduct code and the oral testimony and affidavits submitted by the student charged.

NEW SECTION

WAC 495D-121-120 Student conduct code—Summary suspension proceedings not duplicitous. As indicated, the summary suspension proceedings shall not substitute for disciplinary proceedings provided for in the student conduct code. At the end of the suspension, the student sus-

pending shall be reinstated to full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the student conduct code or these rules of summary suspension.

Records and evidence presented during the course of any facet of a summary suspension proceeding brought against the student shall be available for use by the student and the college in disciplinary proceeding initiated under the student conduct code and shall be deemed admissible.

NEW SECTION

WAC 495D-121-130 Student conduct code—Decision by vice-president of student services. On conclusion of the summary suspension hearing and review of evidence and testimony presented therein, the vice-president of student services or designee may exercise a range of actions including, but not limited to, the following:

(1) Sustain the summary suspension for its duration or portion thereof, subject to disciplinary actions which may be brought under the student conduct code rules following the suspension.

(2) Stay the summary suspension and impose any disciplinary action(s) enumerated in WAC 495D-121-170.

(3) Take such other action as is necessary to alleviate the need for summary action pending a hearing on the merits.

Following the summary suspension hearing, the student shall be provided written notification of findings, conclusions, and disciplinary actions, if any. Notification and any attendant instructions or information will be provided through personal service or sent to the student by registered and/or certified mail at the student's last known address.

NEW SECTION

WAC 495D-121-140 Student conduct code—Academic dishonesty/and classroom/lab/clinic conduct. (1) Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty, which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in subsection (b) of this section, shall be subject to disciplinary action.

(d) An instructor may adjust the student's grade on a particular project, paper, test, or class for academic dishonesty. This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishon-

esty in order to preserve order and prevent disruptive conduct in the classroom.

(2) Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college, or the managing authority of distance learning courses, is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course provided that, a student shall have the right to appeal such disciplinary action to the supervisor of the person imposing disciplinary action.

NEW SECTION

WAC 495D-121-150 Student conduct code—Hazing prohibited. (1) Hazing is prohibited.

(2) Hazing means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution.

(3) Penalties.

(a) Any student organization, association or club that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Lake Washington Technical College as an official organization, association, or club on this campus. If the organization, association, or club is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of one year.

(c) Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.

(d) The student conduct code may be applicable to hazing violations.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(4) Sanctions for impermissible conduct not amounting to hazing.

(a) Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement engaged in, with respect to the organization or club, will not be tolerated.

(b) Impermissible conduct, which does not amount to hazing, may include conduct that causes embarrassment,

sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(c) Impermissible conduct not amounting to hazing is subject to any sanctions available under the student conduct code, depending upon the seriousness of the violation.

NEW SECTION

WAC 495D-121-160 Student conduct code—Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules, which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(2) Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to be the same extent as completed violations.

(3) Breaching campus safety or security, to include, but not be limited to:

(a) Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; or propping open of exterior doors;

(b) Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits;

(c) Placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to/from college buildings;

(d) Illegal entry. Entering or remaining in any closed college facility or entering after the closing time of the college facility without permission of a college official;

(4) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace on college premises or at college-sponsored activities;

(5) Disruptive activity. Participation in promoting disruptive activity that would interfere with teaching, research, disciplinary proceedings or other college activities. Such activity may include, but is not limited to:

Classroom behavior that seriously interferes with either:

(a) The instructor's ability to conduct the class; or

(b) The ability of other students to profit from the instructional program;

(6) Failure to appear for a college disciplinary proceeding to respond to allegations or to testify as a witness when reasonably notified to do so;

(7) Failure to comply with college attendance policy as published in the current edition of the *Student Handbook* or course syllabi;

(8) Failure to comply with a college rule or policy, as set forth in the *Lake Washington Technical College Policies and Procedures Manual* (a copy of which may be found in the Lake Washington Technical College library);

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(10) False statements. The intentional making of false statements or filing of false charges against the college, its employees, and members of the college community;

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(12) Harassment, including conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the college;

(13) Illegal use of alcoholic beverages. The possession, use, sale, or distribution of any alcoholic beverage or illegal drugs on the college campus except as specifically provided for by board policy. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(14) Illegal use or possession of weapons. The unauthorized use, possession, display, or storage of any weapons, fireworks or explosives on college premises or at any college-sponsored activity. The term weapon means any object or substance designed to inflict a wound, cause injury, or incapacitate. Weapons may include, but are not limited to, all firearms (whether lawfully or unlawfully possessed), pellet guns, slingshots, martial arts devices, switchblade knives and clubs. Legal defense sprays possessed or used for the purpose of self-defense are exempt from this section;

(15) Imminent danger. Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education processes of the college;

(16) Interference with the discipline code. Action or conduct that hinders, obstructs or otherwise interferes with the implementation of this discipline code;

(17) Interruption of instructional programs (see policy (6. P.39));

(18) Misuses of information technology. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Failure to protect passwords or use of computer accounts. Breach of computer security, unauthorized access to computer system networks, college or agent's websites, codes and data, or computer back-end systems. Harmful access or invasion of privacy; use of another's password or identity, or use of anonymous or fictitious e-mail addresses, internet domains or name servers.

(19) Physical abuse, including attempting or causing injury to an individual. Causing or threatening physical contact with another when the person knows or should reasonably believe that the other will regard the contact or threat as offensive or provocative;

(20) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in prohibited conduct.

(21) Ethical violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

(22) Sexual assault/rape, including the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal

penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical forces, coercion, and intentional impairment of an individual's ability to appraise the situation through the administering of any substance or threat of harm to the victim;

Sexual abuse, including attempting or making sexual contact including, but not limited to, inappropriate touching or fondling against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent;

(23) Smoking. Smoking in all enclosed college facilities and other areas so posted by college officials;

(24) Stalking, including any repeated conduct directed specifically at another person that causes that person (or a member of that person's family or household) to fear for his/her safety. Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property;

(25) Theft and damage. Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(26) Unacceptable use of college facilities and equipment;

(27) Violation of laws. Violation of any law of the United States, laws of the state of Washington, or applicable municipal or county ordinance;

(28) Witness retaliation. Retaliation upon witnesses or accusers under this chapter.

NEW SECTION

WAC 495D-121-170 Student conduct code—Student conduct sanctions. Student conduct sanctions are categorized as primary and secondary. More than one primary sanction or any combination of primary sanctions and secondary sanctions may be imposed for any single violation. Once a student has been finally assessed a disciplinary sanction, however, no more severe primary sanctions may be assessed against him or her by any higher college authority.

(1) Primary sanctions (in order of severity):

(a) *Expulsion*: Separation of the student from the college whereby the student is not eligible for reenrollment or readmission to the college.

(b) *Dismissal*: Separation of the student from the college for an indefinite period of time. Readmission to the college may be possible in the future, but no specific time for a decision is established.

(c) *Suspension*: Separation of the student from the college for a period of time with a review of the disciplinary action prior to readmission. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.

(d) *Deferred suspension*: The sanction of suspension may be placed in deferred status. If the student is found in

violation of any college rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the college. A student who is not in good standing is subject to the following restrictions:

(i) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(iii) May have additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

(e) *Conduct probation*: An official warning that the student's conduct is in violation of Lake Washington Technical college student conduct code, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on conduct probation is deemed "not in good standing" with the college.

(f) *Letter of enrollment block*: A letter stating that the student may not reenter Lake Washington Technical College without prior approval by the office of the vice-president for student services if enrollment has been blocked for a previous student conduct problem or for medical reasons.

(g) *Letter of reprimand*: A letter that makes a matter of record any incident that reflects unfavorably on the student or the college.

(h) *Warning*: Admonition of a student for actions unbecoming to the college community.

(2) Secondary sanctions (no order of severity is established for secondary sanctions):

(a) *Community/college service*: A student may be offered an opportunity to complete a specified number of hours of community/college service in lieu of other sanctions. The type of community/college service must be approved by the hearing officer.

(b) *Educational requirements*: A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, an anger management class, essays, or reports.

(c) *Restrictions*: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

(d) *Restitution*: A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.

(e) *Loss of parking privileges on campus*: Revocation of parking privileges.

NEW SECTION

WAC 495D-121-180 Student conduct code—Loss of eligibility—Student activity participation. Any student found to have violated chapter 69.50 RCW, the Uniform Controlled Substances Act, or chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored student events or activities.

NEW SECTION

WAC 495D-121-190 Student conduct code—Appeal of academic action or disciplinary action and student grievances. (1) Definitions:

(a) *Academic action*: Action taken by the college regarding instructional decisions regarding student progress, student attendance, and/or academic status.

(b) *Disciplinary action*: Action taken by the college for student violations of college rules, policies and procedures, the student conduct code, or applicable federal, state, county, or municipal laws.

(c) *Grievance*: A student appeal of a decision of the college, excluding academic actions or disciplinary actions, including those made by faculty, staff, and administration or the actions of another student.

(d) *Major disciplinary actions*: Conduct discipline actions including deferred suspension, suspension, dismissal and expulsion.

(e) *Minor disciplinary action*: Conduct discipline actions including letter of enrollment block, conduct probation, letter of reprimand, warning and all secondary sanctions.

(2) Filing of appeals or grievances:

(a) *Grievance*. Students may appeal an action of the college or grieve the actions of the college, its staff, or another student except for grade appeals and disciplinary actions, by filing a grievance with the appropriate vice-president within ten working days, from the moment when the student had knowledge of the college action or grievable action. The grievance shall be filed with the vice-president of instructional services regarding academic actions, with the vice-president of administrative services for administrative and business service issues, and with the vice-president of student services for other student matters. A student is deemed to have notice three working days after any notice is mailed to the student's last address on record with the college.

Students may have an advocate present during the grievance procedure with prior notice given the presiding officer. No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

Resolution of the grievance is attempted between the principals. The vice-president or their designees involved with the grievance are responsible for conducting a hearing. This hearing will be completed within ten working days of the student filing of the grievance; the unit supervisor will

consider the issues in the dispute and render a written decision on the issues within ten working days of hearing the grievance. The decision of the vice-president or designee presiding officer is final.

(b) Disciplinary appeal:

(i) Appeal of minor disciplinary actions should be filed with the vice-president of student services or designee within ten days of the disciplinary action. The vice-president will convene a brief adjudicative procedure pursuant to WAC 495D-108-050 and RCW 34.05.485 within ten days of receipt of the appeal. The vice-president will hear evidence and arguments in the matter and render a written decision within ten working days. The decision of the presiding officer is final.

(ii) Appeals of major disciplinary actions should be filed with the vice-president of student services within ten working days of the issuance of the action. The vice-president will convene a judicial board that will conduct a fully adjudicated hearing, pursuant to RCW 34.05.410 through 34.05.494, to hear the appeal within ten days of receipt of the appeal. All parties to the appeal will have the opportunity to present information to the judicial board. A record of the judicial board's proceedings will be kept, which will entail at a minimum that the proceeding be tape-recorded. All testimony of witnesses and interpreters will be given under oath. The judicial board will conduct its hearing within ten working days of receipt of the appeal. Students may have an advocate present during the grievance procedure with prior notice given the presiding officer. No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

The judicial board, after hearing the appeal, shall recommend disposition of the case to the appropriate vice-president. The recommendation will be included in the board's findings of fact and a recommended course of action.

The vice-president shall consider the recommendations of the judicial board; respond with a written decision within ten working days of receipt of the judicial board's recommendations. The vice-president's decision in the matter is final.

Where violations of federal, state, or local statutes are alleged to have occurred, students may also be subject to additional actions in the courts.

NEW SECTION

WAC 495D-121-200 Student conduct code—Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 495D-121-210 Student conduct code—Readmission after dismissal or suspension. Any student dismissed or suspended from the college for academic or disci-

plinary reasons will normally be readmitted on a space available basis in the student's program of study upon expiration of the time period for which the dismissal or suspension was issued.

If a student who has been dismissed or suspended believes that circumstances warrant reconsideration of the dismissal or suspension prior to its expiration; or, if the student was dismissed or suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president who imposed such suspension or such other designated administrator. Such petition must state reasons that support a reconsideration of the matter. Before readmission may be granted in any case, a petition must be submitted, reviewed in a conference with a counselor and an administrator, and approved by the appropriate vice-president.

NEW SECTION

WAC 495D-121-220 Student conduct code—Reestablishment of academic standing. Students who have been expelled, dismissed, or suspended pursuant to disciplinary procedures set forth in WAC 495D-121-170 and 495D-121-040 and whose expulsion, dismissal, or suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 495D-121-230 Student conduct code—Reporting, recording and maintaining records. Records of all disciplinary and grievance cases shall be kept by the vice-president for student services. All documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years.

NEW SECTION

WAC 495D-121-240 Student conduct code—Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the college community as chair, or requiring permis-

sion for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

NEW SECTION

WAC 495D-121-250 Student conduct code—Distribution of information. (1) Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the appropriate administrator, provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers, and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall make contact with and receive directions from the director of campus services or designee on the time, place, and manner of distribution prior to the distribution of any handbill, leaflet, newspaper, or related matter to ensure that such distribution or sale does not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subsections (1) and (2) of this section will be subject to disciplinary action. Any person who violates provisions of subsection (2) of this section shall be subject to removal from the college campus.

NEW SECTION

WAC 495D-121-260 Student conduct code—Commercial activities. (1) College facilities will not be used for a commercial solicitation, advertising, or promotional activities except when such activities:

(a) Clearly serve educational objectives, including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment; and

(b) Are conducted under the sponsorship or at the request of the college or official organizations of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) College facilities, equipment, and supplies may not be used by students for personal commercial gain.

(3) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495D-121-260.

**WSR 04-16-006
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-182—Filed July 22, 2004, 2:10 p.m., effective August 22, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend saltwater sport salmon rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-620 and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-11-079 on May 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2004.

Will Roehl, Chair
Fish and Wildlife Commission
by Larry Peck

AMENDATORY SECTION (Amending Order 03-182, filed 8/6/03, effective 9/6/03)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section. Open when a daily limit is provided:

(1) Catch Record Card Area 1:

(a) May 1 through June ((28)) 26 - Closed.

(b) June ((29)) 27 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) October 1 through April 30 - Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through September ((14)) 19 - Open Sundays through Thursdays only. ~~((Area 2-2 west of the Buoy 13 line closed August 16 through September 14. Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip~~

of the north jetty then to the exposed end of the south jetty are closed August 16 through September 14.) Daily limit 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) September ((15)) 20 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through September 15 - Closed.

(b) September 16 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon. ((Release)) Of the adult salmon, not more than one may be an adult chinook.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.

(c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through September ((14)) 19 - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. ((Fishers may retain an additional third salmon if it is a pink salmon.)) Release wild coho.

(c) September ((15)) 20 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, waters inside ((a line from Teahwit Head to "Q" buoy and then to Cake Rock then east to)) three miles from shore north of 47°50'00"N latitude and south of 47°58'00"N latitude open September ((20)) 25 through October ((5)) 10 - Daily limit two salmon, of which not more than one may be a chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through June ((24)) 26 - Closed.

(b) June ((22)) 27 through September ((14)) 19 - ((Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Waters south of a line from Kydaka Point westerly to Shipwreck Point closed July 1 through September 14.)) Daily limit of 2 salmon, of which not more than one may be a chinook salmon. ((Fishers may retain an additional third salmon if it is a pink salmon.)) Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release chinook salmon caught east of the Bonilla-Tatoosh line ((June 22 through June 30 and)) August 1 through September ((14)) 19. Release chum salmon August 1 through September ((14)) 19.

(c) September ((15)) 20 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 03-182, filed 8/6/03, effective 9/6/03)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess

salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

(b) July 1 through ~~((July 4—Daily limit of 2 salmon. Release chum, chinook and wild coho.~~

~~((e) July 5 through July 31))~~ August 10 - Daily limit 2 salmon. Release chum, wild chinook and wild coho.

~~((d)) (c) August ((1 through August 14—Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho.~~

~~((e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.~~

~~((f) August 15 through August 31—Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.~~

~~((g) September 1))~~ 11 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

~~((h) Waters south of a line from Kydaka Point to Shipwreck Point closed July 1 through September 30.~~

~~((i)) (d) October 1 through October 31 - Closed.~~

~~((j)) (e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((k)) (f) December 1 through February ((13)) 15 - Closed.~~

~~((h)) (g) February ((14)) 16 through April 10 - Daily limit 1 salmon.~~

~~((m)) (h) April 11 through April 30 - Closed.~~

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through ~~((July 4—Daily limit of 2 salmon. Release chum, chinook and wild coho.~~

~~((e) July 5 through July 31))~~ August 10 - Daily limit 2 salmon. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

~~((d) August 1 through August 14—Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.~~

~~((e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.~~

~~((f)) (c) August ((15)) 11 through ((August 31))~~ September 30 - Daily limit of ((4)) 2 salmon ~~((, of which not more than 2 may be coho)).~~ Release chum, chinook and wild coho.

~~((g)) (d) Waters ((of Freshwater Bay south of a line from Angeles Point westerly to Observatory Point and waters)) of Port Angeles Harbor west of a line from the tip of~~

Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 31.

~~((h)) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.~~

((i)) (e) October 1 through October 31 - Closed, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

((j)) (f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

~~((k)) (g) December 1 through February ((13)) 15 - Closed.~~

((h)) (h) February ((14)) 16 through April 10 - Daily limit 1 salmon.

~~((m)) (i) April 11 through April 30 - Closed.~~

(3) Catch Record Card Area 7:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon. Closed to salmon fishing in the Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(a).

(c) August 1 through September 30 - Daily limit of ((4)) 2 salmon, of which not more than one may be a chinook salmon (~~and not more than two of which may be coho or a combination of chinook and coho~~). Release chum and wild coho. Closed to salmon fishing in the Southeastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(b).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be chinook salmon. November 1 through June 30 - Same as Area 7.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.

(g) November 1 through November 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(h) December 1 through January 31 - Closed.

(i) February 1 through March 31 - Daily limit of 1 salmon.

(j) April 1 through April 30 - Closed.

(4) Catch Record Card Area 8-1:

(a) May 1 through July 31 - Closed.

(b) August 1 through ~~((September 30))~~ October 31 - Daily limit of ((4)) 2 salmon (~~, of which not more than two may be chum or coho or a combination of chum and coho~~). Release chinook.

~~(c) ((October 1 through October 31 - Daily limit of 2 salmon. Release chinook.~~

~~((d))~~ November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

~~((e))~~ (d) December 1 through January 31 - Closed.

~~((f))~~ (e) February 1 through March 31 - Daily limit of 1 salmon.

~~((g))~~ (f) April 1 through April 30 - Closed.

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - ~~((July 4))~~ June 18 through July ~~((28))~~ 31 Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon. ~~((Release chinook.))~~

(b) August 1 through ~~((September 30))~~ October 31 - Daily limit ((4)) 2 salmon, ~~((of which not more than two may be chum or coho or a combination of chum and coho))~~ and release chinook, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September ~~((29))~~ 27 Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon.

~~(c) ((October 1 through October 31 - Daily limit of 2 salmon. Release chinook.~~

~~((d))~~ November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

~~((e))~~ (d) December 1 through February ((13)) 15 - Closed.

~~((f))~~ (e) February ((14)) 16 through April 10 - Daily limit of 1 salmon.

~~((g) During all openings provided for Area 8-2, waters of Tulalip Bay east of a line from Mission Point to Hermosa Point are closed.)~~ (f) April 11 through April 30 - Closed.

(6) Catch Record Card Area 9:

(a) May 1 through July 15 - Closed.

(b) July 16 through July 31 - Daily limit of 2 salmon. Release chinook.

(c) August 1 through ~~((August 31))~~ September 30 - Daily limit of ((4)) 2 salmon (~~, of which no more than 2 may be coho~~). Release chum and chinook.

~~(d) ((September 1 through September 30 - Daily limit of 2 salmon. Release chum and chinook.~~

~~((e))~~ October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

~~((f))~~ (e) November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a chinook.

~~((g))~~ (f) December 1 through January 31 - Closed.

~~((h))~~ (g) February 1 through April 15 - Daily limit 1 salmon.

~~((i))~~ (h) April 16 through April 30 - Closed.

~~((j) Fishing is open year round when fishing from the))~~

~~((i) Hood Canal Bridge Fishing Pontoon((- Daily limit 2 salmon, not more than one of which may be a chinook salmon, except release chinook July 1 through August 31. Release chum August 1 through October 15)))~~: Closed.

~~((k) Fishing is open year round when fishing from the))~~

~~((j) Edmonds Fishing Pier: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 30.~~

(7) Catch Record Card Area 10:

(a) May 1 through June 15 - Closed.

(b) June 16 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. ~~((Salmon may not be brought aboard a vessel.))~~

(c) July 1 through October 31 - Daily limit 2 salmon. Release chum August 1 through September 15. Release chinook. Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August 31, except waters east of a line from Pier 91 to Duwamish Head open July ~~((14))~~ 16 through August ~~((17))~~ 22 only on Friday through Sunday - Daily limit 2 salmon. Release chum August 1 through August ~~((17))~~ 22.

(d) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Lawful to retain chinook as part of the daily limit July 1 through September 30.

(e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) December 1 through December 15 - Closed.

(g) December 16 through last day in February - Daily limit 1. Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point closed January 1 through last day in February.

(h) March 1 through April 30 - Closed.

(i) ~~((Fishing is open year round when fishing from the))~~ Elliott Bay Fishing Pier ~~((, the Fishing Pier))~~ at Terminal 86, ~~((the))~~ Seacrest Pier, ~~((the))~~ Waterman Pier, ~~((the))~~ Bremerton Boardwalk, and ~~((the))~~ Illahee State Park Pier: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 15.

(8) Catch Record Card Area 11:

(a) May 1 through ~~((May 30))~~ June 15 - Closed.

(b) June ~~((1))~~ 16 through October 31 - Daily limit of 2 salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed June ~~((1))~~ 16 through July 31.

(c) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February ~~((13))~~ 15 - Closed.

(e) February ~~((14))~~ 16 through April 10 - Daily limit of 1 salmon.

(f) April 11 through April 30 - Closed.

(g) ~~((Fishing is open year round when fishing from the))~~ Dash Point Dock, ~~((the))~~ Les Davis Pier, ~~((the))~~ Des Moines Pier, ~~((the))~~ Redondo Pier and ~~((the))~~ Point Defiance Boat-house Dock: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be chinook salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a chinook salmon.

(f) January 1 through February ~~((13))~~ 15 - Closed.

(g) February ~~((14))~~ 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodsport Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through ~~((May 31))~~ June 15 - ~~((Daily limit 2 salmon, of which not more than one may be a chinook salmon))~~ Closed.

(b) June ~~((1))~~ 16 through June 30 - Daily limit 2 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed.

(c) July 1 through October 31 - Daily limit 2 salmon. Release wild coho. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed ~~((May))~~ July 1 through July 31, except open to fly fishing only for hatchery coho ~~((July 1 through July 31))~~.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed July 1 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 1 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) January 1 through April 30 - Daily limit 1 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.

(h) ~~((Fishing is open year round when fishing from the))~~ Fox Island Public Fishing Pier: Open only June 16 through April 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release wild coho July 1 through October 31.

WSR 04-16-009

PERMANENT RULES

BOARD OF INDUSTRIAL INSURANCE APPEALS

[Filed July 22, 2004, 3:10 p.m., effective August 22, 2004]

Effective Date of Rule: Thirty-one days after filing.

PERMANENT

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-020, 263-12-050 and 263-12-117; and adding new WAC 263-12-106.

Citation of Existing Rules Affected by this Order: Amending WAC 263-12-020, 263-12-050, and 263-12-117.

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 04-11-117 on May 19, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 263-12-020, proposed revisions to WAC 263-12-020 (3)(e) have been withdrawn. Proposed revisions to WAC 263-12-020 (3)(d) are being adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2004.

Thomas E. Egan
Chairperson

AMENDATORY SECTION (Amending WSR 00-23-021, filed 11/7/00, effective 12/8/00)

WAC 263-12-020 Appearances of parties before the board. (1) Who may appear.

(a) Any party to any appeal may appear before the board at any conference or hearing held in such appeal, either on the party's own behalf or by an attorney at law or other authorized lay representative of the party's choosing as prescribed by section 3 below.

(b) Appeals under the Washington Industrial Safety and Health Act.

(i) In an appeal by an employee or employee representative under the Washington Industrial Safety and Health Act, the cited employer may enter an appearance as prescribed in subsection (2) below and will be deemed a party to the appeal.

(ii) In an appeal by an employer, under the Washington Industrial Safety and Health Act, an employee or employee representative may enter an appearance as prescribed in subsection (2) below, and will be deemed a party to the appeal.

(c) Where the party appears representing himself or herself, he or she may be accompanied, both at conference and at hearing, by a lay person of his or her choosing who shall be permitted to accompany the party into the conference or hearing room and with whom he or she can confer during such procedures.

(d) Although the industrial appeals judge may not advocate for either party, all parties who appear either at conferences or hearings are entitled to the assistance of the industrial appeals judge presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with the industrial appeals judge's responsibilities to the end that all parties are informed of the procedure which is to be followed and the issues which are involved in the proceedings. Any party who appears representing himself or herself shall be advised by the industrial appeals judge of the burden of proof required to establish a right to the relief being sought.

(2) How to make an appearance.

(a) Appearances shall be made either by:

(i) Filing a written notice of appearance with the board containing the name of the party to be represented, and the name and address of the representative; or by

(ii) Appearing at the time and place of a conference or hearing on the appeal, and notifying the industrial appeals judge of the party to be represented, and the name and address of the representative.

(b) The appearing party shall furnish copies of every written notice of appearance to all other parties or their representatives of record at the time the original notice is filed with the board.

(c) The board shall serve all notices and orders on each representative and each party represented. Service upon the representative shall constitute service upon the party. Where more than one individual associated with a firm, or organization, including the office of the attorney general, has made an appearance, service under this subsection shall be satisfied by serving the individual who filed the notice of appeal, or who last filed a written notice of appearance or, if no notice of appeal or written notice of appearance has been filed on behalf of the party, the individual who last appeared at any proceeding concerning the appeal.

(3) Lay representation. Duly authorized lay representatives may be permitted to appear in proceedings before the board without a formal request for admission to practice before the board so long as the lay representative does not charge a fee and is not otherwise compensated for the representation except as provided below:

(a) A worker or beneficiary may be represented by a person employed by the worker's labor union whose duties include handling industrial insurance matters for the union. Lay persons may not represent workers before the board in return for remuneration received from the worker or from the worker's receipt of benefits under this act.

(b) An employer may be represented by an employee. An employer may also be represented by a firm or firms that contracts with the employer to handle matters pertaining to industrial insurance without regard to whether a fee is charged.

(c) In appeals involving the Washington Industrial Safety and Health Act under chapter 49.17 RCW and assessments under chapter 51.48 RCW, an employer may be represented by a lay person without regard to whether a fee is charged.

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(d) Paralegals supervised by an attorney licensed in the state of Washington to practice law may represent any party (~~(appealing)~~) appearing before the board.

(4) **Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately notify the board and all parties of record in writing. The notice of withdrawal shall comply with the rules applicable to notices of withdrawal filed with the superior court in civil cases. Withdrawal shall be subject to approval by the industrial appeals judge or the executive secretary. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record together with the written consent of the prior attorney or representative. If such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

(5) **Conduct.** All persons appearing as counsel or representatives in proceedings before the board or before its industrial appeals judges shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

(a) Industrial appeals judge. If any such person does not conform to such standard, the industrial appeals judge presiding over the appeal, at his or her discretion and depending on all the circumstances, may take the following action:

- (i) Admonish or reprimand such person, or
- (ii) Exclude such person from further participation in the proceedings and adjourn the same, or
- (iii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or
- (iv) Report the matter to the board.

(b) The board. In its discretion, either upon referral by an industrial appeals judge as stated above or on its own motion, after information comes to light that establishes to the board a question regarding a persons ethical conduct and fitness to practice before the board, and after notice and hearing, may take appropriate disciplinary action including, but not limited to:

- (i) A letter of reprimand,
- (ii) Refusal to permit such person to appear in a representative capacity in any proceeding before the board or its industrial Appeals judges, or
- (iii) Certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100. If the circumstances require, the board may take action as described above prior to notice and hearing if the conduct or fitness of the person appearing before the Board requires immediate action in order to preserve the orderly disposition of the appeal or appeals.

(c) Proceedings. If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the industrial appeals judge may, at his or her discretion and depending on all the circumstances:

- (i) Admonish or reprimand such person, or

(ii) Exclude such person from further participation in the proceedings and adjourn the same, or

(iii) Certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or

(iv) Report the matter to the board for action consistent with (b) above.

AMENDATORY SECTION (Amending WSR 03-02-038, filed 12/24/02, effective 1/24/03)

WAC 263-12-050 Contents of notice of appeal. The board's jurisdiction shall be invoked by filing a written notice of appeal.

(1) **General Rule.** In all appeals, the notice of appeal (~~(shall)~~) should contain where applicable:

- (a) The name and address of the appealing party and of the party's representative, if any;
- (b) A statement identifying the date and content of the department order, decision or award being appealed. This requirement may be satisfied by attaching a copy of the order, decision or award;
- (c) The reason why the appealing party considers such order, decision or award to be unjust or unlawful;
- (d) A statement of facts in full detail in support of each stated reason;
- (e) The specific nature and extent of the relief sought;
- (f) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held;
- (g) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true;
- (h) The signature of the appealing party or the party's representative.

(2) **Industrial Insurance Appeals.** In appeals arising under the Industrial Insurance Act (Title 51 RCW), the notice of appeal (~~(shall)~~) should also contain:

- (a) The name and address of the injured worker;
- (b) The name and address of the worker's employer at the time the injury occurred;
- (c) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;
- (d) The nature of the injury or occupational disease;
- (e) The time when and the place where the injury occurred or the occupational disease arose.

(3) **Crime Victims' Compensation Act.** In appeals arising under the Crime Victims' Compensation Act (chapter 7.68 RCW), the notice of appeal (~~(shall)~~) should also contain:

- (a) The time when and the place where the criminal act occurred;
- (b) The name and address of the alleged perpetrator of the crime; and
- (c) The nature of the injury.

(4) **Assessment Appeals.** In appeals from a notice of assessment arising under chapter 51.48 RCW or in cases arising from an assessment under the Worker and Community Right to Know Act (chapter 49.70 RCW), the notice of appeal (~~(shall)~~) should also contain:

(a) A statement setting forth with particularity the reason for the appeal; and

(b) The amounts, if any, that the party admits are due.

(5) **LEOFF and Public Employee Death Benefit Appeals.** In appeals arising under the special death benefit provision of the Law Enforcement Officers' and Fire Fighters' Retirement System (chapter 41.26 RCW), the notice of appeal ((~~shall~~)) should also contain:

(a) The time when and the place where the death occurred; and

(b) The name and address of the decedent's employer at the time the injury occurred.

(6) **Asbestos Certification Appeals.** In appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects, the notice of appeal ((~~shall~~)) should also contain:

(a) A statement identifying the certification decision appealed from;

(b) The reason why the appealing party considers such certification decision to be incorrect.

(7) **WISHA Appeals.** In appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the appeal ((~~shall~~)) should also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s);

(c) A statement certifying compliance with WAC 263-12-059.

(8) **Other Safety Appeals.** In appeals arising under chapter 49.22 RCW concerning alleged violations of safety procedures in late night retail establishments, chapter 70.74 RCW concerning alleged violations of the Washington State Explosives Act, or chapter 88.04 RCW concerning alleged violations of the Charter Boat Safety Act, the notice of appeal ((~~shall~~)) should also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation or violations;

(c) If applicable, a statement certifying compliance with WAC 263-12-059.

AMENDATORY SECTION (Amending WSR 03-02-038, filed 12/24/02, effective 1/24/03)

WAC 263-12-117 Perpetuation depositions. (1) **Evidence by deposition.** The industrial appeals judge may permit or require the perpetuation of testimony by deposition((-)), subject to the applicable provisions of WAC 263-12-115. Such ruling may only be given after the industrial appeals judge gives due consideration to: (a) The complexity of the issues raised by the appeal; (b) The desirability of having the witness's testimony presented at a hearing; (c) The costs incurred by the parties in complying with the ruling; and (d) The fairness to the parties in complying with the ruling. The industrial appeals judge may require that depositions be taken and published within prescribed time limits, which

time limits may be extended by the industrial appeals judge for good cause. Each party shall bear its own costs except when appropriate and requested by a party, the industrial appeals judge may allocate costs to parties or their representatives. If the deposition is not transcribed in a reproducible format it may be excluded from the record.

(2) **Procedure at deposition.** Unless the parties stipulate or the industrial appeals judge determines otherwise all depositions permitted to be taken for the perpetuation of testimony shall be taken subject to the following conditions: (a) That all motions and objections, whether to form or otherwise, shall be raised at the time of the deposition and if not raised at such time shall be deemed waived; (b) that all exhibits shall be marked and identified at the time of the deposition and, if offered into evidence, appended to the deposition; (c) that the deposition be published without necessity of further conference or hearing at the time it is received by the industrial appeals judge; (d) that all motions, including offers to admit exhibits and objections raised at the time of the deposition, shall be ruled upon by the industrial appeals judge in the proposed decision and order; and (e) that the deposition may be appended to the record as part of the transcript, and not as an exhibit, without the necessity of being re-typed into the record.

NEW SECTION

WAC 263-12-106 Expedited hearings. If a statute requires that the board conduct an expedited hearing in a matter, the matter will be referred to a duly authorized industrial appeals judge. Notices of conferences and hearings related to the expedited hearing will conform to the requirements identified in WAC 263-12-090 and WAC 263-12-100. After hearing all testimony and receiving all evidence related to the expedited hearing, the industrial appeals judge will refer the matter directly to the board for decision. The board will issue an order based on the record of the expedited hearing.

**WSR 04-16-013
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-183—Filed July 22, 2004, 3:31 p.m., effective August 22, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend coastal harbor commercial salmon rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-023 and 220-40-027.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-11-109 on May 19, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2004.

Larry Peck
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-208, filed 8/20/03, effective 9/20/03)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for coho and chum salmon, and sturgeon:

Time	Areas
((7:00)) 6:00 a.m. October ((9)) 8 through ((3:00)) 6:00 p.m. October ((9)) 8, and ((7:00)) 6:00 a.m. October ((10)) 14 through ((3:00)) 6:00 p.m. October ((10-2003)) 14, 2004	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen(-), and that portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10

inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers~~((:))~~ and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(i) Fishers must be willing to take department observers when participating in these openings, and provide notice of intent to participate by contact to the quick reporting phone, fax or e-mail, WAC 220-69-240, by 10:00 a.m. October 7 if intending to fish on October 8, or 10:00 a.m. October 13 if intending to fish on October 14.

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
6:00 a.m. October ((22)) 21 through 6:00 p.m. October ((22)) 21	Area 2B
6:00 a.m. October ((23)) 22 through 6:00 p.m. October ((23)) 22	
6:00 a.m. October ((29)) 27 through 6:00 p.m. October ((29)) 27	
6:00 a.m. October ((30)) 28 through 6:00 p.m. October ((30-2003)) 28, and 6:00 a.m. October 29 through 6:00 p.m. October 29, 2004	

(a) Drift gill gear only. Unlawful to use set net gear.

(b) 6 1/2-inch maximum mesh restriction.

(c) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(d) Fishers must be willing to take department observers when participating in these fisheries. Notice of intent to participate not required.

AMENDATORY SECTION (Amending Order 03-208, filed 8/20/03, effective 9/20/03)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or

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to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. September ((14)) 17 through 6:00 p.m. September ((26, 2003)) 30, 2004	Areas 2G east of a line ((drawn)) <u>projected</u> true ((north-)) south ((through Willapa Bay entrance Day beacon 11, 2M)) <u>from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of Willapa Channel Marker 40, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)</u>
6:00 p.m. September 21 through 6:00 p.m. September 22 and 6:00 p.m. September 28 through 6:00 p.m. September 29, ((2003)) 2004	Area 2K
6:00 p.m. ((September 28 through 6:00 p.m. October 3 and 6:00 p.m.)) October ((7)) 10 through 6:00 p.m. October ((8, 2003)) 11, 2004	Areas 2G east of a line ((drawn)) <u>projected</u> true ((north-)) south ((through Willapa Bay entrance Day beacon 11, 2M)) <u>from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)</u>
6:00 p.m. October ((14)) 15 through 6:00 p.m. October ((16)) 17 , 6:00 p.m. October ((19)) 18 through 6:00 p.m. October ((21)) 20 , and 6:00 p.m. October ((26)) 24 through 6:00 p.m. October ((28, 2003)) 26, 2004	Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and ((westerly)) <u>easterly</u> of a line from Island Sands Light to Ramsey Point, 2M, and 2J north of a true

Time	Area
Noon, November ((5)) 6 through noon November 30, ((2003)) 2004	east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2) Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

~~((b)) ((Prior to September 1, 2003—No maximum mesh restrictions-~~

~~((e)))~~ September 1 through ~~((5:59 p.m.))~~ October ~~((7, 2003)) 3, 2004~~ - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(d) October ~~((7)) 4~~ through October 31, ~~((2003)) 2004~~ - 6-1/2 inch maximum mesh.

(e) November 1 through November 30, ~~((2003)) 2004~~ - 9-inch minimum mesh.

Other

~~((4)) ((A))~~ Quick reporting required for wholesale dealers and fishers retailing their ~~((fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, total number for each species and the total weight for each species))~~ catch under a "direct retail endorsement." WAC 220-69-240.

**WSR 04-16-018
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 23, 2004, 1:34 p.m., effective August 23, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement the 2003-2005 state operating budget bill (section 205, chapter 25, Laws of 2003 1st sp.s.) in which the state legislature provided funds for residential

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habilitation centers (RHC) consolidation and downsizing of Fircrest School. In the budget detail documents, the legislature stated its intent: "The Department shall consolidate vacancies across all Residential Habilitation Centers in order to downsize Fircrest School." To accomplish the consolidation and downsizing the department is: Adding new and amended WAC to clarify the difference between community intermediate care facilities for the mentally retarded (IC/MR) rules and state operated ICF/MR (RHC) rules; amending rules clarifying under what circumstances an individual may be transferred between state operated facilities; and providing residents a mechanism for an informal review. This filing includes new WAC 388-837-9005, 388-837-9015, 388-837-9020, 388-837-9030, and 388-837-9040.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-835-0135; and amending WAC 388-835-0085, 388-835-0090, 388-835-0100, 388-835-0115, and 388-835-0140.

Statutory Authority for Adoption: Chapter 71A.20 RCW, RCW 71A.12.080, 71A.20.140.

Other Authority: Chapter 71A.20 RCW, RCW 71A.12.-080, 71A.20.140, section 205, chapter 25, Laws of 2003 1st sp.s.

Adopted under notice filed as WSR 04-12-099 on June 2, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 5, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 5, Repealed 1.

Date Adopted: July 19, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0085 Why is an individual transferred or discharged? An individual admitted to a facility can be transferred or discharged only for:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- (3) The individual's welfare;
- (4) The welfare of other residents; ((~~or~~))
- (5) At the request of the resident or legal guardian;
- (6) Partial closure of the facility; or
- (7) Closure of the facility.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0090 What is the basis of the decision to transfer or discharge an individual? The decision to transfer or discharge an individual must be based on:

- (1) An assessment of the resident in consultation with the service provider and the parent or guardian; and
- (2) A review of the relevant records; or
- (3) Partial closure of the facility; or
- (4) Closure of the facility.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0100 Why would an individual move? An individual may move if:

- (1) The services provided to an individual do not meet their needs;
- (2) A facility's ICF/MR certification or license is revoked or suspended;
- (3) Medical reasons dictate relocation;
- (4) A resident's welfare would be improved;
- (5) The welfare of the other residents would be enhanced;
- (6) There is no payment for services provided to the resident during their stay at the facility; ((~~or~~))
- (7) The resident and/or guardian make a formal request;
- (8) The facility is partially closing; or
- (9) The facility is closing.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0115 Can a facility request that an individual be transferred? Facilities can request that a resident be transferred for the following reasons:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- (3) The individual's welfare;
- (4) The welfare of the other residents; ((~~or~~))
- (5) Nonpayment for services provided to the resident during the resident's stay at the facility;
- (6) The facility is partially closing; or
- (7) The facility is closing.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0140 Do residents always have a right to a hearing? Advance notice and planning does not include a right to a hearing for a resident when the department concludes that the facility where the resident resides cannot provide Title XIX services due to:

- (1) Termination of the facility's contract;
- (2) Decertification of the facility;
- (3) Nonrenewal of the facility's contract;
- (4) Revocation of the facility's license; ((~~or~~))
- (5) An emergency suspension of the facility's license;
- (6) Partial closure of the facility; or
- (7) Closure of the facility.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-835-0135 What are DSHS responsibilities when it decides to transfer a resident?

Chapter 388-837 WAC

RESIDENTIAL HABILITATION CENTER (RHC) ICF/MR PROGRAM

NEW SECTION

WAC 388-837-9005 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules authorized by Title 71A RCW for RHC ICF/MR programs, rules that:

(a) Regulate the purchase and provision of services in state operated intermediate care facility for the mentally retarded (ICF/MR); and

(b) Assure adequate ICF/MR care, service, and protection are provided through certification procedures; and

(c) Establish standards for providing habilitative training, health-related care, supervision, and residential services to eligible persons.

(2) Except where specifically referenced, this chapter supersedes and replaces any and all sections affecting ICF/MR facilities or programs contained in chapter 388-96 WAC.

(3) Except as referenced, definitions in WAC 388-835-0010 apply to this chapter.

NEW SECTION

WAC 388-837-9015 What does a transfer from one RHC to another RHC mean? A transfer means the discharge of a resident from the current RHC in which the resident resides and the admission of that resident to another RHC.

NEW SECTION

WAC 388-837-9020 Do residents have a right to a hearing when transferring from a residential habilitation center (RHC) to another RHC? Notwithstanding hearing rights set forth in WAC 388-825-120 (1)(d), there is no right to an adjudicative proceeding for a resident when the department concludes that the facility where the resident resides cannot provide services due to:

- (1) Decertification of the RHC;
- (2) Revocation of the RHC's certification; or
- (3) An emergency suspension of the RHC's certification;
- (4) Partial closure of the RHC; or
- (5) Closure of the RHC.

NEW SECTION

WAC 388-837-9030 What rights are available to a resident regarding a proposed transfer from one RHC to another RHC? (1) A resident, their guardian, next-of-kin, or responsible party must be notified in writing at least thirty days before any transfer occurs.

(2) The transfer notice must include the reason for the proposed transfer.

(3) A resident, their guardian, next of kin, or responsible party has a right to an informal administrative review before the division director or designee.

NEW SECTION

WAC 388-837-9040 What rights are available to a resident regarding a proposed transfer from an RHC to the community, per RCW 71A.20.080? (1) A resident, or the resident's authorized representative has a right to a hearing regarding the proposed transfer from an RHC to the community, per RCW 71A.20.080 and under chapter 34.05 RCW and chapter 388-02 WAC. DSHS must send a hearing request form with the notice of transfer.

(2) If the resident requests a hearing within the thirty-day time period, DSHS may not transfer the resident until a hearing decision is reached or appeal rights have been exhausted unless the transfer is warranted by the resident's health or safety needs or the welfare of the other residents.

(3) If the secretary or the secretary's designee concludes that the transfer is not appropriate, no further action is to be taken to transfer unless there is a change in the situation or circumstances surrounding the transfer request. If there is a change in the situation or circumstances, the request may be resubmitted.

(4) If the secretary or the secretary's designee affirms the decision to transfer the resident and no petition for judicial review is filed within thirty days, DSHS may proceed with the planned action.

(5) If the secretary or secretary's designee affirms the decision to transfer the resident and a petition for judicial review has been filed, any proposed transfer must be delayed until the appeal process is complete unless a delay jeopardizes the resident's health or safety or the welfare of other residents, or as otherwise provided in RCW 71A.20.080.

PERMANENT

WSR 04-16-025

PERMANENT RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed July 26, 2004, 3:00 p.m., effective September 1, 2004]

Effective Date of Rule: September 1, 2004.

Purpose: To amend the agency's operating permit fee structure; and to remove an obsolete effective date.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 7.03 and 7.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 04-14-087 on July 6, 2004.

Changes Other than Editing from Proposed to Adopted Version: The fees were changed as follows: 7.07(b)(1)(i) to \$40,000 (original proposal was \$50,000); 7.07(b)(1)(iii) to \$20,000 (original proposal was \$25,000). In Section 7.07(c), subsections (1), (2), and (3) were retained (original proposal was to delete them).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2004.

James Nolan
Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 7.03 APPLICABILITY

The provisions of this article apply to all Chapter 401 sources subject to the requirements of chapter 173-401 WAC (~~WAC 173-401 and shall become effective 90 days after the EPA authorizes Puget Sound Clean Air Agency to issue operating permits under the federal Clean Air Act~~).

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall assess annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following annual operating permit fees are due and payable within 45 days of the invoice date. They shall be deemed delinquent if not fully paid within 90 days of the date of the invoice and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$5,000. In addition, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW).

(1) Sources in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997), or sources subsequently determined by the control

officer to be assigned to either Section 7.07 (b)(1)(i) or 7.07 (b)(1)(ii) shall be subject to the following facility fees:

(i) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
221112	Fossil Fuel Electric Power Generation	
324110	Petroleum Refineries	
<u>327213</u>	<u>Glass Container Manufacturing</u>	
327310	Cement Manufacturing	
331111	Iron and Steel Mills	
336411	Aircraft Manufacturing	
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing	
928110	National Security	
	\$((30,000))
		<u>40,000</u>

(ii) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
311119	Other Animal Food Manufacturing	
311812	Commercial Bakeries	
321113	Sawmills	
((321914	Wood Window and Door Manufacturing))	
321912	Cut Stock, Resawing Lumber, and Planing	
321918	Other Millwork (including Flooring)	
321999	All Other Miscellaneous Wood Product Manufacturing	
322222	Coated and Laminated Paper Manufacturing	
326140	Polystyrene Foam Product Manufacturing	
327121	Brick and Structural Clay Tile Manufacturing	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	
	\$((7,500))
		<u>10,000</u>

(iii) Operating permit sources with NAICS codes other than listed above \$((15,000))
20,000

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):

PERMANENT

\$23 for each ton of CO reported in the previous calendar year, and

\$46 for each ton of NO_x reported in the previous calendar year, and

\$46 for each ton of PM₁₀ reported in the previous calendar year, and

\$46 for each ton of SO_x reported in the previous calendar year, and

\$46 for each ton of VOC reported in the previous calendar year, and

\$46 for each ton of HAP reported in the previous calendar year.

(c) In addition to the fees under Sections 7.07 (b)(1) and (b)(2) above, the Agency shall, on a source-by-source basis, assess the following fees:

(1) \$250 for administrative permit amendments [WAC 173-401-720], and

(2) for minor permit modifications [WAC 173-401-725(2) and (3)], a fee equal to 10% of the annual operating permit fee, not to exceed \$5,000, and

(3) for the original issuance [WAC 173-401-700], significant modification [WAC 173-401-725(4)], reopening for cause [WAC 173-401-730], or renewal [WAC 173-401-710] of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$10,000, and

(4) to cover the costs of public involvement under WAC 173-401-800, and

(5) to cover the costs incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and ((C))chapter 246-247 WAC.

(d) In addition to the fees described under Sections 7.07 (b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under ((C))chapter 173-401 WAC to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 04-16-026

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 26, 2004, 3:15 p.m., effective August 26, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments were made to sections within the Washington Barley Commission's Marketing Order, chapter 16-530 WAC. During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.66 RCW. These statutory changes prompted the proposed amendments to chapter 16-530 WAC. The changes achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-530-030; and amending WAC 16-530-010, 16-530-020, and 16-530-040.

Statutory Authority for Adoption: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.

Adopted under notice filed as WSR 04-03-111 on January 21, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 2, Amended 3, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, Amended 3, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 2, Amended 3, Repealed 1.

Date Adopted: July 26, 2004.

William E. Brookreson
for Valoria H. Loveland
Director

NEW SECTION

WAC 16-530-005 Marketing order for Washington barley—Policy statement. (1) The marketing of barley within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its barley be properly promoted by:

(a) Enabling producers of barley to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the barley they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of barley within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the barley industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that barley be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's barley.

(b) Increase the sale and use of Washington state's barley in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's barley.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's barley and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of barley produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.66 RCW through this marketing order.

(4) The Washington state barley commission exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the commission is authorized to speak on behalf of Washington state government with regard to barley under the provisions of this marketing order.

NEW SECTION

WAC 16-530-006 Marketing order purposes. (1) Purposes. This marketing order for barley is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; or increasing production efficiency, ensuring a fair regulatory environment; or increasing per capita consumption of barley in Washington state. The Washington state barley commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

(a) To establish plans and conduct programs for marketing, education, and sales promotion. The commission may also engage in cooperative efforts in the domestic or foreign marketing of barley food products.

(b) To provide for carrying on research studies to find more efficient methods of production, irrigation, processing, handling, transportation, and marketing of barley.

(c) To adopt rules in accordance with chapter 34.05 RCW to provide for improving standards and grades of barley by defining, establishing, and providing labeling requirements with respect to the same.

(d) To investigate and take necessary action to prevent unfair trade practices.

(e) Subject to the provisions of the act, to provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of barley produced in Washington state to any elected official or officer or employee of any agency.

(f) To conduct programs for the purpose of providing information and education including:

(i) Marketing information and services for producers of barley.

(ii) Information and services enabling producers to meet their resource conservation objectives.

(iii) Barley-related education and training.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of barley.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the barley may be encouraged, expanded, improved, or made more efficient.

AMENDATORY SECTION (Amending Order 1857, filed 5/22/85, effective 7/1/85)

WAC 16-530-010 Definition of terms. ~~((As used in this marketing order, the following terms shall have the following meanings:))~~ Definitions for terms used in this chapter are also found in chapter 15.66 RCW, Washington State Agricultural Commodity Commissions Act. For the purposes of the barley marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or ~~((the director's duly appointed representatives))~~ any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter.

(2) "Act" means the Washington ~~((Agriculture Enabling))~~ State Agricultural Commodity Commissions Act ((of 1955 or)), chapter 15.66 RCW.

(3) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, barley grown in the designated affected area of the state of Washington. "To produce" means to act as a producer. For the purposes of the barley marketing order, "producer" shall include persons who contract to produce or grow any agricultural product on behalf of another person who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(5) "Affected producer" means any producer who is subject to this marketing order.

(6) "Commercial quantities" shall mean and include twenty tons produced for market in any calendar year by any producer.

~~((6))~~ (7) "Barley" means and includes all kinds and varieties of barley grown in the state of Washington.

~~((7))~~ (8) "Barley commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-530-020 of this marketing order.

~~((8))~~ "Marketing season" or "fiscal year" are synonymous and mean the twelve-month period beginning July 1 of any year and ending upon the last day of June, the following year, both dates inclusive.)

(9) "Marketing year" refers to the twelve-month period beginning June 1 of any year and ending on May 31. "Fiscal year" refers to the twelve-month period beginning July 1 of any year and ending on June 30.

(10) "Handler" means any person ~~((engaged in the business of handling, selling, processing, storing, shipping, or distributing barley which he/she has purchased or acquired from a producer, or which he/she is shipping for or on behalf of a producer, and shall include any lending agency for a commodity credit corporation loan to producers))~~ who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of barley that is not produced by the handler. "Handler" does not include a common

carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

~~((10))~~ (11) "Commercial channels" means the sale of barley for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any barley, or products produced from barley.

~~((11))~~ (12) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

AMENDATORY SECTION (Amending Order 1857, filed 5/22/85, effective 7/1/85)

WAC 16-530-020 Barley commission. (1) Establishment and membership. A barley commission is hereby established to administer this marketing order and shall be composed of five members who shall be affected producers ~~((elected))~~ appointed by the director as provided in this section and two members who shall be appointed by the ~~((elected-producer))~~ commission members. In addition, the director shall be ~~((an ex-officio))~~ a voting member of the commission.

(2) Representative districts. The affected area shall be divided into the five following districts:

(a) District I shall have one commission member, and shall include the counties of Chelan, Douglas, Ferry, Grant, Okanogan, Spokane, Stevens, and Pend Oreille.

(b) District II shall have one commission member, and shall include Whitman county.

(c) District III shall have one commission member, and shall include the counties of Asotin, Benton, Columbia, Garfield, and Walla Walla.

(d) District IV shall have one commission member, and shall include the counties of Adams, Franklin, Kittitas, Klickitat, and Yakima.

(e) District V shall have one commission member, and shall include Lincoln county.

(f) ~~((Each district shall nominate one or more nominees, but elect one commission member only.))~~ Producer positions appointed by the director shall be numbered one through five. Positions appointed by the commission members shall be numbered six and seven. The director's position shall be position eight.

(g) Nomination and appointment of director-appointed commission members shall be as set forth in chapter 15.66 RCW and specified by the director.

(3) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of ~~((twenty-five))~~ eighteen years. Producer members of the commission shall be producers of barley in the district in and for which they are nominated and ~~((elected))~~ appointed. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) Term of office~~((—Initial commission))~~.

(a) The term of office of commission members shall be three years from the date of their ~~((election))~~ appointment and

until their successors are ~~((elected and qualified))~~ appointed. The terms of office for the initial commission members shall be as follows:

District I shall terminate December 31, 1986.

Districts II and III shall terminate December 31, 1987.

Districts IV and V shall terminate December 31, 1988.

One appointed member's term shall terminate December 31, 1986.

The second appointed member's term shall terminate December 31, 1988.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners on or before the adjournment of its third meeting.

(b) Within thirty days of the effective date of this amended marketing order, the names of the currently elected board members shall be forwarded to the director for appointment to the commission.

(5) Nomination and ~~((election))~~ appointment of commission members.

(a) Nomination and ~~((election))~~ appointment of director-appointed commission members shall be as set forth in ~~((the act))~~ chapter 15.66 RCW and specified by the director. Dates will be set as follows:

(i) Nominating petitions for director-appointed positions shall be mailed not earlier than September 17 and not later than October 2 of each year in the district wherein ~~((a vacancy))~~ an open commission position(s) will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be ~~((elected))~~ appointed.

(ii) Final date for filing of nominating petitions for director-appointed positions to the director shall not be earlier than October 8 and not later than October 13 of each year.

(iii) Ballots for an advisory vote will be mailed to all producers in the district wherein ~~((a vacancy))~~ an open commission position(s) will occur, not earlier than October 18 and not later than November 2 of each year.

(iv) Ballots for an advisory vote shall be returned not later than December 2 of such year. An affected producer is entitled to one vote.

(v) When only one nominee is nominated by the affected producers for a director-appointed position, RCW 15.66.120 shall apply.

~~((With respect to the initial barley commission, the director shall call for nominations and elections as soon as practical after passage of the referendum. The ballot for the election of commissioners shall be secret.~~

~~((When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.))~~ Except with respect to the initial barley commission, the members of the commission not elected by the producers or appointed by the director shall be appointed by a majority of the commission within ninety days prior to the expiration of the term.

(6) Vacancies. ~~((In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term, at its first meeting after the occurrence of the vacancy.))~~

(a) In the event of a vacancy in a commission-appointed position, the remaining members shall select a qualified person to fill the term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in chapter 15.66 RCW.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To elect a chairman and such other officers as determined advisable.

(b) To adopt, rescind and amend rules ~~((and regulations))~~ reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order.

(c) To administer, enforce, direct, and control the provisions of the marketing order and of this chapter relating thereto.

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same.

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same.

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order.

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor.

(h) Borrow money and incur indebtedness.

(i) Make necessary disbursements for routine operating expenses.

(j) Such other powers and duties that are necessary to carry out the purposes of this chapter.

(k) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(l) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least thirty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(m) To accept and receive gifts and grants from private persons or private and public agencies and expend same.

(n) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order.

(o) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing

order. Personal service contracts must comply with chapter 39.29 RCW.

(p) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of barley.

(q) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(r) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order.

(s) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of barley including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(t) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140.

(u) To maintain a list of names and addresses of persons who handle barley within the affected area and data on the amount and value of the barley handled for a minimum three-year period by each person pursuant to RCW 15.66.140.

(v) To maintain a list of names and addresses of all affected persons who produce barley and the amount, by unit, of barley produced during the past three years pursuant to RCW 15.66.143.

(w) To maintain a list of all persons who handle barley and the amount of barley handled by each person during the past three years pursuant to RCW 15.66.143.

(x) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(y) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid.

(z) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity.

(8) Procedure for commission.

(a) The commission shall, by resolution, establish a headquarters which shall continue as such unless and until so changed by the commission at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission. Notice of the time and place of regular meetings shall be published on or before January of each year in the Washington State Register. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(c) The commission shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the barley commission at least ten days prior to the meeting, through the regular news media.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: Provided, ~~((however,))~~ That the notice to a member of any special meeting may be waived by a waiver ~~((thereof signed by each))~~ from that member ~~((thereof))~~ of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount specified in RCW ~~((15.66.130))~~ 43.03.230 as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses allowed by ~~((law to state employees))~~ RCW 43.03.050 and 43.03.060. The commission may adopt by resolution provisions for reimbursement of actual expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

AMENDATORY SECTION (Amending Order 1974, filed 4/13/88, effective 6/1/88)

WAC 16-530-040 Assessments and collection. (1) Assessments. The assessment on barley shall be one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the barley is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the barley commission, pursuant to the provisions of the act, shall be paid by the producer ~~((thereof))~~ upon all commercial quantities of barley sold, under any or all of the methods of collection set forth in RCW 15.66.150, in accordance with rules ~~((and regulations))~~ to be ~~((promulgated))~~ adopted by the barley commission: Provided, ~~((however,))~~ That no assessment shall be levied or collected on barley grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the barley commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the barley marketing order.

At the end of each fiscal year, the commission shall credit each producer with any amount paid by ~~((such))~~ the producer in excess of the assessment rate. Refund may be made only upon satisfactory proof given by the producer in

accordance with reasonable rules and regulations prescribed by the director.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-530-030 Marketing order purposes.

WSR 04-16-029

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 26, 2004, 3:44 p.m., effective August 26, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending sections of chapter 388-71 WAC, Home and community services and programs; adopting amended and new sections of chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool; and adding a new section of chapter 388-515 WAC, Alternate living—Institutional medical, to establish the Medically Needy (MN) In-Home Waiver Program. The department is adopting rules to establish eligibility criteria, applicable income standards, specific waiver services, and amending other sections as appropriate.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0194, 388-71-0202, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0440, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0510, 388-71-05665, 388-71-0700, 388-71-0708, 388-71-0915, 388-71-0960, 388-71-1105, 388-72A-0060, 388-72A-0065, and 388-72A-0100.

Statutory Authority for Adoption: ESHB 2459, (section 206 (6)(b), chapter 276, Laws of 2004).

Other Authority: *Townsend vs. DSHS*, U.S. District Court, Western District of Washington, No. C 00-0944Z.

Adopted under notice filed as WSR 04-10-101 on May 4, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 21, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 21, Repealed 0.

PERMANENT

Date Adopted: July 22, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-17 issue of the Register.

WSR 04-16-037
PERMANENT RULES
SECRETARY OF STATE

[Filed July 27, 2004, 1:44 p.m., effective August 27, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules will implement an administrative complaint procedure as required by the Help America Vote Act of 2002. The rules allow voters who feel that the provisions of Title III of the Help America Vote Act were not enforced when they tried to vote an avenue to make a complaint and have the situation remedied for the next election. The anticipated effect of the rule is to make sure that elections are run according to the requirements of federal law and that no one is disenfranchised through an act by an election official.

Statutory Authority for Adoption: RCW 29A.04.610.

Adopted under notice filed as WSR 04-13-016 on June 4, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 11, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 11, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 11, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 27, 2004.

Steven Excell
Assistant Secretary of State

Chapter 434-263 WAC

ADMINISTRATIVE COMPLAINT PROCEDURE

NEW SECTION

WAC 434-263-005 Purpose. The purpose of these rules is to adopt an administrative complaint procedure mandated by 42 U.S.C. § 15512(a), relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose

of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

NEW SECTION

WAC 434-263-010 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

(1) "Complainant" means the person who files a complaint under this chapter.

(2) "Election" means a special, primary or general election.

(3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.

(4) "Secretary" means the secretary of state or his or her designee.

(5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.

(6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§ 15481-15485. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

NEW SECTION

WAC 434-263-020 Complaints. Any person who believes that there is a violation of any provision of Title III, including a violation which has occurred, is occurring, or is about to occur, by any state or local election official may file a complaint with the secretary under this chapter. All complaints must:

(1) Be in writing, sworn under oath, signed and notarized. A form is optional if it contains all the required elements;

(2) Include the complainant's name, telephone number and mailing address;

(3) Include a clear and concise description of the alleged violation of Title III that is detailed enough to let both the respondent and the secretary know what the complaint is about;

(4) Be filed with the secretary, with proof of mailing or delivery of a copy to each respondent, no later than thirty days after the certification of the election at issue.

(5) If a form is provided by the office of the secretary of state, the form shall be available in all languages required by the department of justice.

NEW SECTION

WAC 434-263-030 Adoption of brief adjudicative proceedings. All complaints filed pursuant to this chapter shall be treated as brief adjudicative proceedings, and the secretary adopts RCW 34.05.482 through 34.05.494 to govern such proceedings. The secretary has determined that the interests involved in such complaints do not warrant the procedures of RCW 34.05.413 through 34.05.479. If a com-

plaint is written in a language as provided in the Voting Rights Act of 1965, the office of the secretary of state shall obtain a translator to facilitate processing the complaint.

NEW SECTION

WAC 434-263-040 Processing of complaint. (1) The secretary may process the complaint in any of the following ways:

(a) The secretary may dismiss the complaint, and issue a final determination, if it does not comply with WAC 434-263-020 or if it does not, on its face, allege a violation of Title III with regard to an election;

(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings; or

(c) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.

(2) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

NEW SECTION

WAC 434-263-050 Brief adjudicative proceeding. (1) The secretary shall designate one or more people to act as presiding officer(s) of a brief adjudicative hearing. A presiding officer may be:

(a) The assistant or deputy secretary;

(b) The director of elections;

(c) The deputy director of the elections division;

(d) Any county auditor; or

(e) An administrative law judge.

The designee shall not be from an office named in the complaint.

(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the presiding officer requests a hearing on the record within ten days after the filing of the complaint.

(3) The presiding officer may schedule a hearing on the record:

(a) In person at a convenient location;

(b) By conference telephone call; or

(c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.

Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.

(4) The presiding officer may permit or solicit the submission of written materials or oral presentations by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.

(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.

NEW SECTION

WAC 434-263-060 Initial determination and remedies. (1) The presiding officer shall render a written initial decision within forty-five days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presiding officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.

(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote, ballot, primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.

(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.

NEW SECTION

WAC 434-263-070 Administrative review. (1) Any aggrieved party may request an administrative review of the initial determination. If the secretary does not receive a request, in writing, for an administrative review within twenty-one days of service of the initial determination then the initial determination automatically becomes a final determination. If the parties have not requested an administrative review, the secretary may review the presiding officer's adjudication on his or her own motion as provided by RCW 34.05.491.

(2) The reviewing officer may be the secretary, the assistant or deputy secretary, or the director of elections, except that the same person may not serve as both the presiding officer and reviewing officer. The reviewing officer shall give each party an opportunity to explain the party's view of the matter, but must render a final determination within ninety days after the original filing of the complaint unless the complainant consents to a longer period. The determination of the reviewing officer is final and no further administrative review is available. The final determination shall include notice that judicial review may be available.

NEW SECTION

WAC 434-263-080 Alternative dispute resolution. (1) If a final determination is not rendered within forty-five days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.

(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or transcript of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other submissions. The arbitrators shall determine the appropriate resolution of the complaint by majority vote. No further administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.

NEW SECTION

WAC 434-263-090 Publication. All final determinations shall be posted on the secretary's website, lodged with the state library or state archives, and distributed to others upon request and upon payment of copying costs. Copies shall be provided to the parties at no cost.

NEW SECTION

WAC 434-263-100 No necessity to exhaust administrative remedies. It is not necessary to exhaust any administrative remedies available under this chapter in order to pursue any other legal action provided by law.

WSR 04-16-045**PERMANENT RULES****DEPARTMENT OF LICENSING**

[Filed July 28, 2004, 2:43 p.m., effective August 28, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend, retain, repeal current rules and add new sections. To clarify laws that were passed during the 2004 legislative session (SB 6103, chapter 149, Laws of 2004) which further defines amateur sports and makes certain types of extreme fighting illegal.

Citation of Existing Rules Affected by this Order: Chapter 36-12 WAC, Professional boxing; amending WAC 36-12-011 Definitions and new section WAC 36-12-500 Amateur organization recognition.

Chapter 36-14 WAC, Professional martial arts; new sections WAC 36-14-010 Definitions, 36-14-200 Duration of rounds, 36-14-300 Requirements for ring or enclosed area, and 36-14-500 Amateur organization recognition.

Statutory Authority for Adoption: RCW 67.08.017 and 43.24.023.

Adopted under notice filed as WSR 04-13-144 on June 22, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 1, Repealed 0.

Date Adopted: July 28, 2004.

Trudie Touchette
Administrator

AMENDATORY SECTION (Amending WSR 02-20-094, filed 10/1/02, effective 1/1/03)

WAC 36-12-011 Definitions. The following definitions will be used throughout this WAC:

(1) "Purse" will be defined as the sum of money or other compensation by way of guarantee, percentage or otherwise, paid to a boxer.

(2) "Knockdown" is defined as when a boxer is knocked to the ring canvas by fair blows, hangs helplessly on the ropes, or the ropes prevent his/her fall, or any part of the body other than the soles of the feet touches the ring canvas.

(3) The "outcome of a contest" occurs when the contest has concluded, a determination has been made described in WAC 36-12-130, and the report to the boxing registry required by the federal Boxing Safety Act of 1996 has been submitted.

(4) "Neutral corner" is defined as one of the two corners of a ring that are not assigned to a boxer for a contest.

(5) A "count" is the audible measure of time signaled by the referee to a boxer who has been knocked to the ring canvas by fair blows or to a standing boxer who, in the referee's judgment, is momentarily unable to defend him/herself.

(6) "Scorecard" is defined as the document used by judges to score a contest.

(7) "Ten-point-must system" of scoring is defined as the scoring system used by judges giving ten points to the boxer winning a round and a lesser number of points to the boxer losing a round.

(8) "Foul" is defined as an action by a boxer, identified by the referee that does not meet the definition of "boxing" as described in RCW 67.08.002. Fouls may include, but are not limited to, the following types of contact or acts:

(a) Hitting, a low blow, below the navel or behind the ear;

(b) Hitting an opponent who is knocked down;

(c) Holding an opponent with one hand and hitting with the other;

- (d) Holding or deliberately maintaining a clinch;
 - (e) Wrestling, kicking or roughing;
 - (f) Pushing an opponent about the ring or into the ropes;
 - (g) Butting with the head, shoulder, knee, elbow;
 - (h) Hitting with the open glove, the butt or inside of the hand, or back of the hand, the elbow or the wrist;
 - (i) Purposely falling down onto the canvas of the ring without being hit or for the purpose of avoiding a blow;
 - (j) Striking deliberately at that part of the body over the kidneys;
 - (k) Using the pivot blow (pivoting while throwing a punch) or the rabbit punch (punches thrown to the back of the head and neck areas);
 - (l) Jabbing the eyes with the thumb of the glove;
 - (m) Use of abusive language;
 - (n) Unsportsmanlike conduct causing injury to an opponent that does not meet the definition of "boxing" in RCW 67.08.002;
 - (o) Hitting on the break;
 - (p) Intentionally spitting out the mouthpiece;
 - (q) Hitting on or out of the ropes;
 - (r) Holding rope and hitting;
 - (s) Biting/spitting;
 - (t) Not following referee's instructions;
 - (u) Stepping on opponent;
 - (v) Crouching below opponent's belt;
 - (w) Leaving neutral corner; and
 - (x) Corner second shouting.
- (9) "Fair blow" is defined as an exchange of blows delivered with the padded knuckle part of the glove to the front or sides of the head and body above the navel.
- (10) "Event official" is defined as an official licensed under RCW 67.08.100 as a judge, referee, timekeeper, event physician, and/or inspector and appointed by the department to provide services at a boxing event.
- (11) "Manager" is defined as a person licensed under RCW 67.08.100 who contracts with a boxer to receive compensation for service as an agent or representative.
- (12) "Second" is defined as a person licensed under RCW 67.08.100 who assists a boxer during a contest.
- (13) "Matchmaker" is defined as a person licensed under RCW 67.08.100 who works for a promoter to propose, select or arrange for boxers to participate in a boxing contest.
- (14) "Announcer" is defined as a person licensed under RCW 67.08.100 who works for a promoter announcing information to the audience at a boxing event.
- (15) "Referee" is defined as an event official and is the chief official supervising a boxing contest.
- (16) "Timekeeper" is defined as an event official who keeps the official timing of a contest.
- (17) "Judge" is defined as an event official who scores a boxing contest.
- (18) "Inspector" is defined as the event official who reports directly to the department and provides overall management of a boxing event.
- (19) "Advance notice" is defined as a list of matches for an event submitted by the promoter to the department for approval that includes the names of proposed boxers for a contest, his/her manager or managers and other information that may be required by the department.

(20) "Boxing registry" is defined as the entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers and required under the federal "Professional Boxing Safety Act of 1996."

(21) "Contest" is defined as a fight scheduled between boxers appearing at an event.

(22) "Round" is defined as a two- or three-minute time period during which boxers compete in a boxing contest.

(23) "Net gate proceeds" is defined as the total dollar amount received from the face value of all tickets sold with complimentary tickets excluded.

(24) "Televised" is defined as any simultaneous or delayed visual broadcast of an event delivered through electronic means for viewing.

(25) "Recognized amateur boxing organization" means any amateur boxing organization recognized by the department who has not been exempted by statute and provides written documented proof required by WAC 36-12-500.

NEW SECTION

WAC 36-12-500 Amateur organization recognition.

The following items shall be provided to the department at least thirty days prior to a scheduled event when requesting recognition and permission to conduct an amateur boxing event by any organization not exempted in chapter 67.08 RCW:

(1) Proof of all business licenses required in the jurisdiction where the event is to be conducted:

- (a) State master business license.
- (b) City business license (if applicable).
- (c) County business license (if applicable).
- (d) State liquor license (if applicable).

(2) Contract between the organization and venue site or letter:

- (a) Date and time.
- (b) Location.
- (c) Organization/promoter responsibilities.
- (d) Venue site responsibilities.

(3) Proof of nonprofit status:

- (a) Federal Internal Revenue Code 501(c)(3).
- (b) Washington state nonprofit corporation as verified through the secretary of state.

(4) Rules of competition to be used for the event, which shall include, but not be limited to:

- (a) Boxing weight classes, weight difference, and glove weight.
- (b) Conducting the weigh-in.
- (c) Ring and equipment.
- (d) Gloves.
- (e) Hand-wraps.
- (f) Officials.
- (g) Referee's responsibilities/authority.
- (h) Outcome of a contest.
- (i) Method of counting over a boxer.
- (j) When a boxer falls from or leaves the ring during a round.
- (k) Fees paid by the boxer.
- (l) Official's certification.

- (m) General boxer instructions.
 - (n) Medical requirement.
 - (o) Conduct of managers and seconds.
 - (p) Timekeeper duties.
 - (q) Announcer duties.
 - (r) Judges.
 - (s) Event physician.
 - (t) Suspensions.
 - (u) Promoter responsibilities.
 - (v) General boxing rules, fouls, round conduct.
- (5) Report as to how all proceeds are to be distributed and the identity of each entity and proof of their nonprofit status.

NEW SECTION

WAC 36-14-010 Definitions. The following definition(s) will be used throughout this WAC:

"Recognized amateur kickboxing or martial arts organization" means any amateur kickboxing or martial arts organization recognized by the department who has not been exempted by statute and provides written documented proof required by WAC 36-14-500.

NEW SECTION

WAC 36-14-200 Duration of rounds. Except with the approval of the department or the on-site representative:

- (1) A nonchampionship contest or exhibition of mixed martial arts shall not exceed three rounds in duration.
- (2) A championship contest of mixed martial arts shall not exceed five rounds in duration.
- (3) A round in a contest or exhibition of mixed martial arts shall not exceed five minutes in duration. A period of rest in the contest or exhibition of mixed martial arts shall not exceed one minute in duration.

NEW SECTION

WAC 36-14-300 Requirements for ring or enclosed area. (1) Mixed martial arts contests and exhibitions may be held in a ring or in an enclosed area.

(2) A ring used for a contest or exhibition of mixed martial arts must meet the following requirements:

- (a) The ring must be no smaller than sixteen feet square within the ropes.
- (b) The ring floor must extend at least twenty-four inches beyond the ropes. The ring floor must be padded with ensolite or another similar closed-cell foam, with at least a one-inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform.

(c) The ring platform must not be more than four feet above the floor of the building and must have suitable steps for the use of the participants.

(d) Ring posts must be made of metal, not more than three inches in diameter, extending from the floor of the building to a minimum height of fifty-eight inches above the ring floor, and must be properly padded in a manner

approved by the department. Ring posts must be at least twenty-four inches away from the ring ropes.

(e) There may be no more than five ring ropes, not less than one inch in diameter and wrapped in soft material. The lowest ring rope must be at least twelve inches above the ring floor.

(f) There must not be any obstruction or object on any part of the ring floor.

(3) An enclosed area used in a contest or exhibition of mixed martial arts must meet the following requirements:

(a) The enclosed area must be circular or have at least four equal sides and must be no smaller than twenty feet wide.

(b) The floor of the enclosed area must be padded with ensolite or another similar closed-cell foam, with at least a one-inch layer of foam padding, with a top covering of canvas, duck or similar material tightly stretched and laced to the platform of the enclosed area.

(c) The platform of the enclosed area must not be more than four feet above the floor of the building and must have suitable steps for the use of the participants.

(d) Enclosure posts must be made of metal, not more than six inches in diameter, extending from the floor of the building to between five and seven feet above the floor of the enclosed area, and must be properly padded in a manner approved by the department.

(e) The material used to construct the enclosed area must be made of a material that will prevent an unarmed combatant from falling out of the enclosed area or breaking through the enclosed area onto the floor of the building or onto the spectators, including, without limitation, chain link fence coated with vinyl.

(f) Any metal material used in the enclosed area must be covered and padded in a manner approved by the department and must not be abrasive to the participants.

(g) The enclosed area must have at least three entrances.

(h) There must not be any obstruction on any part of the enclosure surrounding the area in which the participants are to be competing.

NEW SECTION

WAC 36-14-500 Amateur organization recognition. The following items shall be provided to the department at least thirty days prior to a scheduled event when requesting recognition and permission to conduct an amateur kickboxing or martial arts event by any organization not exempted in chapter 67.08 RCW:

(1) Proof of all business licenses required in the jurisdiction where the event is to be conducted:

- (a) State master business license.
- (b) City business license (if applicable).
- (c) County business license (if applicable).
- (d) State liquor license (if applicable).

(2) Contract between the organization and venue site or letter:

- (a) Date and time.
- (b) Location.
- (c) Organization/promoter responsibilities.
- (d) Venue site responsibilities.

- (3) Proof of nonprofit status:
- (a) Federal Internal Revenue Code 501(c)(3).
 - (b) Washington state nonprofit corporation as verified through the secretary of state.
- (4) Rules of competition to be used for the event, which shall include, but not be limited to:
- (a) Weight classes, weight difference, and glove weight.
 - (b) Conducting the weigh-in.
 - (c) Ring and equipment.
 - (d) Gloves.
 - (e) Hand-wraps.
 - (f) Officials.
 - (g) Referee's responsibilities/authority.
 - (h) Outcome of a contest.
 - (i) Method of counting over the participant.
 - (j) When a participant falls from or leaves the ring during a round.
 - (k) Fees paid by the participant.
 - (l) Official's certification.
 - (m) General participant instructions.
 - (n) Medical requirement.
 - (o) Conduct of managers and seconds.
 - (p) Timekeeper duties.
 - (q) Announcer duties.
 - (r) Judges.
 - (s) Event physician.
 - (t) Suspensions.
 - (u) Promoter responsibilities.
 - (v) General kickboxing or martial arts rules, fouls, round conduct.
- (5) Report as to how all excess proceeds are to be distributed and the identity of each entity and their proof of nonprofit status.

WSR 04-16-046
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-189—Filed July 28, 2004, 4:48 p.m., effective August 28, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend freshwater sport rules per North of Falcon recommendations and lower Columbia River sport sturgeon rules per joint sturgeon management recommendations.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-11-069 and 04-11-120 [04-11-119] on May 18, 2004, and May 19, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2004.

Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

PERMANENT

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length four-

teen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31 except closed 12:01 a.m. July 6 through 2:00 p.m. July 7 and 12:01 a.m. July 12 through 2:00 p.m. July 13. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season. Closed waters: August 16 through October 31 from mouth to Rodgers Street. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and ((wild)) unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2

adult wild coho or a combination of adult chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and ((wild)) unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through last day in February season. Nonbuoyant lure restriction, night closure and single barbless hooks August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery chinook. Release chum and wild adult chinook ((~~and chum~~)) salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through November 30. Daily limit 4 ((~~hatchery~~)) coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: June 1 through August 31 season. Selective gear rules. Night closure. All species: Release all fish. Landsburg Road to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to

high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through November 30, mouth to Porter Bridge, ((release)) the daily limit may contain not more than 1 adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release adult chinook and wild adult coho. Sturgeon: Open year-round and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hvas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with

the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through ~~(August 15)~~ September 30, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. ~~((August 16 through September 30, daily limit 3 salmon of which not more than one may be a chinook salmon. Release sockeye, chum, wild coho, chinook less than 24 inches in length and coho less than 16 inches in length.))~~ October 1 through December 31, daily limit 6 fish of which no more than (3) 2 may be adult salmon and not more than one of which may be a chinook salmon. Release chum, sockeye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings, with barbed hooks allowed and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open to retain sturgeon is 45 inches.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through ~~(July 31)~~ June 15 daily limit 6 hatchery jack chinook. June 16 through July 31, daily limit 6 fish of which no more than 2 may be adult chinook. Release wild chinook and sockeye. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 the daily limit may contain not more than 1 adult chinook. Release wild chinook January 1 through March 31. Sturgeon: (1) Release sturgeon May 1 through May 14 and July 24 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 45 inches; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the

fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to ~~((a line from Navigation Marker 85 on the Washington shore at a right angle to the thread of the river to))~~ markers on the Washington and Oregon shores at Beacon Rock. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to ~~((Navigation Marker 85))~~ Beacon Rock. Release sturgeon on other days and during other time periods. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 ~~((hatchery-jack))~~ fish of which no more than 2 may be adult salmon. Release wild chinook and sockeye. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam. August 1 through December 31, daily limit may contain not more than 1 adult chinook downstream of Bonneville Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips may be retained October 1 through March 31. Release hatchery steelhead having only adipose fin clips. Salmon: Open only ~~((August))~~ June 16 through July 31 and August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release

wild chinook and sockeye June 16 through July 31. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead having both adipose and ventral fin clips. Release hatchery steelhead having only adipose fin clips.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only ~~((August))~~ June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release wild chinook and sockeye June 16 through July 31.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only ~~((August))~~ June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook and sockeye June 16 through July 31.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Salmon: Open only July 16 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. From Wells Dam to Chief Joseph Dam, open only from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the res-

ervoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: Barrier Dam to boundary marker at Cowlitz salmon hatchery water intake approximately 1,700 feet upstream from dam. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the barrier dam. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-round. Daily limit 6 fish of which no more than ((3)) 2 may be adult salmon (~~and of the adult salmon not more than 2 may be adult chinook salmon, except January 1 through April 30 the daily limit may contain no more than 2 adult salmon and May 1 through July 31 the daily limit may contain no more than one adult salmon~~). Release chum and wild coho ((August 1 through April 30)). Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size ((8)) 12 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open is 45 inches.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): ~~((Mouth to Bear Creek Dewatto Road:))~~ Selective gear rules. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

~~((Upstream from Bear Creek Dewatto Road: Selective gear rules. Game fish: Release all fish.))~~

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey ~~((including Olympic National Park))~~. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and ~~((wild))~~ unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 ~~((hatchery))~~ coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebay Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the

river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. Fishing from any floating device prohibited. (~~August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel~~) Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: April 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When nonbuoyant lure restriction in effect, only fish hooked inside the mouth may be retained. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than ((3)) 2 of which may be adult salmon (~~and of the adult salmon not more than 2 may be adult chinook salmon~~). Release chum and wild coho. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through (~~last day in~~) February 15 season. Nonbuoyant lure restriction and night closure September ((16)) 1 through November 30 First Avenue South Bridge to Pacific Highway South Bridge and September 16 through November 30 from Pacific Highway South Bridge to SW 43rd Street/180th Street Bridge. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 First Avenue Bridge to Pacific Highway South Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon. Release chinook. Open only September 16 through December 31, Pacific Highway South Bridge to SE 43rd Street/South 180th Street Bridge. Daily limit 6 fish of which not more than ((2)) 3 may be adult salmon. Release chinook salmon.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: Open only June 1 through July 31 and October 1 through (~~last day in~~) February ((season)) 15. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through (~~last day in~~) February 15. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than ((2)) 3 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only June 1 through July 31 and October 16 through (~~March 15 season~~) last day in February. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through (~~March 15~~) last day in February. Trout, minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than ((2)) 3 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through (~~March 15~~) last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches. Salmon: Open only May 16 through November 30 mouth to Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, from March 1 through March 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to ~~((the abandoned flat ear bridge downstream of the))~~ mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho. October 16 through ~~((October 31))~~ November 30 the daily limit may contain no more than 1 adult chinook. ~~((November))~~ December 1 through January 31 release adult chinook.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River(~~(, mouth to Ballon Creek including North and South Forks))~~ (Grays Harbor County): Mouth to Ballon Creek: June 1 through last day in February season. (~~(Waters above Ballon Creek, including North and South Forks, are closed.)~~) Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon(~~(, except)~~). Release adult chinook.

Ballon Creek upstream, including North and South Forks: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from ~~((two hundred feet above))~~ Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to one thousand five hundred feet below the rack. All species: When nonbuoyant lure restriction in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: ~~((May))~~ April 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead ~~((May))~~ April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: ~~((May))~~ April 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 2 hatchery steelhead or 2 salmon or one of each. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klicki-

tat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. ~~((January 1 through July 31))~~ Daily limit six fish of which not more than 2 may be adult salmon. ~~((August 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.))~~ Release chum and wild coho ~~((August 1 through April 30))~~. Release wild chinook January 1 through July 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. ~~((Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek.))~~ Nonbuoyant lure restriction and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. ~~((January 1 through July 31))~~ Daily limit six fish of which not more than 2 may be adult salmon. ~~((August 1 through December 31 daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.))~~ Release chum and wild coho ~~((August 1 through April 30))~~. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: ~~((June 16))~~ May 1 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30.

Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only ~~((August))~~ January 1 through September 30 ~~((and January 1 through April 30))~~. ~~((August 1 through September 30.))~~ Daily limit 6 fish of which no more than ~~((3))~~ 2 may be adult salmon ~~((and of the adult salmon not more than 2 may be adult chinook salmon.))~~. ~~((January 1 through April 30. Daily limit 6 salmon not more than 2 of which may be adult salmon.))~~ Release chum and wild coho. Release wild chinook January 1 through ~~((April 30))~~ July 31.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1

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through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March (~~(+15)~~) 31 season, except for hatchery steelhead and chinook season in April, and except closed Wednesdays ((May-1)) second Wednesday in April through May 31 and October 1 through October 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. (~~May-1~~) March 16 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 4 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only July 1 through November 30. Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Moses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters (~~within four~~) from two hundred feet ((both)) upstream ((and)) of the Naselle Salmon Hatchery water supply intake barrier to four hundred feet downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: June 1 through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions downstream from the Crown Main Line Bridge August 16 through November 30. Selective gear rules March 1 through April 15 from mouth to North Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the

Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook. No more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Game fish: Selective gear rules except nonbuoyant lure restriction and night closure August 16 through November 30. Release game fish. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Night closure August 16 through November 30 on South and Middle Nemah and October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook. No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County):

June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to (~~(Gheer-Creek)) Leonard Road~~. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to (~~(Gheer-Creek)) Leonard Road~~. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from (~~(Mount-Baker)) yellow marker at the FFA High School ((bus)) barn at Deming~~ to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to (~~(Mount-Baker)) yellow marker at FFA High School ((bus)) barn in Deming~~. Open only October 16 through December 31 in mainstem from the (~~(bus)) FFA barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release (~~(chinook-and)) wild coho,~~~~

release wild chinook from mouth to FFA barn, and release chinook from FFA barn to forks and in North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Selective gear rules.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Oasis Park Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout. Salmon: Open only July 16 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April through October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only (~~August~~) September 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult chinook.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. March 1 through August 31 release wild adult coho and (~~wild~~) unmarked adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through April 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): Chumming allowed. All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Release all

fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County), outside of Olympic National Park and Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30 (~~from mouth to Q-1000 Bridge~~). Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout:

Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with a motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only ~~((August 16))~~ September 1 through December 31. ~~((August 16 through October 31:))~~ Daily limit ~~((four))~~ three salmon ~~((of which not more than three may be coho salmon or two may be)),~~ except release chum ~~((salmon))~~ and release chinook. ~~((November 1 through December 31: Daily limit 2 salmon and release chinook:))~~

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only ~~((August 16))~~ September 1 through December 31. ~~((August 16 through October 31:))~~ Daily limit ~~((four))~~ three salmon ~~((of which not more than three may be coho salmon or two may be)),~~ except release chum ~~((salmon))~~ and release chinook. ~~((November 1 through December 31: Daily limit 2 salmon and release chinook:))~~

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June ~~((16))~~ 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. ~~((September 16 through October 31:))~~ Daily limit ~~((four))~~ three salmon ~~((of which not more than three may be coho salmon or two may be)),~~ except release chum ~~((salmon))~~ and release chinook. ~~((November 1 through December 31: Daily limit two salmon and release chinook:))~~

From the Dalles Bridge at Concrete to the Cascade River - Salmon open July 1 through July 31, except closed from 200 feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. ~~((September 16 through October 31:))~~ Daily limit ~~((four))~~ three salmon ~~((of which not more than three may be~~

~~coho salmon or two may be)),~~ except release chum ~~((salmon))~~ and release chinook. ~~((November 1 through December 31: Daily limit two salmon and release chinook:))~~

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through July 31 and September 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only ~~((August))~~ September 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon ~~((August))~~ September 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release adult wild coho. Release adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. Salmon: Open September 1 through December 31 mouth to Lewis Street Bridge in Monroe. Daily limit 2 salmon. Release chinook and pink salmon. Open June ((+)) 16 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit ((+)) 2 hatchery chinook. Open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit ((four)) two salmon ((of which a total of not more than two may be coho and chum salmon)). Release chinook and pink salmon.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit ((four)) two salmon ((of which a total of not more than two may be coho and chum salmon)). Release chinook and pink salmon.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Selective gear rules August 1 through

August 31. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August ((16)) 1 through December 31. Daily limit ((four)) two salmon ((of which no more than a total of two salmon may be coho and chum salmon)). August 1 to August 31 release all salmon except pink salmon. September 1 through December 31 release chinook and pink salmon. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon ((July)) March 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. ((July)) March 1 through August 31 release wild adult coho and ((wild)) unmarked adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or ((a combination of)) one adult chinook and one adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except

salmon. Trout: Minimum length fourteen inches. Salmon: Open only October ((11)) 9 through ((November 2)) October 31 to fishing by juveniles only. Night closure October ((11)) 9 through October 31. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Crappie: Daily limit ten, minimum length nine inches.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit (~~four~~) two salmon (~~of which a total of not more than two may be coho and chum salmon~~). Release chinook and pink salmon.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed. Game fish: June 1 through November 30 release all fish except hatchery steelhead. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit (~~four~~) two salmon (~~of which a total of not more than two may be coho and chum salmon~~). Release chinook and pink salmon.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8

(Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): ~~((Mouth to Bear Creek Dewatto Road crossing:))~~ Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

~~((Bear Creek Dewatto Road crossing upstream: Selective gear rules and release all fish:))~~

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to August 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Additional September 1 through March 30 season. Selective gear rules. All species: Release all fish.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through

the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Bass: No minimum or maximum size. No more than three bass over fifteen inches in length may be retained. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than ((3)) 2 may be adult salmon ((and of the adult salmon not more than 2 may be adult chinook salmon)). Release chum and wild coho. Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules June 1 through Octo-

ber 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through

November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. Trout: Release all trout. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern

ends of the concrete abutments east of the Montlake Bridge):
West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 31. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than ((3)) 2 may be adult salmon (~~and of the adult salmon not more than 2 may be adult chinook salmon~~). Release chum and wild coho. Upstream of Little Washougal River, release chinook October 1 through (~~December 31~~) November 30.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waghop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with a motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure October 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Salmon:

Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season, except sturgeon. Night closure, single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth to Fork Creek. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. Salmon and steelhead: Open (~~May 1~~) March 16 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open only October 1 through November 30 from mouth to West Fork. Daily limit 6 fish of which no more than 2 may be adult salmon(?). Release adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge upstream: Selective gear rules. Additional December 1 through March 31 season. ((~~Selective gear rules~~)) Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to Prosser Dam: Chumming permitted. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point

barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

WSR 04-16-056

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed July 29, 2004, 3:03 p.m., effective August 29, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To set motorist information sign program fees to allow the Department of Transportation to resume the motorist information sign (MIS) program. This action is authorized by section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV. The revised fees comply with the maximum fee limits also set forth in section 218.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-70-085; and amending WAC 468-70-020 and 468-70-070.

Statutory Authority for Adoption: Section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV.

Other Authority: RCW 47.36.310 and 47.36.320.

Adopted under notice filed as WSR 04-13-045 on June 10, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

PERMANENT

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2004.

John Conrad
Assistant Secretary

AMENDATORY SECTION (Amending Order 196, filed 12/22/99, effective 1/22/00)

WAC 468-70-020 Definitions. When used in these regulations the term:

(1) "Conventional road" shall mean a noninterstate highway which is not an expressway or freeway.

(2) "Department" shall mean the Washington state department of transportation.

(3) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

(4) "Fee zone" means:

(a) Fee zone 1, freeways and expressways with average daily trips greater than eighty thousand;

(b) Fee zone 2, freeways and expressways with average daily trips less than eighty thousand;

(c) Fee zone 3, conventional highways.

(5) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

~~((5))~~ (6) "Motorist information signs" shall mean the same as specific service signs as set forth in the Manual on Uniform Traffic Control Devices adopted by the department as chapter 468-95 WAC.

~~((6))~~ (7) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping, recreation and tourist-oriented services.

~~((7))~~ (8) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

~~((8) "Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.~~

(9) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

(10) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

~~(11) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.~~

(12) "Tourist-oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.) (9) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a

unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(10) "Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

(11) "Tourist-oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(12) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

(13) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

AMENDATORY SECTION (Amending WSR 03-20-082, filed 9/30/03, effective 10/31/03)

WAC 468-70-070 Permits and procedure. (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation regional office in care of the regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application forms, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business

signs. Business signs may not display messages advertising products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

(6) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.05 RCW.

~~(7) ((Fabrication and installation of business signs:~~

~~(a)) Once an application is approved, the department will request the business to provide ((the)) its business signs for installation. ~~((Such))~~ Business signs shall be built to the department's specifications prescribed by WAC 468-70-060. ~~((Prior to installation the business shall agree to reimburse the department for the actual installation costs.~~~~

~~(b) The reimbursable business sign installation fees referenced in (a) of this subsection may vary from sign site to sign site.))~~

(8) Business sign replacement and motorist information sign panel maintenance ~~((and replacement))~~ fee:

(a) Maintenance replacement business signs shall be provided by the business, when requested by the department to replace weather worn business signs. ~~((The department will install the replacement business sign after the business agrees to reimburse the department for the actual installation costs as described in subsection (7) of this section.))~~ A business at its own request may also provide replacement business signs for installation. In either case, the installation fee is one hundred fifteen dollars per sign.

(b) The annual ~~((maintenance replacement))~~ fee charged to each business for motorist information sign ~~((back))~~ panels is ~~((one hundred dollars for businesses signed at interchanges and thirty five dollars for businesses signed at intersections.))~~:

(i) Nine hundred ten dollars for signs located in fee zone 1;

(ii) Six hundred eighty-three dollars for signs located in fee zone 2;

(iii) Three hundred sixty-four dollars for signs located in fee zone 3.

(c) The annual ((maintenance)) fee((s)) shall be paid within thirty calendar days after the anniversary of the permit issue. ((These fees will not be prorated for fractions of the year in the event of business sign removal or coverage.)) Failure to pay the annual ~~((maintenance))~~ fee((s)) within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the motorist information sign panels.

(9) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.

(10) Revocation and expiration:

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be

revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that exceeds the height requirements set forth in this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the motorist service activity must meet the requirements of any other applying motorist service activity.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-70-085

Maintenance replacement of pictorial business signs manufactured by the department prior to January 1, 1987.

WSR 04-16-060

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed July 30, 2004, 11:58 a.m., effective August 30, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To provide the necessary permanent rules to implement HB 1589, an act allowing annual permits for over-size/overweight towing operations.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-265.

Statutory Authority for Adoption: RCW 46.44.090 and 46.44.0941.

Adopted under notice filed as WSR 04-13-012 on June 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2004.

John F. Conrad
Assistant Secretary
Engineering and Operations

AMENDATORY SECTION (Amending WSR 03-19-026, filed 9/8/03, effective 10/9/03)

WAC 468-38-265 (~~(Emergency operation of)~~ **Tow trucks—Permitting for oversize/overweight.** (~~The permitting of overweight tow trucks that respond to emergencies shall be governed by the following procedures:~~

(1) ~~An emergent tow is defined as the movement of a disabled vehicle(s) from any public roadway, including ramps and shoulder, and due to the necessity for an immediate response (referred to as the "initial tow truck service" in RCW 46.44.015), the appropriate overweight permit cannot be determined until the operator arrives at the disabled vehicle.~~

(2) ~~When a tow truck operator/dispatcher has been called to respond to an emergent situation, the operator/dispatcher will telephone the nearest traffic management center (TMC) and be logged in to clear the obstacle. The TMC employee on duty shall consult the map "Washington State Highways Tow Truck Restrictions: For Emergency Use Only (as last revised)." Bridges that may be crossed by tandem axle loadings estimated by the tow truck operator may be approved for the emergency move.~~

(3) ~~To log in with the TMC, the tow truck operator/dispatcher shall provide the following: Name of company, name of individual making request, telephone number, tow vehicle license, excess weight needed, the origin and destination, the state route numbers to be used during the tow and description of vehicle being towed. The TMC employee on duty, after verifying the requested route with the map, will issue an identification or clearance number for the tow. This approval is for state routes only and gives no authorization for movement on county roads or city streets.~~

(4) ~~If the map showing tow truck restrictions does not indicate that the routes can safely tolerate the weight being requested, the tow truck operator is limited to moving the vehicle off the road to the nearest place of safety. When the weight is too heavy to be moved on some bridges or highways, a request during regular working hours for a permit and a bridge analysis will be required before the load may be transported.~~

(5) ~~The tow truck operator/dispatcher shall apply for and acquire the appropriate permit on the next business day from the department's motor carrier services office.~~

(6) ~~Permits for routine movements other than emergency tow truck moves shall be requested through available DOT permits offices, agents or facsimile services-))~~ **(1) What classes of tow trucks are eligible for special permits?**

Special permits may be issued to Class B and Class C tow trucks, including Class E tow trucks with either a Class B or Class C rating.

(2) What is the duration of a special permit issued to tow trucks?

The special permit issued specifically to tow trucks is an annual permit from date of purchase.

(3) Are there size and weight limitations and/or requirements to the special permit for tow trucks?

Permit limits and/or requirements are categorized as follows:

(a) Weight of tow truck: Maximum weights for tow trucks are as follows:

(i) All classes of tow trucks must conform to RCW 46.44.041 when towing a disabled unit by draw bar or tow chain method.

(ii) When any portion of the weight of the disabled unit rests upon a Class B, C or E (with B or C rating) tow truck; the weight must not exceed:

(A) Six hundred pounds per inch width of tire up to twenty-two thousand pounds per single axle; or

(B) Forty-three thousand pounds per tandem axle set; or

(C) The weight allowed for axle groups per formula in RCW 46.44.091(1).

(iii) The tow truck steer axle must carry sufficient weight to maintain safe operation.

(iv) A Class B tow truck steer axle must carry a minimum of three thousand pounds at all times.

(v) A Class C tow vehicle steer axle must carry a minimum of three thousand five hundred pounds at all times.

(vi) A Class E tow truck with B or C rating must meet the requirement for minimum steer axle load for the rating.

(vii) The special permit does not allow a tow truck to exceed legal weight limits when not in tow or haul status.

(b) Weight of disabled unit: Maximum weight for disabled units towed under an annual special permit are as follows:

(i) When being towed by a Class B, C or E (with B or C rating) tow truck, using a draw bar or tow chain method, the weight of the disabled unit must conform with weight limits in RCW 46.44.041, or to the limits of any special permit issued to the disabled unit.

(ii) When a Class B, C or E (with B or C rating) tow truck carries a portion of the weight of the disabled unit, the first load bearing axle(s) of the disabled unit must not exceed:

(A) Six hundred pounds per inch width of tire;

(B) Twenty-two thousand pounds per single axle;

(C) Forty-three thousand pounds per tandem axle set; and

(D) Weight limits for axle groups per formula in RCW 46.44.091.

(iii) A load recovery vehicle configured as a truck-tractor/semi-trailer, or solo vehicle may carry either a divisible or nondivisible load. The recovery vehicle is limited to weight limits in RCW 46.44.041 when carrying divisible loads, or to the weight limits in (a)(ii) of this subsection when carrying nondivisible loads. The recovery vehicle must be rated as either a Class B or Class C tow truck in order to be issued the annual special permit.

(c) Height and width: No disabled unit, including load, shall exceed fourteen feet in height or eight feet six inches in width, except:

(i) When the disabled unit is authorized under a special permit allowing a greater height or width. The allowances granted under the special permit shall apply only to the route identified on the special permit; or

(ii) Where an accident or collision has caused a disfigurement of the disabled unit resulting in a width greater than eight feet six inches, but not exceeding ten feet in width. In this event, during daylight hours the disabled unit must be flagged per WAC 468-38-155, and during the hours of darkness the extreme width must have clearance lights that comply with the requirements of Code of Federal Regulation, 49 CFR 393.11.

(iii) Rear view mirrors may exceed the width authorized in the special permit to a point that allows the driver a view to the rear along both sides of the vehicle(s) in conformance with Federal National Safety Standard 111 (49 CFR 571.111).

(d) Length: All classes of single unit tow vehicles may not exceed forty feet in length. The length of the disabled unit shall not exceed the length for such vehicle established in statute or as allowed by a special permit issued to the disabled unit. The towing of a vehicle combination (i.e., tractor/trailer or truck/trailer) is not authorized, except during an emergent situation when directed by the state patrol or the department to remove the disabled combination to the nearest safe location off the highway.

(e) Restrictions and postings: An annual special permit must not be used to exceed published road and bridge restrictions, or posted bridges. Restrictions and postings should be reviewed on-line daily for changes, each permit will contain this instruction. It is the operator's responsibility to remain current with bridge restriction and posting information.

(f) Exceptions: Exceptions to the rules provided in this section will be handled on an individual basis by separate special permit, after the disabled unit has been moved to the nearest safe location.

(4) Is there ever a time when a Class A or D tow truck is authorized to exceed legal weight?

Class A and D tow trucks are not eligible for special permits. In an emergent situation, when no other class of truck is available, either class truck may make or assist in making short moves, at the direction of the state patrol or the department, to the nearest safe location off the highway.

(5) What constitutes an emergent situation?

An emergent situation, for purposes of this section, is defined as a disabled vehicle on any public highway, including shoulders and access ramps.

WSR 04-16-063

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 30, 2004, 1:26 p.m., effective September 1, 2004]

Effective Date of Rule: September 1, 2004.

Purpose: Amending chapter 388-110 WAC, Contracted residential care services, to incorporate into administrative rules the dementia care pilot project standards for contracting with boarding homes to provide specialized dementia care to department clients:

- Make revisions necessary to be consistent with, and not duplicate, amendments to chapter 388-78A WAC, Boarding home licensing rules; and
- Review and update the rules under Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-110-060 Resident rights, 388-110-080 Social and recreational activities, 388-110-170 Education and training requirements, 388-110-180 Nurse delegation training and registration, 388-110-190 Performance of delegated nursing care tasks and 388-110-200 Nurse delegation—Penalties; and amending WAC 388-110-005 Authority, 388-110-010 Scope and applicability, 388-110-020 Definitions, 388-110-030 Contract application, 388-110-040 Contract qualifications, 388-110-050 Change of contractor, 388-110-070 General service standards, 388-110-090 Administration, 388-110-100 (~~Transfer and~~) Discharge, social leave, and bed hold, 388-110-120 Resident personal funds, 388-110-140 Assisted living services facility structural requirements, 388-110-150 Assisted living service standards, 388-110-220 Enhanced adult residential care service standards, 388-110-240 Adult residential care service standards, 388-110-260 Remedies, 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies, and 388-110-280 Dispute resolution.

Statutory Authority for Adoption: RCW 74.39A.010, 74.39A.020, 74.39A.060, and 74.39A.070.

Other Authority: Chapter 74.39A RCW.

Adopted under notice filed as WSR 04-13-021 on June 7, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes have been made to the proposed rule based upon suggestions and comments received, as well as technical and editing changes noted during the process.

WAC 388-110-020 Definitions, the definition of "personal care services" has been revised to clarify that "instrumental activities of daily living" are not included in the definition.

WAC 388-110-040 Contract qualifications, subsection (2)(b) added to clarify, "...and each care facility that was required by law to be licensed but was not..."

WAC 388-110-050 Change of contractor, subsection (2) added to clarify, "...and residents' representatives..."

WAC 388-110-140 Assisted living services facility structural requirements, subsection (1) has been revised to clarify the definition of "type 'B' dwelling unit" defined by the International Code Council has been adopted into rule by the Washington State Building Code Council.

WAC 388-110-220 Enhanced adult residential care service standards, subsection (3)(a) deleted "re-assessment" and replaced with "assessment."

A final cost-benefit analysis is available by contacting Denny McKee, Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-5290, fax (360) 438-7903, e-mail McKeeDD@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 13, Repealed 6.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 17, Repealed 6.

Date Adopted: July 30, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-17 issue of the Register.

PERMANENT

WSR 04-16-064
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 30, 2004, 1:28 p.m., effective August 30, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The following cost-saving changes to the SCHIP program are being proposed:

- The monthly premium for a child will increase from \$10 to \$15.
- The maximum monthly premium paid per family will increase from \$30 to \$45.
- A client's eligibility for the program will end after three consecutive months of nonpayment of premiums; the current rule allows four consecutive months.
- The wait period before SCHIP coverage can be reinstated for a client, whose coverage was terminated for not paying the premiums for three consecutive months, is being reduced from four months to three months.

For simplification purposes, MAA is also repealing some sections of the SCHIP chapter that are redundant to other rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-542-0100, 388-542-0125, 388-542-0150, 388-542-0200, 388-542-0220, 388-542-0250, 388-542-0275 and 388-542-0500; and amending WAC 388-505-0211, 388-542-0050, and 388-542-0300.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.510, 74.09.522, and 74.09.450.

Other Authority: 2003-05 Revised Omnibus Operating Budget - 2004 Supplement (ESSB 2459, chapter 276, Laws of 2004).

Adopted under notice filed as WSR 04-13-140 on June 22, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 2, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 3, Repealed 8.

Date Adopted: July 28, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-542 WAC

**STATE CHILDREN'S HEALTH INSURANCE ((PLAN-
(CHIP))) PROGRAM (SCHIP)**

NEW SECTION

WAC 388-542-0010 Purpose and scope of SCHIP. The medical assistance administration (MAA) administers the state children's health insurance program (SCHIP) to provide access to medical care for children whose family income exceeds the limit for Medicaid eligibility but is not greater than two hundred fifty percent of the federal poverty level (FPL). SCHIP is authorized by Title XXI of the Social Security Act and by RCW 74.09.450.

NEW SECTION

WAC 388-542-0020 Other rules that apply to SCHIP. In addition to the rules of this chapter, SCHIP clients are subject to the following rules:

- (1) Chapter 388-538 WAC, Managed care (except WAC 388-538-065);
- (2) WAC 388-505-0210 (3) and (8), Children's medical eligibility;
- (3) WAC 388-505-0211, Premium requirements for SCHIP children;
- (4) WAC 388-416-0015(10), Certification periods; and
- (5) WAC 388-418-0025 (4) and (5), Change of circumstance.

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-542-0050 Definitions for ((~~children's health insurance program (CHIP)~~)) SCHIP terms. The following definitions ((~~and abbreviations~~)), as well as those found in WAC 388-538-050 and in 388-500-0005 Medical definitions, apply to ((~~this chapter~~)) the state children's health insurance program (SCHIP).

~~("Children's health insurance program (CHIP)" means the health insurance program authorized by Title XXI of the Social Security Act and administered by the department of social and health services (DSHS). This program also is referred to as the state children's health insurance program (SCHIP).~~

~~"Client premium" means a monthly payment a client makes to the department of social and health services (DSHS) for CHIP coverage.)~~

"Creditable coverage" means most types of public and private health coverage, except Indian health services, that provides access to physicians, hospitals, laboratory services, and radiology services. This term applies to the coverage whether or not the coverage is equivalent to that offered under ~~((CHIP))~~ SCHIP. "Creditable coverage" is described in 42 U.S.C. Sec. 1397jj.

"Employer-sponsored dependent coverage" means creditable health coverage for dependents offered by a family member's employer or union, for which the employer or union may contribute in whole or part towards the premium. Extensions of such coverage (e.g., COBRA extensions) also qualify as employer-sponsored dependent coverage as long as there remains a contribution toward the premiums by the employer or union.

~~("Finance division" means the division of the department of social and health services that sends out billing statements, monitors accounts, and collects the CHIP client premiums.)~~

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-542-0300 Waiting period for ((CHIP)) SCHIP coverage following employer coverage. (1) The medical assistance administration (MAA) requires applicants to serve a ~~((full four consecutive month))~~ waiting period ~~((for CHIP))~~ of four full consecutive months before SCHIP coverage if the client or family:

(a) Chooses to end employer sponsored dependent coverage. The waiting period begins the day after the employment-based coverage ends ~~((, and ends on the last day of the fourth full month of none coverage));~~ or

(b) Fails to exercise an optional coverage extension (e.g., COBRA) that meets the following conditions. The waiting period begins on the day there is a documented refusal of the coverage extension when the extended coverage is:

(i) Subsidized in part or in whole by the employer or union;

(ii) Available and accessible to the applicant or family; and

(iii) At a monthly cost to the family meeting the limitation of subsection (2)(b)(iv).

(2) MAA does not require a waiting period prior to ~~((CHIP))~~ SCHIP coverage when:

(a) The client or family member has a medical condition that, without treatment, would be life-threatening or cause serious disability or loss of function; or

(b) The loss of employer sponsored dependent coverage is due to any of the following:

(i) Loss of employment with no post-employment subsidized coverage as described in subsection (1)(b);

(ii) Death of the employee;

(iii) The employer discontinues employer-sponsored dependent coverage;

(iv) The family's total out-of-pocket maximum for employer-sponsored dependent coverage is fifty dollars per month or more;

(v) The plan terminates employer-sponsored dependent coverage for the client because the client reached the maximum lifetime coverage amount;

(vi) Coverage under a COBRA extension period expired;

(vii) Employer-sponsored dependent coverage is not reasonably available (e.g., client would have to travel to another city or state to access care); or

(viii) Domestic violence caused the loss of coverage for the victim.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-542-0100	CHIP scope of care.
WAC 388-542-0125	Access to care.
WAC 388-542-0150	Client eligibility requirements for CHIP.
WAC 388-542-0200	CHIP enrollment.
WAC 388-542-0220	Ending CHIP client eligibility.
WAC 388-542-0250	CHIP client costs.
WAC 388-542-0275	Reimbursement.
WAC 388-542-0500	Managed care rules that apply to CHIP.

AMENDATORY SECTION (Amending WSR 04-08-125, filed 4/7/04, effective 5/8/04)

WAC 388-505-0211 Premium requirements for ((Medicaid and)) SCHIP children. (1) For the purposes of this chapter(=

~~(a) "Mandatory children" means all states are required by federal rule to provide Medicaid coverage for these children; and~~

~~(b) "Optional children" means the state of Washington chose to provide Medicaid coverage to children that are not included in the mandatory population.~~

~~(c)),~~ "premium" means an amount paid for medical coverage.

(2) ~~((Optional children include:~~

~~(a) A child under the age of one year, whose assistance unit's net available income exceeds one hundred eighty five percent FPL as described in WAC 388-478-0075;~~

~~(b) A child over age one but who has not yet attained age six whose assistance unit's net available income exceeds one hundred thirty three percent FPL as described in WAC 388-478-0075; and~~

~~(e) A child over age six whose assistance unit's net available income exceeds one hundred percent FPL as described in WAC 388-478-0075.~~

~~(3) For optional children found eligible for Medicaid coverage under WAC 388-505-0210(2), payment of a premium is required as a condition of eligibility. See subsection (6) of this section for exemptions for optional children.~~

~~(4) A child found eligible for Medicaid coverage under WAC 388-505-0210(2) that does not meet the conditions of subsection (2) of this section is a mandatory recipient of Medicaid and is not subject to the premium requirement.~~

~~(5)) For a child found eligible for the state children's health insurance program (SCHIP) under WAC 388-505-0210(3), payment of a premium is required as a condition of eligibility.~~

~~((6) An optional))~~

~~(3) A child is exempt from the premium requirement if the child meets one of the following:~~

~~(a) The child is pregnant; or~~

~~(b) The child is an American Indian or Alaska native((;~~

~~(c) A child whose assistance unit's net available income is equal to or less than one hundred fifty percent FPL. An optional child exempted from the premium requirement under this subsection is treated as if the child is a mandatory child)).~~

~~((7)) (4) The premium requirement begins the first of the month following the determination of eligibility. There is no premium requirement for medical coverage received in a month or months before the determination of eligibility.~~

~~((8)) (5) The premium amount for the assistance unit is based on the net available income as described in WAC 388-450-0005. If the household includes more than one assistance unit, the premium amount billed for the assistance units may be different amounts.~~

~~((9) The premium amount for each optional Medicaid child is:~~

~~(a) Zero dollars per month when the assistance unit's net available income is above one hundred percent FPL and equal to or less than one hundred fifty percent FPL; or~~

~~(b) Ten dollars per month when the assistance unit's net available income is above one hundred fifty percent FPL and equal to or less than two hundred percent FPL.~~

~~(10)) (6) The premium amount for each SCHIP child is fifteen dollars per month.~~

~~((11)) (7) The department bills the family for the lesser of:~~

~~(a) A maximum of forty-five dollars per month; or~~

~~(b) The total of the highest premiums, for up to three children in the assistance unit.~~

~~((12)) (8) Premium payment is a condition of eligibility for assistance units that include ((optional)) SCHIP children. All ((optional)) SCHIP children in an assistance unit are ineligible for medical coverage when the head of household's premium payments are three months in arrears. Three months in arrears means a balance exists for three months.~~

~~((13)) (9) When the department terminates the medical coverage of ((an optional)) a SCHIP child due to nonpayment of premiums, the child has a three-month period of ineligibility beginning the first of the following month. The three month period of ineligibility is rescinded only when the:~~

~~(a) Past due premiums are paid in full prior to the begin date of the period of ineligibility; or~~

~~(b) ((Optional)) SCHIP child has a change in circumstances such that the child becomes ((a mandatory child)) eligible for Medicaid. The department cannot rescind the three-month period of ineligibility for reasons other than the criteria described in this subsection ((13) of this section).~~

~~((14)) (10) The department writes off past-due premiums after twelve months.~~

~~((15)) (11) When the designated three-month period of ineligibility is over, all past due premiums that are an obligation of the head of household must be paid or written off before ((an optional)) a child can become eligible for ((medical coverage)) SCHIP.~~

~~((16)) (12) A family cannot designate partial payment of the billed premium amount as payment for a specific child in the assistance unit. The full amount of the premium bill is the obligation of the head of household of the assistance unit. A family can decide to request medical coverage only for certain children in the assistance unit, if they want to reduce premium obligation.~~

~~((17)) (13) A change that affects the premium amount is effective the month after the change is reported and processed.~~

~~((18)) (14) A sponsor or other third party may pay the premium on behalf of the child or children in the assistance unit. The premium payment requirement remains the obligation of head of household of the assistance unit. The failure of a sponsor or other third party to pay the premium does not eliminate the:~~

~~(a) Establishment of the period of ineligibility described in subsection ((13)) (9) of this section; or~~

~~(b) Obligation of the head of household to pay past-due premiums.~~

WSR 04-16-065

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 30, 2004, 1:32 p.m., effective September 1, 2004]

Effective Date of Rule: September 1, 2004.

Purpose: The purpose of revising the boarding home licensing rules is to assure that chapter 388-78A WAC complies with chapter 18.20 RCW as amended by SSB 6225, 6160 and 5733 adopted by the 2004 legislature, and to be responsive to the needs of department clients.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-78A-0010 Purpose, 388-78A-0020 Definitions, 388-78A-0030 Applicability, 388-78A-0040 Other requirements, 388-78A-0050 Resident characteristics, 388-78A-0060 Individuals in buildings prior to licensing, 388-78A-0070 Initial assessment, 388-78A-0080 Timing of initial assessment, 388-78A-0090 Qualified assessor, 388-78A-0100 Assessment topics, 388-78A-0110 On-going assessments, 388-78A-0120 Resident participation in assessments, 388-78A-0130 Service agreement planning, 388-78A-

0140 Negotiated service agreement contents, 388-78A-0150 Signing negotiated service agreement, 388-78A-0160 Basic boarding home services, 388-78A-0170 Activities, 388-78A-0180 Medication services, 388-78A-0190 Prescribed medication authorizations, 388-78A-0200 Medication refusal, 388-78A-0210 Nonavailability of medications, 388-78A-0220 Alteration of medications, 388-78A-0230 Storing, securing, and accounting for medications, 388-78A-0240 Resident controlled medications, 388-78A-0250 Medication organizers, 388-78A-0260 Family assistance with medication, 388-78A-0270 Food and nutrition services, 388-78A-0280 Need to provide nursing services, 388-78A-0290 Tube feeding, 388-78A-0300 Supervision of nursing services, 388-78A-0310 Responsibilities of nursing supervisor, 388-78A-0320 Resident-arranged services, 388-78A-0330 Coordination of health care services, 388-78A-0340 Implementation of negotiated service agreement, 388-78A-0350 Monitoring residents' well-being, 388-78A-0360 Adult day care, 388-78A-0370 Dementia care, 388-78A-0380 Restricted egress, 388-78A-0390 Resident records, 388-78A-0400 Protection of resident records, 388-78A-0410 Content of resident records, 388-78A-0420 Format of resident records, 388-78A-0430 Record retention, 388-78A-0440 Resident review of records, 388-78A-0450 Resident register, 388-78A-0460 Staff, 388-78A-0470 Criminal history background checks, 388-78A-0480 TB tests, 388-78A-0490 Specialized training for developmental disabilities, 388-78A-0500 Specialized training for mental illness, 388-78A-0510 Specialized training for dementia, 388-78A-0520 Administrator qualifications, 388-78A-0530 Qualifying administrator training program, 388-78A-0540 Administrator training requirements, 388-78A-0550 Administrator training documentation, 388-78A-0560 Administrator responsibilities, 388-78A-0570 Notification of change in administrator, 388-78A-0580 Use of home health/home care, 388-78A-0590 Management agreements, 388-78A-0600 Policies and procedures, 388-78A-0605 Pets, 388-78A-0610 Infection control, 388-78A-0620 Reporting abuse and neglect, 388-78A-0630 Reporting significant change in a resident's condition, 388-78A-0635 Reporting fires and incidents, 388-78A-0640 Resident rights, 388-78A-0650 Services by resident for boarding home, 388-78A-0660 Boarding home use of audio and video monitoring, 388-78A-0670 Resident use of electronic monitoring, 388-78A-0680 Safety measures and disaster preparedness, 388-78A-0690 Disclosure of services, 388-78A-0700 Timing of disclosure, 388-78A-0710 Licensee qualifications, 388-78A-0720 Necessary information, 388-78A-0730 Application process, 388-78A-0740 Requirements to change boarding home licensee, 388-78A-0750 Annual renewal, 388-78A-0760 Licensee's responsibilities, 388-78A-0770 Change in licensee, 388-78A-0780 Changes in licensed bed capacity, 388-78A-0790 Criteria for increasing licensed bed capacity, 388-78A-0800 Building requirements and exemptions, 388-78A-0810 Conversion of licensed nursing homes, 388-78A-0820 Licenses for multiple buildings, 388-78A-0830 Required reviews of building plans, 388-78A-0840 Relocation of residents during construction, 388-78A-0850 Vacant buildings, 388-78A-0860 Changing use of rooms, 388-78A-0870 Time frame for approval, 388-78A-0880 Retention of approved construction documents, 388-78A-0890 Applicable

building codes, 388-78A-0900 Area for nursing supplies and equipment, 388-78A-0910 Communication system, 388-78A-0920 Two-way intercom systems, 388-78A-0930 Water supply, 388-78A-0940 Sewage and liquid waste disposal, 388-78A-0950 Garbage and refuse disposal, 388-78A-0960 Lighting, 388-78A-0970 Heating-cooling—Temperature, 388-78A-0980 Ventilation, 388-78A-0990 Resident room—Room furnishings-storage, 388-78A-1000 Calculating floor space, 388-78A-1010 Toilet rooms and bathrooms, 388-78A-1020 Laundry, 388-78A-1030 Day rooms, 388-78A-1040 Storage space, 388-78A-1050 Stairs—Ramps, 388-78A-1060 Guardrails—Handrails, 388-78A-1070 Maintenance and housekeeping, 388-78A-1080 Safe storage of supplies and equipment, 388-78A-1090 Areas for cleaning and storing soiled equipment, supplies and laundry, 388-78A-1100 Areas for handling and storing clean supplies and equipment, 388-78A-1110 Plant restrictions, 388-78A-1120 Responsibilities during inspections, 388-78A-1130 Communication during inspections, 388-78A-1140 Communication following inspections, 388-78A-1150 Statements of deficiencies and plans of correction, 388-78A-1160 Authorized enforcement remedies, 388-78A-1170 Statutory circumstances resulting in discretionary enforcement remedies, 388-78A-1180 Circumstances resulting in required enforcement remedies, 388-78A-1190 Statutorily required enforcement remedies; denial, suspension, revocation, or nonrenewal of license, 388-78A-1200 Other circumstances resulting in discretionary enforcement remedies, 388-78A-1210 Informal dispute resolution, 388-78A-1220 Appeal rights, and 388-78A-1230 Fees.

Statutory Authority for Adoption: RCW 18.20.090 (section 19, chapter 142, Laws of 2004).

Other Authority: Chapter 18.20 RCW.

Adopted under notice filed as WSR 04-11-116 on May 19, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes have been made to the proposed rule based upon suggestions and comments received, as well as technical and editing changes noted during the process.

WAC 388-78A-2020 Definitions.

- The definition of "Medication service" has been added for clarity.
- The definition of "resident applicant" has been replaced by "prospective resident" for clarity.

The following definitions have been revised or clarified in response to suggestions or comments:

Boarding home - added to the end of the definition for clarity, "'Boarding home' may also include persons associated with the boarding home to carry out its duties under this chapter.";

Caregiver - revised to correctly reflect the definition in chapter 388-112 WAC;

Document - technical edit replacing "impact" with "affect";

Enforcement remedy - technical amendment;

Licensed resident bed capacity - revised to reflect that roommates would not be included in licensed resident bed capacity;

Majority owner - revised to delete reference to "entity" since "entity" is included in the revised definition of "person";

Medication administration - replaced "person" with "individual";

Medication service - new definition to clarify what medication service is - "Medication service" means any service provided either directly or indirectly by a boarding home related to medication administration, medication administration provided through nurse delegation, medication assistance, or resident self-administration of medication;

Nonresident individual - replaced "person" with "individual";

Over-the-counter (OTC) medications - definition revised to include examples of aspirin and antacids;

Person - definition clarified to include "any other legal or commercial entity.";

Recurring problem - clarified the codified statutory reference, technical change from "applying entity" to "applicant.";

Prospective resident - changed definition from "resident applicant" to "prospective resident" to eliminate possible confusion between resident applicant and applicant;

Reasonable accommodation/reasonably accommodate - definition revised for clarity;

Resident - technical change, and deleted a sentence related to a service requirement that is specified in WAC 388-78A-2340;

Resident applicant - deleted, see definition of prospective resident above;

Resident's representative - revised to clarify limits on authority;

Chemical restraint - technical change;

Physical restraint - technical change;

Staff person - reworded to clarify volunteers are employed or retained;

State fire marshal - deleted unnecessary wording; and

Vulnerable adult - reworded for clarity.

WAC 388-78A-2030 Applicability.

- Renumbered subsection (3) as subsection (2)(h); and subsection (4) as subsection (3).

WAC 388-78A-2040 Other requirements.

- Subsection (2) edited for clarity - deleted unnecessary wording.

WAC 388-78A-2050 Resident characteristics.

- Lead in sentence added - "admit" for clarity;
- Subsection (1) clarified "available" staff and added subsections (a) and (b) for clarity - including the scope and services criteria from the disclosure information requirement and separating out the reasonable accommodation language;
- Subsection (2) edited for clarity - word "person" deleted and replaced with "individual"; and
- Subsection (4) deleted as it was incorporated into subsection (1)(a).

WAC 388-78A-2060 Preadmission assessment.

- Subsection (1) edited for clarity regarding defined term - made a lead in sentence;
- Subsections (1)(a)-(h) renumbered accordingly to subsections (1) through (8); and
- Subsection (2) deleted as unrelated to the section topic and otherwise addressed in WAC 388-78A-2130.

WAC 388-78A-2070 Timing of preadmission assessment.

- Subsections (1)-(3) edited/reworded for clarity.

WAC 388-78A-2090 Full assessment topics.

- Subsection (1) edited for clarity - word "prospective" deleted; and
- Subsections (7), (c)(i) and (ii) edited and renumbered for clarity and to require screening resident for special needs if available information does not indicate special needs are present.

WAC 388-78A-2100 On-going assessments.

- Subsection (1) edited to correct WAC number reference; and
- Subsection (2) edited/reworded for clarity.

WAC 388-78A-2110 Resident participation in assessments.

- Edited for clarity and to include the concept of resident representative's willingness and capability to be involved.

WAC 388-78A-2120 Monitoring residents' well-being.

- Subsection (2) technical edit;
- Subsection (5) edited to correct WAC number reference; and
- Subsection (6) edited to use correct term.

WAC 388-78A-2130 Service agreement planning.

- Subsection (1) edited to use correct term and incorporate provisions deleted from WAC 388-78A-2060;
- Deleted subsection (3) and incorporated into subsection (1) as new subsection (a) for clarity;
- Subsections (1)(b) and (c) added for clarity/understanding of the requirement - resident needs and staff direction;
- Subsections (2)-(7) renumbered accordingly; and
- Subsection (5) added "updating" for clarity.

WAC 388-78A-2140 Negotiated service agreement contents.

- Subsection (1)(a) added "current" to clarify "risks";
- Subsection (1) split assessment types into subsections (i)-(iii) for clarity;
- Subsection (2) edited to add reference to WAC for clarity; and
- Subsection (8) removed "contract or agreement, including" because this section only deals with the contents of the negotiated service agreement.

WAC 388-78A-2170 Required boarding home services.

- Subsection (2)(e) reworded for clarity.

WAC 388-78A-2190 Activities of daily living.

- Lead sentence - technical change for clarity.
- Subsection (2) edited to clarify that the concept of "directly or indirectly" applies; and
- New subsection (3)(b)(iii) added physical assistance for steadying the resident for clarity and consistency.

WAC 388-78A-2200 Health support services.

- Lead sentence edited for clarity.

WAC 388-78A-2210 Medication services.

- Subsection (1) added the concept of "directly or indirectly" for clarity;
- Subsection (1)(a) edited and new subsection (b) added to clarify the pharmacy statute that applies and the medication service responsibility of the boarding home; and
- Subsection (2) edited to correct WAC number reference.

WAC 388-78A-2230 Medication refusal.

- Subsection (1)(c) technical edit.

WAC 388-78A-2260 Storing, securing, and accounting for medications.

- Subsection (2)(d) edited for clarity - deleted reference to resident.

WAC 388-78A-2270 Resident controlled medications.

- Subsection (2) technical edit.

WAC 388-78A-2280 Medication organizers.

- Subsection (1) edited for clarity - added licensed pharmacist;
- New subsection (2) added to separate for clarity;
- Former subsection (2) edited for clarity, removed unnecessary wording and renumbered as subsection (3); and
- Former subsection (3) deleted as unnecessary.

WAC 388-78A-2300 Food and nutrition services.

- Subsection (1)(a)(ii) edited for clarity - "between" removed and "before" and "after" added; and
- Subsections (2)(a) and (4) technical edits for clarity.

WAC 388-78A-2310 Intermittent nursing services.

- Subsection (1) edited for clarity to add "optional" language.

WAC 388-78A-2320 Intermittent nursing services systems.

- Subsection (1) edited and added subsections (a) and (b) to split out the concepts for clarity;
- Subsection (2)(d) technical edit for clarity; and
- Subsection (3) "assessments" added to include the concept for clarity.

WAC 388-78A-2330 Tube feeding.

- New subsection (1) added "optional" language for clarity; and
- Subsections (2), (3) edited for clarity and renumbered.

WAC 388-78A-2340 Resident-arranged services.

- Subsection (5) edited for clarity to delete unnecessary and possibly confusing language; and
- Subsection (6) deleted duplication with WAC 388-78A-2350.

WAC 388-78A-2360 Adult day care.

- Subsections (2)(f) and (g) edited to correct WAC number references.

WAC 388-78A-2380 Restricted egress.

- Subsection (3) technical edit.

WAC 388-78A-2410 Content of resident records.

- Lead sentence reworded for clarity;
- Subsection (3)(a) deleted "and relevant updates" as not applicable to this subsection; and
- Subsection (3)(b) edited for clarity.

WAC 388-78A-2450 Staff.

- Subsection (2)(f)(iii) deleted for clarity - concept of person providing caregiving assistance required to have training as required remains.

WAC 388-78A-2470 Criminal history background checks.

- Revised to make consistent with statute including:
 - Deleting former subsection (1)(b);
 - Adding new subsections (1)(b) and (c), and renumbering former subsection (1)(c) to (1)(d);
 - Deleting former subsections (1)(c)(v) and (vii);
 - Renumbering former subsections (d) and (e);
 - Deleting subsection (f);
 - Renumbering subsections (1)(i)(i) and (ii) to subsections (2)(a) and (b), and adding new subsection (c); and
- Section edited to clarify the intent to have those individuals associated with the boarding home subject to criminal background checks.

WAC 388-78A-2480 TB tests.

- Subsection (1) edited for clarity to exclude volunteers and contractors from these requirements - boarding homes continue to have the right to test whomever they choose.

WAC 388-78A-2530 Qualifying administrator training program.

- Subsection (4) edited to correct WAC number reference.

WAC 388-78A-2540 Administrator training requirements.

- Subsection (2) technical edit for clarity.

WAC 388-78A-2580 Use of home health/home care.

- Subsection (4) technical edit for clarity.

WAC 388-78A-2600 Policies and procedures.

- Although the specificity in several sections was deleted, the boarding home continues to be responsible to develop policies and procedures for all services in their home in order to enable their staff to provide safe and adequate care to residents;
- Deleting subsections (1)(d)(i) through (ix); subsections (1)(i) through (vi); and subsections (n)(i) through (iv) for clarity; and in subsection (q) corrected WAC citation; and
- Subsection (3) technical edit for clarity.

WAC 388-78A-2630 Reporting abuse and neglect.

- Subsection (1)(a) added a reference to the administration's hotline for clarity.

WAC 388-78A-2650 Reporting fires and incidents.

- Subsection (2) deleted reference to "could or did" for clarity.

WAC 388-78A-2660 Resident rights.

- Subsection (2) deleted unnecessary language focusing on outcome to require that staff provide care in accordance with chapter 70.129 RCW.

WAC 388-78A-2710 Disclosure of services.

- Subsections (3)(a) and (b) edited for clarity of notice requirements; and
- Subsections (7) and (8) technical edits for clarity.

WAC 388-78A-2720 Timing of disclosure.

- Subsection (1) clarified that the disclosure form is to be provided; and
- Subsections (1)(a) and (b) technical edits for clarity.

WAC 388-78A-2730 Licensee's responsibilities.

- Subsection (2)(b)(ii)(C) technical edit for clarity;
- Subsection (2)(b)(iii) added the "cover letter" to the requirement to reflect that consultations are now included in the cover letter; and
- Subsection (2)(c) technical edit for clarity.

WAC 388-78A-2740 Licensee qualifications.

- Subsection (2) edited to correct WAC reference number.

WAC 388-78A-2750 Application process.

- Subsection (8) edited for clarity to delete "entities" since "entity" is included in the revised definition of "person."

WAC 388-78A-2760 Necessary information.

- Deleted "entity" for clarity.

WAC 388-78A-2770 Change in licensee.

- Subsection (1)(d)(i) edited for clarity - deleted "party," added "person" and "or partners"; and
- Subsection (1)(e) the reference to the term "control" was revised for clarity.

WAC 388-78A-2780 Requirements to change boarding home licensee.

- Subsection (2)(b) technical edit for clarity.

WAC 388-78A-2790 Renewal.

- Subsection (3) term "renewal" deleted for clarity.

WAC 388-78A-2800 Changes in licensed bed capacity.

- Subsection (1) deleted as unnecessary/redundant; and
- Subsections (2)-(4) renumbered accordingly.

WAC 388-78A-2820 Building requirements and exemptions.

- Subsection (1)(e)(iii) technical edit for clarity; and
- Subsection (4) technical edit for clarity.

WAC 388-78A-2860 Relocation of residents during construction.

- Subsection (1)(a) added to reflect when residents need to be notified and subsection (b) split out for clarity;
- Subsection (1)(b)(i) edited out as clarified in subsection (1)(a); and
- Subsections (1)(b)(ii)-(v) renumbered correspondingly.

WAC 388-78A-2890 Time frame for approval.

- Subsection (2) revised to clarify the State Fire Marshal must also approve the boarding home before licensing.

WAC 388-78A-2910 Applicable building codes.

- Subsection (1) technical edit for clarity.

WAC 388-78A-2920 Area for nursing supplies and equipment.

- Subsection (2) technical edit for clarity; and
- Subsection (2)(a)(ii) technical edit for clarity.

WAC 388-78A-2930 Communication system.

- Subsection (1)(b) technical edit for clarity; and
- Subsection (3)(b) revised to delete unnecessary language in subsections (b)(i)-(ii) for clarity.

WAC 388-78A-2950 Water supply.

- Subsection (4) revised to clarify temperatures apply in resident rooms, and toilet rooms and bathrooms.

WAC 388-78A-2990 Heat-cooling—Temperature.

- Subsection (2) technical edit for clarity.

WAC 388-78A-3030 Toilet rooms and bathrooms.

- Subsection (2)(e) technical edit for clarity.

WAC 388-78A-3090 Maintenance and housekeeping.

- Subsection (1)(a) technical edit for clarity.

WAC 388-78A-3150 Statements of deficiencies and plans of correction.

- Subsections (2)(a)-(c) replaced the word "violation" with the word "problem" for clarity.

WAC 388-78A-3160 Authorized enforcement remedies.

- Subsection (1) technical edit and deletion of "without limitation" as unnecessary;
- Subsection (1)(f) replaced "violation" with "problem" for clarity; and
- Subsection (1)(h) deleted "per resident" to conform to statutory language.

WAC 388-78A-3170 Statutory circumstances resulting in discretionary enforcement remedies.

- WAC title revised for clarity;
- Subsections (1), (a), (a)(i)-(ii) and (iv)-(v), (c), (g), (i), (m) technical changes for clarity; and
- Subsection (2)(d) term "entity" deleted for clarity.

WAC 388-78A-3180 Circumstances resulting in required enforcement remedies.

- WAC title revised for clarity.

WAC 388-78A-3190 Statutorily required enforcement remedies; denial, suspension, revocation, or nonrenewal of license.

- WAC title revised for clarity; and
- Subsections (1), (2)(d) term "entity" deleted for clarity, since "entity" is included in the revised definition of "person."

WAC 388-78A-3200 Other circumstances resulting in discretionary enforcement remedies.

- WAC title revised for clarity; and
- Subsection (1) term "violation" deleted and replaced with "problems" for clarity.

WAC 388-78A-3230 Fees.

- Subsection (2)(a) term "violation" deleted and replaced with "problems" for clarity.

A final cost-benefit analysis is available by contacting Denny McKee, ADAS, DSHS, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2590, fax (360) 438-7903, e-mail mckeedd@dsht.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 23, Amended 0, Repealed 24.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 100, Amended 0, Repealed 101.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 123, Amended 0, Repealed 125.

Date Adopted: July 27, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

GENERAL**NEW SECTION**

WAC 388-78A-2010 Purpose. This chapter is written to implement chapter 18.20 RCW, to promote the safety and well-being of boarding home residents, to specify standards for boarding home operators, and to further establish requirements for the operation of boarding homes.

NEW SECTION

WAC 388-78A-2020 Definitions. "Abandonment" means action or inaction by a person with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a resident. In instances of abuse of a resident who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a resident, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing;

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints;

(3) **"Sexual abuse"** means any form of nonconsensual sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual;

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another;

(5) **"Financial exploitation"** means the illegal or improper use of the property, income, resources, or trust funds of the resident by any person for any person's profit or advantage.

"Activities of daily living" means the following tasks related to basic personal care: Bathing; toileting; dressing; personal hygiene; mobility; transferring; and eating.

"Adult day care" means care and services provided to individuals on the boarding home premises for a period of less than twenty-four continuous hours and does not involve an overnight stay.

"Ambulatory" means capable of walking or traversing a normal path to safety without the physical assistance of another individual:

(1) **"Nonambulatory"** means unable to walk or traverse a normal path to safety without the physical assistance of another individual;

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

"Applicant" means the person, as defined in this section, that has submitted, or is in the process of submitting, an application for a boarding home license.

"Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

"Bathing fixture" means a bathtub, shower or sit-down shower.

"Bathroom" means a room containing at least one bathing fixture.

"Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this chapter to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" does not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development. "Boarding home" may also include persons associated with the boarding home to carry out its duties under this chapter.

"Building code" means the building codes and standards adopted by the Washington state building code council.

"Caregiver" means anyone providing hands-on personal care to another person including, but not limited to: Cuing, reminding or supervision of residents, on behalf of a boarding home, except volunteers who are directly supervised. Direct supervision means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, is on the premises, and is quickly and easily available to the caregiver.

"Construction review services" means the office of construction review services within the Washington state department of health.

"Continuing care contract" means, as stated in RCW 70.38.025, a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property,

the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

"Contractor" means an agency or person who contracts with a licensee to provide resident care, services or equipment.

"Department" means the Washington state department of social and health services.

"Dietitian" means an individual certified under chapter 18.138 RCW.

"Document" means to record, with signature, title, date and time:

(1) Information about medication administration, medication assistance or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may affect the care or needs of a resident; and

(2) Processes, events or activities that are required by law, rule or policy.

"Domiciliary care" means:

(1) Assistance with activities of daily living provided by the boarding home either directly or indirectly; or

(2) Health support services, if provided directly or indirectly by the boarding home; or

(3) Intermittent nursing services, if provided directly or indirectly by the boarding home.

"Enforcement remedy" means one or more of the department's responses to a boarding home's noncompliance with chapter 18.20 RCW and this chapter, as authorized by RCW 18.20.190.

"Food service worker" means according to chapter 246-217 WAC an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities. This does not include persons who simply assist residents with meals.

"General responsibility for the safety and well-being of the resident" means the provision of the following:

(1) Prescribed general low sodium diets;

(2) Prescribed general diabetic diets;

(3) Prescribed mechanical soft foods;

(4) Emergency assistance;

(5) Monitoring of the resident;

(6) Arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary;

(7) Coordinating health care services with outside health care providers consistent with WAC 388-78A-2350;

(8) Assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices;

(9) Observation of the resident for changes in overall functioning;

(10) Blood pressure checks as scheduled;

(11) Responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or

(12) Medication assistance as permitted under RCW 69.41.085 and as described in RCW 69.41.010 and chapter 246-888 WAC.

"Harm" means a physical or mental or emotional injury or damage to a resident including those resulting from neglect or violations of a resident's rights.

"Health support services" means any of the following optional services:

(1) Blood glucose testing;

(2) Puree diets;

(3) Calorie controlled diabetic diets;

(4) Dementia care;

(5) Mental health care; or

(6) Developmental disabilities care.

"Independent living unit" means:

(1) Independent senior housing;

(2) Independent living unit in a continuing care retirement community or other similar living environments;

(3) Boarding home unit where domiciliary services are not provided; or

(4) Boarding home unit where one or more items listed under "general responsibilities" are not provided.

"Independent senior housing" means an independent living unit occupied by an individual or individuals sixty or more years of age.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including, but not limited to, bacteria, viruses, protozoans, and fungi.

"Licensee" means the person, as defined in this chapter, to whom the department issues the boarding home license.

"Licensed resident bed capacity" means the resident occupancy level requested by the licensee and approved by the department. All residents receiving domiciliary care or the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section count towards the licensed resident bed capacity. Adult day care clients do not count towards the licensed resident bed capacity.

"Majority owner" means any person that owns:

(1) More than fifty percent interest; or

(2) If no one person owns more than fifty percent interest, the largest interest portion; or

(3) If more than one person owns equal largest interest portions, then all persons owning those equal largest interest portions.

"Manager" means the person defined in this chapter, providing management services on behalf of the licensee.

"Management agreement" means a written, executed agreement between the licensee and the manager regarding the provision of certain services on behalf of the licensee.

"Maximum facility capacity" means the maximum number of individuals that the boarding home may serve at any one time, as determined by the department.

(1) The maximum facility capacity includes all residents and respite care residents and adult day care clients.

(2) The maximum facility capacity is equal to the lesser of:

(a) The sum of the number of approved bed spaces for all resident rooms; or

(b) Twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300 (1)(h); or

(c) The number of residents permitted by calculating the ratios of toilets, sinks, and bathing fixtures to residents consistent with WAC 388-78A-3030; or

(d) For boarding homes licensed on or before December 31, 1988, the total day room area in square feet divided by ten square feet, consistent with WAC 388-78A-3050; or

(e) For boarding homes licensed after December 31, 1988, the total day room area in square feet divided by twenty square feet, consistent with WAC 388-78A-3050.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the resident by an individual legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a resident of a boarding home in accordance with chapter 246-888 WAC.

"Medication organizer" means a container with separate compartments for storing oral medications organized in daily doses.

"Medication service" means any service provided either directly or indirectly by a boarding home related to medication administration, medication administration provided through nurse delegation, medication assistance, or resident self-administration of medication.

"Neglect" means:

(1) A pattern of conduct or inaction resulting in the failure to provide the goods and services that maintain physical or mental health of a resident, or that fails to avoid or prevent physical or mental harm or pain to a resident; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

"Nonresident individual" means an individual who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in WAC 388-78A-2030 (2)(a) through (g), but may not receive domiciliary care as defined in this section, directly or indirectly by the facility, and may not receive the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section.

"Nonpractitioner" means any individual who is not a practitioner as defined in WAC 388-78A-2020 and chapter 69.41 RCW.

"Nurse" means an individual currently licensed under chapter 18.79 RCW as either a:

(1) **"Licensed practical nurse"** (LPN); or

(2) **"Registered nurse"** (RN).

"Over-the-counter (OTC) medication" means any medication that may be legally purchased without a prescriptive order, including, but not limited to, aspirin, antacids, vitamins, minerals, or herbal preparations.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association or any other legal or commercial entity.

"Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

"Practitioner" includes a licensed physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

"Prescribed medication" means any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

"Problem" means a violation of any WAC or RCW applicable to the operation of a boarding home:

(1) **"Recurring problem"** means, for all purposes other than those described in RCW 18.20.400, that the department has cited the boarding home for a violation of WAC or RCW and the circumstances of (a) or (b) of this subsection are present:

(a) The department previously imposed an enforcement remedy for a violation of the same section of WAC or RCW for substantially the same problem following any type of inspection within the preceding thirty-six months; or

(b) The department previously cited a violation under the same section of WAC or RCW for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

(c) If the previous violation in (a) or (b) of this subsection was pursuant to WAC or RCW that has changed at the time of the new violation, citation to the equivalent current WAC or RCW section is sufficient.

(d) When there is a change in licensees between the first and the second or third citations, the new licensee must accept, and the department will consider, the prior licensee's compliance and enforcement record as part of the new licensee's compliance record at that boarding home if any person affiliated with the new licensee was affiliated with the prior licensee at the same boarding home. A person is considered affiliated with the licensee if the person is an applicant for the boarding home license, or is listed on the license application as a partner, officer, director, or majority owner of the applicant.

(2) **"Serious problem"** means:

- (a) There has been a violation of a WAC or RCW; and
(b) Significant harm has actually occurred to a resident;

or

(c) It is likely that significant harm or death will occur to a resident.

(3) **"Uncorrected problem"** means the department has cited a violation of WAC or RCW following any type of inspection and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been

corrected. When a change in licensees occurs, the new licensee is responsible for correcting any remaining violations that may exist, including complying with any plan of correction in effect immediately prior to the change in licensees.

"Prospective resident" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

"Reasonable accommodation" and **"reasonably accommodate"** have the meaning given in federal and state antidiscrimination laws and regulations which include, but are not limited to, the following:

(1) Reasonable accommodation means that the boarding home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of boarding home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the boarding home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"RCW" means Revised Code of Washington.

"Records" means:

(1) **"Active records"** means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

(2) **"Inactive records"** means historical documentation regarding the provision of care and services to residents that is no longer relevant to the current delivery of services and has been thinned from the active record.

"Resident" means an individual who:

(1) Chooses to reside in a boarding home, including an individual receiving respite care;

(2) Is not related by blood or marriage to the operator of the boarding home;

(3) Receives basic services; and

(4) Receives one or more of the services listed under general responsibility for the safety and well-being of the resident, and may receive domiciliary care or respite care provided directly, or indirectly, by the boarding home.

"Resident's representative" means:

(1) The legal representative who is the person or persons identified in RCW 7.70.065 and who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident; or

(2) If there is no legal representative, a person designated voluntarily by a competent resident in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home if there is no legal representative. The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative under this subsection shall not have authority to act on behalf of the resident once the resident is no longer competent. The resident's competence shall be determined using the criteria in RCW 11.88.010 (1)(e).

"Respite care" means short-term care for any period in excess of twenty-four continuous hours for a resident to temporarily relieve the family or other caregiver of providing that care.

"Restraint" means any method or device used to prevent or limit free body movement, including, but not limited to:

(1) Confinement, unless agreed to as provided in WAC 388-78A-2370;

(2) **"Chemical restraint"** which means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms; and

(3) **"Physical restraint"** which means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

"Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(1) **"Sleeping room"** means a room where a resident is customarily expected to sleep and contains a resident's bed.

(2) **"Resident living room"** means the common space in a resident unit that is not a sleeping room, bathroom or closet.

"Significant change" means a change in the resident's physical, mental, or psychosocial status that causes either life-threatening conditions or clinical complications.

"Special needs" means a developmental disability, mental illness, or dementia.

"Staff person" means any boarding home employee or temporary employee or contractor, whether employed or retained by the licensee or any management company, or volunteer.

"State fire marshal" means the director of fire protection under the direction of the chief of the Washington state patrol.

"Toilet" means a disposal apparatus used for urination and defecation, fitted with a seat and flushing device.

"Volunteer" means an individual who interacts with residents without reimbursement.

"Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW. For the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

"WAC" means Washington Administrative Code.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

NEW SECTION

WAC 388-78A-2030 Applicability. (1) A person must have a boarding home license issued by the department under chapter 18.20 RCW and this chapter, except as otherwise exempted by RCW 18.20.170 and subsection (2) of this section, if the person advertises as, or operates, or maintains a facility that meets the definition of a "boarding home" in this chapter, within Washington state and provides housing, one or more basic services, and one or more of the following:

(a) Assumes general responsibility for the safety and well-being of the residents;

(b) Provides assistance with activities of daily living, either directly or indirectly;

(c) Provides health support services, either directly or indirectly; or

(d) Provides intermittent nursing services, either directly or indirectly.

(2) A boarding home license is not required for one or more of the following services that may be provided to a non-resident individual. These services may not include continual care or supervision of a nonresident individual without a boarding home license:

(a) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; or

(b) Systems employed by independent senior housing, or independent living units in continuing care retirement communities, to respond to the potential need for emergency services for nonresident individuals; or

(c) Infrequent, voluntary, and nonscheduled blood pressure checks for nonresident individuals; or

(d) Nurse referral services provided at the request of a nonresident individual to determine whether referral to an outside health care provider is recommended; or

(e) Making health care appointments at the request of nonresident individuals; or

(f) Preadmission assessment, at the request of the non-resident individual; or

(g) Services customarily provided under landlord tenant agreements governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW; or

(h) Housing nonresident individuals who, without ongoing assistance from the boarding home, initiate and arrange for services with a practitioner licensed under Title 18 RCW or a home health, hospice, or home care agency licensed under chapter 70.127 RCW, or other persons as permitted by the boarding home.

(3) This section does not prohibit a boarding home from furnishing written information concerning available community resources to nonresident individuals or the individual's family members or legal representatives. However, the boarding home may not require the use of any particular service provider.

NEW SECTION

WAC 388-78A-2040 Other requirements. (1) The boarding home must comply with all other applicable federal, state, county and municipal statutes, rules, codes and ordinances, including without limitations those that prohibit discrimination.

(2) The boarding home must have its building approved by the Washington state fire marshal in order to be licensed.

NEW SECTION

WAC 388-78A-2050 Resident characteristics. The boarding home may admit and retain an individual as a resident in a boarding home only if:

(1) The boarding home can safely and appropriately serve the individual with appropriate available staff providing:

(a) The scope of care and services described in the boarding home's disclosure information; and

(b) The reasonable accommodations required by state or federal law, including providing any specialized training to caregivers that may be required according to WAC 388-78A-2490 through 388-78A-2510;

(2) The individual does not require the frequent presence and frequent evaluation of a registered nurse, excluding those individuals who are receiving hospice care or individuals who have a short-term illness that is expected to be resolved within fourteen days as long as the boarding home has the capacity to meet the individual's identified needs; and

(3) The individual is ambulatory, unless the boarding home is approved by the Washington state director of fire protection to care for semiambulatory or nonambulatory residents.

ASSESSMENT AND MONITORING**NEW SECTION**

WAC 388-78A-2060 Preadmission assessment. The boarding home must conduct a preadmission assessment for each prospective resident that includes the following information, unless unavailable despite the best efforts of the boarding home:

- (1) Medical history;
- (2) Necessary and contraindicated medications;
- (3) A licensed medical or health professional's diagnosis, unless the individual objects for religious reasons;
- (4) Significant known behaviors or symptoms that may cause concern or require special care;
- (5) Mental illness diagnosis, except where protected by confidentiality laws;
- (6) Level of personal care needs;
- (7) Activities and service preferences; and
- (8) Preferences regarding other issues important to the applicant, such as food and daily routine.

NEW SECTION

WAC 388-78A-2070 Timing of preadmission assessment. (1) Unless there is an emergency, the boarding home

must complete the preadmission assessment of the prospective resident before each prospective resident moves into the boarding home.

(2) The boarding home must ensure the preadmission assessment is completed within five calendar days of the resident moving into the boarding home when the resident moves in under emergency conditions.

(3) For the purposes of this section, "emergency" means any circumstances when the prospective resident would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

NEW SECTION

WAC 388-78A-2080 Qualified assessor. The boarding home must ensure the person responsible for completing a preadmission assessment of a prospective resident:

(1) Has a master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or

(2) Has a bachelor's degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

(3) Has a valid Washington state license to practice nursing, in accordance with chapters 18.79 RCW and 246-840 WAC; or

(4) Is a physician with a valid state license to practice medicine; or

(5) Has three years of successful experience acquired prior to September 1, 2004, assessing prospective and current boarding home residents in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

NEW SECTION

WAC 388-78A-2090 Full assessment topics. The boarding home must obtain sufficient information to be able to assess the capabilities, needs, and preferences for each resident, and must complete a full assessment addressing the following, within fourteen days of the resident's move-in date, unless extended by the department for good cause:

(1) Individual's recent medical history, including, but not limited to:

(a) A licensed medical or health professional's diagnosis, unless the resident objects for religious reasons;

(b) Chronic, current, and potential skin conditions; or

(c) Known allergies to foods or medications, or other considerations for providing care or services.

(2) Currently necessary and contraindicated medications and treatments for the individual, including:

(a) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to independently self-administer, or safely and accurately direct others to administer to him/her;

(b) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to self-administer when he/she has the assistance of a caregiver; and

(c) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is not able to self-administer, and needs to have administered to him or her.

(3) The individual's nursing needs when the individual requires the services of a nurse on the boarding home premises.

(4) Individual's sensory abilities, including:

(a) Vision; and

(b) Hearing.

(5) Individual's communication abilities, including:

(a) Modes of expression;

(b) Ability to make self understood; and

(c) Ability to understand others.

(6) Significant known behaviors or symptoms of the individual causing concern or requiring special care, including:

(a) History of substance abuse;

(b) History of harming self, others, or property; or

(c) Other conditions that may require behavioral intervention strategies;

(d) Individual's ability to leave the boarding home unsupervised; and

(e) Other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the boarding home.

(7) Individual's special needs, by evaluating available information, or if available information does not indicate the presence of special needs, selecting and using an appropriate tool, to determine the presence of symptoms consistent with, and implications for care and services of:

(a) Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws;

(b) Developmental disability;

(c) Dementia. While screening a resident for dementia, the boarding home must:

(i) Base any determination that the resident has short-term memory loss upon objective evidence; and

(ii) Document the evidence in the resident's record.

(d) Other conditions affecting cognition, such as traumatic brain injury.

(8) Individual's level of personal care needs, including:

(a) Ability to perform activities of daily living;

(b) Medication management ability, including:

(i) The individual's ability to obtain and appropriately use over-the-counter medications; and

(ii) How the individual will obtain prescribed medications for use in the boarding home.

(9) Individual's activities, typical daily routines, habits and service preferences.

(10) Individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including prefer-

ences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort.

(11) Who has decision-making authority for the individual, including:

(a) The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future;

(b) The presence of any legal document that establishes a current substitute decision maker; and

(c) The scope of decision-making authority of any substitute decision maker.

NEW SECTION

WAC 388-78A-2100 On-going assessments. The boarding home must:

(1) Complete a full assessment addressing the elements set forth in WAC 388-78A-2090 for each resident at least annually;

(2) Complete an assessment specifically focused on a resident's identified problems and related issues:

(a) Consistent with the resident's change of condition as specified in WAC 388-78A-2120; or

(b) When the resident's negotiated service agreement no longer addresses the resident's current needs and preferences.

(3) Ensure the staff person performing the on-going assessments is qualified to perform them.

NEW SECTION

WAC 388-78A-2110 Resident participation in assessments. The boarding home must directly involve each resident or prospective resident, to the extent possible, along with any appropriate resident representative to the extent he or she is willing and capable, in the preadmission assessment and on-going assessment process.

NEW SECTION

WAC 388-78A-2120 Monitoring residents' well-being. The boarding home must:

(1) Observe each resident consistent with his or her assessed needs and negotiated service agreement;

(2) Identify any changes in the resident's physical, emotional, and mental functioning that are a:

(a) Departure from the resident's customary range of functioning; or

(b) Recurring condition in a resident's physical, emotional, or mental functioning that has previously required intervention by others.

(3) Evaluate the change identified in the resident per subsection (2) of this section to determine if there is a need for further action, including, but not limited to, assessment;

(4) Ensure that changes that may require further action by the boarding home are documented in the resident's record, including dates, times, and facts;

(5) Assess a resident consistent with WAC 388-78A-2100 if assessment is identified as needed;

(6) Update the negotiated service agreement as needed; and

(7) Take appropriate action in response to each resident's changing needs.

NEGOTIATED SERVICE AGREEMENT

NEW SECTION

WAC 388-78A-2130 Service agreement planning. The boarding home must:

(1) Develop an initial resident service plan, based upon discussions with the resident and the resident's representative if the resident has one, and the preadmission assessment of a qualified assessor, upon admitting a resident into a boarding home. The boarding home must ensure the initial resident service plan:

(a) Integrates the assessment information provided by the department's case manager for each resident whose care is partially or wholly funded by the department;

(b) Identifies the resident's immediate needs; and

(c) Provides direction to staff and caregivers relating to the resident's immediate needs, capabilities, and preferences.

(2) Complete the negotiated service agreement for each resident using the resident's preadmission assessment, initial resident service plan, and full assessment information, within thirty days of the resident moving in;

(3) Review and update each resident's negotiated service agreement consistent with WAC 388-78A-2120:

(a) Within a reasonable time consistent with the needs of the resident following any change in the resident's physical, mental, or emotional functioning; and

(b) Whenever the negotiated service agreement no longer adequately addresses the resident's current assessed needs and preferences.

(4) Review and update each resident's negotiated service agreement as necessary following an annual full assessment;

(5) Involve the following persons in the process of developing and updating a negotiated service agreement:

(a) The resident;

(b) The resident's representative to the extent he or she is willing and capable, if the resident has one;

(c) Other individuals the resident wants included;

(d) The department's case manager, if the resident is a recipient of Medicaid assistance, or any private case manager, if available; and

(e) Staff designated by the boarding home.

(6) Ensure:

(a) Individuals participating in developing the resident's negotiated service agreement:

(i) Discuss the resident's assessed needs, capabilities, and preferences; and

(ii) Negotiate and agree upon the care and services to be provided to support the resident; and

(b) Staff persons document in the resident's record the agreed upon plan for services.

NEW SECTION

WAC 388-78A-2140 Negotiated service agreement contents. The boarding home must develop, and document in the resident's record, the agreed upon plan to address and sup-

port each resident's assessed capabilities, needs and preferences, including the following:

(1) The care and services necessary to meet the resident's needs, including:

(a) The plan to monitor the resident and address interventions for current risks to the resident's health and safety that were identified in one or more of the following:

(i) The resident's preadmission assessment;

(ii) The resident's full assessments;

(iii) On-going assessments of the resident;

(b) The plan to provide assistance with activities of daily living, if provided by the boarding home;

(c) The plan to provide necessary intermittent nursing services, if provided by the boarding home;

(d) The plan to provide necessary health support services, if provided by the boarding home;

(e) The resident's preferences for how services will be provided, supported and accommodated by the boarding home.

(2) Clearly defined respective roles and responsibilities of the resident, the boarding home staff, and resident's family or other significant persons in meeting the resident's needs and preferences. Except as specified in WAC 388-78A-2290 and 388-78A-2340(5), if a person other than a caregiver is to be responsible for providing care or services to the resident in the boarding home, the boarding home must specify in the negotiated service agreement an alternate plan for providing care or service to the resident in the event the necessary services are not provided. The boarding home may develop an alternate plan:

(a) Exclusively for the individual resident; or

(b) Based on standard policies and procedures in the boarding home provided that they are consistent with the reasonable accommodation requirements of state and federal law.

(3) The times services will be delivered, including frequency and approximate time of day, as appropriate;

(4) The resident's preferences for activities and how those preferences will be supported;

(5) Appropriate behavioral interventions, if needed;

(6) A communication plan, if special communication needs are present;

(7) The resident's ability to leave the boarding home premises unsupervised; and

(8) The boarding home must not require or ask the resident or the resident's representative to sign any negotiated service or risk agreement, that purports to waive any rights of the resident or that purports to place responsibility or liability for losses of personal property or injury on the resident.

NEW SECTION

WAC 388-78A-2150 Signing negotiated service agreement. The boarding home must ensure that the negotiated service agreement is agreed to and signed at least annually by:

(1) The resident, or the resident's representative if the resident has one and is unable to sign or chooses not to sign;

(2) A representative of the boarding home duly authorized by the boarding home to sign on its behalf; and

(3) Any public or private case manager for the resident, if available.

NEW SECTION

WAC 388-78A-2160 Implementation of negotiated service agreement. The boarding home must provide the care and services as agreed upon in the negotiated service agreement to each resident unless a deviation from the negotiated service agreement is mutually agreed upon between the boarding home and the resident or the resident's representative at the time the care or services are scheduled.

BOARDING HOME SERVICES

NEW SECTION

WAC 388-78A-2170 Required boarding home services. (1) The boarding home must provide housing and assume general responsibility for the safety and well-being of each resident, as defined in this chapter, consistent with the resident's assessed needs and negotiated service agreement.

(2) The boarding homes must provide each resident with the following basic services, consistent with the resident's assessed needs and negotiated service agreement:

(a) **Activities** - Arranging for activities in accordance with WAC 388-78A-2180;

(b) **Housekeeping** - Providing a safe, clean and comfortable environment for each resident, including personal living quarters and all other resident accessible areas of the building;

(c) **Laundry** - Keeping the resident's clothing clean and in good repair, and laundering towels, washcloths, bed linens on a weekly basis or more often as necessary to maintain cleanliness;

(d) **Meals** - Providing meals in accordance with WAC 388-78A-2300; and

(e) **Nutritious snacks** - Providing nutritious snack items on a scheduled and nonscheduled basis, and providing nutritious snacks in accordance with WAC 388-78A-2300.

(3) The boarding home must:

(a) Provide care and services to each resident by staff persons who are able to communicate with the resident in a language the resident understands; or

(b) Make provisions for communications between staff persons and residents to ensure an accurate exchange of information.

(4) The boarding home must ensure each resident is able to obtain individually preferred personal care items when:

(a) The preferred personal care items are reasonably available; and

(b) The resident is willing and able to pay for obtaining the preferred items.

NEW SECTION

WAC 388-78A-2180 Activities. The boarding home must:

(1) Provide space and staff support necessary for:

(a) Each resident to engage in independent or self-directed activities that are appropriate to the setting, consis-

tent with the resident's assessed interests, functional abilities, preferences, and negotiated service agreement; and

(b) Group activities at least three times per week that may be planned and facilitated by caregivers consistent with the collective interests of a group of residents.

(2) Make available routine supplies and equipment necessary for activities described in subsection (1) of this section.

NEW SECTION

WAC 388-78A-2190 Activities of daily living. Assistance with activities of daily living is an optional service that the boarding home may provide.

(1) If a boarding home chooses not to provide assistance with activities of daily living:

(a) The boarding home must admit or retain only those residents who are independent in activities of daily living; except that

(b) A resident, or the resident's representative, may independently arrange for outside services to assist with activities of daily living.

(2) When a boarding home chooses to provide, either directly or indirectly, assistance with activities of daily living, the boarding home must provide that assistance consistent with the reasonable accommodation requirements in state and federal laws.

(3) When a boarding home chooses to provide, either directly or indirectly, assistance with activities of daily living, the boarding home must provide to each resident, consistent with the resident's assessed needs, minimal assistance with the following activities of daily living:

(a) **Bathing:** Minimal assistance with bathing means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to wash and dry all areas of the body as needed;

(ii) Stand-by assistance getting into and out of the tub or shower; and

(iii) Physical assistance limited to steadying the resident during the activity.

(b) **Dressing:** Minimal assistance with dressing means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(c) **Eating:** Minimal assistance with eating means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to eat and drink; and

(ii) Physical assistance limited to cutting food up, preparing food and beverages, and bringing food and fluids to the resident.

(d) **Personal hygiene:** Minimal assistance with personal hygiene means the boarding home must provide the resident with occasional:

(i) Reminding and cuing to comb hair, perform oral care and brush teeth, shave, apply makeup, and wash and dry face, hands and other areas of the body;

- (ii) Stand-by assistance during the activity; and
- (iii) Physical assistance limited to steadying the resident during the activity.

(e) **Transferring:** Minimal assistance in transferring means the boarding home must provide the resident with occasional:

- (i) Reminders or cuing to move between surfaces, for example to and from the bed, chair and standing;
- (ii) Stand-by assistance during the activity; and
- (iii) Physical assistance limited to steadying the resident during self-transfers.

(f) **Toileting:** Minimal assistance in toileting means the boarding home must provide the resident with occasional:

- (i) Reminders and cuing to toilet, including resident self-care of ostomy or catheter, to wipe and cleanse, and to change and adjust clothing, protective garments and pads;
- (ii) Stand-by assistance during the activity; and
- (iii) Physical assistance limited to steadying the resident during the activity.

(g) **Mobility:** Minimal assistance in mobility means the boarding home must provide the resident with occasional:

- (i) Reminding or cuing to move between locations on the boarding home premises;
- (ii) Stand-by assistance during the activity; and
- (iii) Physical assistance limited to steadying the resident during the activity.

(4) The boarding home may choose to provide more than minimal assistance with activities of daily living consistent with state and federal law.

NEW SECTION

WAC 388-78A-2200 Health support services. Health support services are an optional service that the boarding home may provide. The boarding home may choose to provide any of the following health support services; however, a boarding home may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal and state law. The boarding home may provide:

- (1) Blood glucose testing;
- (2) Puree diets;
- (3) Calorie controlled diabetic diets;
- (4) Dementia care;
- (5) Mental health care; and
- (6) Developmental disabilities care.

Medications

NEW SECTION

WAC 388-78A-2210 Medication services. (1) A boarding home providing medication service, either directly or indirectly, must:

- (a) Meet the requirements of chapter 69.41 RCW Legend drugs—Prescription drugs, and other applicable statutes and administrative rules; and
- (b) Develop and implement systems that support and promote safe medication service for each resident.

(2) The boarding home must ensure the following residents receive their medications as prescribed, except as provided for in WAC 388-78A-2230 and 388-78A-2250:

(a) Each resident who requires medication assistance and his or her negotiated service agreement indicates the boarding home will provide medication assistance; and

(b) If the boarding home provides medication administration services, each resident who requires medication administration and his or her negotiated service agreement indicates the boarding home will provide medication administration.

NEW SECTION

WAC 388-78A-2220 Prescribed medication authorizations. (1) Before the boarding home may provide medication assistance or medication administration to a resident for prescribed medications, the boarding home must have one of the following:

- (a) A prescription label completed by a licensed pharmacy;
- (b) A written order from the prescriber;
- (c) A facsimile or other electronic transmission of the order from the prescriber; or
- (d) Written documentation by a nurse of a telephone order from the prescriber.

(2) The documentation required above in subsection (1) of this section must include the following information:

- (a) The name of the resident;
- (b) The name of the medication;
- (c) The dosage and dosage frequency of the medication; and
- (d) The name of the prescriber.

NEW SECTION

WAC 388-78A-2230 Medication refusal. (1) When a resident who is receiving medication assistance or medication administration services from the boarding home chooses to not take his or her medications, the boarding home must:

- (a) Respect the resident's right to choose not to take medication;
- (b) Document the time, date and medication the resident did not take;
- (c) Notify the physician of the refusal and follow any instructions provided, unless there is a staff person available who, acting within his or her scope of practice, is able to evaluate the significance of the resident not getting his or her medication, and such staff person;

(i) Conducts an evaluation; and

(ii) Takes the appropriate action, including notifying the prescriber or primary care practitioner when there is a consistent pattern of the resident choosing to not take his or her medications.

(2) The boarding home must comply with subsection (1) of this section, unless the prescriber or primary care practitioner has provided the boarding home with:

- (a) Specific directions for addressing the refusal of the identified medication;
- (b) The boarding home documents such directions; and

(c) The boarding home is able to fully comply with such directions.

NEW SECTION

WAC 388-78A-2240 Nonavailability of medications. When the boarding home has assumed responsibility for obtaining a resident's prescribed medications, the boarding home must obtain them in a correct and timely manner.

NEW SECTION

WAC 388-78A-2250 Alteration of medications. The boarding home must generally provide medications in the form they are prescribed when administering medications or providing medication assistance to a resident. The boarding home may provide medications in an altered form consistent with the following:

(1) Alteration includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids.

(2) Residents must be aware that the medication is being altered or added to their food.

(3) A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication.

(4) If the medication is altered, documentation of the appropriateness of the alteration must be on the prescription container, or in the resident's record.

(5) Alteration of medications for self-administration with assistance is provided in accordance with chapter 246-888 WAC.

NEW SECTION

WAC 388-78A-2260 Storing, securing, and accounting for medications. (1) The boarding home must secure medications for residents who are not capable of safely storing their own medications.

(2) The boarding home must ensure all medications under the boarding home's control are properly stored:

(a) In containers with pharmacist-prepared label or original manufacturer's label;

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

(c) Separate from food or toxic chemicals;

(d) In a locked compartment that is accessible only to designated responsible staff persons; and

(e) In environments recommended on the medication label.

NEW SECTION

WAC 388-78A-2270 Resident controlled medications. (1) The boarding home must ensure all medications are stored in a manner that prevents each resident from gaining access to another resident's medications.

(2) The boarding home must allow residents who are assessed to be capable of self-administration or self-adminis-

tration with assistance to control and secure the medications they self-administer or self-administer with assistance.

NEW SECTION

WAC 388-78A-2280 Medication organizers. (1) The boarding home must ensure no staff person other than a nurse or licensed pharmacist fills medication organizers for residents.

(2) A nurse may fill a medication organizer for a resident only when:

(a) The resident understands the use of the medications that have been prescribed for him or her; and

(b) The resident is totally independent with self-administration of medications when using a medication organizer, except for the physical assistance required to fill the medication organizer, or the resident can safely direct others to administer his or her medications; and

(c) Staff persons have no further responsibility for:

(i) Storing the resident's medication; or

(ii) Providing any additional medication assistance to the resident beyond filling the medication organizer; or

(iii) Providing medication administration services to the resident.

(d) The medication organizer carries a label that clearly identifies:

(i) The name of the resident;

(ii) The name of the medications in the organizer; and

(iii) The frequency of the dosage.

(3) The boarding home must ensure a licensed pharmacy has filled the medication organizer any time the boarding home is:

(a) Involved in storing the resident's medications;

(b) Providing medication assistance to the resident; or

(c) Providing medication administration services to the resident.

NEW SECTION

WAC 388-78A-2290 Family assistance with medications and treatments. (1) A boarding home may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance, including obtaining medications or treatment supplies, to the resident.

(2) The boarding home must disclose to the department, residents, the residents' legal representatives, if any, and if not the residents' representative if any, and to interested consumers upon request, information describing whether the boarding home permits such family administration or assistance and, if so, the extent of any limitations or conditions.

(3) If the boarding home allows family assistance with or administration of medications and treatments, and the resident and a family member(s) agree a family member will provide medication or treatment assistance, or medication or treatment administration to the resident, the boarding home must request that the family member submit to the boarding home a written plan for such assistance or administration that includes at a minimum:

(a) By name, the family member who will provide the medication or treatment assistance or administration;

(b) A description of the medication or treatment assistance or administration that the family member will provide, to be referred to as the primary plan;

(c) An alternate plan if the family member is unable to fulfill his or her duties as specified in the primary plan;

(d) An emergency contact person and telephone number if the boarding home observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan; and

(e) Other information determined necessary by the boarding home.

(4) The plan for family assistance with medications or treatments must be signed and dated by:

(a) The resident, if able;

(b) The resident's representative, if any;

(c) The resident's family member responsible for implementing the plan; and

(d) A representative of the boarding home authorized by the boarding home to sign on its behalf.

(5) The boarding home may, through policy or procedure, require the resident's family member to immediately notify the boarding home of any changes in the medication or treatment plans for family assistance or administration.

(6) The boarding home must require that whenever a resident's family provides medication assistance or medication administration services, the resident's significant medications remain on the boarding home premises whenever the resident is on the boarding home premises.

(7) The boarding home's duty of care shall be limited to: Observation of the resident for changes in overall functioning consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition, or when the boarding home is aware that both the primary and alternate plan are not implemented; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

Food

NEW SECTION

WAC 388-78A-2300 Food and nutrition services. (1)

The boarding home must:

(a) Provide a minimum of three meals a day:

(i) At regular intervals;

(ii) With no more than fourteen hours between the evening meal and breakfast, unless the boarding home provides a nutritious snack after the evening meal and before breakfast.

(b) Provide sufficient time and staff support for residents to consume meals;

(c) Ensure all menus:

(i) Are written at least one week in advance and delivered to residents' rooms or posted where residents can see them, except as specified in (f) of this subsection;

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

(iii) Include all food and snacks served that contribute to nutritional requirements;

(iv) Are retained at least six months;

(v) Provide a variety of foods; and

(vi) Are not repeated for at least three weeks, except that breakfast menus in boarding homes that provide a variety of daily choices of hot and cold foods are not required to have a minimum three-week cycle.

(d) Prepare on-site, or provide through a contract with a food service establishment located in the vicinity and that meets the requirements of chapter 246-215 WAC, palatable, attractively served meals and nourishments that meet the current recommended dietary allowances established by the Food and Nutrition Board, National Research Council, adjusted for:

(i) Age, gender and activities, unless medically contraindicated; and

(ii) Individual preferences to the extent reasonably possible.

(e) Substitute foods, when changes in the current day's menu are necessary, of equal nutrient value and record changes on the original menu;

(f) Make available and known to residents alternate choices in entrees for midday and evening meals that are of comparable quality and nutritional value. The boarding home is not required to post alternate choices in entrees on the menu one week in advance, but must record on the menus the alternate choices in entrees that are served;

(g) Develop, make known to residents, and implement a process for residents to express their views and comment on the food services; and

(h) Maintain a dining area or areas approved by the department with a seating capacity for fifty percent or more of the residents per meal setting, or ten square feet times the licensed resident bed capacity, whichever is greater.

(2) The boarding home must plan in writing, prepare on-site or provide through a contract with a food service establishment located in the vicinity that meets the requirements of chapter 246-215 WAC, and serve to each resident as ordered:

(a) Prescribed general low sodium, general diabetic, and mechanical soft food diets according to a diet manual. The boarding home must ensure the diet manual is:

(i) Available to and used by staff persons responsible for food preparation;

(ii) Approved by a dietitian; and

(iii) Reviewed and updated as necessary or at least every five years.

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

(3) The boarding home may provide to a resident at his or her request and as agreed upon in the resident's negotiated service agreement, nonprescribed:

(a) Modified or therapeutic diets;

(b) Nutritional concentrates or supplements.

(4) The boarding home must manage food, and maintain any on-site food service facilities in compliance with chapter 246-215 WAC, Food service sanitation, except that boarding homes licensed for sixteen or fewer beds may use domestic or home-type kitchen appliances, provided that:

(a) If a home-type mechanical dishwasher was installed before September 1, 2004, the boarding home must:

(i) Operate it according to manufacturer directions; and

(ii) Ensure the dishwasher is supplied with water heated to 155°F or more.

(b) If a home-type mechanical dishwasher is installed after September 1, 2004, the boarding home must ensure the dishwasher has:

(i) A high temperature final rinse water at a minimum of 180°F measured by the gauge;

(ii) A high temperature final rinse resulting in a minimum of 160°F measured at the surface of the utensil;

(iii) A continuous supply of water heated to 155°F throughout its operating cycle; or

(iv) An automatically dispensed approved concentration of chemical sanitizer as described in 21 C.F.R. Part 178.

(5) The boarding home must ensure employees working as food service workers obtain a food worker card according to chapter 246-217 WAC.

(6) The boarding home must ensure a resident obtains a food worker card according to chapter 246-217 WAC whenever:

(a) The resident is routinely or regularly involved in the preparation of food to be served to other residents;

(b) The resident is paid for helping to prepare food; or

(c) The resident is preparing food to be served to other residents as part of an employment-training program.

Intermittent Nursing Services and Resident-Arranged Services

NEW SECTION

WAC 388-78A-2310 Intermittent nursing services.

(1) Intermittent nursing services are an optional service that the boarding home may provide.

(2) The boarding home may choose to provide any of the following intermittent nursing services through appropriately licensed and credentialed staff; however, the facility may or may not need to provide additional intermittent nursing services to comply with the reasonable accommodation requirements in federal or state law:

(a) Medication administration;

(b) Administration of health treatments;

(c) Diabetic management;

(d) Nonroutine ostomy care;

(e) Tube feeding; and

(f) Nurse delegation consistent with chapter 18.79 RCW.

(3) The boarding home must clarify on the disclosure form any limitations, additional services, or conditions that may apply under this section.

(4) In providing intermittent nursing services, the boarding home must observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental or emotional functioning.

(5) The boarding home may provide intermittent nursing services to the extent permitted by RCW 18.20.160.

NEW SECTION

WAC 388-78A-2320 Intermittent nursing services systems. (1) When a boarding home provides intermittent

nursing services to any resident, either directly or indirectly, the boarding home must:

(a) Develop and implement systems that support and promote the safe practice of nursing for each resident; and

(b) Ensure the requirements of chapters 18.79 RCW and 246-840 WAC are met.

(2) The boarding home providing nursing services, either directly or indirectly, must ensure that the nursing services systems include:

(a) Nursing services supervision;

(b) Nurse delegation, if provided;

(c) Initial and on-going assessments of the nursing needs of each resident;

(d) Development of, and necessary amendments to, the nursing component of the negotiated service agreement for each resident;

(e) Implementation of the nursing component of each resident's negotiated service agreement; and

(f) Availability of the supervisor, in person, by pager, or by telephone, to respond to residents' needs on the boarding home premises as necessary.

(3) The boarding home must ensure that all nursing services, including nursing supervision, assessments, and delegation, are provided in accordance with applicable statutes and rules, including, but not limited to:

(a) Chapter 18.79 RCW, Nursing care;

(b) Chapter 18.88A RCW, Nursing assistants;

(c) Chapter 246-840 WAC, Practical and registered nursing;

(d) Chapter 246-841 WAC, Nursing assistants; and

(e) Chapter 246-888 WAC, Medication assistance.

NEW SECTION

WAC 388-78A-2330 Tube feeding. (1) Tube feeding services are an optional service that a boarding home may provide.

(2) The boarding home must provide intermittent nursing services to develop and implement the nursing component of the negotiated service agreement, administer feedings and necessary medications, and provide routine care of the tube insertion site whenever any resident requiring tube feeding is not able to:

(a) Independently and safely manage:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(b) Arrange for an outside resource to provide:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(3) The boarding home is not required to provide nursing services to a resident simply because the resident requires tube feeding if the resident can either independently manage or arrange for an outside resource to perform the tasks specified in subsection (2)(a) and (b) of this section.

NEW SECTION

WAC 388-78A-2340 Resident-arranged services. (1) The boarding home must allow a resident to arrange to receive on-site care and services from:

(a) A practitioner, licensed under Title 18 RCW regulating health care professions; and

(b) A home health, hospice, or home care agency licensed under chapter 70.127 RCW.

(2) The boarding home may permit the resident or the resident's legal representative, if any, to independently arrange for other persons to provide on-site care and services to the resident.

(3) The boarding home is not required to supervise the activities of a person providing care or services to a resident when the resident or resident's representative has independently arranged for or contracted with the person.

(4) The boarding home may establish policies and procedures that describe reasonable limitations, conditions, or requirements that must be met prior to an outside service provider being allowed on-site.

(5) When the resident or the resident's representative, if any, independently arranges for outside services under subsection (1) of this section, the boarding home's duty of care, and any negligence that may be attributed thereto, shall be limited to: The responsibilities described under subsection (3) of this section; observation of the resident for changes in overall functioning, consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

NEW SECTION

WAC 388-78A-2350 Coordination of health care services. (1) The boarding home must coordinate services with external health care providers to meet the residents' needs, consistent with the resident's negotiated service agreement.

(2) The boarding home must develop, implement and inform residents of the boarding home's policies regarding how the boarding home interacts with external health care providers, including:

(a) The conditions under which health care information regarding a resident will be shared with external health care providers, consistent with chapter 70.02 RCW; and

(b) How residents' rights to privacy will be protected, including provisions for residents to authorize the release of health care information.

(3) The boarding home may disclose health care information about a resident to external health care providers without the resident's authorization if the conditions in RCW 70.02.050 are met.

(4) If the conditions in RCW 70.02.050 are not met, the boarding home must request, but may not require, a resident to authorize the boarding home and the external health care provider to share the resident's health care information when:

(a) The boarding home becomes aware that a resident is receiving health care services from a source other than the boarding home; and

(b) The resident has not previously authorized the boarding home to release health care information to an external health care provider.

(5) When a resident authorizes the release of health care information or resident authorization is not required under RCW 70.02.050, the boarding home must contact the external health care provider and coordinate services.

(6) When authorizations to release health care information are not obtained, or when an external health care provider is unresponsive to the boarding home's efforts to coordinate services, the boarding home must:

(a) Document the boarding home's actions to coordinate services;

(b) Provide notice to the resident of the risks of not allowing the boarding home to coordinate care with the external provider; and

(c) Address known associated risks in the resident's negotiated service agreement.

(7) When coordinating care or services, the boarding home must:

(a) Integrate relevant information from the external provider into the resident's preadmission assessment and reassessment, and when appropriate, negotiated service agreement; and

(b) Respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

Service Delivery and Monitoring**Adult Day Care****NEW SECTION**

WAC 388-78A-2360 Adult day care. (1) The boarding home may, but is not required to, provide an adult day care program for nonresidents.

(2) If adult day care is provided, the boarding home must:

(a) Ensure each adult day care client receives appropriate supervision and agreed upon care and services during the time spent in the day care program;

(b) Ensure the care and services provided to adult day care clients do not compromise the care and services provided to boarding home residents;

(c) Ensure the total number of residents plus adult day care clients does not exceed the boarding home's maximum facility capacity;

(d) Only accept adult day care clients who are appropriate for boarding home care and services, consistent with WAC 388-78A-2050;

(e) Provide sufficient furniture for the comfort of day care adults, in addition to furniture provided for residents;

(f) Notify appropriate individuals specified in the client's record and consistent with WAC 388-78A-2640 when there is a significant change in the condition of an adult day care client;

(g) Investigate and document incidents and accidents involving adult day care clients consistent with WAC 388-78A-2700;

(h) Maintain a separate register of adult day care clients; and

(i) Maintain a resident record for each adult day care client.

Dementia Care

NEW SECTION

WAC 388-78A-2370 Dementia care. (1) The boarding home must, to the fullest extent reasonably possible, obtain for each resident who has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7):

(a) Information regarding the resident's significant life experiences, including:

- (i) Family members or other significant relationships;
- (ii) Education and training;
- (iii) Employment and career experiences;
- (iv) Religious or spiritual preferences;
- (v) Familiar roles or sources of pride and pleasure.

(b) Information regarding the resident's ability or inability to:

- (i) Articulate his or her personal needs; and
- (ii) Initiate activity.

(c) Information regarding any patterns of resident behavior that express the resident's needs or concerns that the resident is not able to verbalize. Examples of such behaviors include, but are not limited to:

- (i) Agitation;
- (ii) Wandering;
- (iii) Resistance to care;
- (iv) Social isolation; and
- (v) Aggression.

(2) The boarding home, in consultation with the resident's family or others familiar with the resident, must evaluate the significance and implications of the information obtained per subsection (1) of this section and integrate appropriate aspects into an individualized negotiated service agreement for the resident.

NEW SECTION

WAC 388-78A-2380 Restricted egress. A boarding home must ensure all of the following conditions are present before moving residents into units or buildings with exits that may restrict a resident's egress:

(1) Each resident, or a person authorized under RCW 7.70.065 to provide consent on behalf of the resident, consents to living in such unit or building.

(2) Each resident assessed as being cognitively and physically able to safely leave the boarding home is able to do so independently without restriction.

(3) Each resident, assessed as being cognitively able to safely leave the boarding home and who has physical challenges that make exiting difficult, is able to leave the boarding home when the resident desires and in a manner consistent with the resident's negotiated service agreement.

(4) Each resident who is assessed as being unsafe to leave the boarding home unescorted is able to leave the boarding home consistent with his or her negotiated service agreement.

(5) Areas from which egress is restricted are equipped throughout with an approved automatic fire detection system and automatic fire sprinkler system electrically interconnected with a fire alarm system that transmits an alarm off site to a twenty-four hour monitoring station.

(6) Installation of special egress control devices in all proposed construction issued a project number by construction review services on or after September 1, 2004, must conform to standards adopted by the state building code council.

(7) Installation of special egress control devices in all construction issued a project number by construction review services prior to September 1, 2004, must conform to the following:

(a) The egress control device must automatically deactivate upon activation of either the sprinkler system or the smoke detection system.

(b) The egress control device must automatically deactivate upon loss of electrical power to any one of the following:

- (i) The egress control device itself;
- (ii) The smoke detection system; or
- (iii) The means of egress illumination.

(c) The egress control device must be capable of being deactivated by a signal from a switch located in an approved location.

(d) An irreversible process which will deactivate the egress control device must be initiated whenever a manual force of not more than fifteen pounds is applied for two seconds to the panic bar or other door-latching hardware. The egress control device must deactivate within an approved time period not to exceed a total of fifteen seconds. The time delay must not be field adjustable.

(e) Actuation of the panic bar or other door-latching hardware must activate an audible signal at the door.

(f) The unlatching must not require more than one operation.

(g) A sign must be provided on the door located above and within twelve inches of the panic bar or other door-latching hardware reading:

"Keep pushing. The door will open in fifteen seconds. Alarm will sound."

The sign lettering must be at least one inch in height and must have a stroke of not less than one-eighth inch.

(h) Regardless of the means of deactivation, relocking of the egress control device must be by manual means only at the door.

(8) The boarding home must have a system in place to inform and permit visitors, staff persons and appropriate residents how they can exit without sounding the alarm.

(9) Units or buildings from which egress is restricted are equipped with a secured outdoor space for walking which:

- (a) Is accessible to residents without staff assistance;
- (b) Is surrounded by walls or fences at least seventy-two inches high;
- (c) Has areas protected from direct sunshine and rain throughout the day;

(d) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes and are suitable for individuals using wheelchairs and walkers; and

(e) Has suitable outdoor furniture.

Resident Records

NEW SECTION

WAC 388-78A-2390 Resident records. The boarding home must maintain adequate records concerning residents to enable the boarding home:

- (1) To effectively provide the care and services agreed upon with the resident; and
- (2) To respond appropriately in emergency situations.

NEW SECTION

WAC 388-78A-2400 Protection of resident records. The boarding home must:

- (1) Maintain a systematic and secure method of identifying and filing resident records for easy access;
- (2) Maintain resident records and preserve their confidentiality in accordance with applicable state and federal statutes and rules, including chapters 70.02 and 70.129 RCW;
- (3) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;
- (4) Provide any resident or other individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;
- (5) Allow authorized agents, such as a management company, to use resident records solely for the purpose of providing care and services to residents and ensure that agents do not disclose such records except in a manner consistent with law; and
- (6) Maintain ownership and control of resident records, except that resident records may be transferred to a subsequent person licensed by the department to operate the boarding home.

NEW SECTION

WAC 388-78A-2410 Content of resident records. The boarding home must organize and maintain resident records in a format that the boarding home determines to be useful and functional to enable the effective provision of care and services to each resident. Active resident records must include the following:

- (1) Resident identifying information, including resident's:
 - (a) Name;
 - (b) Birth date;
 - (c) Move-in date; and
 - (d) Sleeping room identification.
- (2) Current name, address, and telephone number of:
 - (a) Resident's primary health care provider;
 - (b) Resident's representative, if the resident has one;
 - (c) Individual(s) to contact in case of emergency, illness or death; and

(d) Family members or others, if any, the resident requests to be involved in the development or delivery of services for the resident.

(3) Resident's written acknowledgment of receipt of:

- (a) Required disclosure information prior to moving into the boarding home; and
- (b) Information required by long-term care resident rights per RCW 70.129.030.
- (4) The resident's assessment and reassessment information.

(5) Clinical information such as admission weight, height, blood pressure, temperature, blood sugar and other laboratory tests required by the negotiated service agreement.

(6) The resident's negotiated service agreement consistent with WAC 388-78A-2140.

(7) Any orders for medications, treatments, and modified or therapeutic diets, including any directions for addressing a resident's refusal of medications, treatments, and prescribed diets.

(8) Medical and nursing services provided by the boarding home for a resident, including:

- (a) A record of providing medication assistance and medication administration, which contains:
 - (i) The medication name, dose, and route of administration;
 - (ii) The time and date of any medication assistance or administration;
 - (iii) The signature or initials of the person providing any medication assistance or administration; and
 - (iv) Documentation of a resident choosing to not take his or her medications.
- (b) A record of any nursing treatments, including the signature or initials of the person providing them.

(9) Documentation consistent with WAC 388-78A-2120 Monitoring resident well-being.

(10) Staff interventions or responses to subsection (9) of this section, including any modifications made to the resident's negotiated service agreement.

(11) Notices of and reasons for relocation as specified in RCW 70.129.110.

(12) The individuals who were notified of a significant change in the resident's condition and the time and date of the notification.

(13) When available, a copy of any legal documents in which:

- (a) The resident has appointed another individual to make his or her health care, financial, or other decisions;
- (b) The resident has created an advance directive or other legal document that establishes a surrogate decision maker in the future and/or provides directions to health care providers; and
- (c) A court has established guardianship on behalf of the resident.

NEW SECTION

WAC 388-78A-2420 Record retention. (1) The boarding home must maintain on the boarding home premises in a resident's active record(s) all relevant information and docu-

mentation necessary for meeting a resident's current assessed needs.

(2) The boarding home may remove outdated information from the resident's active records that is no longer significant or relevant to the resident's current assessed service and care needs, and maintain it in an inactive record that must remain on the boarding home premises as long as the resident remains in the boarding home.

(3) The boarding home must maintain all documentation filed in a closed resident record, on the boarding home premises for six months after the date the resident leaves the boarding home and on the boarding home premises or another location for five years after the date the resident leaves the boarding home.

(4) All active, inactive, and closed resident records must be available for review by department staff and other authorized persons.

(5) If a boarding home ceases to operate as a licensed boarding home, the most recent licensee must make arrangements to ensure that the former residents' records are retained according to the times specified in this section and are available for review by department staff and other authorized individuals.

NEW SECTION

WAC 388-78A-2430 Resident review of records. (1) The boarding home must assemble all records pertaining to a resident and make them available to a resident within twenty-four hours of the resident's or the resident's representative's request to review the resident's records per RCW 70.129.030.

(2) The boarding home must provide to the resident or the resident's representative, photocopies of the records or any portions of the records pertaining to the resident, within two working days of the resident's or resident's representative's request for the records.

(a) For the purposes of this section, "working days" means Monday through Friday, except for legal holidays.

(b) The boarding home may charge the resident or the resident's representative a fee not to exceed twenty-five cents per page for the cost of photocopying the resident's record.

NEW SECTION

WAC 388-78A-2440 Resident register. (1) The boarding home must maintain in the boarding home a single current roster of all boarding home residents, their roommates and identification of the rooms in which such persons reside or sleep.

(2) The boarding home must make this roster immediately available to:

- (a) Authorized department staff;
- (b) Representatives of the long-term care ombudsman's office; and
- (c) Representatives of the Washington state fire protection bureau when conducting fire safety inspections.

(3) The boarding home must maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all former boarding home residents within the past five years, including:

- (a) Date of moving in;

- (b) Full name;
- (c) Date of birth;
- (d) Date of moving out;
- (e) Reason for moving out; and
- (f) New address if known.

ADMINISTRATION

Staff

NEW SECTION

WAC 388-78A-2450 Staff. (1) Each boarding home must provide sufficient, trained staff persons to:

(a) Furnish the services and care needed by each resident consistent with his or her negotiated service agreement;

(b) Maintain the boarding home free of safety hazards; and

(c) Implement fire and disaster plans.

(2) The boarding home must:

(a) Develop and maintain written job descriptions for the administrator and each staff position and provide each staff person with a copy of his or her job description before or upon the start of employment;

(b) Verify staff persons' work references prior to hiring;

(c) Verify prior to hiring that staff persons have the required licenses, certification, registrations, or other credentials for the position, and that such licenses, certifications, registrations, and credentials are current and in good standing;

(d) Document and retain for twelve weeks, weekly staffing schedules, as planned and worked;

(e) Ensure all resident care and services are provided only by staff persons who have the training, credentials, experience and other qualifications necessary to provide the care and services;

(f) Ensure at least one caregiver, who is eighteen years of age or older and has current cardiopulmonary resuscitation and first-aid cards, is present and available to assist residents at all times:

(i) When one or more residents are present on the boarding home premises; and

(ii) During boarding home activities off of the boarding home premises.

(g) Ensure caregiver provides on-site supervision of any resident voluntarily providing services for the boarding home;

(h) Provide staff orientation and appropriate training for expected duties, including:

(i) Organization of boarding home;

(ii) Physical boarding home layout;

(iii) Specific duties and responsibilities;

(iv) How to report resident abuse and neglect consistent with chapter 74.34 RCW and boarding home policies and procedures;

(v) Policies, procedures, and equipment necessary to perform duties;

(vi) Needs and service preferences identified in the negotiated service agreements of residents with whom the staff persons will be working; and

(vii) Resident rights, including without limitation, those specified in chapter 70.129 RCW.

(i) Develop and implement a process to ensure caregivers:

(i) Acquire the necessary information from the preadmission assessment, on-going assessment and negotiated service agreement relevant to providing services to each resident with whom the caregiver works;

(ii) Are informed of changes in the negotiated service agreement of each resident with whom the caregiver works; and

(iii) Are given an opportunity to provide information to responsible staff regarding the resident when assessments and negotiated service agreements are updated for each resident with whom the caregiver works.

(j) Ensure all caregivers have access to resident records relevant to effectively providing care and services to the resident.

(3) The boarding home must:

(a) Ensure that staff persons meet the training requirements specified in chapter 388-112 WAC;

(b) Protect all residents by ensuring any staff person suspected or accused of abuse does not have access to any resident until the boarding home investigates and takes action to ensure resident safety;

(c) Not interfere with the investigation of a complaint, coerce a resident or staff person regarding cooperating with a complaint investigation, or conceal or destroy evidence of alleged improprieties occurring within the boarding home;

(d) Prohibit staff persons from being directly employed by a resident or a resident's family during the hours the staff person is working for the boarding home;

(e) Maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

(i) Staff orientation and training pertinent to duties, including, but not limited to:

(A) Training required by chapter 388-112 WAC, including as appropriate for each staff person, orientation, basic training or modified basic training, specialty training, nurse delegation core training, and continuing education;

(B) Cardiopulmonary resuscitation;

(C) First aid; and

(D) HIV/AIDS training.

(ii) Criminal history disclosure and background checks as required in WAC 388-78A-2470; and

(iii) Documentation of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

(4) The boarding home is not required to keep on the boarding home premises, staff records that are unrelated to staff performance of duties. Such records include, but are not limited to, pay records, and health and insurance benefits for staff.

NEW SECTION

WAC 388-78A-2460 Quality assurance committee.

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-

review, any boarding home licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

(a) A licensed registered nurse under chapter 18.79 RCW;

(b) The administrator; and

(c) Three other members from the staff of the boarding home.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombudsman program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

(a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) If the boarding home refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the boarding home has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the boarding home offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with boarding home requirements, the documents are not protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against a boarding home.

(7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

NEW SECTION

WAC 388-78A-2470 Criminal history background checks. (1) The boarding home must:

(a) Ensure any individual associated with the licensee or boarding home who may have unsupervised access to residents has a background check and that individual has not been:

(i) Convicted of a crime against persons as defined in RCW 43.43.830;

(ii) Convicted of a crime relating to financial exploitation as defined in RCW 43.43.830;

(iii) Found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830;

(iv) The subject in a protective proceeding under chapter 74.34 RCW;

(v) Convicted of criminal mistreatment; or

(vi) Found by the department to have abused, neglected, or exploited a minor or vulnerable person, provided the individual was offered an administrative hearing to contest the finding, and the finding was upheld, or the individual failed to timely appeal the finding.

(b) Not hire or retain, directly or by contract, or accept as a volunteer, any individual prohibited from having unsupervised access to residents, under (a) of this subsection except as provided in RCW 43.43.842.

(c) Not hire, directly or by contract, or accept as a volunteer, any individual who may have unsupervised access to residents, prior to receiving favorable results of the background check except as specified in subsection (2) of this section.

(d) Inform every individual who is associated with the boarding home and who will have unsupervised access to residents in the boarding home, that a background check is required. This requirement includes, but is not limited to, the following:

(i) Employees;

(ii) Managers;

(iii) Volunteers who are not residents;

(iv) Contractors; and

(v) Students.

(e) Require the individuals identified in (d) of this subsection to complete and sign a DSHS background authorization form prior to the individual having unsupervised access to residents;

(f) Submit all background check authorization forms to the department's:

(i) Aging and disability services administration with the initial application for licensure; and

(ii) Background check central unit every two years for each individual identified in (d) of this subsection. A background check result is only valid for two years from the date it is conducted.

(g) Verbally inform the named individual of his/her individual background check results and offer to provide him or her a copy of the background check results within ten days of receipt;

(h) Ensure that all disclosure statements and background check results are:

(i) Maintained on-site in a confidential and secure manner;

(ii) Used for employment purposes only;

(iii) Not disclosed to any individual except:

(A) The individual named on the background check result;

(B) Authorized state and federal employees;

(C) The Washington state patrol auditor; and

(D) As otherwise authorized in chapter 43.43 RCW.

(iv) Retained and available for department review:

(A) During the individual's employment or association with a facility; and

(B) At least two years following termination of employment or association with a facility.

(2) The boarding home may conditionally hire, directly or by contract, an individual having unsupervised access to residents pending a background inquiry, provided the boarding home:

(a) Obtains a criminal history background check authorization form from the individual prior to the individual beginning work;

(b) Submits the criminal history background check authorization form to the department no later than one business day after the individual started working; and

(c) Has received three positive references for the individual.

(3) The department may require the boarding home or any other individual associated with the boarding home who has unsupervised access to residents to complete additional disclosure statements or background inquiries if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 388-78A-2480 TB tests. (1) The boarding home must ensure each staff person, except for volunteers and contractors, is screened for tuberculosis, as follows:

(a) A staff person must have a baseline two-step skin test initiated within three days of being hired unless the staff person meets the requirements in (b) or (c) of this subsection. The skin tests must be:

(i) Given no less than one and no more than three weeks apart;

(ii) By intradermal (Mantoux) administration of purified protein derivative (PPD);

(iii) Read between forty-eight and seventy-two hours following administration, by trained personnel; and

(iv) Recorded in millimeters of induration.

(b) A staff person needs to have only a one-step skin test within three days of being hired if:

(i) There is documented history of a negative result from previous two-step testing; or

(ii) There was a documented negative result from one-step skin testing in the previous twelve months.

(c) A staff person does not need to be skin tested for tuberculosis if he/she has:

(i) Documented history of a previous positive skin test consisting of ten or more millimeters of induration; or

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(d) If a skin test results in a positive reaction, the boarding home must:

(i) Ensure that the staff person has a chest X ray within seven days;

- (ii) Report positive chest X rays to the appropriate public health authority; and
- (iii) Follow precautions ordered by a physician or public health authority.
- (2) The boarding home must:
 - (a) Retain in the boarding home for the duration of the staff person's employment, and at least two years following termination of employment, records of:
 - (i) Tuberculin test results;
 - (ii) Reports of X-ray findings; and
 - (iii) Physician or public health official orders.
 - (b) Provide staff persons with a copy of the records specified in (a) of this subsection:
 - (i) During the time the staff person is employed in the boarding home, limited to one copy per report; and
 - (ii) When requested by the staff person.
 - (3) The boarding home must ensure that caregivers caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection.

Specialized Training

NEW SECTION

WAC 388-78A-2490 Specialized training for developmental disabilities. The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with developmental disabilities, whenever at least one of the residents in the boarding home is:

- (1) A person who meets the eligibility criteria for services defined in chapter 388-825 WAC; or
- (2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism), and:
 - (a) The condition was manifested before the person reached eighteen;
 - (b) The condition is likely to continue indefinitely; and
 - (c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:
 - (i) Self-care;
 - (ii) Understanding and use of language;
 - (iii) Learning;
 - (iv) Mobility;
 - (v) Self-direction; and
 - (vi) Capacity for independent living.

NEW SECTION

WAC 388-78A-2500 Specialized training for mental illness. The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with mental illness, whenever at least one of the residents in the boarding home is a person who has been diagnosed with or treated for an Axis I or Axis II diagnosis,

as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision*, and:

- (1) Who has received the diagnosis or treatment within the previous two years; and
- (2) Whose diagnosis was made by, or treatment provided by, one of the following:
 - (a) A licensed physician;
 - (b) A mental health professional;
 - (c) A psychiatric advanced registered nurse practitioner;
 or
 - (d) A licensed psychologist.

NEW SECTION

WAC 388-78A-2510 Specialized training for dementia. The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with dementia, whenever at least one of the residents in the boarding home has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7).

Administrator

NEW SECTION

WAC 388-78A-2520 Administrator qualifications. (1) The licensee must appoint an administrator who is at least twenty-one years old and who is not a resident, and is qualified to perform the administrator's duties specified in WAC 388-78A-2560.

(2) The licensee must only appoint as a boarding home administrator an individual who meets at least one of the following qualifications listed in (a) through (f) of this subsection:

- (a) The individual was actively employed as a boarding home administrator and met existing qualifications on September 1, 2004;
- (b) The individual holds a current Washington state nursing home administrator license in good standing;
- (c) Prior to assuming duties as a boarding home administrator, the individual has met the qualifications listed in both (c)(i) and (ii) of this subsection:
 - (i) Obtained certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training or certification of passing an administrator examination, from or endorsed by a department-recognized national accreditation health or personal care organization such as:
 - (A) The American Association of Homes and Services for the Aging; or
 - (B) The American Health Care Association; or
 - (C) The Assisted Living Federation of America; or
 - (D) The National Association of Board of Examiners of Long Term Care Administrators.
 - (ii) Three years paid experience:
 - (A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(d) The individual holds an associate degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (d)(i), (ii) or (iii) of this subsection:

(i) Obtains certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American Health Care Association; or

(C) The Assisted Living Federation of America; or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has two years paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

(e) The individual holds a bachelor's degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (e)(i), (ii) or (iii) of this subsection:

(i) Obtains certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American Health Care Association; or

(C) The Assisted Living Federation of America; or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has one year paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family

home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

(f) Prior to assuming duties as an administrator, the individual has five years of paid experience:

(i) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(ii) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

NEW SECTION

WAC 388-78A-2530 Qualifying administrator training program. Before the licensee appoints an individual who must have completed a qualifying administrator training program in order to qualify as a boarding home administrator, the licensee must verify the individual has completed the training and obtain documentation from the individual that the training program met the following requirements:

(1) The department was notified of the beginning date of the administrator training program;

(2) The administrator training program was at least six months in duration following notification of the department;

(3) Only training, supervision, and experience occurring following notification of the department were credited to the qualifying training;

(4) The supervising administrator met the qualifications to be an administrator specified in WAC 388-78A-2520;

(5) The trainee was a full-time employee of a boarding home and spent at least forty percent of his/her time for six months of the training program performing administrative duties customarily assigned to boarding home administrators or included in the job description of the administrator for the boarding home in which the training occurred;

(6) The supervising administrator was present on-site at the boarding home during the time the trainee performed administrator duties;

(7) The supervising administrator spent a minimum of one hundred direct contact hours with the trainee during the six months supervising and consulting with the trainee;

(8) Both the trainee and supervising administrator signed documentation of the trainee's qualifying experience and the

supervising administrator's performance of required oversight duties; and

(9) The individual completing the qualifying administrator training program maintains the documentation of completing the program.

NEW SECTION

WAC 388-78A-2540 Administrator training requirements. The licensee must ensure the boarding home administrator:

(1) Meets the training requirements of chapter 388-112 WAC; and

(2) Completes department training on Washington state statutes and administrative rules related to the operation of a boarding home.

(a) The training must include, but is not limited to, an overview of:

(i) Chapter 18.20 RCW, Boarding homes;

(ii) Chapter 43.43 RCW, Criminal history background checks;

(iii) Chapter 74.34 RCW, Abuse of vulnerable adults;

(iv) Chapter 70.129 RCW, Long-term care resident rights;

(v) Chapter 388-78A WAC, Boarding home licensing rules; and

(vi) Chapter 388-112 WAC, Long-term care services training.

(b) Individuals hired as boarding home administrators after September 1, 2004, must complete department required training within thirty days of assuming duties as a boarding home administrator.

(c) Individuals employed as boarding home administrators on September 1, 2004, must complete department required training by November 1, 2004.

NEW SECTION

WAC 388-78A-2550 Administrator training documentation. The boarding home must maintain for department review, documentation of the administrator completing:

(1) Training required per chapter 388-112 WAC, Long-term care services training;

(2) Department training in an overview of Washington state statutes and administrative rules related to the operation of a boarding home;

(3) As applicable, certification from a department-recognized national accreditation health or personal care organization; and

(4) As applicable, the qualifying administrator-training program.

NEW SECTION

WAC 388-78A-2560 Administrator responsibilities. The licensee must ensure the administrator:

(1) Directs and supervises the overall twenty-four-hour-per-day operation of the boarding home;

(2) Ensures residents receive adequate care and services that meet the standards of this chapter;

(3) Is readily accessible to meet with residents;

(4) Complies with the boarding home's policies;

(5) When the administrator is not available on the premises, either:

(a) Is available by telephone or electronic pager; or

(b) Designates a person approved by the licensee to act in place of the administrator. The designee must be:

(i) Qualified by experience to assume designated duties; and

(ii) Authorized to make necessary decisions and direct operations of the boarding home during the administrator's absence.

NEW SECTION

WAC 388-78A-2570 Notification of change in administrator. The licensee must notify the department in writing within ten calendar days of the effective date of a change in the boarding home administrator. The notice must include the full name of the new administrator and the effective date of the change.

NEW SECTION

WAC 388-78A-2580 Use of home health/home care. If a boarding home licensee also has a home health or home care license, the licensee may not provide care or services to nonresident individuals living in independent living units on the boarding home premises under the home health or home care license if:

(1) The licensee assumes general responsibility for the safety and well-being of the individual;

(2) The individual requiring such services is not able to receive them in his or her own home and is required to move to another room as a condition for receiving such services;

(3) The individual receiving such services is required to receive them from the licensee as a condition for residing in the building, and is not free to receive such services from any appropriately licensed provider of his or her choice; or

(4) The licensee provides other care or services to the individual that falls under the jurisdiction of boarding home licensing and this chapter.

Management Agreements

NEW SECTION

WAC 388-78A-2590 Management agreements. (1) If the licensee uses a manager, the licensee must have a written management agreement approved by the department that is consistent with this section.

(2) The licensee may enter into a management agreement only if the management agreement creates a principal/agent relationship between the licensee and the manager.

(3) The licensee must ensure the manager acts in conformance with a department-approved management agreement with the boarding home licensee.

(4) A licensee must not delegate the following to a manager:

(a) The licensee's responsibility to ensure that the boarding home is operated in a manner consistent with all laws and rules applicable to boarding homes;

(b) The licensee's responsibility to review, acknowledge and sign all boarding home initial and renewal license applications.

(5) The licensee must ensure that its manager does not represent itself as, or give the appearance that it is the licensee.

(6) A duly authorized manager may execute resident leases or agreements on behalf of the licensee, but all such resident leases or agreements must be between the licensee and the resident.

(7) The licensee must notify the department of its use of a manager and provide a copy of any written management agreement to the department upon the following:

- (a) Initial application for a license;
- (b) Retention of a manager following initial application;
- (c) Change of managers; or
- (d) Modification of existing management agreement.

Policies and Procedures

NEW SECTION

WAC 388-78A-2600 Policies and procedures. (1) The boarding home must develop and implement policies and procedures in support of services that are provided and are necessary to:

- (a) Maintain or enhance the quality of life for residents including resident decision-making rights;
- (b) Provide the necessary care and services for residents, including those with special needs;
- (c) Safely operate the boarding home; and
- (d) Operate in compliance with state and federal law, including, but not limited to, chapters 7.70, 11.88, 11.92, 11.94, 69.41, 70.122, 70.129, and 74.34 RCW, and any rules promulgated under these statutes.

(2) The boarding home must develop, implement and train staff persons on policies and procedures to address what staff persons must do:

- (a) Related to suspected abuse, neglect, or exploitation of any resident;
- (b) When there is reason to believe a resident is not capable of making necessary decisions and no substitute decision maker is available;
- (c) When a substitute decision maker is no longer appropriate;
- (d) When a resident stops breathing or a resident's heart appears to stop beating, including, but not limited to, any action staff persons must take related to advance directives and emergency care;
- (e) When a resident does not have a personal physician or health care provider;
- (f) In response to medical emergencies;
- (g) When there are urgent situations in the boarding home requiring additional staff support;
- (h) In the event of an internal or external disaster, consistent with WAC 388-78A-2700;
- (i) To supervise and monitor residents, including accounting for residents who leave the premises;
- (j) To appropriately respond to aggressive or assaultive residents, including, but not limited to:

- (i) Actions to take if a resident becomes violent;
 - (ii) Actions to take to protect other residents; and
 - (iii) When and how to seek outside intervention.
 - (k) To prevent and limit the spread of infections consistent with WAC 388-78A-2610;
 - (l) To manage residents' medications, consistent with WAC 388-78A-2210 through 388-78A-2290; sending medications with a resident when the resident leaves the premises;
 - (m) When services related to medications and treatments are provided under the delegation of a registered nurse consistent with chapter 246-840 WAC;
 - (n) Related to food services consistent with chapter 246-215 WAC and WAC 388-78A-2300;
 - (o) Regarding the safe operation of any boarding home vehicles used to transport residents, and the qualifications of the drivers;
 - (p) To coordinate services and share resident information with outside resources, consistent with WAC 388-78A-2350;
 - (q) Regarding the management of pets in the boarding home, if permitted, consistent with WAC 388-78A-2620; and
 - (r) When receiving and responding to resident grievances consistent with RCW 70.129.060.
- (3) The boarding home must make the policies and procedures specified in subsection (2) of this section available to staff persons at all times and must inform residents and residents' representatives of their availability and make them available upon request.

Infection Control

NEW SECTION

WAC 388-78A-2610 Infection control. (1) The boarding home must institute appropriate infection control practices in the boarding home to prevent and limit the spread of infections.

- (2) The boarding home must:
 - (a) Develop and implement a system to identify and manage infections;
 - (b) Restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage that is likely to be spread in the boarding home setting or by casual contact;
 - (c) Provide staff persons with the necessary supplies, equipment and protective clothing for preventing and controlling the spread of infections;
 - (d) Provide all resident care and services according to current acceptable standards for infection control;
 - (e) Perform all housekeeping, cleaning, laundry, and management of infectious waste according to current acceptable standards for infection control;
 - (f) Report communicable diseases in accordance with the requirements in chapter 246-100 WAC.

NEW SECTION

WAC 388-78A-2620 Pets. If a boarding home allows pets to live on the premises, the boarding home must:

- (1) Develop, implement and disclose to potential and current residents, policies regarding:

(a) The types of pets that are permitted in the boarding home; and

(b) The conditions under which pets may be in the boarding home.

(2) Ensure animals living on the boarding home premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Are certified by a veterinarian to be free of diseases transmittable to humans;

(c) Are restricted from central food preparation areas.

Reporting Requirements

NEW SECTION

WAC 388-78A-2630 Reporting abuse and neglect.

(1) The boarding home must ensure that each staff person:

(a) Makes a report to the department's Aging and Disability Services Administration Complaint Resolution Unit hotline consistent with chapter 74.34 RCW in all cases where the staff person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred; and

(b) Makes an immediate report to the appropriate law enforcement agency and the department consistent with chapter 74.34 RCW of all incidents of suspected sexual abuse or physical abuse of a resident.

(2) The boarding home must prominently post so it is readily visible to staff, residents and visitors, the department's toll-free telephone number for reporting resident abuse and neglect.

NEW SECTION

WAC 388-78A-2640 Reporting significant change in a resident's condition. (1) The boarding home must consult with the resident's representative, the resident's physician, and other individual(s) designated by the resident as soon as possible whenever:

(a) There is a significant change in the resident's condition;

(b) The resident is relocated to a hospital or other health care facility; or

(c) The resident dies.

(2) The boarding home must notify any agency responsible for paying for the resident's care and services as soon as possible whenever:

(a) The resident is relocated to a hospital or other health care facility; or

(b) The resident dies.

(3) Whenever the conditions in subsection (1) or (2) of this section occur, the boarding home must document in the resident's records:

(a) The date and time each individual was contacted; and

(b) The individual's relationship to the resident.

(4) In case of a resident's death, the boarding home must notify the coroner if required by RCW 68.50.010.

NEW SECTION

WAC 388-78A-2650 Reporting fires and incidents.

The boarding home must immediately report to the department's aging and disability services administration:

(1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the boarding home;

(2) Any unusual incident that required implementation of the boarding home's disaster plan, including any evacuation of all or part of the residents to another area of the boarding home or to another address; and

(3) Circumstances which threaten the boarding home's ability to ensure continuation of services to residents.

Resident Rights

NEW SECTION

WAC 388-78A-2660 Resident rights. The boarding home must:

(1) Comply with chapter 70.129 RCW, Long-term care resident rights;

(2) Ensure all staff persons provide care and services to each resident consistent with chapter 70.129 RCW;

(3) Not use restraints on any resident;

(4) Promote and protect the residents' exercise of all rights granted under chapter 70.129 RCW;

(5) Provide care and services to each resident in compliance with applicable state statutes related to substitute health care decision making, including chapters 7.70, 70.122, 11.88, 11.92, and 11.94 RCW; and

(6) Reasonably accommodate residents consistent with applicable state and/or federal law.

NEW SECTION

WAC 388-78A-2670 Services by resident for boarding home. If a resident performs services for the boarding home, the boarding home must ensure:

(1) The resident freely volunteers to perform the services without coercion or pressure from staff persons;

(2) The resident performing services does not supervise, or is not placed in charge of, other residents; and

(3) If the resident regularly performs voluntary services for the benefit of the boarding home, the volunteer activity is addressed in the resident's negotiated service agreement.

NEW SECTION

WAC 388-78A-2680 Boarding home use of audio and video monitoring. (1) Except as provided for in WAC 388-78A-2690, the boarding home must not use:

(a) Any audio monitoring on the boarding home premises; or

(b) Any audio monitoring used in combination with video monitoring.

(2) The boarding home may video monitor and/or video record activity on the boarding home premises, without an audio component, only in the following areas:

(a) Boarding home entrances and exits if the camera(s) is:

- (i) Focused only on the entrance/exit doorways; and
- (ii) Not focused on areas where residents may congregate.
- (b) Areas used exclusively by staff persons such as, but not limited to, medication storage areas or food preparation areas, if residents do not go into these areas;
- (c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and
- (d) Designated smoking areas excluding resident rooms, subject to the following conditions:
 - (i) When the area is being used by residents assessed as needing supervision for smoking, a staff person must watch the video monitor at any time the area is being used by such residents for smoking;
 - (ii) The video camera must be placed in a clearly visible area;
 - (iii) The video monitor must be placed where it cannot be viewed by the general public; and
 - (iv) All residents in the facility must be notified of the use of the video monitoring.

NEW SECTION

WAC 388-78A-2690 Resident use of electronic monitoring. (1) The boarding home must limit the use of resident-initiated video or audio monitoring to the sleeping room or apartment of the resident who requested the monitoring.

(2) If a resident requests video or audio monitoring in his/her sleeping room or apartment, before any monitoring occurs the boarding home must ensure:

(a) Appropriate actions are taken to ensure monitoring is consistent with and does not violate chapter 9.73 RCW;

(b) The resident has identified a threat to his or her safety or health, or the safety of his or her possessions, and has requested electronic monitoring;

(c) The resident's roommate has provided written consent to the monitoring, if the resident has a roommate; and

(d) The resident and the boarding home have agreed upon a specific duration for the use of the monitoring, and the boarding home has documented the agreement.

(3) The boarding home must reevaluate the need for resident-initiated electronic monitoring with the resident at least quarterly or more often as appropriate.

(4) The boarding home must discontinue the use of resident-initiated electronic monitoring immediately if:

- (a) The resident no longer desires it;
- (b) The roommate objects to the use; or
- (c) The resident becomes unable to give consent.

Safety and Disaster Preparedness

NEW SECTION

WAC 388-78A-2700 Safety measures and disaster preparedness. (1) The boarding home must take necessary action to promote the safety of each resident whenever the resident is on the boarding home premises or under the supervision of staff persons, consistent with the resident's negotiated service agreement.

(2) The boarding home must:

- (a) Maintain the premises free of hazards;

(b) Maintain any vehicles used for transporting residents in a safe condition;

(c) Investigate and document investigative actions and findings for any alleged or suspected neglect or abuse or exploitation, accident or incident jeopardizing or affecting a resident's health or life. The boarding home must:

(i) Determine the circumstances of the event;

(ii) Institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and

(iii) Protect other residents during the course of the investigation.

(d) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;

(e) Provide, and advise staff persons of, a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms;

(f) Provide emergency lighting or flashlights in all areas of the boarding home. For all boarding homes first issued a project number by construction review services on or after September 1, 2004, the boarding home must provide emergency lighting in all areas of the boarding home;

(g) Make sure first-aid supplies are:

(i) Readily available and not locked;

(ii) Clearly marked;

(iii) Able to be moved to the location where needed; and

(iv) Stored in containers that protect them from damage, deterioration, or contamination.

(h) Make sure first-aid supplies are appropriate for:

(i) The size of the boarding home;

(ii) The services provided;

(iii) The residents served; and

(iv) The response time of emergency medical services.

(i) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters, including, but not limited to:

(i) On-duty staff persons' responsibilities;

(ii) Provisions for summoning emergency assistance;

(iii) Plans for evacuating residents from area or building;

(iv) Alternative resident accommodations;

(v) Provisions for essential resident needs, supplies and equipment including water, food, and medications; and

(vi) Emergency communication plan.

Disclosure

NEW SECTION

WAC 388-78A-2710 Disclosure of services. (1) The boarding home must disclose to residents, the resident's representative, if any, and interested consumers upon request, the scope of care and services it offers, on the department's approved disclosure forms. The disclosure form shall not be construed as an implied or express contract between the boarding home and the resident, but is intended to assist consumers in selecting boarding home services.

(2) The boarding home must provide the services disclosed.

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(3) The boarding home must provide a minimum of thirty days written notice to the residents and the residents' representatives, if any:

(a) Before the effective date of any decrease in the scope of care or services provided by the boarding home, due to circumstances beyond the boarding home's control; and

(b) Before the effective date of any voluntary decrease in the scope of care or services provided by the boarding home, and any such decrease in the scope of services provided will not result in the discharge of one or more residents.

(4) The boarding home must provide a minimum of ninety days written notice to the residents and the residents' representative, if any, before the effective date of any voluntary decrease in the scope of care or services provided by the boarding home, and any such decrease in the scope of services provided will result in the discharge of one or more residents.

(5) If the boarding home increases the scope of services that it chooses to provide, the boarding home must promptly provide written notice to the residents and residents' representative, if any, and must indicate the date on which the increase in the scope of care or services is effective.

(6) When the care needs of a resident exceed the disclosed scope of care or services that a boarding home provides, the boarding home may exceed the care or services disclosed consistent with RCW 70.129.030(3) and 70.129.110 (3)(a).

(7) Even though the boarding home may disclose that it can provide certain care or services to residents or prospective residents or residents' representative, if any, the boarding home may deny admission to a prospective resident when the boarding home determines that the needs of the prospective resident cannot be met, as long as the boarding home operates in compliance with state and federal law, including reasonable accommodation requirements and RCW 70.129.030(3).

(8) The boarding home must notify prospective residents of their rights regarding health care decision making consistent with applicable state and federal laws and rules, before or at the time the individual moves into the boarding home.

NEW SECTION

WAC 388-78A-2720 Timing of disclosure. (1) The boarding home must provide the disclosure form completed by the boarding home:

(a) In response to a request by a prospective resident or his or her representative, if any, for written information about the boarding home's services and capabilities; or

(b) At the time the boarding home provides an application for residency, an admission agreement or contract, if not previously received by the prospective resident or his or her representative, if any.

(2) The boarding home is not required to provide the disclosure of care and services contained on the department's approved disclosure forms:

(a) In advertisements;

(b) In general marketing information to the public; or

(c) To persons seeking general information regarding residential care resources in the community.

NEW SECTION

WAC 388-78A-2730 Licensee's responsibilities. (1)

The boarding home licensee is responsible for:

(a) The operation of the boarding home;

(b) Complying with the requirements of this chapter, chapter 18.20 RCW, and other applicable laws and rules; and

(c) The care and services provided to the boarding home residents.

(2) The licensee must:

(a) Maintain the occupancy level at or below the licensed resident bed capacity of the boarding home;

(b) Maintain and post in a size and format that is easily read, in a conspicuous place on the boarding home premises:

(i) A current boarding home license, including any related conditions on the license;

(ii) The name, address and telephone number of:

(A) The department;

(B) Appropriate resident advocacy groups; and

(C) The state and local long-term care ombudsman with a brief description of ombudsman services.

(iii) A copy of the report, including the cover letter, and plan of correction of the most recent full inspection conducted by the department.

(c) Ensure any party responsible for holding or managing residents' personal funds is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds; and provides proof of bond or insurance to the department.

(3) The licensee must not delegate to any person responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services in the boarding home.

(4) The licensee must act in accord with any department-approved management agreement, if the licensee has entered into a management agreement.

(5) The licensee must appoint the boarding home administrator consistent with WAC 388-78A-2520.

NEW SECTION

WAC 388-78A-2740 Licensee qualifications. The department must consider separately and jointly as applicants each person named in the application for a boarding home license.

(1) If the department finds any person unqualified as specified in WAC 388-78A-3190, the department must deny, terminate, or not renew the license.

(2) If the department finds any person unqualified as specified in WAC 388-78A-3170, the department may deny, terminate, or not renew the license.

NEW SECTION

WAC 388-78A-2750 Application process. To apply for a boarding home license, a person must:

(1) Submit to the department a complete license application on forms designated by the department at least ninety days prior to the proposed effective date of the license;

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(2) Submit all relevant attachments specified in the application;

(3) Submit criminal history background requests as required in WAC 388-78A-2470;

(4) Sign the application;

(5) Submit the license fee as specified in WAC 388-78A-3230;

(6) Submit verification that construction plans have been approved by construction review services;

(7) Submit a revised application before the license is issued if any information has changed since the initial license application was submitted;

(8) Submit a revised application containing current information about the proposed licensee or any other persons named in the application, if a license application is pending for more than one year; and

(9) If the licensee's agent prepares an application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained in the application.

NEW SECTION

WAC 388-78A-2760 Necessary information. In making a determination whether to issue a boarding home license, in addition to the information for each person named in the application, the department may review other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated.

NEW SECTION

WAC 388-78A-2770 Change in licensee. (1) The licensee of a boarding home must change whenever the following events occur, including, but not limited to:

(a) The licensee's form of legal organization is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the boarding home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the boarding home is also transferred;

(c) The licensee dissolves, or consolidates or merges with another legal organization and the licensee's legal organization does not survive;

(d) If, during any continuous twenty-four-month period, fifty percent or more of the "licensed entity" is transferred, whether by a single transaction or multiple transactions, to:

(i) A different person (e.g., new or former shareholders or partners); or

(ii) A person that had less than a five percent ownership interest in the boarding home at the time of the first transaction.

(e) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the licensee's control of the boarding home. As used in this section, "control" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of

the licensee or boarding home, whether through ownership, voting control, by agreement, by contract or otherwise.

(2) The licensee is not required to change when the following, without more, occur:

(a) The licensee contracts with a party to manage the boarding home enterprise for the licensee pursuant to an agreement as specified in WAC 388-78A-2590; or

(b) The real property or personal property assets of the boarding home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee or boarding home.

NEW SECTION

WAC 388-78A-2780 Requirements to change boarding home licensee. (1) In order to change the licensee of a boarding home, the current licensee must notify the department and all residents of the proposed change in licensee at least ninety days prior to the proposed date of change, including the following information:

(a) Name of the present licensee and prospective licensee;

(b) Name and address of the boarding home for which the licensee is being changed;

(c) Date of proposed change; and

(d) If the boarding home contracts with the department or other public agencies that may make payments for residential care on behalf of residents, the anticipated effect the change of licensee will have on residents whose care and services are supported through these contracts.

(2) The prospective licensee must, at least ninety days prior to the proposed date of change:

(a) Sign the application;

(b) Submit the annual license fee, if a license fee is due;

(c) Submit evidence of control of the real estate on which the boarding home is located, such as a purchase and sales agreement, lease contract, or other appropriate document;

(d) Submit a revised application if any information included on the original application is no longer accurate; and

(e) Complete and submit a revised application if requested by the department.

(3) Send a letter to the department stating the licensee's intent to relinquish the boarding home license on the effective date of change in licensee.

NEW SECTION

WAC 388-78A-2790 Annual renewal. To renew a boarding home license, the boarding home must:

(1) Submit a completed license renewal application on forms designated by the department, at least thirty days prior to the license expiration date;

(2) Sign the application;

(3) Submit the annual license fee as specified in WAC 388-78A-3230; and

(4) If the licensee's agent prepares a renewal application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained on the renewal application.

NEW SECTION

WAC 388-78A-2800 Changes in licensed bed capacity. To change the licensed bed capacity in a boarding home, the boarding home must:

- (1) Submit a completed request for approval to the department at least one day before the intended change;
- (2) Submit the prorated fee required according to WAC 388-78A-3230; and
- (3) Post an amended license obtained from the department, indicating the new bed capacity.

NEW SECTION

WAC 388-78A-2810 Criteria for increasing licensed bed capacity. Before the licensed bed capacity in a boarding home may be increased, the boarding home must:

- (1) Obtain construction review services' review and approval of the additional rooms or beds, and related auxiliary spaces, if not previously reviewed and approved; and
- (2) Ensure the increased licensed bed capacity does not exceed the maximum facility capacity as determined by the department.

NEW SECTION

WAC 388-78A-2820 Building requirements and exemptions. (1) To get a building approved for licensing, a person must:

- (a) Design plans according to the building code, local codes and ordinances, and this chapter;
- (b) Submit construction documents, including any change orders and addenda to:
 - (i) Construction review services per WAC 388-78A-2850 and include:
 - (A) A minimum of two sets of final construction drawings complying with the requirements of this chapter, stamped by a Washington state licensed architect or engineer; and
 - (B) A functional program description; and
 - (ii) Local county or municipal building departments per local codes to obtain necessary building permits.
- (c) Conform to the approved construction documents during construction in accordance with chapter 18.20 RCW;
- (d) Obtain written approval from construction review services prior to deviating from approved construction documents;
- (e) Provide construction review services with a:
 - (i) Written notice of completion date;
 - (ii) Copy of reduced floor plan(s); and
 - (iii) Copy of certificate of occupancy issued by the local building department; and
- (f) Obtain authorization from the department prior to providing boarding home services in the new construction area.

- (2) The department may exempt the boarding home from meeting a specific requirement related to the physical environment if the department determines the exemption will not:
 - (a) Jeopardize the health or safety of residents;
 - (b) Adversely affect the residents' quality of life; or

(c) Change the fundamental nature of the boarding home operation into something other than a boarding home.

(3) A boarding home wishing to request an exemption must submit a written request to the department, including:

- (a) A description of the requested exemption; and
 - (b) The specific WAC requirement for which the exemption is sought.
- (4) The boarding home may not appeal the department's denial of a request for an exemption.
- (5) The boarding home must retain a copy of each approved exemption in the boarding home.

NEW SECTION

WAC 388-78A-2830 Conversion of licensed nursing homes. (1) If a person intends to convert a licensed nursing home building into a licensed boarding home, the building must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW unless the licensee has a contract with the department to provide enhanced adult residential care services in the boarding home per RCW 18.20.220.

(2) If the licensee provides contracted enhanced adult residential care services in the building converted from a licensed nursing home into a licensed boarding home, the boarding home licensing requirements for the physical structure are considered to be met if the most recent nursing home inspection report for the nursing home building demonstrates compliance, and compliance is maintained, with safety standards and fire regulations:

- (a) As required by RCW 18.51.140; and
- (b) Specified in the applicable building code, as required by RCW 18.51.145, including any waivers that may have been granted, except that the licensee must ensure the building meets the licensed boarding home standards, or their functional equivalency, for:
 - (i) Resident to bathing fixture ratio required per WAC 388-78A-3030;
 - (ii) Resident to toilet ratio required per WAC 388-78A-3030;
 - (iii) Corridor call system required per WAC 388-78A-2930;
 - (iv) Resident room door closures; and
 - (v) Resident room windows required per WAC 388-78A-3010.

(3) If the licensee does not continue to provide contracted enhanced adult residential care services in the boarding home converted from a licensed nursing home, the licensee must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW.

NEW SECTION

WAC 388-78A-2840 Licenses for multiple buildings. (1) The licensee may have multiple buildings operating under a single boarding home license if:

- (a) All of the buildings are located on the same property with the same legal description; or
- (b) All of the buildings are located on contiguous properties undivided by:

(i) Public streets, not including alleyways used primarily for delivery services or parking; or

(ii) Other land that is not owned and maintained by the owners of the property on which the boarding home is located.

(2) The licensee must have separate boarding home licenses for buildings that are not located on the same or contiguous properties.

(3) Buildings that construction review services reviewed only as an addition to, or a remodel of, an existing boarding home must not have separate boarding home licenses.

NEW SECTION

WAC 388-78A-2850 Required reviews of building plans. (1) A person or boarding home must notify construction review services of all planned construction regarding boarding homes prior to beginning work on any of the following:

(a) A new building or portion thereof to be used as a boarding home;

(b) An addition of, or modification or alteration to an existing boarding home, including, but not limited to, the boarding home's:

- (i) Physical structure;
- (ii) Electrical fixtures or systems;
- (iii) Mechanical equipment or systems;
- (iv) Fire alarm fixtures or systems;
- (v) Fire sprinkler fixtures or systems;
- (vi) Carpeting;
- (vii) Wall coverings 1/28 inch thick or thicker; or
- (viii) Kitchen or laundry equipment.

(c) A change in the department-approved use of an existing boarding home or portion of a boarding home; and

(d) An existing building or portion thereof to be converted for use as a boarding home.

(2) A person or boarding home does not need to notify construction review services of the following:

(a) Repair or maintenance of equipment, furnishings or fixtures;

(b) Replacement of equipment, furnishings or fixtures with equivalent equipment, furnishings or fixtures;

(c) Repair or replacement of damaged construction if the repair or replacement is performed according to construction documents approved by construction review services within eight years preceding the current repair or replacement;

(d) Painting; or

(e) Cosmetic changes that do not affect resident activities, services, or care and are performed in accordance with the current edition of the building code.

(3) The boarding home must submit plans to construction review services as directed by construction review services and consistent with WAC 388-78A-2820 for approval prior to beginning any construction. The plans must provide an analysis of likely adverse impacts on current boarding home residents and plans to eliminate or mitigate such adverse impacts.

NEW SECTION

WAC 388-78A-2860 Relocation of residents during construction. (1) Prior to moving residents out of the boarding home during construction, the boarding home must:

(a) Notify the residents and the residents' representatives at least thirty days prior to the anticipated move date, of the required move and their options consistent with chapter 70.129 RCW;

(b) Notify the department at least thirty days prior to the anticipated move date, of the boarding home's plans for relocating residents, including:

- (i) The location to which the residents will be relocated;
- (ii) The boarding home's plans for providing care and services during the relocation;
- (iii) The boarding home's plans for returning residents to the building; and
- (iv) The projected time frame for completing the construction.

(b) Obtain the department's approval for the relocation plans prior to relocating residents.

(2) If the boarding home moves out all of the residents from the boarding home without first obtaining the department's approval of the relocation plans, the boarding home is closed for business and the department may revoke the licensee's boarding home license.

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

NEW SECTION

WAC 388-78A-2870 Vacant buildings. Whenever a boarding home moves out all residents and ceases operation for reasons other than construction, as specified in WAC 388-78A-2860, the licensee must relinquish the boarding home license or the department may revoke the boarding home license.

NEW SECTION

WAC 388-78A-2880 Changing use of rooms. Prior to using a room for a purpose other than what was approved by construction review services, the boarding home must:

(1) Notify construction review services:

- (a) In writing;
- (b) Thirty days or more before the intended change in use;
- (c) Describe the current and proposed use of the room; and
- (d) Provide all additional documentation as requested by construction review services.

(2) Obtain the written approval of construction review services for the new use of the room.

NEW SECTION

WAC 388-78A-2890 Time frame for approval. (1) A person or the licensee must:

(a) Obtain approval by construction review services, of final construction documents prior to starting any construc-

tion, except for fire alarm plans, fire sprinkler plans, and landscaping plans.

(b) Obtain approval by construction review services, of landscaping, fire alarm and fire sprinkler plans prior to their installation.

(2) The department will not issue a boarding home license unless:

(a) Construction review services:

(i) Notifies the department that construction has been completed; and

(ii) Provides the department:

(A) A copy of the certificate of occupancy granted by the local building official;

(B) A copy of the functional program; and

(C) A reduced copy of the approved floor plan indicating room numbers or names and the approved use; and

(b) The state fire marshal has inspected and approved the boarding home for fire protection.

Building

NEW SECTION

WAC 388-78A-2900 Retention of approved construction documents. The boarding home must retain on the boarding home premises:

(1) Specification data on materials used in construction, for the life of the product;

(2) Stamped "approved" set of construction documents.

NEW SECTION

WAC 388-78A-2910 Applicable building codes. (1) Newly licensed boarding homes and construction in existing boarding homes must meet the requirements of all the current building codes and this chapter.

(2) Existing licensed boarding homes must continue to meet the building codes in force at the time of their initial licensing.

NEW SECTION

WAC 388-78A-2920 Area for nursing supplies and equipment. (1) If the boarding home provides intermittent nursing services, the boarding home must provide on the boarding home premises for the safe and sanitary:

(a) Storage and handling of clean and sterile nursing equipment and supplies; and

(b) Cleaning and disinfecting of soiled nursing equipment.

(2) For all boarding homes first issued a project number by construction review services on or after September 1, 2004, in which intermittent nursing services are provided, or upon initiating intermittent nursing services within an existing boarding home, the boarding home must provide the following two separate rooms in each boarding home building, accessible only by staff persons:

(a) A "clean" utility room for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:

(i) A work counter or table;

(ii) A handwashing sink, with soap and paper towels or other approved hand-drying device; and

(iii) Locked medication storage, if medications are stored in this area, that is separate from all other stored items consistent with WAC 388-78A-2260.

(b) A "soiled" utility room for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:

(i) A work counter or table;

(ii) A two-compartment sink for handwashing and equipment cleaning and sanitizing;

(iii) A clinical service sink or equivalent for rinsing and disposing of waste material;

(iv) Soap and paper towels or other approved hand-drying device; and

(v) Locked storage for cleaning supplies, if stored in the area.

NEW SECTION

WAC 388-78A-2930 Communication system. (1) The boarding home must:

(a) Provide residents and staff with the means to summon on-duty staff assistance from:

(i) Resident units;

(ii) Common areas accessible to residents;

(iii) Corridors accessible to residents; and

(iv) All bathrooms and all toilet rooms in boarding homes issued a project number by construction review services on or after September 1, 2004.

(b) Provide residents, families, and other visitors with a means to contact staff inside the building from outside the building after hours.

(2) The boarding home must provide one or more non-pay telephones:

(a) In each building located for ready access by staff; and

(b) On the premises for reasonable access and privacy by residents.

(3) In boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must equip each resident room with:

(a) An intercom system with a mechanism that allows a resident to control:

(i) Whether or not announcements are broadcast into the resident's room; and

(ii) Whether or not voices or conversations within the resident's room can be monitored or listened to by persons outside the resident's room.

(b) Two telephone lines.

NEW SECTION

WAC 388-78A-2940 Two-way intercom systems. The boarding home may use a two-way intercom system between staff persons and residents in other rooms only when:

(1) A resident initiates the contact; or

(2) Staff persons announce to the resident that the intercom has been activated at the time it is activated, and:

(a) The resident and any others in the room agree to continue the contact;

(b) A visible signal is activated in the resident's room at all times the intercom is in operation; and

(c) The boarding home deactivates the intercom when the conversation is complete.

NEW SECTION

WAC 388-78A-2950 Water supply. The boarding home must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;

(2) Maintain the boarding home water systems free of cross-connections as specified in *Cross-Connection Control Manual, 6th Edition*, published by the Pacific Northwest Section of the American Water Works Association;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

(4) Provide all sinks in resident rooms, toilet rooms and bathrooms, and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

(5) Label or color code nonpotable water supplies "unsafe for domestic use."

NEW SECTION

WAC 388-78A-2960 Sewage and liquid waste disposal. The boarding home must:

(1) Ensure that all sewage and waste water drain into a municipal sewage disposal system in accordance with chapter 246-271 WAC, if available; or

(2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapters 246-272 and 173-240 WAC, and local ordinances; and

(3) Provide a grease interceptor when the boarding home has an on-site commercial kitchen or septic system in accordance with chapter 246-272 WAC.

NEW SECTION

WAC 388-78A-2970 Garbage and refuse disposal. The boarding home must:

(1) Provide an adequate number of garbage containers to store refuse generated by the boarding home:

(a) Located in a storage area convenient for resident and staff use;

(b) Constructed of nonabsorbent material;

(c) Cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances.

(2) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances; and

(3) Provide for safe and sanitary collection and disposal of:

(a) Garbage and refuse;

(b) Infectious waste; and

(c) Waste grease from the kitchen.

NEW SECTION

WAC 388-78A-2980 Lighting. (1) The boarding home must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

(2) The boarding home must maintain lighting in common areas that meets Illuminating Engineering Society (IES) recommendations as follows:

Area	AVERAGE MAINTAINED FOOTCANDLES	
	Ambient Light	Task Light
Toilet, bathing and laundry facilities	30	50
Dining/day rooms	50	N/A
Corridors, hallways, and stairways	30	N/A
Janitor's closet and utility rooms	30	N/A
Reading rooms	100	N/A

(3) The boarding home must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices.

NEW SECTION

WAC 388-78A-2990 Heating-cooling—Temperature. The boarding home must:

(1) Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70°F per the building code. The boarding home must:

(a) Maintain the boarding home at a minimum temperature of 60°F during sleeping hours; and

(b) Maintain the boarding home at a minimum of 68°F during waking hours, except in rooms:

(i) Designated for activities requiring physical exertion; or

(ii) Where residents can individually control the temperature in their own living units, independent from other areas.

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75°F in communities where the design dry bulb temperature exceeds 85°F for one hundred seventy-five hours per year or two percent of the time, as specified in the latest edition of *Recommended Outdoor Design Temperatures—Washington State*, published by the Puget Sound chapter of the American Society of Heating, Refrigeration, and Air-Conditioning Engineers;

(3) Equip each boarding home issued a project number by construction review services on or after September 1, 2004, with a backup source of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;

(4) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection; and

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(5) Equip each resident sleeping room and resident living room in boarding homes issued a project number by construction review services on or after September 1, 2004, with individual temperature controls located between thirty and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3°F from setting, within a range of minimum 60°F to maximum 85°F.

NEW SECTION

WAC 388-78A-3000 Ventilation. The boarding home must:

- (1) Ventilate rooms to:
 - (a) Prevent excessive odors or moisture; and
 - (b) Remove smoke.
- (2) Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;
- (3) Provide intact sixteen mesh screens on operable windows and openings used for ventilation; and
- (4) Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

NEW SECTION

WAC 388-78A-3010 Resident room—Room furnishings-storage. (1) The boarding home must ensure each resident has a sleeping room that has:

- (a) Eighty or more square feet of usable floor space in a one-person sleeping room;
- (b) Seventy or more square feet of usable floor space per individual in a sleeping room occupied by two or more individuals, except:
 - (i) When a resident sleeping room is located within a private apartment; and
 - (ii) The private apartment includes a resident sleeping room, a resident living room, and a private bathroom; and
 - (iii) The total square footage in the private apartment equals or exceeds two hundred twenty square feet excluding the bathroom; and
 - (iv) There are no more than two residents living in the apartment; and
 - (v) Both residents mutually agree to share the resident sleeping room; and
 - (vi) All other requirements of this section are met, then the two residents may share a sleeping room with less than one hundred forty square feet.
- (c) A maximum sleeping room occupancy of:
 - (i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and
 - (ii) Two individuals if the boarding home, after June 30, 1989:
 - (A) Applied for initial licensure; or
 - (B) Applied to increase the number of resident sleeping rooms; or
 - (C) Applied to change the use of rooms into sleeping rooms.
 - (d) Unrestricted direct access to a hallway, living room, outside, or other common-use area;
 - (e) One or more outside windows with:

(i) Window sills at or above grade, with grade extending horizontally ten or more feet from the building; and

(ii) Adjustable curtains, shades, blinds, or equivalent for visual privacy.

(f) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

(g) A light control switch located by the entrance for a light fixture in the room;

(h) An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

(i) In all boarding homes issued a project number by construction review services on or after September 1, 2004, and when requested by a resident in a boarding home licensed on or prior to September 1, 2004, provide a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(j) Separate storage facilities for each resident in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(k) A configuration to permit all beds in the resident sleeping room to be spaced at least three feet from other beds unless otherwise requested by all affected residents.

(2) The boarding home must ensure each resident sleeping room contains:

(a) A comfortable bed for each resident, except when two residents mutually agree to share a bed. The bed must be thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, appropriate for size, age and physical condition of the resident and room dimensions, including, but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe.

(b) A mattress for each bed which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

(c) One or more comfortable pillows for each resident;

(d) Bedding for each bed, in good repair; and

(e) Lighting at the resident's bedside when requested by the resident.

(3) The boarding home must not allow a resident sleeping room to be used as a passageway or corridor.

(4) The boarding home may use or allow use of carpets and other floor coverings only when the carpet is:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards, such as curling edges or tattered sections.

(5) The boarding home must ensure each resident has either a sleeping room or resident living room that contains a sturdy, comfortable chair appropriate for the age and physical condition of the resident. This requirement does not mean a

boarding home is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.

NEW SECTION

WAC 388-78A-3020 Calculating floor space. Usable floor space in a resident's sleeping room is calculated by measuring from interior wall surface to interior wall surface:

- (1) Including:
 - (a) Areas under moveable furniture; and
 - (b) Areas of door swings and entryways into the sleeping room.
- (2) Excluding:
 - (a) Areas under ceilings less than seven feet six inches high;
 - (b) Closet space and built-in storage;
 - (c) Areas under counters, sinks, or appliances; and
 - (d) Bathrooms and toilet rooms.

NEW SECTION

WAC 388-78A-3030 Toilet rooms and bathrooms. (1) The boarding home must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

(2) The boarding home must provide each toilet room and bathroom with:

- (a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;
- (b) Washable walls to the height of splash or spray;
- (c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:
 - (i) Bathing fixture; and
 - (ii) Toilet.
- (d) Plumbing fixtures designed for easy use and cleaning and kept in good repair; and
- (e) Adequate ventilation to the outside of the boarding home. For boarding homes issued a project number by construction review services on or after September 1, 2004, must provide mechanical ventilation to the outside.

(3) The boarding home must provide each toilet room with a:

- (a) Toilet with a clean, nonabsorbent seat free of cracks;
- (b) Handwashing sink in or adjacent to the toilet room.

For boarding homes issued a project number by construction review services on or after September 1, 2004, the handwashing sink must be in the toilet room or in an adjacent private area that is not part of a common use area of the boarding home; and

(c) Suitable mirror with adequate lighting for general illumination.

(4) For boarding homes approved for construction or initially licensed after August 1, 1994, the boarding home must provide a toilet and handwashing sink in, or adjoining, each bathroom.

(5) When providing common-use toilet rooms and bathrooms, the boarding home must provide toilets and handwashing sinks for residents in the ratios of one toilet and one handwashing sink for every eight residents or fraction as listed in the following table:

Number of Residents	Number of Toilets*	Number of Hand-washing Sinks
1-8	1	1
9-16	2	2
17-24	3	3
25-32	4	4
33-40	5	5
41-48	6	6
49-56	7	7
57-64	8	8
65-72	9	9
73-80	10	10
81-88	11	11
89-96	12	12
97-104	13	13
105-112	14	14
113-120	15	15
121-128	16	16
129-136	17	17
137-144	18	18
145-152	19	19
153-160	20	20
161-168	21	21
169-176	22	22
177-184	23	23

*When two or more toilets are contained in a single bathroom, they are counted as one toilet.

(6) When providing common-use toilet rooms and bathrooms, the boarding home must provide bathing fixtures for residents in the ratio of one bathing fixture for every twelve residents or fraction thereof as listed in the following table:

Number of Residents	Number of Bathing Fixtures
1-12	1
13-24	2
25-36	3
37-48	4
49-60	5
61-72	6
73-84	7
85-96	8
97-108	9
109-120	10
121-132	11
133-144	12
145-160	13
161-172	14
173-184	15
185-196	16

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(7) When providing common-use toilet rooms and bathrooms, the boarding home must:

(a) Designate toilet rooms containing more than one toilet for use by men or women;

(b) Designate bathrooms containing more than one bathing fixture for use by men or women;

(c) Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The boarding home is not required to provide additional privacy features in private bathrooms with a single toilet and a single bathing fixture located within a private apartment;

(d) Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room, except that single-use or disposable towels or blowers are not required in toilet rooms or bathrooms that are located within a private apartment;

(e) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served; and

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom.

(8) In boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must ensure fifty percent of all the bathing fixtures in the boarding home are roll-in type showers that have:

(a) One-half inch or less threshold;

(b) A minimum size of thirty-six inches by forty-eight inches; and

(c) Single lever faucets located within thirty-six inches of the seat so the faucets are within reach of persons seated in the shower.

NEW SECTION

WAC 388-78A-3040 Laundry. (1) The boarding home must provide laundry and linen services on the premises, or by commercial laundry.

(2) The boarding home must handle, clean, and store linen according to acceptable methods of infection control. The boarding home must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources; and

(d) Ensure all staff wears gloves and uses other appropriate infection control practices when handling soiled laundry.

(3) The boarding home must use washing machines that have a continuous supply of hot water with a temperature of 140°F measured at the washing machine intake, or that automatically dispense a chemical sanitizer as specified by the manufacturer, whenever the boarding home washes:

(a) Boarding home laundry;

(b) Boarding home laundry combined with residents' laundry into a single load; or

(c) More than one resident's laundry combined into a single load.

(4) The boarding home or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below 140°F and without the use of a chemical sanitizer.

(5) The boarding home must ventilate laundry rooms and areas to the outside of the boarding home, including areas or rooms where soiled laundry is held for processing by off site commercial laundry services.

(6) The boarding home must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(7) For all boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must provide a laundry area where residents' may do their personal laundry that is:

(a) Equipped with:

(i) A utility sink;

(ii) A table or counter for folding clean laundry;

(iii) At least one washing machine and one clothes dryer;

and

(iv) Mechanical ventilation to the outside of the boarding home.

(b) Is arranged to reduce the chances of soiled laundry contaminating clean laundry.

(8) The boarding home may combine areas for soiled laundry with other areas when consistent with WAC 388-78A-3110.

(9) The boarding home may combine areas for handling and storing clean laundry with other areas when consistent with WAC 388-78A-3120.

NEW SECTION

WAC 388-78A-3050 Day rooms. (1) The boarding home must provide one or more day room areas in which residents may participate in social and recreational activities. Day room areas include, but are not limited to:

(a) Solariums;

(b) Enclosed sun porches;

(c) Recreation rooms;

(d) Dining rooms; and

(e) Living rooms.

(2) The boarding home must provide a total minimum floor space for day room areas of:

(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or

(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.

(3) The boarding home must provide day room areas with comfortable furniture and furnishings that meet the residents' needs.

NEW SECTION

WAC 388-78A-3060 Storage space. The boarding home must:

- (1) Provide adequate storage space for supplies, equipment and linens;
- (2) Provide separate, locked storage for disinfectants and poisonous compounds; and
- (3) Maintain storage space to prevent fire or safety hazards.

NEW SECTION

WAC 388-78A-3070 Stairs—Ramps. The boarding home must maintain nonskid surfaces on all stairways and ramps used by residents.

NEW SECTION

WAC 388-78A-3080 Guardrails—Handrails. (1) The boarding home must install and maintain sturdy handrails according to building code requirements, located:

- (a) In halls and corridors, if necessary for resident safety;
 - (b) On each side of interior and exterior stairways with more than one step riser, unless the department approves in writing having a handrail on one side only; and
 - (c) On each side of interior and exterior ramps with slopes greater than one to twenty.
- (2) The boarding home must install guardrails if the department determines guardrails are necessary for resident safety.

NEW SECTION

WAC 388-78A-3090 Maintenance and housekeeping.

- (1) The boarding home must:
- (a) Provide a safe, sanitary and well-maintained environment for residents;
 - (b) Keep exterior grounds, boarding home structure, and component parts safe, sanitary and in good repair;
 - (c) Keep facilities, equipment and furnishings clean and in good repair;
 - (d) Ensure each resident or staff person maintains the resident's quarters in a safe and sanitary condition; and
 - (e) Equip a housekeeping supply area on the premises with:
 - (i) A utility sink or equivalent means of obtaining and disposing of mop water, separate from food preparation and service areas;
 - (ii) Storage for wet mops, ventilated to the outside of the boarding home; and
 - (iii) Locked storage for cleaning supplies.
- (2) For boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must provide housekeeping supply room(s):
- (a) Located on each floor of the boarding home;
 - (b) In proximity to laundry and kitchen areas; and
 - (c) Equipped with:
 - (i) A utility sink or equivalent means of obtaining and disposing of mop water, away from food preparation and service areas;

- (ii) Storage for wet mops;
- (iii) Locked storage for cleaning supplies; and
- (iv) Mechanical ventilation to the outside of the boarding home.

NEW SECTION

WAC 388-78A-3100 Safe storage of supplies and equipment. The boarding home must secure potentially hazardous supplies and equipment commensurate with the assessed needs of residents and their functional and cognitive abilities. In determining what supplies and equipment may be accessible to residents, the boarding home must consider at a minimum:

- (1) The residents' characteristics and needs;
- (2) The degree of hazardousness or toxicity posed by the supplies or equipment;
- (3) Whether or not the supplies and equipment are commonly found in a private home, such as hand soap or laundry detergent; and
- (4) How residents with special needs are individually protected without unnecessary restrictions on the general population.

NEW SECTION

WAC 388-78A-3110 Areas for cleaning and storing soiled equipment, supplies and laundry. (1) The boarding home may combine areas used for storing, handling and cleaning soiled laundry and linens, areas used for cleaning and disinfecting soiled nursing care equipment, areas for disposing of refuse and infectious waste, and/or areas for storing housekeeping and cleaning supplies, into a single area on the premises only when the boarding home equips the area with:

- (a) A two-compartment sink for handwashing and sanitizing;
 - (b) A clinical service sink or equivalent for rinsing and disposing of waste material;
 - (c) A work counter or table;
 - (d) Mechanical ventilation to the outside of the boarding home; and
 - (e) Locked storage for cleaning supplies, if stored in the area.
- (2) The boarding home must ensure that any work or function performed in or around a combined utility area as described in subsection (1) of this section is performed without significant risk of contamination to:
- (a) Storing or handling clean or sterile nursing supplies or equipment;
 - (b) Storing or handling clean laundry;
 - (c) Providing resident care;
 - (d) Food storage, preparation, or service; or
 - (e) Other operations, services or functions in the boarding home sensitive to infection control practices.

NEW SECTION

WAC 388-78A-3120 Areas for handling and storing clean supplies and equipment. The boarding home may combine areas used for handling and storing clean laundry, and areas used for storing, preparing and handling clean and

sterile nursing supplies, equipment and medications, into a single area on the premises only when the boarding home:

- (1) Equips the area with:
 - (a) A handwashing sink; and
 - (b) A work counter or table.
- (2) Ensures that any work or function performed in the area is performed without significant risk of contamination from other sources; and
- (3) Stores medications separate from all other stored items consistent with WAC 388-78A-2260.

NEW SECTION

WAC 388-78A-3130 Plant restrictions. The boarding home must not use poisonous or toxic plants in areas of the boarding home premises accessible to residents who, based on their diagnosed condition or cognitive disabilities, may ingest or have harmful contact with such plants.

Inspections, Enforcement Remedies, and Appeals

NEW SECTION

WAC 388-78A-3140 Responsibilities during inspections. The boarding home must:

- (1) Cooperate with the department during any on-site inspection or complaint investigation;
- (2) Provide requested records to the representatives of the department; and
- (3) Ensure the boarding home administrator or the administrator's designee is available during any inspection or complaint investigation to respond to questions or issues identified by department staff.

NEW SECTION

WAC 388-78A-3150 Statements of deficiencies and plans of correction. (1) The department must give the administrator or the administrator's designee a written statement of deficiencies specifying any violations of chapter 18.20 or 70.129 RCW or this chapter that the department found during on-site inspections and complaint investigations.

(2) The licensee must respond to a statement of deficiencies by submitting to the department within a time acceptable to the department, a signed written plan of correction for each deficiency stated in the report. The licensee must include in the plan of correction, for each cited deficiency:

- (a) A specific plan of what will be or was done to correct the problem;
- (b) A description of what will be done to prevent future problems of this type;
- (c) Who will be responsible for monitoring the corrections to ensure the problems do not recur; and
- (d) The date by which lasting correction will be achieved.

NEW SECTION

WAC 388-78A-3160 Authorized enforcement remedies. (1) Whenever the circumstances in WAC 388-78A-

3170(1) are present, the department may impose any enforcement remedies authorized by RCW 18.20.050(4), 18.20.185(7) and 18.20.190 on a boarding home, including:

- (a) Denying a boarding home license;
- (b) Suspending a boarding home license;
- (c) Revoking a boarding home license;
- (d) Refusing to renew a boarding home license;
- (e) Suspending admissions to a boarding home;
- (f) Suspending admissions to a boarding home of a specific category or categories of residents as related to cited problems;
- (g) Imposing conditions on the boarding home license; and/or
- (h) Imposing civil penalties of not more than one hundred dollars per day per violation.

(2) Notwithstanding subsection (1) of this section, the department may impose a civil penalty on a boarding home of up to three thousand dollars per day per violation for interference, coercion, discrimination and/or reprisal by a boarding home as set forth in RCW 18.20.185(7).

NEW SECTION

WAC 388-78A-3170 Circumstances resulting in enforcement remedies. (1) The department is authorized to impose enforcement remedies described in WAC 388-78A-3160 if any person described in subsection (2) of this section is found by the department to have:

(a) A history of significant noncompliance with federal or state laws or regulations in providing care or services to frail elders, vulnerable adults or children, whether as a licensee, contractor, managerial employee or otherwise. Evidence of significant noncompliance may include, without limitation:

- (i) Citations for violation of laws or regulations imposed by regulating entities;
- (ii) Sanctions for violation of laws or regulations imposed by regulating entities;
- (iii) Involuntary termination, cancellation, suspension, or nonrenewal of a Medicaid contract or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults;
- (iv) Been denied a license relating to the care of frail elders, vulnerable adults or children; or
- (v) Relinquished or failed to renew a license relating to care of frail elders, vulnerable adults or children following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of a license.

(b) Failed to provide appropriate care to frail elders, vulnerable adults or children under a contract, or having such contract terminated or not renewed by the contracting agency due to such failure;

(c) Been convicted of a felony, or a crime against a person, if the conviction reasonably relates to the competency of the person to operate a boarding home;

(d) Failed or refused to comply with the requirements of chapter 18.20 RCW, applicable provisions of chapter 70.129 RCW or this chapter;

(e) Retaliated against a staff person, resident or other individual for:

(i) Reporting suspected abuse or other alleged improprieties;

(ii) Providing information to the department during the course of the department conducting an inspection of the boarding home; or

(iii) Providing information to the department during the course of the department conducting a complaint investigation in the boarding home.

(f) Operated a facility for the care of children or adults without a current, valid license or under a defunct or revoked license;

(g) Been convicted of a crime committed on a boarding home premises; knowingly permitted, aided or abetted an illegal act on a boarding home premises; or engaged in the illegal use of drugs or the excessive use of alcohol;

(h) Abused, neglected or exploited a vulnerable adult or knowingly failed to report alleged abuse, neglect or exploitation of a vulnerable adult as required by chapter 74.34 RCW;

(i) Failed to exercise fiscal accountability and responsibility involving a resident, the department, public agencies, or the business community; or to have insufficient financial resources or unencumbered income to sustain the operation of the boarding home;

(j) Knowingly or with reason to know, made false statements of material fact in the application for the license or the renewal of the license or any data attached thereto, or in any matter under investigation by the department;

(k) Willfully prevented or interfered with or attempted to impede in any way any inspection or investigation by the department, or the work of any authorized representative of the department or the lawful enforcement of any provision of this chapter;

(l) Refused to allow department representatives or agents to examine any part of the licensed premises including the books, records and files required under this chapter;

(m) Moved all residents out of the boarding home without the department's approval and to be no longer operating as a boarding home; or

(n) Demonstrated any other factors that give evidence the applicant lacks the appropriate character, suitability and competence to provide care or services to vulnerable adults.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Majority owner of the applicant or licensee:

(i) Who is involved in the management or operation of the boarding home;

(ii) Who may have direct access to boarding home residents;

(iii) Who controls or supervises the provision of care or services to boarding home residents; or

(iv) Who exercises control over daily operations of the boarding home.

(3) For other circumstances resulting in discretionary enforcement remedies, see WAC 388-78A-3200.

NEW SECTION

WAC 388-78A-3180 Required enforcement remedies. The department must impose an appropriate remedy consistent with RCW 18.20.125 and as otherwise authorized by RCW 18.20.185 or 18.20.190 whenever the department finds a boarding home has:

(1) A serious problem, a recurring problem, or an uncorrected problem;

(2) Created a hazard that causes or is likely to cause death or serious harm to one or more residents;

(3) Discriminated or retaliated in any manner against a resident, employee, or any other person because that person or any other person made a complaint or provided information to the department, the attorney general, a law enforcement agency, or the long-term care ombudsman; or

(4) Willfully interfered with the performance of official duties by a long-term care ombudsman.

NEW SECTION

WAC 388-78A-3190 Denial, suspension, revocation, or nonrenewal of license statutorily required. (1) The department must deny, suspend, revoke or refuse to renew a boarding home license if any person described in subsection (2) of this section who has unsupervised access to residents, is:

(a) Convicted of a crime against a person or a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842; or

(b) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult; or

(c) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor; or

(e) Found in any final decision issued by a disciplinary board to have sexually or physically abused or neglected or exploited any minor or any vulnerable adult, or has a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Owner of five percent or more of the applicant:

(i) Who is involved in the operation of the boarding home; or

(ii) Who may have direct access to the boarding home residents; or

(iii) Who controls or supervises the provision of care or services to the boarding home residents; or

(iv) Who exercises control over daily operations.

NEW SECTION

WAC 388-78A-3200 Progression of enforcement remedies. (1) When the department cites a boarding home for an initial problem that does not represent a recurring problem, serious problem or uncorrected problem, and that results in minimal or moderate harm that is limited in scope, the department may:

- (a) Require a plan of correction from the boarding home;
- (b) Impose conditions on the boarding home license; and/or

- (c) Impose a civil penalty.

(2) The department may take any of the actions specified in subsection (1) of this section and/or impose a stop-placement or limited stop-placement on a boarding home when:

- (a) There is a reasonable probability, at the time the stop-placement or limited stop-placement is imposed, at least a moderate degree of harm will occur or recur as a result of a single problem or by a combination of problems; and

- (b) The threatening problem is more than an isolated event or occurrence.

(3) The department may take any of the actions specified in subsections (1) and (2) of this section and/or summarily suspend a boarding home's license when:

- (a) There is an imminent threat that a serious degree of harm may occur to residents as a result of a single problem or a combination of problems; and

- (b) The threatening problem is more than an isolated event or occurrence.

(4) The department may take any of the actions specified in subsections (1), (2) and (3) of this section and/or revoke a boarding home's license when:

- (a) The department has cause to summarily suspend the boarding home's license;

- (b) There is a current problem with the boarding home and the boarding home has a history of having enforcement remedies imposed by the department;

- (c) There is a current problem with the boarding home and the boarding home has a history of noncompliance representing problems that were at least moderate in nature and moderate in scope;

- (d) The boarding home has moved all residents out of the boarding home without the department's approval and is no longer operating as a boarding home; or

- (e) There is a serious current problem, which may not warrant a summary suspension, with the boarding home that does not have a history of noncompliance. Examples of the types of serious current problems that may warrant license revocation include, but are not limited to:

- (i) The licensee has been found or convicted by a court of competent jurisdiction to have engaged in fraudulent activity; or

- (ii) The licensee is experiencing significant financial problems resulting in poor care or jeopardizing the care and services that can be provided to residents, and possible business failure; or

- (f) The boarding home fails to cooperate with the department during any inspection or complaint investigation.

NEW SECTION

WAC 388-78A-3210 Informal dispute resolution. The boarding home has a right to an informal dispute resolution meeting according to department procedure and consistent with RCW 18.20.195. The boarding home must make a request for an informal dispute resolution meeting in writing within ten days of the receipt of the written notice of deficiency.

NEW SECTION

WAC 388-78A-3220 Appeal rights. (1) An applicant or boarding home may contest an enforcement remedy imposed by the department pursuant to RCW 18.20.190 according to the provisions of chapter 34.05 RCW and chapters 10-08 and 388-02 WAC.

(2) Orders of the department imposing licensing suspension, stop-placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION

WAC 388-78A-3230 Fees. The boarding home must:

- (1) Submit an annual license fee of seventy-nine dollars per bed of the licensed resident bed capacity as determined by and in accordance with RCW 18.20.050;

- (2) Submit an additional one hundred fifty dollars when billed by the department for:

- (a) A third on-site visit required by the boarding home's failure to adequately correct problems identified in a statement of deficiencies; and

- (b) A full out-of-sequence inspection resulting from information gathered during a complaint investigation.

- (3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark; and

- (4) Submit to construction review services a fee for the review of the construction documents per the review fee schedule that is based on the project cost.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-78A-0010	Purpose.
WAC 388-78A-0020	Definitions.
WAC 388-78A-0030	Applicability.
WAC 388-78A-0040	Other requirements.
WAC 388-78A-0050	Resident characteristics.
WAC 388-78A-0060	Individuals in buildings prior to licensing.
WAC 388-78A-0070	Initial assessment.
WAC 388-78A-0080	Timing of initial assessment.
WAC 388-78A-0090	Qualified assessor.

WAC 388-78A-0100	Assessment topics.	WAC 388-78A-0400	Protection of resident records.
WAC 388-78A-0110	On-going assessments.	WAC 388-78A-0410	Content of resident records.
WAC 388-78A-0120	Resident participation in assessments.	WAC 388-78A-0420	Format of resident records.
WAC 388-78A-0130	Service agreement planning.	WAC 388-78A-0430	Record retention.
WAC 388-78A-0140	Negotiated service agreement contents.	WAC 388-78A-0440	Resident review of records.
WAC 388-78A-0150	Signing negotiated service agreement.	WAC 388-78A-0450	Resident register.
WAC 388-78A-0160	Basic boarding home services.	WAC 388-78A-0460	Staff.
WAC 388-78A-0170	Activities.	WAC 388-78A-0470	Criminal history background checks.
WAC 388-78A-0180	Medication services.	WAC 388-78A-0480	TB tests.
WAC 388-78A-0190	Prescribed medication authorizations.	WAC 388-78A-0490	Specialized training for developmental disabilities.
WAC 388-78A-0200	Medication refusal.	WAC 388-78A-0500	Specialized training for mental illness.
WAC 388-78A-0210	Nonavailability of medications.	WAC 388-78A-0510	Specialized training for dementia.
WAC 388-78A-0220	Alteration of medications.	WAC 388-78A-0520	Administrator qualifications.
WAC 388-78A-0230	Storing, securing, and accounting for medications.	WAC 388-78A-0530	Qualifying administrator training program.
WAC 388-78A-0240	Resident controlled medications.	WAC 388-78A-0540	Administrator training requirements.
WAC 388-78A-0250	Medication organizers.	WAC 388-78A-0550	Administrator training documentation.
WAC 388-78A-0260	Family assistance with medication.	WAC 388-78A-0560	Administrator responsibilities.
WAC 388-78A-0270	Food and nutrition services.	WAC 388-78A-0570	Notification of change in administrator.
WAC 388-78A-0280	Need to provide nursing services.	WAC 388-78A-0580	Use of home health/home care.
WAC 388-78A-0290	Tube feeding.	WAC 388-78A-0590	Management agreements.
WAC 388-78A-0300	Supervision of nursing services.	WAC 388-78A-0600	Policies and procedures.
WAC 388-78A-0310	Responsibilities of nursing supervisor.	WAC 388-78A-0605	Pets.
WAC 388-78A-0320	Resident-arranged services.	WAC 388-78A-0610	Infection control.
WAC 388-78A-0330	Coordination of health care services.	WAC 388-78A-0620	Reporting abuse and neglect.
WAC 388-78A-0340	Implementation of negotiated service agreement.	WAC 388-78A-0630	Reporting significant change in a resident's condition.
WAC 388-78A-0350	Monitoring residents' well-being.	WAC 388-78A-0635	Reporting fires and incidents.
WAC 388-78A-0360	Adult day care.	WAC 388-78A-0640	Resident rights.
WAC 388-78A-0370	Dementia care.	WAC 388-78A-0650	Services by resident for boarding home.
WAC 388-78A-0380	Restricted egress.	WAC 388-78A-0660	Boarding home use of audio and video monitoring.
WAC 388-78A-0390	Resident records.	WAC 388-78A-0670	Resident use of electronic monitoring.

WAC 388-78A-0680	Safety measures and disaster preparedness.	WAC 388-78A-0990	Resident room—Room furnishings-storage.
WAC 388-78A-0690	Disclosure of services.	WAC 388-78A-1000	Calculating floor space.
WAC 388-78A-0700	Timing of disclosure.	WAC 388-78A-1010	Toilet rooms and bathrooms.
WAC 388-78A-0710	Licensee qualifications.	WAC 388-78A-1020	Laundry.
WAC 388-78A-0720	Necessary information.	WAC 388-78A-1030	Day rooms.
WAC 388-78A-0730	Application process.	WAC 388-78A-1040	Storage space.
WAC 388-78A-0740	Requirements to change boarding home licensee.	WAC 388-78A-1050	Stairs—Ramps.
WAC 388-78A-0750	Annual renewal.	WAC 388-78A-1060	Guardrails—Handrails.
WAC 388-78A-0760	Licensee's responsibilities.	WAC 388-78A-1070	Maintenance and housekeeping.
WAC 388-78A-0770	Change in licensee.	WAC 388-78A-1080	Safe storage of supplies and equipment.
WAC 388-78A-0780	Changes in licensed bed capacity.	WAC 388-78A-1090	Areas for cleaning and storing soiled equipment, supplies and laundry.
WAC 388-78A-0790	Criteria for increasing licensed bed capacity.	WAC 388-78A-1100	Areas for handling and storing clean supplies and equipment.
WAC 388-78A-0800	Building requirements and exemptions.	WAC 388-78A-1110	Plant restrictions.
WAC 388-78A-0810	Conversion of licensed nursing homes.	WAC 388-78A-1120	Responsibilities during inspections.
WAC 388-78A-0820	Licenses for multiple buildings.	WAC 388-78A-1130	Communication during inspections.
WAC 388-78A-0830	Required reviews of building plans.	WAC 388-78A-1140	Communication following inspections.
WAC 388-78A-0840	Relocation of residents during construction.	WAC 388-78A-1150	Statements of deficiencies and plans of correction.
WAC 388-78A-0850	Vacant buildings.	WAC 388-78A-1160	Authorized enforcement remedies.
WAC 388-78A-0860	Changing use of rooms.	WAC 388-78A-1170	Statutory circumstances resulting in discretionary enforcement remedies.
WAC 388-78A-0870	Time frame for approval.	WAC 388-78A-1180	Circumstances resulting in required enforcement remedies.
WAC 388-78A-0880	Retention of approved construction documents.	WAC 388-78A-1190	Statutorily required enforcement remedies; denial, suspension, revocation, or non-renewal of license.
WAC 388-78A-0890	Applicable building codes.	WAC 388-78A-1200	Other circumstances resulting in discretionary enforcement remedies.
WAC 388-78A-0900	Area for nursing supplies and equipment.	WAC 388-78A-1210	Informal dispute resolution.
WAC 388-78A-0910	Communication system.	WAC 388-78A-1220	Appeal rights.
WAC 388-78A-0920	Two-way intercom systems.	WAC 388-78A-1230	Fees.
WAC 388-78A-0930	Water supply.		
WAC 388-78A-0940	Sewage and liquid waste disposal.		
WAC 388-78A-0950	Garbage and refuse disposal.		
WAC 388-78A-0960	Lighting.		
WAC 388-78A-0970	Heating-cooling—Temperature.		
WAC 388-78A-0980	Ventilation.		

WSR 04-16-090

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 3, 2004, 8:10 a.m., effective September 3, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This is an every 4-year review of the WACs per the governor's Executive Order 1997-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-66-110, 308-66-120, 308-66-140, 308-66-145, 308-66-152, 308-66-155, 308-66-157, 308-66-160, 308-66-165, 308-66-175, 308-66-180, 308-66-190, 308-66-195, 308-66-200, 308-66-210, 308-66-211, 308-66-212, 308-66-214, 308-66-220, 308-66-225, and 308-66-227.

Statutory Authority for Adoption: RCW 46.70.160.

Adopted under notice filed as WSR 04-12-079 on June 2, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 21, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 21, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 3, 2004.

Fred Stephens
DirectorAMENDATORY SECTION (Amending WSR 02-12-062, filed 5/31/02, effective 7/1/02)**WAC 308-66-110 Definitions.** For the purpose of administering chapter 46.70 RCW, the following terms shall be construed in the following manner:

(1) "Offering" the sale of a vehicle shall include the distribution by any means of a list, with or without prices, of vehicles for sale.

(2) "Soliciting" the sale of a vehicle shall include an offer to effect the purchase or sale of a vehicle on behalf of another person.

(3) "Normal business hours" or "reasonable times" shall include, but not be limited to, the hours from 10:00 a.m. through 4:00 p.m. for five days each week. ~~((All hours during which the place of business is open for the purpose of bartering, trading or selling vehicles are normal business hours or reasonable times as long as the dealer is open for business at regular intervals. Whenever))~~ When a dealer closes ((his)) the place of business during normal business hours, a sign must be posted on the main door of the business stating the time that ((he)) the dealer will next be open for business ((or where he)) and how the dealer may be contacted provided that thisis not permission to routinely avoid maintaining normal business hours.

(4) An "employee" of a dealer is a person on the payroll who appears on the record of the dealer as an employee for whom social security, withholding tax, and all deductions required by law have been made.

(5) A "broker" shall mean any person ~~((, partnership, corporation, or association))~~ acting independently, who for a commission, fee or any other form of compensation arranges or engages in the wholesale or retail purchase, sale or lease with option to purchase, of a vehicle.(6) ~~((An "employee identification card" is a card that may be issued by a licensed dealer to an employee, identifying such employee as being in the employ of such dealer. The department will prescribe the form of the card.))~~ A "vehicle dealer identification card" is a card, prescribed by the department and issued by a licensed dealer, that is used to identify the principal of a dealership, including a corporate officer, a partner of a partnership, or sole proprietor, or a member of a limited liability company, or an "employee," for purposes of driving a vehicle bearing dealer license plates.

(7) A "demonstration permit" is a permit issued by a dealer to a prospective customer entitling the prospective customer to operate a particular vehicle for demonstration purposes.

(8) Current service agreement - The agreement between a vehicle manufacturer or vehicle distributor and a seller, stipulating that the seller will provide warranty adjustments for the owners of ~~((said))~~ that manufacturer's or distributor's new vehicles which qualify for adjustments under the ~~((said))~~ manufacturer's or distributor's warranty.

(9) New vehicle warranty - The warranty extended by a manufacturer or distributor to the first retail purchaser.

(10) "Closing" shall mean the process of completion of sale transaction.

(11) "Completion of sale" in the case of a consigned vehicle shall mean that the purchaser has possession of the vehicle, all liens against the vehicle are paid, the seller has ~~((sale))~~ the proceeds of sale, and ~~((warranty of))~~ title to the vehicle has been ~~((accomplished))~~ transferred to the retail purchaser.(12) "Listing" shall mean a contract between a seller of a used mobile/manufactured home and a listing dealer for the dealer to locate a willing purchaser ~~((of))~~ for that ~~((listed used mobile/manufactured))~~ home.(13) ~~((("Seller," as it relates to listing dealers, shall mean a person who lists a used mobile/manufactured home with a listing dealer.~~~~((("Purchaser," as it relates to listing dealers, shall mean a person who agrees to buy a used mobile/manufactured home listed through a listing dealer.~~

(15)) "Consignment" shall mean an arrangement whereby a vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.

~~((("Consignee" shall mean a vehicle dealer who accepts delivery or to whom a vehicle is entrusted for the purpose of sale on behalf of another.~~~~((("Consignor" shall mean a person who delivers or entrusts a vehicle to a dealer for the purpose of sale.~~

~~(18))~~ (14) "Remanufactured" shall mean to remake or reprocess into a finished product by a large scale industrial process.

~~((19))~~ (15) "Guaranteed title" as it relates to a consigned vehicle shall mean a guarantee by the consignor to convey title to the consignee upon sale of the vehicle. The consignment agreement between the consignor and consignee shall comply with the provisions of WAC 308-66-155.

~~((20))~~ (16) "Used vehicle" in keeping with RCW 46.04.660, and for purposes of the requirement for a service agreement in RCW 46.70.101 (1)(a)(vii), a vehicle will be considered used if it meets the following requirements:

(a) It has been titled or registered to a bona fide retail purchaser/lessee for a period of 90 days or more; and

(b) The vehicle has been operated (driven) to the extent that its odometer registers 3,000 miles or more.

However, the requirements of (a) and (b) of this subsection will not apply if a bona fide retail purchaser/lessee sells, trades, or otherwise disposes of the vehicle prior to its having met those requirements. To document such an exemption, the subsequent wholesaling and retailing dealer must keep, as a dealer business record, a notarized affidavit from either the bona fide retail purchaser/lessee, or in the case of an imported vehicle, a notarized affidavit from the importer of the vehicle. That affidavit will be prescribed by the department and must confirm that the retail purchaser/lessee was a bona fide retail purchaser/lessee.

~~((21))~~ (17) A "bona fide retail purchaser/lessee" is one who purchases or leases a vehicle for the purpose of using it, rather than for the purposes of resale or lease.

(18) The "principal" of a business as used herein means:

(a) The proprietor of a sole proprietorship;

(b) A partner of a partnership;

(c) An officer of a corporation; or

(d) A member or manager of a limited liability company.

AMENDATORY SECTION (Amending WSR 02-12-062, filed 5/31/02, effective 7/1/02)

WAC 308-66-120 Dealer's license application. What information is needed to apply for a vehicle dealer license?

(1) Each application shall contain in addition to the information required by RCW 46.70.041:

(a) The names and residential addresses of all owners of ten percent or more of the assets of the ~~((firm))~~ business;

(b) The name and address of the principal place of business ~~((of the firm));~~

(c) The names and addresses of each and every sub-agency ~~((of the firm)),~~ if any;

(d) A current balance sheet of assets ~~((and)),~~ liabilities and owner's equity which shall have been prepared within ~~((ninety))~~ sixty days of its submission, including proof of the assets;

(e) A statement of whether or not the applicant or any partner, member, officer, or director ~~((owner of ten percent or more of the assets))~~ of the firm, was the holder of a license issued pursuant to chapter 46.70 RCW which was revoked for cause and never reissued by the department, or ~~((which license was))~~ suspended for cause and the terms of the sus-

pension have not been fulfilled or assessed a monetary penalty that has not been paid;

(f) A ~~((detailed))~~ list of all dealerships previously operated by each person named on the application and with which each person presently or was formerly connected or employed.

(2) An applicant ~~((shall))~~ must appear for a personal interview if requested by the department.

(3) The department may require a credit report for each ~~((party))~~ person named on each application for a dealer's license.

(4) An applicant ~~((shall))~~ must provide as evidence of leasehold or ownership interest of business location either:

(a) A copy of the rental or lease agreement between the applicant and landowner showing the business location by commonly known address, or

(b) A copy of the county assessor's record showing ownership of the business location, the applicant's name and the commonly known address.

(5) ~~((The))~~ An applicant must provide a bank reference for verifying financial condition consisting of:

(a) The name of the applicant's bank, a person to contact at that bank concerning the applicant's financial condition, or

(b) A letter of credit current within the last ~~((90))~~ sixty days, or

(c) A flooring agreement, if with a financial institution, or

(d) A line of credit with a financial institution.

(6) The department may require an applicant ~~((for a vehicle dealer license))~~ to provide evidence that the business location conforms to all zoning and land use ordinances.

(7) A ~~((corporation))~~ corporate applicant ~~((shall))~~ must provide the corporation number and corporation name issued by the secretary of state's office authorizing the company to do business within this state.

(8) The business name and address on the license application and all required supporting documents must be the same. ~~((The sign at the certified location must identify the doing business as name (dba), if any, and that name shall appear on all documents as the applicant's name. The business telephone listing must also reflect the business name or the doing business as name.))~~

(9) The applicant must provide a certification of completion in the dealer education program:

(a) At least one principal of each company applying for an original vehicle dealer license must receive certification in the dealer education program required by RCW 46.70.041 (1)(l).

(b) The department encourages as many principals of each company as possible to obtain such certification.

(c) For annual dealer license renewals, either a company principal or a managing employee may complete the continuing education program. The continuing education certificate will indicate that the dealership has fulfilled the requirement.

(d) Certifications for either original or renewal applications will be valid for twelve months.

(10) Any service agreement required by RCW 46.70.041 must be on file with the department. An acquisition or loss of a service agreement must be reported to the department in writing within ten days.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-140 Place of business and places of business. Which business names and locations do I need to license?

(1) A dealer (~~((shall advise))~~) must inform the department in writing of each and every:

(a) Name under which the (~~((firm))~~) dealer does business, and

(b) Location at which the (~~((firm))~~) dealer does business. ~~((If there is any addition, deletion or change in the above, the dealer shall so inform the department within ten days of such action.))~~ The dealer must inform the department in writing within ten days of any addition, deletion or change in the name or location.

(2) A dealer shall designate one name and one location as the principal name and principal place of business (~~((of the firm))~~).

(a) All other names under which the dealer does business shall be designated and licensed as subagencies of that dealership;

(b) All other locations that are physically and geographically separated from the principal place of business shall be designated and licensed as subagencies of that dealership;

~~((b) All other names shall be designated and licensed as subagencies of that dealership.))~~

(c) If a dealer is required to obtain a subagency license under (2)(~~((a))~~)(b) of this section, (~~((he/she))~~) the dealer shall not be required to obtain an additional subagency license under (2)(~~((b))~~)(a) of this section, unless (~~((he))~~) the dealer does business under more than one name at that subagency location;

(d) The department will not require a subagency license for a name solely due to the use of a ".com" or other URL extension in an internet address; or because a dealership uses a derivative of its licensed "doing business as" name for its internet address. The website must clearly display the licensed "doing business as" name.

(3) ~~((The director shall fail to renew, suspend or revoke a subagency license of a dealership if the dealer ceases to maintain "an established place of business" at that subagency location.))~~ If the dealer ceases to maintain "an established place of business" at that subagency location, the director shall suspend, revoke and/or refuse to renew a subagency license of a dealership.

(4) All temporary subagencies (~~((shall))~~) must be covered by the bond of the dealer's principal place of business.

(5) A vehicle dealer, whether franchised or nonfranchised, that is unable to locate (~~((his/her))~~) the dealer's used vehicle sales facilities adjacent to or at the established place of business need not obtain and hold a subagency license if:

(a) The vehicle sales lot is contained within the same city block, or

(b) Is directly across the street, or

(c) Is within sight, and

(d) Its location is zoned properly, and

(e) The dealer bond covers the sales lot.

(6) If the sales lot referred to in section 5 is in sight of the principal place of business, no sign is required at that sales lot.

(7) The department may require that a dealer provide evidence that each place of business conforms to all zoning and land use ordinances.

(8) Each and every subagency license of a dealership shall automatically be deemed cancelled upon the termination, for whatever reason, of the principal license of that dealership.

(9) No license shall be issued to any applicant for a vehicle dealer or vehicle manufacturer license under a name that is the same as that of any dealer or manufacturer holding a current license issued pursuant to chapter 46.70 RCW.

(10) The sign at the certified location and the business telephone listing must reflect the "doing business as" (dba) name.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-145 Established place of business—Waiver procedure. How may I obtain a place of business waiver?

(1) An applicant for a vehicle dealer license, or a licensee, who requests a waiver of any established place of business requirement(s) must submit the following to the department:

(a) All (~~((required))~~) applicable documents and fees (~~((for an original application as provided for))~~) in RCW 46.70.041, 46.70.061, 46.70.070, (~~((and))~~) WAC 308-66-120, (~~((with the exception of a leasehold agreement or evidence of real property ownership: Provided, That if a waiver is granted to the applicant, the applicant must provide evidence of leasehold or real property ownership to the department before the license will be issued))~~) and 308-66-140.

(b) A written request for the waiver, in the form of either a letter or a request completed on the department's prescribed form, which (~~((contains))~~) requires the following minimum information:

(i) Specific nature or type of activity the applicant intends to conduct,

(ii) Specific element(s) of the established place of business requirements requested to be waived,

(iii) Detailed statement which identifies the unique circumstances necessitating the request for waiver, and,

(iv) Any other information the department may require.

(2) ~~((A licensee who requests a waiver of any established place of business requirement(s) must submit the following to the department:~~

~~((a) All required documents and fees, as provided for in RCW 46.70.061 and WAC 308-66-140, with the exception of a leasehold agreement or evidence of real property ownership: Provided, That if a waiver is granted the licensee must provide evidence of leasehold or real property ownership to the department within thirty days of waiver approval.~~

~~((b) A written request for waiver, in the form of either a letter or a request completed on the department's prescribed form, which contains the following minimum information:~~

~~((i) Specific nature or type of activity the licensee intends to conduct,~~

~~((ii) Specific element(s) of the established place of business requirements requested to be waived;~~

~~(iii) Detailed statement which identifies the unique circumstances necessitating the request, and;~~

~~(iv) Any other information the department may require.~~

~~(3))~~ Upon receipt by the department of all the required information, the director or the director's designee will review the request for waiver of any established place of business requirement(s) and issue a final determination in writing.

~~((4))~~ (3) A waiver granted under section ~~((3))~~ (2) will remain in effect only as long as the unique circumstance(s) under which the waiver was originally granted have not changed or until the director ~~((ifts))~~ terminates the waiver ~~((for cause))~~.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-152 Unlawful practices. (1) Examples of unlawful acts or practices, as defined by RCW 46.70.180 (1)(a), include, but are not limited to representations such as "no down payment," "a dollar down," "five dollars down," "take-over payments," "no cash out of your pocket," "no cash needed," and others of similar nature if either secondary financing or initial payment of any amount, including factory rebates in excess of that represented, is required from the purchaser. A dealer's plan to have all or a portion of the lease or selling price financed by a third party does not relieve the dealer of an obligation to refrain from this prohibited type of advertising. When any of these representations are made a payment disclosure shall be made as contained in subsection (6) of this section.

(2) Examples of unlawful acts or practices as defined by RCW 46.70.180 (1)(b), include, but are not limited to representations such as "one hundred percent financing" if the terms of the purchase or lease involve more than one security agreement and payments to more than one financing institution. When collateral in addition to the vehicle is required, it ~~((shall))~~ must be listed on the security agreement containing the vehicle's description, not on a separate agreement.

(3) It shall be considered false, deceptive or misleading, and thereby unlawful, to advertise with words, phrases, or initials which are not clear and conspicuous and easily comprehended by persons other than those closely allied with the vehicle industry.

(a) Clear and conspicuous within an advertisement shall mean:

(i) In the case of a television advertisement, the information required to be disclosed shall be completely disclosed audibly, visually, or a combination thereof.

(A) If made visually, shall be made in a type size sufficiently large to be read with reasonable ease; shall appear on the television screen for at least seven seconds; shall be in print type of a color or shade that contrasts readily with the background; shall not be obscured by other words or images appearing on the television screen; and

(B) If made audibly, shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average television listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(ii) In the case of a radio advertisement, the information required to be disclosed shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average radio listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(iii) In the case of a printed advertisement, the information required to be disclosed shall be made in a type size which shall be sufficiently large to be read with reasonable ease and shall be made in relatively close proximity to each of the terms which require that the disclosures be made; disclosures shall be made in such color and contrast so as not to be obscured by other words or pictures appearing in the advertisement.

(b) Examples of words, phrases, or initials which are not easily comprehended by persons other than those closely allied with the vehicle industry, and that may not be used without explaining their meaning in the same advertisement, include but are not limited to: Executive; capitalized cost reduction, o.a.c., c.f., f.o.b. The words annual percentage rate may be abbreviated to read A.P.R. or apr.

(4) Examples of false, deceptive or misleading, and thereby unlawful statements or representations within the meaning of RCW 46.70.180(1) include, but are not limited to:

(a) Advertising a used vehicle for sale that is not available at the time the advertisement is placed;

(b) Advertising a new vehicle as available for immediate delivery if it is available only on order;

(c) Advertising any offer in connection with the sale of a vehicle or model or type of vehicle without disclosing any material limitations, including, but not limited to, the time limit, or that there is no time limit on the offer;

(d) Advertising using a picture:

(i) Of a new vehicle which does not substantially show the same vehicle offered for sale; or

(ii) Of a used vehicle which is not the same vehicle offered for sale;

(e) Causing an advertisement to be placed by a dealer or dealer representative that does not identify the dealer by ~~((his/her))~~ its complete business name, or by the word "dealer" or abbreviation "DLR";

(f) Incorporating in the dealer's name any term or designation which would have a tendency to mislead others as to the true nature of the business, such as the use of "wholesale," when a dealer's business is substantially retail, or "discount" when the price and policy of a dealer does not provide substantial discounts;

(g) Advertising a ~~((not new))~~ vehicle manufactured ~~((less))~~ fewer than two years prior to the date of the advertisement without designating the vehicle as "used," "demo," or "demonstrator." For purposes of adequate disclosure, the appropriate quoted term must be employed. Other descriptive words, such as "executive," "lease," or "rental" may be used in conjunction therewith, but not so as to create ambiguity as to whether ~~((a said))~~ the vehicle is new, used, or a demonstrator.

(h) Advertising a "rebuilt vehicle" for sale with knowledge as defined in RCW 46.70.101 (1)(b)(xi) that the vehicle is rebuilt, without clearly and conspicuously disclosing "rebuilt" in the advertisement;

(i) Advertising a specific price for a specific vehicle or model or type of vehicle without designating the number of vehicles available at that price, and;

(i) Without clearly identifying the vehicles available by complete vehicle identification number, license plate number; or

(ii) Without clearly and conspicuously stating in the advertisement that such vehicle identification or license plate number for each advertised vehicle is available from the dealer upon request, and requiring that the dealer using this method of identifying vehicles keep the media advertising copy along with the vehicle identification number or license plate number of each advertised vehicle offered for a specific price. Such records shall be retained for one year following the advertisement. Dealers shall also date and post a written copy of the advertisement text and list of vehicle identification numbers or license plate numbers in a conspicuous public area at their place of business for the duration of the vehicle's availability at the advertised price: Provided, however, That a dealer need not designate the number of vehicles available or identify the vehicles available or state in the advertisement that the identification of advertised vehicles is available upon request if, in fact, an unlimited supply of such vehicles are available for immediate delivery;

(j) Selling a particular vehicle at a higher price than advertised, regardless of trade-in allowance;

(k) Adding charges, costs, or items to the advertised price, except those allowed by statute, other than the selling price of additional equipment ordered by the purchaser, sales tax, and license fees. "Additional equipment ordered by the purchaser" shall not include options already installed on the vehicle at the time of advertising;

(l) Expressing "advertised price" as a combination of:

(i) Dollar figures and words unless all component figures and the total dollar figure is expressed; or

(ii) Dollar figures and dollar figures unless all component figures and the total dollar figure is expressed;

(m) Advertising that a new vehicle or model or type of vehicle will be leased or sold for a certain amount above or below invoice or cost without:

(i) Disclosing the actual dollar amount being referred to as "invoice";

(ii) Stating the final, total price for each vehicle, which may exclude sales taxes and license fees; and

(iii) Computing invoice as the actual cost to the dealer to get each vehicle from the manufacturer.

In computing "invoice" the dealer may include the actual cost of transportation of the vehicle from the manufacturer to the dealer, but must exclude dealer holdbacks, other manufacturer incentives, optional advertising fees, dealer overhead expenses, and other similar expenses;

(n) Advertising that a new or used vehicle is reduced in price from a former price, or that the advertised price is a percentage of dollar amount savings from a former price, or words to that effect, unless the seller actually recently advertised or has records showing that vehicle has been offered for sale at the former price;

(o) Advertising or offering:

(i) Any rebate that is not an authorized manufacturer's rebate paid directly to the consumer, which the consumer may apply to the purchase; and

(ii) Any manufacturer's rebate for which the manufacturer requires any financial participation by the dealer, without also clearly and conspicuously stating the following disclosure: "Dealer participation in this rebate program may increase vehicle price before rebate";

(p) Advertising that "any written price quote will be beaten," "any deal will be accepted," or that a dollar amount is guaranteed on any "push, pull or drag," trade-in, or words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(q) Advertising a vehicle or model or type of vehicle as being available at "lowest cost," "best deal" or other words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(r) Advertising an interest rate that is adjustable without clearly and conspicuously disclosing that the interest rate is adjustable;

(s) Advertising a vehicle or model or type of vehicle for sale at a financing rate which has been bought down by the dealer, without disclosing the actual annual percentage rate.

(5) No advertisement to aid, promote, or assist directly or indirectly any extension of credit may state:

(a) That a specific amount of credit or installment amount can be arranged unless the creditor usually and customarily arranges or will arrange credit amounts or installments for that period and in that amount; or

(b) That no down payment or that a specified down payment will be accepted in connection with any extension of credit unless the creditor usually and customarily accepts or will accept down payment in that amount.

(6) No advertisement to aid, promote, or assist directly or indirectly any credit sale of a vehicle shall state the amount or percentage of the down payment required, or that no down payment is required, the amount of any payment or the number of payments or the period of repayment, the amount of any finance charge or that there is no charge for credit, unless it states clearly and conspicuously all of the following ~~((items))~~ terms:

(a) The cash price or the amount of the loan as applicable;

(b) The amount or percentage of the down payment required, or that no down payment is required, as applicable;

(c) The number, amount, and frequency of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate;

(e) The deferred payment price or the sum of the payments as applicable;

(f) The specific model or type of vehicle(s) to which the advertised offer applies; and

(g) Any other conditions material to the advertised offer.

(7) Any advertisement to aid, promote, or assist directly or indirectly a consumer lease (~~((with option to purchase))~~) must state clearly that the advertisement offers a lease (~~((with option to purchase))~~) rather than a vehicle sale.

(8) No advertisement to aid, promote, or assist directly or indirectly any consumer lease of a vehicle shall state the

amount of any monthly payment, or state a capitalized cost reduction or other payment required prior to or at consummation/delivery, unless it also states the following terms:

- (a) That the transaction advertised is a lease;
- (b) The total amount due prior to or at consummation/delivery;
- (c) The number, amount, and due dates or period of scheduled payments under the lease;
- (d) A statement of whether or not a security deposit is required; and
- (e) A disclosure of the lessee's liability at the end of an open-end lease.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-155 Consignment. (1) Contract. How must I handle a consignment transaction?

(a) It shall be considered an unlawful practice within the meaning of RCW 46.70.180(2) for a vehicle dealer to accept any vehicle on consignment without first reducing the terms of the consignment to writing.

(b) ~~((Minimum information required for))~~ All consignment contracts(-) must include:

(i) The names of the parties to the contract including the identity of the legal owner of the consigned vehicle.

(ii) ~~((A statement by the consignor that))~~ The consignor's statement that guarantees to deliver the title to the dealer-consignee upon sale of the vehicle(-, as well as a statement by the consignor indicating)) which identifies the location of the title and states the unpaid balance ((of)) owing on the vehicle, if any.

(iii) The date of the consignment agreement.

(iv) The specific effective duration of the contract.

(v) The agreed upon ~~((price))~~ amount which will be paid to the consignor ((will receive for his vehicle)).

(vi) The description of the consigned vehicle, by make, model, vehicle identification number, and license number.

(vii) The signatures of the parties to the contract.

(viii) If no ~~((price))~~ amount has been specified in (v) above, then the minimum retail price and the commission, fee, or compensation to which the ~~((vehicle))~~ dealer-consignee will be entitled upon the sale of the consigned vehicle.

(2) In the event the dealer-consignee and the consignor shall deem it appropriate to vary the terms of the written contract, the dealer-consignee shall obtain written authorization from the consignor prior to the sale of the subject vehicle.

(3) Requirements for selling consigned vehicles.

(a) All funds received, including deposits or payments in full or proceeds from the sale of trade-ins, ~~((shall))~~ must be placed in a trust account as required under RCW 46.70.180 (9), and said funds ~~((shall))~~ must remain in ~~((such))~~ that trust account until the consignor's and ~~((the legal owner's))~~ any lienholder interests~~((, if any,))~~ have been fully satisfied ~~((as provided in the consignment agreement))~~. It shall be considered an unlawful practice for a vehicle dealer or salesperson to commingle funds received on a consigned vehicle with the assets of the dealer and/or the salesperson until all terms of the agreement have been completed.

(b) The amount due a consignor and any lienholder from the ~~((date of completion of))~~ sale of the consigned vehicle ~~((shall))~~ must be paid by the consignee ~~((immediately where title has been delivered to the purchaser, and in all cases shall be paid))~~ within ten days following delivery of the vehicle to the purchaser.

(c) ~~((The dealer shall give to the consignor a copy of the purchase order used to complete the sale))~~ At the same time payment is made pursuant to (b) of this subsection, the dealer must give to the consignor a copy of the purchase order used in the sale.

(4) Consignee's duty to transfer title.

(a) The sale of consigned vehicles imposes upon the consignee-dealer the same duty under RCW 46.70.122 ~~((to the consignee))~~ to promptly ~~((execute the assignment and warranty of title))~~ transfer title into the name of the purchaser as in any other sale.

(b) Prior to accepting a vehicle for consignment and offering it for sale, it shall be the duty of the consignee to verify or confirm the title location. Failure to do so shall be considered an unlawful and deceptive practice under RCW 46.70.180~~((+))~~(2).

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-157 Listing. How do I handle a manufactured home listing?

(1) Dealer responsibilities.

(a) The listing dealer shall be responsible for negotiating the agreement between seller and purchaser as follows:

(b) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(c) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(d) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(e) A legible copy of the agreement to purchase shall be retained in the listing dealer's files.

(f) A copy of the agreement between purchaser and dealer to disburse any funds from the trust account to pay liens against the used mobile/manufactured home shall be retained in the dealer's files.

(2) At the time the sale is closed, the listing dealer may pay outstanding liens out of the trust account prior to paying the sale proceeds to the seller.

(3) The sale of listed vehicles imposes upon the listing dealer the same duty under RCW 46.70.122 to promptly transfer title into the name of the retail purchaser, as in any other sale.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-160 Dealer's and manufacturer's license plates. (1) When dealer's plates are used on any vehicle being demonstrated to a prospective customer, it is not

necessary that the dealer or a member of his firm accompany the prospective customer except as provided in RCW 46.70.090 (7)(c). Prospective customers, when not accompanied by a dealer or member of his firm, ~~((shall))~~ must be issued a demonstration permit by the dealer authorizing them to operate the vehicle for a period not to exceed seventy-two hours for the purpose of demonstration and possible purchase.

(2) When a dealer receives a vehicle bearing foreign license plates, such plates ~~((shall))~~ must be covered by the dealer's plates while that vehicle is being demonstrated. Upon the sale of the vehicle, the foreign plates shall be removed and destroyed by the dealer prior to the delivery of the vehicle. When ~~((a))~~ foreign-plated vehicles ~~((is))~~ are sold to ~~((a))~~ residents of ~~((the))~~ a state whose plate is so displayed on the vehicle and the purchaser returns the vehicle immediately to his home state for use there and not in Washington, the dealer may deliver the vehicle with foreign plates attached if either one of two conditions is also met. The conditions are:

(a) The purchaser must ~~((have applied))~~ sign a nonresident affidavit to ((his)) apply to their home state's vehicle licensing authority to register the vehicle in ~~((his))~~ their own name, or

(b) The purchaser must have obtained a trip permit to move the vehicle from the dealer's place of business to ~~((his))~~ the purchaser's own state.

(3) A dealer, corporate officer, member of a limited liability company; or spouse of the dealer, corporate officer, or member of a limited liability company; or an employee of a dealer ((shall)) must carry ((an employee)) a vehicle dealer identification card when operating any vehicle bearing dealer((s)) plates.

(4) Dealer~~((s))~~ plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) Dealer~~((s))~~ plates may not be used on any vehicle owned by the dealer if such vehicle is used exclusively by members of the dealer's family.

(6) Vehicles bearing dealer's plates may not be loaned to the dealer's service customers.

(7) Dealers are required to provide accurate records reflecting the use of dealer plates.

(8) Pursuant to RCW 46.70.090, testing vehicles for repair is limited to testing for a preexisting, identifiable problem known to the vehicle dealer or manufacturer before the testing is to begin.

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

WAC 308-66-165 Vehicle sales transactions. ((Vehicle sales transactions reported to the department as required by RCW 46.70.083 shall be determined by reporting the number of vehicles sold in each license classification held by the dealer during the twelve-month period ending sixty days prior to the expiration of the license.)) **How do I report vehicle sales for purposes of renewing my dealer license?** To report sales for purposes of license renewal as required by RCW 46.70.083, the dealer will report the number of vehicles leased and sold at both retail and wholesale during the twelve-month period ending sixty days prior to the expiration

of the license, for each license classification held by the dealer.

AMENDATORY SECTION (Amending WSR 96-24-041, filed 11/27/96, effective 12/28/96)

WAC 308-66-175 Buyer's agent—Standard disclosures. Must a buyer's agent disclose their activities? The written agreement between a buyer's agent and its customer shall contain precisely the following disclosure language in a single paragraph on the first page of the agreement, in a type size sufficiently large to be read with reasonable ease:

NOTICE to customers concerning the nature and scope of BUYER'S AGENT activity. A licensed bonded vehicle dealer may act as a buyer's agent to arrange for you to purchase a new vehicle.

1. Your agreement with the buyer's agent must:

- Be in writing.
- Set forth the terms of the agreement.
- Disclose total fees or other compensation to be received from you.
- State whether or not any portion of the fee is refundable.

2. While arranging for you to purchase your new vehicle the buyer's agent must NOT:

- Receive or pay any vehicle purchase moneys.
- Sign any vehicle purchase order, contract, odometer statement or title document.
- Have the name of the buyer's agent appear on the purchase order, sales contract or title.
- Sign any other document relating to the purchase, sale or transfer of the new vehicle.
- Use a power of attorney (POA) to do any of the above prohibited acts. However, the buyer's agent may use a POA to deliver the license plates to the customer.

3. The buyer's agent must NOT:

- Pay to or receive from a dealer any purchase moneys, fees, gratuities or rewards.
- Claim or state that the buyer's agent offers, obtains or guarantees the lowest price.
- Arrange for a new vehicle through an out-of-state dealer without disclosing to the customer in writing that the vehicle will not have Washington state lemon law coverage.

AMENDATORY SECTION (Amending WSR 96-19-025, filed 9/9/96, effective 10/10/96)

WAC 308-66-180 Record of transactions. (1) The record of the purchase and sale of a vehicle~~((s))~~ maintained by a dealer ~~((shall, where applicable,))~~ must include, but not be limited to:

(a) A description of the vehicle, which shall include those items of description required on the Washington application for title, and in the case of a retail sale requiring a title

transfer, a copy of the computer-generated title application processed by a license agent showing fees paid to the state;

(b) The Washington license plate number assigned to the vehicle upon transfer;

(c) The required odometer statement disclosure form which shall conform to 49 Code of Federal Regulations, part 580, and in WAC 308-56A-640 or if a licensed vehicle dealer auction company conducting wholesale consignment sales, the odometer disclosure record for such sales as required in 49 Code of Federal Regulations, part 580.9 and in WAC 308-56A-670;

(d) ~~((The))~~ All purchase orders ~~((shall))~~ must be dated and include the business name of the dealer and a description of any trade-in vehicle by year, make and vehicle identification number.

(2) ~~((The))~~ A record of the purchase and sale of ~~((the))~~ a vehicle ~~((shall))~~ must be maintained on all transactions, whether at retail or wholesale; and must be available for inspection and copying by representatives of the department of licensing during normal business hours.

(3) Any such records kept electronically must be made available in hard copy upon request of a representative of the department of licensing.

AMENDATORY SECTION (Amending WSR 99-02-049, filed 1/5/99, effective 2/5/99)

WAC 308-66-190 Transfer of certificate of title by dealer. How is the transfer to be done? (1) When a vehicle displaying current Washington plates is sold, leased or otherwise disposed of by a dealer, the dealer ~~((shall))~~ must make an application for a certificate of title in the purchaser's or lessee's name within forty-five calendar days commencing with the sale, lease or disposal of the vehicle. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser ~~((shall))~~ lessee must commence the forty-five day interval in which the selling or leasing dealer must make an application for a certificate of title in the purchaser's or lessee's name. Under the following conditions a dealer may be granted an additional interval, not to exceed forty-five days in which to apply for title in the customer's name:

(a) The lien holder fails to deliver the vehicle title to the dealer within the ~~((required))~~ time period for title transfer; and

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied; or

(d) The director may excuse any situations in which applications are delayed for reasons beyond the control of the dealer.

(2) The dealer ~~((shall))~~ must in every case sign or type ~~((his/her))~~ their name on the dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, ~~((he/she shall))~~ they must give ~~((his/her))~~ their title.

(3) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-195 Possession of certificates of ownership. How do I possess such documents? (1) A vehicle dealer must have possession of a separate certificate of ownership for each used vehicle kept in the dealer's inventory unless the certificate of ownership is in the possession of the person holding a security interest in the dealer's inventory~~((a vehicle dealer shall have possession of a separate certificate of ownership of either the following ownership documents)).~~ Possession is accomplished by the dealer obtaining either:

(a) A separate certificate of ownership in the name of the dealer, or the dealer's immediate vendor, properly assigned; or

(b) Evidence that the dealer owns the vehicle, such as a bill of sale or purchase order, ~~((and))~~ together with evidence that the dealer has satisfied or paid off any ~~((legal owner))~~ lienholder on the vehicle.

(2) If there is a ~~((legal owner))~~ lienholder on any vehicle acquired by the dealer, the dealer ~~((shall))~~ must obtain possession of the title by paying off any balance due to the ~~((legal owner))~~ lienholder no later than the close of the second business day following the date of acquisition of the vehicle by the dealer. For purposes of this section, if a dealer takes possession of a vehicle as a trade-in, a dealer acquires ~~((a))~~ that trade-in vehicle when the dealer takes possession of the vehicle ~~((and an authorized representative of the dealer unconditionally accepts the written offer to purchase and financing has been approved))~~ and unconditionally sells another vehicle for which the trade-in vehicle is part of the price in accordance with RCW 46.70.180(4).

AMENDATORY SECTION (Amending WSR 96-19-025, filed 9/9/96, effective 10/10/96)

WAC 308-66-200 ~~((Transfer))~~ Assignment of vehicle to another dealer. How is the assignment to be done? When a dealer sells a vehicle to a second dealer, the first dealer ~~((shall fill out an))~~ must complete and sign the assignment, either on the secure title, on an odometer extension form or on an equivalent document if the vehicle is exempt from requiring an odometer disclosure. The retailing dealer shall complete the dealer's report of sale ~~((on the application accompanying the transfer of title))~~ when applying for certificate of ownership into the name of the purchaser.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-210 Statement of change in business structure, ownership interest or control. When do I report such a change? (1) Any person ~~((firm, association, corporation, entity or trust))~~ licensed as a dealer under chapter 46.70 RCW ~~((46.70.021))~~ must, within ten days following any change in its business structure ~~((or a ten percent change in its ownership structure)),~~ file a ~~((statement describing with~~

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~~particularity the change effected in its business structure or the change in ownership interest))~~ new application and pay original licensing fees under the new entity. In addition, ~~((persons newly assuming executive or control functions;))~~ any new principals including, but not limited to, new corporate officers, directors, ~~((ten percent stockholders;))~~ managing partners, members or trustees, must ~~((file)),~~ within ten days of assuming such function, file an application ((and a)) including fingerprint cards and legal and financial history((; including corporation number if a corporation)).

(2) Any person~~((; member, firm, association, corporation, entity or trust))~~ licensed as a vehicle manufacturer pursuant to chapter 46.70 RCW ~~((shall advise))~~ must inform the department in writing within ten days of the change ~~((and/or addition))~~ to:

(a) The business structure of the licensee company and must file a new application and pay original licensing fees under the new entity;

(b) The mailing address of ~~((a))~~ the licensee;

(c) The name and address of employees or agents designated pursuant to RCW 46.70.041 and 46.70.101 to provide service or repairs to vehicles located within the state of Washington. However, if the licensee requires warranty service to be performed by all of its dealers pursuant to current service agreements on file with the department, it need not advise the department of changes in ~~((its lists of dealers))~~ such employees or agents.

(3) Any and all changes affecting the applicability of a surety bond~~((; if posted;))~~ shall be reflected by appropriate endorsement to such bond.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-211 Termination of business. What if I terminate the business? A dealer or a manufacturer who terminates the business shall return the license and special license plates to the department, for cancellation, within ten business days of such termination.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-212 Sale, transfer or other disposition of noncorporate licensee. When does such a transfer require a new license? Upon the sale, transfer or other disposition of fifty-one percent ownership interest in a noncorporate licensee, a new application for the appropriate license is required and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may be assigned to the new license upon request.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-214 Incorporation of licensee while licensed. What if I incorporate while licensed? A licensee which incorporates or forms a limited liability company while licensed shall file a new application for the appropriate

license and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may be assigned to the new licensee upon request.

AMENDATORY SECTION (Amending Order 70-08-04, filed 8/6/70)

WAC 308-66-220 Display of vehicles by combination wrecker-dealer. A dealer who is also an auto wrecker shall keep vehicles held for resale physically separated from vehicles which have been or are to be dismantled for parts. Vehicles not in running condition ~~((will be considered as part of the wrecking operation and))~~ are to be stored within the segregated area of the fenced wrecking area per WAC 308-63-070(8).

AMENDATORY SECTION (Amending Order DLR 115, filed 12/9/86)

WAC 308-66-225 Remanufactured vehicles in whole or in part. What is the nature of remanufacturing? (1) If the remanufacturing process of the vehicle will involve the removal, destruction, or concealment of any identification number, the parts shall be inspected by an authorized member of the Washington state patrol prior to the removal, destruction, or concealment of the number.

(2) At no time shall a vehicle that falls within the purview of WAC 308-56A-455 (assembled or homemade) or 308-56A-460 (total loss rebuilt) be considered remanufactured by a manufacturer.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-227 Disclosure of title brands. (The disclosure of) How must I disclose title brands when I sell a vehicle at retail or wholesale? Any title brand required in RCW 46.70.101 (1)(b)(xi) ~~((shall))~~ must be clearly ~~((made))~~ disclosed on the face of the purchase order.

NEW SECTION

WAC 308-66-250 Internet business. Is a license required for an internet business? The department will require a Washington state dealer license for an internet business that has no physical presence in this state if that business:

(1) Brings together a Washington state customer with a licensed Washington state dealer; and

(2) Receives compensation from the customer or the dealer resulting from the actual sale or lease of a vehicle; or

(3) In any event acts as a vehicle dealer as defined in existing Washington state statutes and rules.

NEW SECTION

WAC 308-66-260 Dealer license plates—Waiver procedure. How do I request more than my allotted number of dealer license plates? (1) A licensed vehicle dealer may

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request a waiver of the three dealer license plates or six percent or sales formula in RCW 46.70.090(2).

The request:

- (a) Must be in writing; and
 - (b) Must explain why the statutory formula does not satisfy the business needs of the dealer; and
 - (c) Must indicate how many vehicles were sold by the dealer in the past twelve months; and
 - (d) Must project how many vehicles are expected to be sold in the next twelve months; and
 - (e) Must state how many additional dealer license plates are desired as essential for the continued operation of the dealer's business.
- (2) Upon receipt of a request for a waiver, the director or the director's designee will review the request and issue a final determination in writing.
- (3) A waiver granted under subsection (2) of this section will remain in effect only as long as the circumstance(s) under which the waiver was originally granted have not changed or until the director terminates the waiver.

WSR 04-16-094
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 3, 2004, 9:48 a.m., effective September 15, 2004]

Effective Date of Rule: September 15, 2004.

Purpose: This rule making clarifies the scope of work description for outside telephone line construction. The changes specify that asphalt and other road repair and replacement are not covered under this scope of work description.

Citation of Existing Rules Affected by this Order: Amending WAC 296-127-01377 Outside telephone line construction.

Statutory Authority for Adoption: Chapter 39.12 RCW.

Adopted under notice filed as WSR 04-12-068 on June 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 3, 2004.

Paul Trause
 Director

AMENDATORY SECTION (Amending WSR 00-15-077, filed 7/19/00, effective 7/19/00)

WAC 296-127-01377 Outside telephone line construction. For the purpose of the Washington state public works law, chapter 39.12 RCW, outside telephone line construction includes, but is not limited to, the following work:

- (1) Head groundman. Operates light equipment and drives vehicles.
- (2) Telephone equipment operator - light. Operates backhoes, trenching machines and small cable plows.
- (3) Telephone equipment operator - heavy. Operates bulldozers, trenchers, backhoes, cable plows and plows pulling other equipment.

Note: This scope of work description does not apply to the compaction and resurfacing of trenches or ditches associated with asphalt and other road repair and replacement.

WSR 04-16-097
PERMANENT RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS

[Filed August 3, 2004, 11:17 a.m., effective September 3, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-01501.

Citation of Existing Rules Affected by this Order: Amending WAC 263-12-01501.

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 04-11-117 on May 19, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 3, 2004.

Thomas E. Egan
 Chairperson

AMENDATORY SECTION (Amending WSR 98-20-109, filed 10/7/98, effective 11/7/98)

WAC 263-12-01501 Communications and filing with the board. (1) **Communications with the board.**

- (a) **Where to file.** All written communications by parties pertaining to a particular case, including notices of

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appeal, applications, notices of appearance, briefs, memoranda, motions, requests, or petitions for review, shall be filed with the board at its headquarters in Olympia, Washington.

(b) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, or by telephone facsimile.

(i) **Filing personally.** The filing of a written communication with the board personally is perfected by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

(ii) **Filing by mail.** The filing of a written communication with the board is perfected by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

(iii) **Filing by telephone facsimile.**

(A) The filing of a written communication with the board by telephone facsimile is perfected when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment in Olympia. The hours of operation of the board's telephone facsimile equipment are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. If a transmission of a written communication commences after these hours of operation the written communication shall be deemed filed on the next succeeding business day.

(B) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission.

(C) No written communication should exceed fifteen pages in length, exclusive of the cover page required by this rule.

(D) The party attempting to file the written communication by telephone facsimile bears the risk that the written communication will not be legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

(E) The board may require a party to file an original of any document previously filed by telephone facsimile.

(iv) **Electronic filing of a notice of appeal.** A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the board's internet site. An electronic notice of appeal is filed when it is received by the Board's designated computer during the Board's customary office hours pursuant to WAC 263-12-015. Otherwise the notice of appeal is considered filed at the beginning of the next business day. The board

shall issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's filing requirements. The board must notify the filing party of the rejection.

(c) **Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

(d) **Form requirements.** Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

WSR 04-16-100

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed August 3, 2004, 2:14 p.m., effective September 3, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend the definition of food service establishment, WAC 246-217-010(4) to clarify that adult family homes are not considered institutions. This revision was requested by representatives of the adult family home industry.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-217-010(4).

Statutory Authority for Adoption: RCW 69.06.010.

Adopted under notice filed as WSR 04-11-097 on May 19, 2004.

A final cost-benefit analysis is available by contacting Ned Therien, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 236-3071, fax (360) 236-2257, e-mail ned.therien@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 14, 2004.

Craig McLaughlin
Acting Executive Director

AMENDATORY SECTION (Amending WSR 99-13-019, filed 6/7/99, effective 7/8/99)

WAC 246-217-010 Definitions. As used in this chapter of the rules and regulations, the following definitions apply:

(1) "Additional food safety training" means completion of a comprehensive training program on food safety of at least four hours in length. Training may include topics such as: Proper cooking, hot-holding, cold-holding and cooling of potentially hazardous foods; cross-contamination prevention; HACCP and/or proper hand washing techniques. Approval of training programs shall be obtained from jurisdictional health departments or the department by the training provider. Approval of training programs must be obtained in advance.

(2) "Applicant" means an individual applying to obtain an initial or renewal food worker card.

(3) "Department" means the Washington state department of health.

(4) "Food service establishment" means:

(a) A place, location, operation, site, or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served, or offered to the consumer regardless of whether or not compensation for food occurs, including but not limited to:

- (i) Restaurants, snack bars, cafeterias, taverns, bars;
- (ii) Retail food stores, supermarkets, retail meat markets, retail fish markets, retail bakeries, delicatessens;
- (iii) Institutional operations licensed by the department, the state department of social and health services or local health officer, such as schools, hospitals, jails, prisons, nursing homes, boarding homes, (~~adult family homes~~) and child care facilities;
- (iv) Central preparation sites, including caterers;
- (v) Satellite servicing locations;
- (vi) Temporary food service establishments or mobile food units;
- (vii) Bed and breakfast operations;
- (viii) Remote feeding sites; (~~and~~)
- (ix) Adult family homes; and
- (x) Vending machines dispensing potentially hazardous foods.

(b) This term does not include:

- (i) Private homes where food is prepared or served for consumption by household members and/or their guests;
- (ii) Establishments offering only commercially prepackaged nonpotentially hazardous foods;
- (iii) Commercial food processing establishments, licensed and regulated by the USDA, FDA, or WSDA; and
- (iv) Farmers exempt from licensure under RCW 36.71.090.

(5) "Food service worker" means an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or un packaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food prod-

ucts and/or equipment and facilities. This does not include persons who simply assist residents or patients in institutional facilities with meals, or students in K-12 schools who periodically assist with school meal service.

(6) "Food worker card" means a food and beverage service workers' permit as required under chapter 69.06 RCW.

(7) "Health officer" means the county, city-county, or district health officer of a jurisdictional health department, or his/her authorized representative, or the representative of the department.

(8) "Jurisdictional health department" refers to one of the following:

(a) Local health district as defined in chapter 70.46 RCW.

(b) City-county health department as defined in chapter 70.08 RCW.

(c) County health department as defined in chapter 70.05 RCW.

(9) "Person" means any individual, partnership, corporation, association, or other legal entity or agency of state, county, or municipal government, or agency of the federal government which is subject to the jurisdiction of the state.

(10) "Secretary" means the secretary of the state department of health.

WSR 04-16-107

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 3, 2004, 4:35 p.m., effective September 3, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department has amended WAC 388-478-0080 to update the categorically needy income level (CNIL), SSI-related standards based on a federal increase, and to include the SSI standards since they were removed from WAC 388-478-0055.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0080.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Other Authority: RCW 74.09.500, 42 U.S.C. 9902(2).

Adopted under notice filed as WSR 04-13-134 on June 22, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 3, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-16-122

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 03-08—Filed August 4, 2004, 10:55 a.m., effective September 4, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the rule amendment is to modify fees that are collected from owners of existing dams and those proposing to build new dams or modify existing dams. This involves amending and repealing existing sections (see below) and proposing new sections WAC 173-175-705, 173-175-725, 173-175-735, 173-175-755, 173-175-765, 173-175-775, 173-175-785, and 173-175-795.

Citation of Existing Rules Affected by this Order: Repealing 173-175-070; and amending WAC 173-175-010, 173-175-020, 173-175-030, 173-175-230, 173-175-250, 173-175-360, 173-175-370, 173-175-390, 173-175-500, 173-175-510, 173-175-520, 173-175-610, and 173-175-620.

Statutory Authority for Adoption: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470.

Adopted under notice filed as WSR 04-09-109 on April 21, 2004.

Changes Other than Editing from Proposed to Adopted Version: Cost estimates were changed, based upon hearing testimony, resulting in fee reduction from \$800 to \$688; annual fee for periodic inspections of high hazard dams. Proposed memorandum of agreement with NRCS was broadened to include both manure storage ponds and conservation dams. Proposed "Threat to public safety" broadening of ecology emergency powers was dropped from rule changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 13, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 4, 2004.

Polly Zehm
for Linda Hoffman
Deputy Director

AMENDATORY SECTION (Amending WSR 02-10-116, filed 4/30/02, effective 5/31/02)

WAC 388-478-0080 Supplemental security income (SSI) standards; SSI-related categorically needy income level (CNIL); and countable resource standards. (1) The SSI payment standards, also known as the federal benefit rate (FBR), beginning January 1, 2004 are:

(a) Living alone (in own home or alternate care, does not include nursing homes or medical situations)

<u>Individual</u>	<u>\$564</u>
<u>Individual with an ineligible spouse</u>	<u>\$564</u>
<u>Couple</u>	<u>\$846</u>

(b) Shared living (in the home of another)

<u>Individual</u>	<u>\$376</u>
<u>Individual with an ineligible spouse</u>	<u>\$376</u>
<u>Couple</u>	<u>\$564</u>

(c) Living in an institution

<u>Individual</u>	<u>\$30</u>
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(2) See WAC 388-478-0055 for the amount of the state supplemental payments (SSP) for SSI recipients.

(3) The SSI-related CNIL standard ~~((is the same as the SSI monthly payment standard based upon the area of the state where the person lives))~~ varies in area 1 and area 2 for a single person. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. ~~((Area 2 is))~~ All other counties ~~((Beginning January 1, 2002, the CNIL monthly income standards are as follows))~~ are area 2. The SSI-related CNIL standards are:

	Area 1	Area 2
(a) Single person	\$570.90	\$(550.45-) <u>564.00</u>
(b) ((A legally married couple who are both eligible))	\$(836.90))	\$(817.00-)) <u>846.00</u>
<u>Married couple - both eligible</u>	<u>846.00</u>	<u>846.00</u>
(c) <u>Supplied shelter -single person</u>	\$(367.05-)) <u>376.00</u>	\$(367.05-)) <u>376.00</u>
(d) <u>Supplied shelter couple - both eligible</u>	<u>564.00</u>	<u>564.00</u>

~~((2))~~ (4) The countable resource standards for ~~((the))~~ SSI and SSI-related CN medical ~~((program))~~ programs are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-010 Purpose and authority. These regulations provide for the comprehensive regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW. The purposes of these regulations are to:

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(1) Designate the types of dams to which these regulations are applicable;

(2) Provide for the design, construction, operation, maintenance, and supervision of dams in a manner consistent with accepted engineering practice;

(3) Establish and administer a program for permitting of construction work for new dams and for modifications of existing dams;

(4) Establish a fee schedule based on dam size that will reflect the actual cost to the department of engineering review of plans and specifications and for construction inspections;

(5) Establish the requirements and owner responsibilities for developing and executing plans for operation and maintenance, owner inspection and emergency actions; and

(6) (~~Encourage owners to establish a program for the periodic inspection of their projects.~~) Establish a program for the periodic inspection by the department of existing dams, and a fee schedule for these inspections based on downstream hazard classification and frequency of inspections. This fee schedule will reflect the actual cost to the department.

AMENDATORY SECTION (Amending Order 94-15, filed 10/24/95, effective 11/24/95)

WAC 173-175-020 Applicability. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-foot threshold applies to dams which can impound water on either an intermittent or permanent basis. Only water that can be stored above natural ground level (~~and~~) or which could be released by a failure of the dam is considered in assessing the storage volume.

The ten acre-foot threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is six feet or less and which meets the conditions of subsection (1) of this section, the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has its own dam safety program for periodic inspection and repair of safety deficiencies of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or permanent basis

and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

(6) These regulations do not apply to concrete or steel water storage tanks.

(7) These regulations do not apply to FERC licensed projects and to FERC exempted projects. The department will continue to maintain a repository for pertinent plans, reports, and other documents related to the safety of FERC licensed and FERC exempted projects.

AMENDATORY SECTION (Amending Order 94-15, filed 10/24/95, effective 11/24/95)

WAC 173-175-030 Definitions. As used in this chapter:

"Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Annual exceedance probability" means the chance that a specified magnitude of some phenomenon of interest, such as a flood or earthquake, is equaled or exceeded during a given year.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or adjacent thereto.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means a revision to the department approved plans and specifications that is initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and eight used to designate increasingly stringent design loadings and conditions for design of critical project elements. Design steps have a range in annual exceedance probability from one in five hundred at Step 1 to one in one million at Step 8.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool height and/or dam height.

"Exigency condition" means a situation where the dam is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC exempted project" means a project that is classified as exempt by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for deter-

mining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the maximum elevation to which the reservoir may rise under normal operating conditions. Where the principal spillway is ungated, the normal storage elevation is usually established by the elevation of the spillway crest.

"100-year floodplain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being (~~equaled~~) equaled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any individual, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be in danger in the event of a dam failure.

"Project" means a dam and its reservoir either proposed or existing.

"Project engineer" means a professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any modification of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Substantially complete" means that a plan, action, or project element requires only minor additions to be complete, and in its present state will perform the necessary functions for its intended use.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-230 Declaration of construction completion. Within ~~((thirty))~~ sixty days following substantial completion of construction or modification of a dam, the project engineer shall submit to the department:

A declaration stating the project was constructed in accordance with the department approved plans and specifications and construction change orders.

The department will provide a declaration form which may be used or altered, as appropriate, by the project engineer.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-250 Construction records summary. Within one hundred twenty days following completion of construction or modification of a dam, the project engineer, as representative of the owner, shall submit a report to the department on construction activities which includes:

- (1) A summary of results from field testing of materials used in construction. The summary shall identify both representative values and the range of test values;
- (2) A discussion of any notable items encountered during construction;
- (3) One complete set of drawings describing the as-built condition of the dam. These drawings shall be submitted in both paper and electronic format.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-360 Construction permit fees for new project construction. (1) Fees for the review of plans and

specifications and for construction inspection for new project construction shall be the amounts shown in Table 4 as adjusted by the fiscal growth factor, and determined by the nearest values of dam height and crest length, in feet, which correspond to the project's planned dam height and crest length.

(2) The fees in Table 4 are automatically adjusted annually on July 1st by the fiscal growth factor as calculated under chapter 43.135 RCW. After July 1st of each year, the department shall publish the adjusted fees by providing notice on its internet site and by providing written notification by mail or electronic mail to permit applicants.

(3) Fees for the review of plans and specifications and for construction inspection for new dairy waste impoundments, and conservation dams, shall be in the amount of one thousand four hundred dollars, provided the project meets the following requirements:

- (a) The facility has a low downstream hazard classification;
- (b) The maximum embankment height is less than fifteen feet;
- (c) The facility conforms with a set of standard plans and specifications prepared by the Natural Resource Conservation Service (NRCS) and approved by the department;
- (d) The NRCS or its designee provides periodic oversight of construction to ensure that the facility conforms to the standard plans.

If the project fails to meet any of the above requirements, the standard fees as described under subsection (1) of this section shall apply.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-370 Construction permit fees for modifications of existing dams. (1) Fees for the review of plans and specifications and for construction inspections for project modifications involving significant enlargements shall be the greater of ~~((five))~~ one thousand four hundred dollars or the amount determined by those applicable percentages shown in Table 5A of the fees in Table 4, as adjusted by the fiscal growth factor. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

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((TABLE 4. CONSTRUCTION PERMIT FEES - NEW PROJECT CONSTRUCTION

DAM-HEIGHT (FEET)	DAM CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
400	15810	17640	18320	18730	19060	19320	19540	19730	20000	20000	20000	20000	20000	20000	20000	20000
300	13680	16220	17320	17890	18240	18500	18720	18920	19240	19500	19720	19920	20000	20000	20000	20000
250	12150	15100	16370	17190	17620	17980	18210	18400	18720	18990	19210	19400	19720	20000	20000	20000
200	10100	13260	15000	15890	16610	17130	17420	17690	18090	18350	18570	18770	19090	19670	20000	20000
180	8930	12370	14090	15250	15940	16530	17030	17280	17720	18060	18280	18470	18790	19380	19790	20000
160	7730	11390	13140	14340	15230	15790	16280	16720	17270	17620	17930	18140	18460	19050	19460	20000
150	7150	10840	12590	13800	14770	15400	15880	16310	17030	17380	17680	17950	18280	18870	19280	20000
140	6570	10080	12000	13250	14180	14990	15460	15880	16600	17120	17420	17680	18090	18670	19090	20000
130	6010	9260	11400	12620	13570	14340	15020	15430	16130	16720	17140	17400	17830	18460	18880	19880
120	5450	8400	10670	11950	12930	13680	14340	14930	15630	16210	16720	17090	17530	18240	18650	19650
110	4900	7560	9740	11250	12180	12990	13620	14180	15120	15680	16170	16600	17200	18000	18410	19410
100	4370	6740	8680	10300	11400	12170	12850	13410	14350	15110	15580	16000	16730	17630	18140	19140
95	4110	6330	8160	9760	11010	11740	12410	13010	13920	14720	15280	15690	16400	17430	18000	19000
90	3850	5930	7640	9140	10410	11320	11950	12530	13490	14260	14940	15360	16060	17230	17790	18320
85	3590	5530	7130	8530	9800	10820	11490	12050	13040	13780	14450	15030	15710	17020	17320	17320
80	3340	5140	6630	7930	9120	10160	11020	11560	12510	13300	13940	14520	15350	16320	16320	16320
75	3090	4760	6130	7340	8440	9460	10320	11060	11970	12780	13420	13980	14960	15320	15320	15320
70	2840	4380	5640	6750	7770	8700	9580	10320	11420	12190	12870	13430	14320	14320	14320	14320
65	2600	4010	5160	6180	7100	7960	8770	9530	10780	11580	12240	12830	13320	13320	13320	13320
60	2360	3640	4690	5610	6450	7230	7970	8660	9930	10950	11590	12150	12320	12320	12320	12320
55	2130	3280	4230	5060	5820	6520	7180	7800	8970	10010	10880	11320	11320	11320	11320	11320
50	1900	2930	3770	4520	5190	5820	6410	6960	8010	8970	9860	10320	10320	10320	10320	10320
46	1720	2650	3420	4090	4700	5270	5800	6310	7250	8120	8950	9520	9520	9520	9520	9520
42	1540	2380	3070	3670	4220	4730	5210	5660	6510	7290	8030	8720	8720	8720	8720	8720
38	1370	2110	2720	3260	3750	4200	4630	5030	5780	6480	7130	7760	7920	7920	7920	7920
34	1200	1860	2390	2860	3290	3690	4060	4410	5070	5680	6260	6800	7120	7120	7120	7120
30	1040	1600	2060	2470	2840	3180	3500	3810	4380	4910	5400	5870	6320	6320	6320	6320
28	960	1480	1900	2280	2620	2940	3230	3510	4040	4530	4980	5420	5920	5920	5920	5920
26	880	1360	1750	2090	2400	2690	2960	3220	3700	4150	4570	4970	5520	5520	5520	5520
24	820	1230	1590	1900	2190	2450	2700	2940	3380	3780	4170	4530	5120	5120	5120	5120
22	770	1120	1440	1720	1980	2220	2440	2660	3050	3420	3770	4090	4710	4720	4720	4720
20	710	1000	1290	1540	1770	1990	2190	2380	2730	3070	3370	3670	4220	4320	4320	4320
18	660	890	1140	1370	1570	1760	1940	2110	2420	2720	2990	3250	3740	3920	3920	3920
16	610	800	1000	1200	1370	1540	1700	1840	2120	2370	2620	2840	3270	3520	3520	3520
15	590	770	930	1110	1280	1430	1580	1710	1970	2210	2430	2640	3040	3320	3320	3320
14	570	730	860	1030	1180	1320	1460	1580	1820	2040	2250	2440	2810	3120	3120	3120
13	550	690	810	950	1090	1220	1340	1460	1680	1880	2070	2250	2580	2920	2920	2920
12	540	650	770	870	1000	1110	1230	1330	1530	1720	1890	2060	2360	2720	2720	2720
11	530	620	720	810	910	1010	1110	1210	1390	1560	1720	1870	2150	2520	2520	2520
10	520	590	670	760	830	910	1000	1090	1250	1400	1550	1680	1930	2320	2320	2320
9	510	560	630	700	770	830	900	970	1120	1250	1380	1500	1720	2120	2120	2120
8	500	540	590	640	710	760	810	860	980	1100	1210	1320	1510	1920	1920	1920
7	500	520	550	600	640	690	740	780	850	950	1050	1140	1310	1690	1720	1720
6	500	510	530	560	590	630	660	700	770	820	890	970	1110	1430	1520	1520
5	500	500	510	530	550	570	600	620	680	730	780	820	920	1180	1320	1320

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TABLE 4. CONSTRUCTION PERMIT FEES - NEW PROJECT CONSTRUCTION

Dam Height (ft)	CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
400	44268	49392	51296	52444	53368	54096	54712	55244	56000	56000	56000	56000	56000	56000	56000	56000
300	38304	45416	48496	50092	51072	51800	52416	52976	53872	54600	55216	55776	56000	56000	56000	56000
250	34020	42280	45836	48132	49336	50344	50988	51520	52416	53172	53788	54320	55216	56000	56000	56000

Dam Height (ft)	CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
200	28280	37128	42000	44492	46508	47964	48776	49532	50652	51380	51996	52556	53452	55076	56000	56000
180	25004	34636	39452	42700	44632	46284	47684	48384	49616	50568	51184	51716	52612	54264	55412	56000
160	21644	31892	36792	40152	42644	44212	45584	46816	48356	49336	50204	50792	51688	53340	54488	56000
150	20020	30352	35252	38640	41356	43120	44464	45668	47684	48664	49504	50260	51184	52836	53984	56000
140	18396	28224	33600	37100	39704	41972	43288	44464	46480	47936	48776	49504	50652	52276	53452	56000
130	16828	25928	31920	35336	37996	40152	42056	43204	45164	46816	47992	48720	49924	51688	52864	55664
120	15260	23520	29876	33460	36204	38304	40152	41804	43764	45388	46816	47852	49084	51072	52220	55020
110	13720	21168	27272	31500	34104	36372	38136	39704	42336	43904	45276	46480	48160	50400	51548	54348
100	12236	18872	24304	28840	31920	34076	35980	37548	40180	42308	43624	44800	46844	49364	50792	53592
95	11508	17724	22848	27328	30828	32872	34748	36428	38976	41216	42784	43932	45920	48804	50400	53200
90	10780	16604	21392	25592	29148	31696	33460	35084	37772	39928	41832	43008	44968	48244	49812	51296
85	10052	15484	19964	23884	27440	30296	32172	33740	36512	38584	40460	42084	43988	47656	48496	48496
80	9352	14392	18564	22204	25536	28448	30856	32368	35028	37240	39032	40656	42980	45696	45696	45696
75	8652	13328	17164	20552	23632	26488	28896	30968	33516	35784	37576	39144	41888	42896	42896	42896
70	7952	12264	15792	18900	21756	24360	26824	28896	31976	34132	36036	37604	40096	40096	40096	40096
65	7280	11228	14448	17304	19880	22288	24556	26684	30184	32424	34272	35924	37296	37296	37296	37296
60	6608	10192	13132	15708	18060	20244	22316	24248	27804	30660	32452	34020	34496	34496	34496	34496
55	5964	9184	11844	14168	16296	18256	20104	21840	25116	28028	30464	31696	31696	31696	31696	31696
50	5320	8204	10556	12656	14532	16296	17948	19488	22428	25116	27608	28896	28896	28896	28896	28896
46	4816	7420	9576	11452	13160	14756	16240	17668	20300	22736	25060	26656	26656	26656	26656	26656
42	4312	6664	8596	10276	11816	13244	14588	15848	18228	20412	22484	24416	24416	24416	24416	24416
38	3836	5908	7616	9128	10500	11760	12964	14084	16184	18144	19964	21728	22176	22176	22176	22176
34	3360	5208	6692	8008	9212	10332	11368	12348	14196	15904	17528	19040	19936	19936	19936	19936
30	2912	4480	5768	6916	7952	8904	9800	10668	12264	13748	15120	16436	17696	17696	17696	17696
28	2688	4144	5320	6384	7336	8232	9044	9828	11312	12684	13944	15176	16576	16576	16576	16576
26	2464	3808	4900	5852	6720	7532	8288	9016	10360	11620	12796	13916	15456	15456	15456	15456
24	2296	3444	4452	5320	6132	6860	7560	8232	9464	10584	11676	12684	14336	14336	14336	14336
22	2156	3136	4032	4816	5544	6216	6832	7448	8540	9576	10556	11452	13188	13216	13216	13216
20	1988	2800	3612	4312	4956	5572	6132	6664	7644	8596	9436	10276	11816	12096	12096	12096
18	1848	2492	3192	3836	4396	4928	5432	5908	6776	7616	8372	9100	10472	10976	10976	10976
16	1708	2240	2800	3360	3836	4312	4760	5152	5936	6636	7336	7952	9156	9856	9856	9856
15	1652	2156	2604	3108	3584	4004	4424	4788	5516	6188	6804	7392	8512	9296	9296	9296
14	1596	2044	2408	2884	3304	3696	4088	4424	5096	5712	6300	6832	7868	8736	8736	8736
13	1540	1932	2268	2660	3052	3416	3752	4088	4704	5264	5796	6300	7224	8176	8176	8176
12	1512	1820	2156	2436	2800	3108	3444	3724	4284	4816	5292	5768	6608	7616	7616	7616
11	1484	1736	2016	2268	2548	2828	3108	3388	3892	4368	4816	5236	6020	7056	7056	7056
10	1456	1652	1876	2128	2324	2548	2800	3052	3500	3920	4340	4704	5404	6496	6496	6496
9	1428	1568	1764	1960	2156	2324	2520	2716	3136	3500	3864	4200	4816	5936	5936	5936
8	1400	1512	1652	1792	1988	2128	2268	2408	2744	3080	3388	3696	4228	5376	5376	5376
7	1400	1456	1540	1680	1792	1932	2072	2184	2380	2660	2940	3192	3668	4732	4816	4816
6	1400	1428	1484	1568	1652	1764	1848	1960	2156	2296	2492	2716	3108	4004	4256	4256
5	1400	1400	1428	1484	1540	1596	1680	1736	1904	2044	2184	2296	2576	3304	3696	3696

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(2) Fees for the review of plans and specifications and for construction inspection for project modifications not involving significant enlargements shall be the greater of ~~((five))~~ one thousand four hundred dollars or the amount determined by those applicable percentages shown in Table 5B of the fees in Table 4, as adjusted by the fiscal growth factor. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(3) Fees for the review of plans and specifications and for construction inspection for repair of a dam with safety

deficiencies as required by the department shall be one thousand four hundred dollars.

(4) Fees for the review of plans and specifications and for construction inspection for the removal or partial removal of a dam with safety deficiencies for the purpose of eliminating a public safety hazard shall be the minimum fee of ten dollars.

~~((4))~~ (5) Fees for the review of plans and specifications and for construction inspection for the planned abandonment and reclamation of dams and reservoir areas used in mining operations shall be the minimum fee of ~~((five))~~ one thousand four hundred dollars.

TABLE 5. FEES FOR MODIFICATIONS OF DAMS

MODIFICATION FEE AS PERCENTAGE OF FEE FOR NEW DAM CONSTRUCTION

FEATURES MODIFIED	TABLE 5A MODIFICATIONS INVOLVING SIGNIFICANT ENLARGEMENTS	TABLE 5B MODIFICATIONS NOT INVOLVING SIGNIFICANT ENLARGEMENTS
Spillway(s)	35%	25%
Impounding Barrier	35%	25%
Appurtenant Works and Miscellaneous Construction Ele- ments	10%	10%

AMENDATORY SECTION (Amending Order 94-15, filed 10/24/95, effective 11/24/95)

WAC 173-175-390 Payment of construction permit fees. (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) ~~(Five)~~ One thousand four hundred dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

(c) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-500 Operation and maintenance. (1) The owner shall develop and maintain a current operation and maintenance (O&M) manual.

The manual shall describe procedures for operation of the project under normal and extreme reservoir inflow conditions and provide technical guidance and procedures for monitoring, inspection, and long-term maintenance. Infor-

mation on the development of the O&M manual is contained in the department's *Dam Safety Guidelines*. The O&M manual shall include, as a minimum, the following items:

(a) Identification of the individual(s) responsible for implementing the plan;

(b) A project data sheet describing the pertinent features of the dam and reservoir, including the spillway(s), outlet works, and appurtenant structures and their locations at the dam site;

(c) The rules and procedures (rule curve) used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions;

(d) A description of each hydraulic element used to regulate or release water, including information on proper operation and scheduled maintenance;

(e) A listing of the items requiring periodic monitoring, the frequency of monitoring and procedures for monitoring, measurement, and recordkeeping;

(f) A listing of the items requiring periodic maintenance and procedures for conducting and documenting maintenance and recording of problems;

(g) A listing of items to be inspected or test operated, the frequency and procedures for conducting the same and for documenting the findings.

(2) It shall be the duty and responsibility of the owner to, at all times, operate and maintain the dam and all appurtenant works in a safe manner and condition and follow the method and schedule of operation of the dam as outlined in the O&M manual.

(3) ~~((For dams constructed before July 1, 1992, owners are required to develop an O&M manual by December 31, 1997.~~

~~In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the O&M manual shall be submitted to the department for review and acceptance.~~

(4)) Any proposed changes to the O&M manual which could have an effect on public or project safety must be submitted to the department for review and acceptance before implementation.

(4) The O&M manual must be updated within one hundred eighty days after a periodic inspection has been completed by the department.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-510 Inspection by owner. ~~((4))~~ Owners are required to evaluate the safety of their dam(s) and all appurtenant works and to make modifications, as become necessary, to reasonably secure safety to life and property. To accomplish this, owners are:

~~((a))~~ (1) Required to conduct annual surficial inspections and to maintain records of their findings, including records of actions taken to correct problem conditions. ~~((Copies of such records shall be provided to the department upon request.))~~

The annual surficial inspections may be conducted by the owner or by agent(s) designated by the owner, or by a professional engineer.

~~((b) Encouraged to implement a program for the periodic inspection of their project(s) on a five-year frequency to be conducted by a professional engineer.~~

~~(c) Required to notify the department at least thirty days in advance of when periodic inspections are scheduled to allow department engineers to participate in the inspection.~~

~~((d)) (2) Owners are required to submit a copy of the ((engineering report(s))) annual inspection checklist and other documents which contain the findings((, conclusions, and recommendations)) resulting from the ((periodic)) annual inspection within thirty days following the completion ((of the various documents)).~~

~~((2) In order to correct safety deficiencies and exigency conditions, owners are required to take actions and make modifications as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.~~

~~(3) The department may elect to conduct periodic inspections of particular projects to reasonably secure safety to life and property.~~

~~(a) The department will give at least thirty days advance notice of the date of the periodic inspection and advise the owner of any requirements such as gates or valves that are to be operated during the inspection.~~

~~(b) Owners are required to develop an Operation and maintenance manual (WAC 173-175-500) and an Emergency action plan (WAC 173-175-520) within one hundred eighty days following completion of a periodic inspection conducted by the department.)~~

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-520 Emergency action plans. (1) In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the owner shall develop and maintain an emergency action plan (EAP) acceptable to the department.

(a) The EAP shall describe procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating, and initiating notification or warning of individuals who may be at risk in downstream and upstream areas. Information on the development of an EAP is contained within the department's *Dam Safety Guidelines*.

(b) It shall be the duty and responsibility of the owner to implement the EAP when conditions warrant and to follow the method and schedule contained within the EAP.

~~(c) ((For dams constructed before July 1, 1992, owners are required to develop an EAP and to submit it to the department for review and acceptance by December 31, 1997.~~

~~((d)) Owners are required to coordinate the development of the EAP with representatives from the local emergency services staff, state department of community development, emergency management division, and appropriate local authorities.~~

~~((d)) (d) Copies of the completed EAP must be provided to the state emergency management division, local emergency services office, and to the department.~~

(2) Any proposed changes to the EAP which could have an affect on public or project safety must be submitted to the department for review and acceptance before implementation.

(3) Owners are required to exercise components of the EAP as needed to confirm the viability of the plan.

(4) The department will coordinate and solicit review comments from the local emergency services office and the state emergency management division on the acceptability of proposed EAPs. Those comments will constitute the primary basis for accepting or requesting modifications to a proposed EAP.

(5) The EAP must be updated within one hundred eighty days after a periodic inspection has been completed by the department.

AMENDATORY SECTION (Amending Order 91-17, filed 6/1/92, effective 7/2/92)

WAC 173-175-620 Enforcement. (1) In enforcement of this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, the issuance of regulatory orders under RCW 86.16.081 and 43.27A.190 and civil penalties under RCW 86.16.081 and 90.03.600.

(2) Any dam which is found to be under construction or recently constructed without prior approval of the plans and specifications is in violation of RCW 90.03.350 and will be presumed to be a public nuisance. The owner will not be allowed to fill the reservoir or continue to operate the reservoir until the structural integrity and safety of the facility can be demonstrated to the satisfaction of the department. In addition:

(a) Regulatory orders may be issued to enforce the restriction of reservoir filling and fines may be levied at one hundred to five thousand dollars per day ~~((up to an amount equal to one hundred fifty percent of the amount the owner would have been charged under the construction permit fee schedule listed in this chapter))~~;

(b) Owners are required to submit as-built drawings and all available documentation describing the manner in which the dam or portion thereof was constructed;

(c) If the structural integrity and safety of a dam project cannot be demonstrated or confirmed to the satisfaction of the department, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved to the satisfaction of the department. To accomplish the above, the department may:

(i) Order the outlet works to remain fully open and not allow filling of the reservoir;

(ii) Restrict reservoir water levels or reservoir operation;

(iii) Order the breaching of the impounding barrier;

(iv) Take other measures as appropriate to reasonably assure safety to life and property.

(d) If, in the opinion of the department, the owner is unwilling or incapable of resolving the outstanding safety issues in a timely manner, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

(3)(a) In order to correct safety deficiencies and exigency conditions as identified by the department on existing dams, owners are required to take actions as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.

(b) If the owner does not take action to correct safety issues in a timely manner, regulatory orders may be issued to require modifications, and to restrict the filling of the reservoir until all outstanding issues or problems are resolved to the satisfaction of the department.

(c) If the owner continues to be unwilling or incapable of resolving the outstanding safety issues, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

PART SIX PERIODIC INSPECTION PROGRAM

NEW SECTION

WAC 173-175-705 Periodic inspection by the department. (1) As authorized by RCW 43.21A.064, the department has the authority to conduct routine periodic inspections of all existing dams with high and significant downstream hazard classifications to reasonably secure safety to life and property.

- Dams with high downstream hazard classifications will be inspected every five years.

- Dams with significant downstream hazard classifications will be inspected every five years, or ten years if workload or staffing necessitates a longer cycle between inspections.

- Dams classified as low hazard are not included in the periodic inspection program.

(a) The department will give at least thirty days notice of the date of the periodic inspection and advise the owner of any requirements such as gates or valves that are to be operated during the inspection.

(b) Fees shall be charged for periodic inspections conducted by the department. The amount of the fee and owner requirements for the fee payment are described in WAC 173-175-755 through 173-175-775.

Dam classification

(2) The downstream hazard classification of existing dams shall be determined by the department in accordance with WAC 173-175-130, Table 3.

(3) The classification of each dam shall be reviewed during each periodic or other inspection and may be changed as the result of such inspection.

Components of a periodic inspection

(4) Each periodic inspection shall consist of, but not be limited to, the following:

- (a) Review and analysis of available data on the design, construction, operation, and maintenance of the dam and its appurtenances;

- (b) Visual inspection of the dam and its appurtenances, the downstream area, and all other areas affected by the structure;

- (c) Evaluation of the safety of the dam and its appurtenances, which may include assessment of the hydrologic and hydraulic capabilities, structural stabilities, seismic stabilities, and any other condition which could constitute a hazard to the integrity of the structure;

- (d) Evaluation of the downstream hazard classification;

- (e) Evaluation of the operation, maintenance, and inspection procedures employed by the owner and/or operator; and

- (f) Review of the emergency action plan for the dam including review and/or update of dam breach inundation maps.

(5) The department shall prepare a written safety inspection report that describes the findings from the inspection and lists remedial actions that must be taken to ensure the continued safety of the dam.

(6) The department shall provide the dam owner with a copy of the written report of the periodic inspection. The dam owner must correct any identified safety deficiencies in a timely manner.

NEW SECTION

WAC 173-175-725 Nonroutine inspections by department. (1) The department may perform nonroutine inspections of dams with any downstream hazard classification, separate from the periodic inspection program. The purposes for these inspections include, but are not limited to, the following:

- (a) Determining downstream hazard classification;

- (b) Condition inspections during or immediately after emergencies such as floods or earthquakes;

- (c) When problems or conditions arise that may pose a threat to the integrity of the dam;

- (d) Obtaining routine monitoring data and information;

- (e) Surficial inspections of low hazard dams.

(2) No fees shall be charged to the dam owner for non-routine inspections.

NEW SECTION

WAC 173-175-735 Inspection at public request. (1) The department may inspect a dam if a complaint from the public is received that states that a dam:

- (a) Impounds ten or more acre-feet of water at the dam crest level; and

- (b) Is endangering public safety or property, or has been constructed without prior department approval.

(2) The department shall provide a copy of the written report of findings to the complainant and dam owner.

(3) The dam owner shall be required to correct any identified safety deficiencies or exigency conditions in a timely manner.

(4) Dams found to be under construction or recently built without prior approval of the plans and specifications will be subject to enforcement actions as described under WAC 173-175-620(2).

(5) No fees shall be charged to the dam owner for inspections at public request.

**PART SEVEN
PERIODIC INSPECTION FEES**

NEW SECTION

WAC 173-175-755 Periodic inspection fees. The department is required by RCW 90.03.470(8) to collect in advance the actual cost, including the expense incident thereto, of the inspection of any dam to insure safety to life and property. Fee amounts contained in this section represent the department's true estimate of the cost of performing periodic dam safety inspections as described in WAC 173-175-705, and reflect the department's commitment to fully recover all eligible expenses.

NEW SECTION

WAC 173-175-765 Periodic inspection fee schedule. (1) The inspection fee amounts are based on the downstream hazard classification of the dam, as determined by the department, and incorporate the fiscal growth factor calculated under chapter 43.135 RCW. The inspection fees for each five-year inspection are prorated on an annual basis.

(a) Equation 1 below is used to calculate the annual inspection fees.

$$\text{Annual Inspection Fee} = (\text{COST}_{\text{FGF}}) + (\text{Cycle}) \text{ Equation 1}$$

Where:

(i) Cycle = number of years between inspections, with five years being the minimum.

(ii) FGF = an annual fiscal growth factor expressed as a percentage, as determined under chapter 43.135 RCW.

(iii) COST_{FGF} = cost of inspection in dollars including a fiscal growth factor. The cost is obtained by multiplying the inspection cost in the preceding year by the current year's fiscal growth factor as follows:

$$\text{COST}_{\text{FGF}} = \text{Previous year's cost} \times [1 + (\text{FGF})] \text{ Equation 2}$$

(b) For implementation of the fiscal growth factor, the base year for dam inspection fees will be fiscal year 2004, ending June 30, 2004. In the base year, the FGF will be zero.

(c) The cost for an inspection by the department in the base year will be as follows:

(i) \$3440.00 for dams with high downstream hazard classifications, with a prorated annual fee of \$688.00 for a five-year inspection cycle.

(ii) \$2500.00 for dams with significant downstream hazard classifications, with a prorated annual fee of \$500.00 if a five-year inspection cycle is implemented, or \$250.00 if a ten-year inspection cycle is implemented.

(2) **Inspection fee for impoundments with multiple dams.** For reservoirs or impoundments with a main dam and one or more saddle dams, a single annual inspection fee will be charged for the facility. The dam with the highest downstream hazard rating will be used for fee computation.

(3) **Inspection fee for multicell impoundments.** For multicell impoundments, such as wastewater lagoons, where two or more cells are located side-by-side or share a common embankment, a single annual inspection fee will be charged

for the facility. The cell with the highest downstream hazard classification will be used for fee computation.

(4) **Inspection fee for nonroutine inspections.** For nonroutine inspections as described in WAC 173-175-725, no fees will be charged to the dam owner.

(5) **Inspection fee for inspections at public request.** For inspections done at public request, as described in WAC 173-175-735, no fees will be charged to the dam owner.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-175-775 Periodic inspection fee computation. (1) The department shall charge inspection fees based on the fee schedule contained in WAC 173-175-765. After July 1st of each year, the department shall publish the adjusted fees by providing notice on its internet site, and by providing written notification by mail or electronic mail to owners of high and significant hazard dams. The inspection fees must be received by the department within forty-five days after the department mails a billing statement.

(2) **Inspection fee computation.** Computation of fees shall begin on the first day of each fiscal year. In the case of new dams not previously covered by the inspection program, fee computation begins on the first day of each fiscal year following completion of construction.

NEW SECTION

WAC 173-175-785 Periodic inspection fee payments. (1) The applicable inspection fee shall be paid by check or money order payable to the department of ecology and mailed to the following address:

Department of Ecology
Dam Safety Inspection Fee Program
P.O. Box 5128
Lacey, Washington 98509-5128.

(2) In the event a check is returned due to insufficient funds, the department shall consider the inspection fee to be unpaid.

(3) **Delinquent accounts.** Dam owners are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by certified mail that they have one hundred eighty days to bring the delinquent account up-to-date. Regulatory orders may be issued to enforce a restriction of reservoir filling until all delinquent fees are paid on accounts that remain delinquent after ninety days.

(b) Nonmunicipal or nongovernment dam owners shall be notified by the department by certified mail that they have one hundred eighty days to bring the delinquent account up-to-date. Accounts that remain delinquent after one hundred eighty days may be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover

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the delinquent fees after twelve months, the department may issue regulatory orders to enforce restriction of reservoir filling until all delinquent fees are paid.

NEW SECTION

WAC 173-175-795 Periodic inspection fees for transfer of ownership or control. The department shall charge inspection fees from the dam owner on record with the department. In the event that ownership or control of a dam is transferred, it shall not be the responsibility of the department to transfer funds between a new and previous dam owner, and the department shall not refund fee charges prospectively in the event of a transfer. Fees paid by a previous dam owner shall be deemed to satisfy the corresponding fee payment requirements of a new dam owner. Agreements between a new and previous dam owner are not binding on the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-175-070 Effective date.

**WSR 04-16-125
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-202—Filed August 4, 2004, 11:49 a.m., effective September 4, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Establish 2004 Puget Sound salmon net seasons.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-430; and amending WAC 220-47-301, 220-47-302, 220-47-303, 220-47-307, 220-47-311, 220-47-325, 220-47-401, 220-47-411, and 220-47-428.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-12-129 on June 2, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 3, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-34, filed 2/18/03, effective 3/21/03)

WAC 220-47-301 Puget Sound—Lawful gear—Purse seine. (1) Lawful purse seine salmon nets in Puget Sound shall not exceed 1,800 feet in length along the cork line while wet and purse seine and lead combined shall not exceed 2,200 feet. Neither shall contain meshes of a size less than 3-1/2 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear. It shall be lawful as part of the purse seine to have a bunt not more than 10 fathoms long which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material.

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

(5) A purse seine will not be considered to be fishing once both ends of the seine are attached to the primary vessel.

(6) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length, along the corkline in the bunt and within 75 fathoms of the bunt have no corks or floats attached. These four sections must be spaced such that one section is along the corkline in the bunt, within 5 fathoms of the seine net, and the other three sections must be spaced at least 20 fathoms apart along the corkline within 75 fathoms of the bunt.

(7) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) Lawful drift gill net salmon gear in Puget Sound shall not exceed 1,800 feet in length nor contain meshes of a size less than 5 inches, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 mesh deep, or contain mesh size less than 5 inches.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches, except in Area 9A,

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where gill nets may not exceed 600 feet in length, or be more than 60 meshes deep, or contain mesh size less than 5 inches. Nets must be retrieved by hand (no hydraulics may be used). Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210d/30 (#12) diameter nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A between the dates of September 30 and October ((29)) 17 unless the gill net vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of ~~((not less than 39 1/2 inches nor more than))~~ 48 inches, an inside width measurement of ~~((not less than 8 inches nor more than))~~ 10 inches, and an inside height measurement of ~~((not less than 14 inches nor more than))~~ 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(6) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-303 Puget Sound—Lawful gear—Reef nets. (1) Lawful reef net salmon nets in Puget Sound shall not exceed 300 meshes on any side nor contain meshes of a size less than 3-1/2 inches nor utilize more than two leads. Each of said leads shall not exceed 200 feet in length measured from the bows of the reef net boats to the nearest end of the head buoys. The use of any false, detached or auxiliary lead shall be unlawful.

(2) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fautleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the south-eastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point

Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

(AREA	TIME	DATE
7, 7A:	7AM—7PM	10/16
	7AM—6PM	10/23
	6AM—5PM	10/29
	7AM—5PM	11/6
7B, 7C	6AM—9PM	8/20
7B:	6AM-9/8	- 8PM-9/10
	6AM-9/15	- 8PM-9/17
	7AM-9/21	- 7PM-10/25
	6AM-10/27	- 4PM-10/31
	6AM-11/3	- 4PM-11/7
	7AM-11/10	- 4PM-11/14
	7AM-11/17	- 4PM-11/21
	7AM-11/24	- 4PM-11/28

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AREA	TIME	DATE
	8AM-12/4	- 4PM-12/5
Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.		
8:	6AM - 8PM	8/28
	6AM - 8PM	9/3
	7AM - 5PM	11/6
8A:	6AM - 9PM	8/18, 8/20
	6AM - 8PM	8/26, 8/28
	7AM - 7PM	10/6, 10/13, 10/20
	6AM - 5PM	10/27, 10/29
	7AM - 5PM	11/5, 11/10, 11/12, 11/19, 11/24, 11/26
8D:	7AM - 7PM	9/25, 10/2, 10/6, 10/13, 10/20
	6AM - 5PM	10/27, 10/29
	7AM - 5PM	11/3, 11/10, 11/12, 11/19, 11/24, 11/26
10, 11:	7AM - 7PM	10/13, 10/20
	6AM - 5PM	10/27
	7AM - 5PM	11/5, 11/10
12, 12B:	7AM - 7PM	10/20
	6AM - 5PM	10/27, 10/29
	7AM - 5PM	11/5, 11/10
12C:	7AM - 5PM	11/10, 11/17, 11/24))

AREA	TIME	DATE
	8AM - 6PM	10/18, 10/25, 10/27
	7AM - 5PM	11/3, 11/8, 11/10, 11/17
	7AM - 4PM	11/22, 11/24
8D:	7AM - 7PM	9/23, 10/4
	7AM - 6PM	10/11
	8AM - 6PM	10/18, 10/25, 10/27
	7AM - 5PM	11/3, 11/8, 11/10, 11/17
	7AM - 4PM	11/22, 11/24
10, 11:	7AM - 6PM	10/11
	8AM - 6PM	10/18, 10/25, 10/27
	7AM - 5PM	11/1, 11/8, 11/15
	7AM - 4PM	11/22
12, 12B:	8AM - 6PM	10/18, 10/25, 10/27
	7AM - 5PM	11/1, 11/8, 11/15
12C:	7AM - 5PM	11/9, 11/16
	7AM - 4PM	11/23

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

- Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C
- Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September 8 in Area 7B
- Sockeye salmon - prior to September 8 in Area 7B
- Chum salmon - prior to October 1 in Areas 7 and 7A. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) In Areas 7 and 7A and prior to September ((8)) 5 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

- (a) A bag of web hung on a rigid hoop attached to a handle;
- (b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and
- (c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) If fishers are enrolled in the "rolling wedge" evaluation program, they may use the rolling wedge in lieu of brailer provided they comply with the following conditions:

AREA	TIME	DATE
7, 7A:	7AM - 6PM with use of recovery box	10/13, 10/14
	7AM - 3:15 PM without use of recovery box	
	8AM - 6 PM with use of recovery box	10/20, 10/21, 10/27, 10/28
	8AM - 3:30 PM without use of recovery box	
	7AM - 5 PM with use of recovery box	11/3, 11/4
	7AM - 2:30 PM without use of recovery box	
7B, 7C:	6AM - 8PM	8/18, 8/25, 9/1 Limited participation, 4 boats to be selected by lottery
7B:	7AM 9/7	= 8PM 9/9
	7AM 9/13	= 7PM 9/15
	7AM 9/19	= 4PM 10/23
	7AM 10/25	= 4PM 10/29
	7AM 11/1	= 4PM 11/5
	7AM 11/8	= 4PM 11/12
	7AM 11/15	= 4PM 11/19
	7AM 11/22	= 4PM 11/26
	8AM 11/29	= 4PM 12/3
8A:	7AM - 7PM	9/27, 10/4 Limited participation, 2 boats to be selected by lottery
	7AM - 6PM	10/11

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.

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(a) Have enrolled by contacting the department at 360-902-2717 prior to June 1, 2004;

(b) Pay the funding fee of \$100 per day of the opening;

(c) Allow WDFW observer on board for all fishing activities;

(d) No more than 125 fish may be on deck at any one time;

(e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead;

(f) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box;

(ii) Each recovery box chamber must have an inside length measurement of not less than 39 1/2 inches nor more than 48 inches, an inside width measurement of not less than 8 inches nor more than 10 inches, and an inside height measurement of not less than 14 inches nor more than 16 inches;

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber;

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber;

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute;

(g) Each box and chamber must be operating during any time that the net is being retrieved or picked;

(h) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber;

(i) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	7AM - 7PM Daily	(09/16-11/15) 9/12 - 11/13

(2) ~~((It is unlawful to take, fish for, or possess salmon taken with reef net gear during the period September 16 through September 30 unless the reef net license holder provides the department with 24-hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:~~

- ~~(a) Fax transmission to 360-902-2949;~~
- ~~(b) E-mail to psfishtickets@dfw.wa.gov; or~~
- ~~(c) Toll free telephone call to 1-866-791-1279.~~

(3)) It is unlawful to retain chinook salmon taken with reef net gear at all times, and it is unlawful to retain wild coho salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 03-179, filed 8/6/03, effective 9/6/03)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

(AREA	TIME	DATE(S)	MINIMUM MESH
6D:	7AM - 7PM	9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31	5"
7, 7A:	7AM - 8PM	10/15, 10/22	6-1/4"
7B/C:	7AM - 7PM	10/30, 11/5	6-1/4"
7B:	7PM - 9AM	NIGHTLY 8/18, 8/24, 8/26, 8/28, 8/31, 9/2, 9/4	7"
	6PM - 8AM	NIGHTLY 9/7, 9/9, 9/11	5"
	7AM-9/21 - 4PM	NIGHTLY 9/14, 9/16, 9/18	
	7AM-10/27 - 4PM-10/31	10/25	6-1/4"
	7AM-11/3 - 4PM-11/7		
	7AM-11/10 - 4PM-11/14		
	7AM-11/17 - 4PM-11/21		
	7AM-11/24 - 4PM-11/28		

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water.

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((AREA	TIME	-	DATE(S)	MINIMUM MESH
	8AM-12/1	-	4PM-12/5	
Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum Harbor is open to gill nets using 6 1/4 inch minimum mesh beginning 12:01AM on the last day in October and is open until 4:00 PM on the first Friday in December.				
8:	6AM	-	8PM 8/28, 9/3	5"
Note: In Area 8 openings it is unlawful to use other than 5-inch minimum mesh, maximum 60 meshes in depth.				
	7AM	-	7PM 11/6	6 1/4"
8A:	7PM	-	NIGHTLY 8/18, 8/20, 8/25, 8/27	6 1/4"
Note: In Area 8A openings on 8/18, 8/20, 8/25, and 8/27, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh gill nets.				
	6PM	-	NIGHTLY 10/7	
	5PM	-	NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	
	4PM	-	NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	
8D:	6PM	-	NIGHTLY 9/21, 9/23, 9/25, 9/28, 9/30, 10/2, 10/5, 10/7, 10/9, 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	5"
	4PM	-	NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	6 1/4"
9A:	6AM	-	9PM 8/26, 8/28	5"
	6AM-8/31	-	4PM-10/25	
Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish. Logbooks required in accordance with WAC 220-47-430.				
10, 11:	5PM	-	NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	6 1/4"
	4PM	-	NIGHTLY 10/26, 10/28, 10/30, 11/2, 11/4, 11/6, 11/9, 11/11, 11/13	
12, 12B:	7AM	-	10/21, 10/22, 10/23	6 1/4"
	7AM	-	10/28, 10/30, 10/31, 11/3, 11/4, 11/6, 11/11, 11/12, 11/13	
	7AM	-	11/18, 11/19, 11/20	
Note: It is unlawful to fish for or possess salmon taken with gill net gear in that part of Area 12B south of a line from Quatsap Point to Hood Point on the following dates: 10/22, 10/23, 10/30, 10/31, 11/3, 11/4, 11/12, 11/13, 11/19, and 11/20.				
12C:	7AM	-	7PM 11/11. Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation.	6 1/4"
	7AM	-	6PM 11/18, 11/25. Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation.	

All other saltwater and freshwater areas — closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.)

AREA	TIME	:	DATE(S)	MINIMUM MESH
6D:	7AM	:	7PM 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29	5"

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM	:	8PM Use of recovery box 10/13, 10/14 required	6 1/4"
	8AM	:	8PM Use of recovery box 10/20, 10/21, 10/27, 10/28 not required	
	7AM	:	7PM 11/3, 11/4	

Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water.

7B/7C:	7PM	:	7AM NIGHTLY 8/16, 8/22, 8/24, 8/26, 8/29, 8/31, 9/2	7"
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PERMANENT

AREA	TIME	=	DATE(S)	MINIMUM MESH	
7B:	7PM	=	8AM	NIGHTLY 9/6, 9/7, 9/9	5"
	6PM	=	8AM	NIGHTLY 9/12, 9/14, 9/16	
	7AM 9/19	=	8PM 10/23		
	8AM 10/25	=	4PM 10/29	6 1/4"	
	7AM 11/1	=	4PM 11/5		
	7AM 11/8	=	4PM 11/12		
	7AM 11/15	=	4PM 11/19		
	7AM 11/22	=	4PM 11/26		
	8AM 11/29	=	4PM 12/3		

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squaticum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01AM on the last day in October and is open until 4:00 PM on the first Friday in December.

8A:	6PM	=	8AM	NIGHTLY 10/5	5"
	5PM	=	8AM	NIGHTLY 10/12, 10/14, 10/15	6 1/4 "
	8AM	=	8PM	10/19, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28	
	7AM	=	7PM	11/2, 11/4, 11/5, 11/9, 11/11, 11/12, 11/16, 11/18, 11/19	
	7AM	=	6PM	11/23, 11/25, 11/26	
8D:	6PM	=	8AM	NIGHTLY 9/19, 9/21, 9/23, 9/26, 9/28, 9/30, 10/3, 10/5, 10/7	5"
	5PM	=	8AM	NIGHTLY 10/10, 10/12, 10/14	6 1/4"
	5PM	=	9AM	NIGHTLY 10/17, 10/19, 10/21	
	5PM	=	9AM	NIGHTLY 10/25, 10/26, 10/27, 10/28	
	4PM	=	8AM	NIGHTLY 10/31, 11/2, 11/4, 11/8, 11/9, 11/10, 11/11, 11/14, 11/16, 11/18	6 1/4"
	3PM	=	8AM	NIGHTLY 11/22, 11/23, 11/24, 11/25	
9A:	7PM	=	7AM	NIGHTLY 8/24, 8/26	5"
	6AM 8/29	=	8PM 10/30		

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

10. 11:	5PM	=	8AM	NIGHTLY 10/10, 10/12, 10/14	6 1/4"
	5PM	=	9AM	NIGHTLY 10/17, 10/19, 10/21, 10/24, 10/26, 10/28	
	4PM	=	8AM	NIGHTLY 10/31, 11/2, 11/4, 11/7, 11/9, 11/11	
12. 12B:	8AM	=	8PM	10/19, 10/20, 10/21, 10/26, 10/28, 10/29	6 1/4"
	7AM	=	7PM	11/1, 11/2, 11/4, 11/9, 11/10, 11/11, 11/16, 11/17, 11/18	
12C:	7AM	=	7PM	11/9, 11/10, 11/11, 11/16, 11/17, 11/18	6 1/4"
	7AM	=	6PM	11/23, 11/24, 11/25	

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE(S)
7B	7AM - 7PM Daily	10/11, 10/12, 10/13, 10/14, 10/15, (10/16, 10/17 ;) 10/18, 10/19, 10/20, 10/21, 10/22, (10/23, 10/24 ;) 10/25, 10/26, 10/27, 10/28, 10/29, (10/30, 10/31 ;) 11/1, 11/2, 11/3, 11/4, 11/5, (11/6, 11/7 ;) 11/8, 11/9, 11/10, 11/11, 11/12(, 11/13, 11/14)

PERMANENT

AREA	TIME	DATE(S)
12A	7AM - 7PM Daily	8/23, 8/24, 8/25, 8/26, 8/27, ((8/28, 8/29)) 8/30, 8/31, 9/1, 9/2, 9/3, ((9/4, 9/5)) 9/6, 9/7, 9/8, 9/9, 9/10, ((9/11, 9/12)) 9/13, 9/14, 9/15, 9/16, 9/17, ((9/18, 9/19)) 9/20, 9/21, 9/22, 9/23, 9/24, ((9/25, 9/26)) 9/27, 9/28, 9/29, 9/30, 10/1 ((10/2, 10/3))

Note: By condition of the salmon experimental beach seine permit, only the following waters of Area 7B and Area 12A are open to beach seine fishing for salmon during the open dates designated in WAC 220-47-428:

Area 7B - Those waters of Area 7B lying northerly and easterly of a line extending from Governors Point to the Red #2 bell buoy to the point where the pipeline from Tilbury Cement Pier contacts the shore.

Area 12A - Those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula ~~((excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quileene River))~~.

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-430 Puget Sound commercial salmon—Log book required.

**WSR 04-16-126
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-201—Filed August 4, 2004, 11:50 a.m., effective September 4, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend general definition of wild fish to conform definition with definition in sport rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-16-470.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-12-073 on June 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 3, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-16-470 Wild. "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish. When "wild" is used to describe a salmon, "wild" means a salmon with an intact adipose fin, regardless of whether the fish is ventral fin clipped.

PERMANENT

WSR 04-15-090
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 16, 2004, 4:25 p.m., effective July 16, 2004]

Effective Date of Rule: Immediately.

Purpose: To adopt rules for the reimbursement of bariatric surgery.

Citation of Existing Rules Affected by this Order: Amending WAC 388-531-0050, 388-531-0150, 388-531-0200, 388-531-0650, and 388-531-1600.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Recent studies of gastric bypass surgeries in Washington show an increased likelihood of complications. Specifically for Medical Assistance Administration (MAA) clients following gastric bypass surgery, recent statistics shows a 2.1% in-hospital mortality rate (compared to 0.9% for all other patients in Washington state) and a 3.6% 30-day mortality rate following the surgery (compared to 1.7% for all other Washington state patients). The mortality rates for MAA clients in both instances are more than double that of other patients. The national mortality rate from peer-reviewed literature for gastric bypass surgery is between 0% and 1%.

Because evidence shows that surgeon experience and competence is one of the most important factors in predicting the likelihood of complications, rules are needed immediately to establish standards for selection of surgeons and hospitals performing gastric bypass surgery for MAA clients. Rules are also needed immediately to establish medical necessity criteria and pre- and post-operative requirements for clients that would further prevent the likelihood of complications.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 5, Repealed 0.

Date Adopted: July 14, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-19-081, filed 9/12/03, effective 10/13/03)

WAC 388-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, apply to this chapter. Defined words and phrases are bolded the first time they are used in the text.

"Acquisition cost" means the cost of an item excluding shipping, handling, and any applicable taxes.

"Acute care" means care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

"Acute physical medicine and rehabilitation (PM&R)" means a comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 388-550-2501).

"Add-on procedure(s)" means secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" means the medical condition responsible for a hospital admission, as defined by ICD-9-M diagnostic code.

"Advanced registered nurse practitioner (ARNP)" means a registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Aging and disability services administration (ADSA)" means the administration that administers directly or contracts for long-term care services, including but not limited to nursing facility care and home and community services. See WAC 388-71-0202.

"Allowed charges" means the maximum amount reimbursed for any procedure that is allowed by MAA.

"Anesthesia technical advisory group (ATAG)" means an advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"Bariatric surgery" means any surgical procedure, whether open or by laparoscope, which reduces the size of the stomach with or without bypassing a portion of the small intestine and whose primary purpose is the reduction of body weight in an obese individual.

"Base anesthesia units (BAU)" means a number of anesthesia units assigned to a surgical procedure that includes the usual pre-operative, intra-operative, and post-operative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"Bundled services" means services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"Bundled supplies" means supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"By report (BR)" means a method of reimbursement in which MAA determines the amount it will pay for a service that is not included in MAA's published fee schedules. MAA may request the provider to submit a "report" describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

"Call" means a face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"Cast material maximum allowable fee" means a reimbursement amount based on the average cost among suppliers for one roll of cast material.

"Centers for Medicare and Medicaid Services (CMS)" means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for Medicare and Medicaid programs.

"Certified registered nurse anesthetist (CRNA)" means an advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the National Certification and scope of practice.

"Children's health insurance plan (CHIP)," see chapter 388-542 WAC.

"Clinical Laboratory Improvement Amendment (CLIA)" means regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"Conversion factors" means dollar amounts MAA uses to calculate the maximum allowable fee for physician-related services.

"Covered service" means a service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"CPT," see "current procedural terminology."

"Critical care services" means physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Diagnosis code" means a set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

"Emergency medical condition(s)" means a medical condition(s) that manifests itself by acute symptoms of sufficient severity so that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

"Emergency services" means medical services required by and provided to a patient experiencing an emergency medical condition.

"Estimated acquisition cost (EAC)" means the department's best estimate of the price providers generally and currently pay for drugs and supplies.

"Evaluation and management (E&M) codes" means procedure codes which categorize physician services by type of service, place of service, and patient status.

"Expedited prior authorization" means the process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to MAA which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

"Experimental" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of safety and effectiveness. See WAC 388-531-0550. A service is not "experimental" if the service:

- (1) Is generally accepted by the medical profession as effective and appropriate; and
- (2) Has been approved by the FDA or other requisite government body, if such approval is required.

"Fee-for-service" means the general payment method MAA uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under MAA's healthy options program or children's health insurance program (CHIP) programs.

"Flat fee" means the maximum allowable fee established by MAA for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"Geographic practice cost index (GPCI)" as defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

"Global surgery reimbursement," see WAC 388-531-1700.

"HCPCS Level II" means a coding system established by CMS (formerly known as the Health Care Financing Administration) to define services and procedures not included in CPT.

"Health care financing administration common procedure coding system (HCPCS)" means the name used for the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

"Health care team" means a group of health care providers involved in the care of a client.

"Hospice" means a medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD-9-CM," see "International Classification of Diseases, 9th Revision, Clinical Modification."

"Informed consent" means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

- (1) Disclosed and discussed the client's diagnosis; and
- (2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and
- (3) Given the client a copy of the consent form; and
- (4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and
- (5) Given the client oral information about all of the following:

(a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" means an acute hospital stay for longer than twenty-four hours when the medical care record shows the need for inpatient care beyond twenty-four hours. All admissions are considered inpatient hospital admissions, and are paid as such, regardless of the length of stay, in the following circumstances:

- (1) The death of a client;
- (2) Obstetrical delivery;
- (3) Initial care of a newborn; or
- (4) Transfer to another acute care facility.

"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM)" means the systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alpha-numerical designations (coding).

"Investigational" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

- (1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or
- (2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

"Life support" means mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension" means a process for requesting and approving reimbursement for covered services whose proposed quantity, frequency, or intensity exceeds that which MAA routinely reimburses. Limitation extensions require prior authorization.

"Maximum allowable fee" means the maximum dollar amount that MAA will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary," see WAC 388-500-0005.

"Medicare physician fee schedule data base (MPFSDB)" means the official HCFA publication of the Medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare program fee schedule for physician services (MPFSPS)" means the official HCFA publication of the Medicare fees for physician services.

"Medicare clinical diagnostic laboratory fee schedule" means the fee schedule used by Medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Mentally incompetent" means a client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" means a two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient" means a client who is receiving medical services in other than an inpatient hospital setting.

"Peer-reviewed medical literature" means medical literature published in professional journals that submit articles for review by experts who are not part of the editorial staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

"Physician care plan" means a written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"Physician standby" means physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"Physician's current procedural terminology," see "CPT, current procedural terminology."

"PM&R," see acute physical medicine and rehabilitation.

"Podiatric service" means the diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

"Pound indicator (#)" means a symbol (#) indicating a CPT procedure code listed in MAA fee schedules that is not routinely covered.

"Preventive" means medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"Prior authorization" means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited

prior authorization and limitation extension are forms of prior authorization.

"Professional component" means the part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

"Prognosis" means the probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"Prolonged services" means face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"Provider," see WAC 388-500-0005.

"Radioallergosorbent test" or **"RAST"** means a blood test for specific allergies.

"RBRVS," see resource based relative value scale.

"RVU," see relative value unit.

"Reimbursement" means payment to a provider or other MAA-approved entity who bills according to the provisions in WAC 388-502-0100.

"Reimbursement steering committee (RSC)" means an interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"Relative value guide (RVG)" means a system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"Relative value unit (RVU)" means a unit which is based on the resources required to perform an individual service or intervention.

"Resource based relative value scale (RBRVS)" means a scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

"RBRVS RVU" means a measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"RSC RVU" means a unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"Stat laboratory charges" means charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

"Sterile tray" means a tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by HCFA to be nonroutine and reimbursed separately.

"Technical advisory group (TAG)" means an advisory group with representatives from professional organizations

whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"Technical component" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

WAC 388-531-0150 Noncovered physician-related services—General and administrative. (1) Except as provided in WAC 388-531-0100 and subsection (2) of this section, MAA does not cover the following:

- (a) Acupuncture, massage, or massage therapy;
- (b) Any service specifically excluded by statute;
- (c) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for donor ovum, sperm, womb, and reversal of vasectomy or tubal ligation;
- (d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to trauma, birth defect, or illness;
- (e) Experimental or investigational services, procedures, treatments, devices, drugs, or application of associated services, except when the individual factors of an individual client's condition justify a determination of medical necessity under WAC 388-501-0165;
- (f) Hair transplantation;
- (g) Marital counseling or sex therapy;
- (h) More costly services when MAA determines that less costly, equally effective services are available;
- (i) Vision-related services listed as noncovered in chapter 388-544 WAC;
- (j) Payment for body parts, including organs, tissues, bones and blood, except as allowed in WAC 388-531-1750;
- (k) Physician-supplied medication, except those drugs administered by the physician in the physician's office;
- (l) Physical examinations or routine checkups, except as provided in WAC 388-531-0100;
- (m) Routine foot care. This does not include clients who have a medical condition that affects the feet, such as diabetes or arteriosclerosis obliterans. Routine foot care includes, but is not limited to:
 - (i) Treatment of mycotic disease;
 - (ii) Removal of warts, corns, or calluses;
 - (iii) Trimming of nails and other hygiene care; or
 - (iv) Treatment of flat feet;
- (n) Except as provided in WAC 388-531-1600, weight reduction and control services, procedures, treatments, devices, drugs, products, gym memberships, equipment for the purpose of weight reduction, or the application of associated services.
 - (o) Nonmedical equipment; and
 - (p) Nonemergent admissions and associated services to out-of-state hospitals or noncontracted hospitals in contract areas.

(2) MAA covers excluded services listed in (1) of this subsection if those services are mandated under and provided to a client who is eligible for one of the following:

- (a) The EPSDT program;
- (b) A Medicaid program for qualified Medicare beneficiaries (QMBs); or
- (c) A waiver program.

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

WAC 388-531-0200 Physician-related services requiring prior authorization. (1) MAA requires prior authorization for certain services. Prior authorization includes expedited prior authorization (EPA) and limitation extension (LE). See WAC 388-501-0165.

(2) The EPA process is designed to eliminate the need for telephone prior authorization for selected admissions and procedures.

(a) The provider must create an authorization number using the process explained in MAA's physician-related billing instructions.

(b) Upon request, the provider must provide supporting clinical documentation to MAA showing how the authorization number was created.

(c) Selected nonemergent admissions to contract hospitals require EPA. These are identified in MAA billing instructions.

(d) Procedures requiring expedited prior authorization include, but are not limited to, the following:

- (i) Bladder repair;
- (ii) Hysterectomy for clients age forty-five and younger, except with a diagnosis of cancer(s) of the female reproductive system;
- (iii) Outpatient magnetic resonance imaging (MRI) and magnetic resonance angiography (MRA);
- (iv) Reduction mammoplasties/mastectomy for gynecocomastia; and
- (v) Strabismus surgery for clients eighteen years of age and older.

(3) MAA evaluates new technologies under the procedures in WAC 388-531-0550. These require prior authorization.

(4) Prior authorization is required for the following:

- (a) Abdominoplasty;
- (b) All inpatient hospital stays for **acute physical medicine and rehabilitation (PM&R)**;
- (c) Cochlear implants, which also:
 - (i) For coverage, must be performed in an ambulatory surgery center (ASC) or an inpatient or outpatient hospital facility; and
 - (ii) For reimbursement, must have the invoice attached to the claim;
- (d) Diagnosis and treatment of eating disorders for clients twenty-one years of age and older;
- (e) Osteopathic manipulative therapy in excess of MAA's published limits;
- (f) Panniculectomy;
- (g) ~~((Surgical procedures related to weight loss or reduction))~~ **Bariatric surgery** (see WAC 388-531-1600); and

(h) Vagus nerve stimulator insertion, which also:

- (i) For coverage, must be performed in an inpatient or outpatient hospital facility; and
 - (ii) For reimbursement, must have the invoice attached to the claim.
- (5) MAA may require a second opinion and/or consultation before authorizing any elective surgical procedure.
- (6) Children six year of age and younger do not require authorization for hospitalization.

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

WAC 388-531-0650 Hospital physician-related services not requiring authorization when provided in MAA-approved centers of excellence or hospitals authorized to provide the specific services. MAA covers the following services without prior authorization when provided in MAA-approved centers of excellence. MAA issues periodic publications listing centers of excellence. These services include the following:

(1) All transplant procedures specified in WAC 388-550-1900;

(2) Chronic pain management services, including outpatient evaluation and inpatient treatment, as described under WAC 388-550-2400. See also WAC 388-531-0700;

(3) Sleep studies including but not limited to polysomnograms for clients one year of age and older. MAA allows sleep studies only in outpatient hospital settings as described under WAC 388-550-6350. See also WAC 388-531-1500; and

(4) Diabetes education, in a DOH-approved facility, per WAC 388-550-6300(, and

~~(5) MAA approved structured weight loss programs. See also WAC 388-531-1600)).~~

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

WAC 388-531-1600 (~~((Structured weight loss physician-related services))~~ **Bariatric surgery**. ~~((MAA covers structured outpatient weight loss only through an MAA-approved program))~~ (1) The medical assistance administration (MAA) pays for bariatric surgery for eligible clients when:

(a) The surgery is medically necessary as defined in WAC 388-500-0005;

(b) The provisions of this section are met; and

(c) The surgery is performed in a hospital with a bariatric surgery program, and the hospital:

(i) Is located in the state of Washington; and

(ii) Meets the requirements of WAC 388-550-2301.

(2) If bariatric surgery is requested or prescribed under the EPSDT program, MAA evaluates it as a covered service under EPSDT's standard of coverage that requires the service to be:

(a) Medically necessary;

(b) Safe and effective; and

(c) Not experimental.

(3) MAA authorizes payment for bariatric surgery and bariatric surgery-related services in three stages:

(a) Stage one - initial assessment of client;

(b) Stage two - evaluation for surgery and successful completion of a medically structured diet and exercise program; and

(c) Stage three - bariatric surgery.

Stage one - initial assessment

(4) Any MAA provider who is licensed to practice medicine in the state of Washington may examine a client requesting bariatric surgery to ascertain if the client meets the criteria listed in subsection (5) of this section.

(5) Bariatric surgery is appropriate when the client meets all of the following criteria:

(a) The client is between twenty-one and fifty-nine years of age;

(b) The client has a body mass index (BMI) of thirty-five or greater;

(c) The client is diagnosed with one of the following:

(i) Diabetes mellitus;

(ii) Degenerative joint disease of a major weight bearing joint(s) (the client must be a candidate for joint replacement surgery if weight loss is achieved); or

(iii) Other rare co-morbid conditions (such as pseudo tumor cerebri) in which there is medical evidence that surgery is medically necessary and that the benefits of surgery outweigh the risk of surgical mortality.

(d) The client has an absence of other medical conditions such as multiple sclerosis (MS) that would increase the client's risk of surgical mortality or morbidity.

(6) If a client meets the criteria in subsection (5) of this section, the provider must request prior authorization from MAA before referring the client to stage two of the bariatric surgery authorization process. The provider must attach a medical report to the request for prior authorization with supporting documentation that the client meets the stage one criteria in subsections (4) and (5) of this section.

Stage two - evaluations and diet/exercise program

(7) After receiving prior authorization from MAA to begin stage two of the bariatric surgery authorization process, the client must:

(a) Undergo a comprehensive psychosocial evaluation performed by a psychiatrist, licensed psychiatric ARNP, or licensed independent social worker with a minimum of two years postmasters' experience in a mental health setting. Upon completion, the results of the evaluation must be forwarded to MAA. The comprehensive psychosocial evaluation must include:

(i) An assessment of the client's mental status or illness to:

(A) Evaluate the client for the presence of substance abuse problems or psychiatric illness which would preclude the client from participating in presurgical dietary requirements or post-surgical lifestyle changes; or

(B) Document that the client has been successfully treated for psychiatric illness and has been stabilized for at least six months and/or has been rehabilitated and is free from any drug abuse (e.g., alcoholism, illegal drugs, etc.) and has been drug-free for a period of at least one year.

(ii) An assessment and certification of the client's ability to comply with the postoperative requirements such as life-long required dietary changes and regular follow-up.

(b) Undergo an internal medicine evaluation performed by an internist to assess the client's preoperative condition and mortality risk. Upon completion, the internist must forward the results of the evaluation to MAA.

(c) Undergo a surgical evaluation by the surgeon who will perform the bariatric surgery (see subsection (11) of this section for surgeon requirements). Upon completion, the surgeon must forward the results of the surgical evaluation to MAA and to the licensed medical provider who is supervising the client's diet and exercise program (refer to WAC 388-531-1600 (7)(d)(ii)).

(d) Enroll in a medically structured diet and exercise program within one hundred and eighty days after receiving authorization from MAA to begin stage two. If the client does not enroll in a medically structured diet and exercise program within one hundred and eighty days from the date of MAA's initial authorization, MAA will cancel the authorization. The client or the client's provider must reapply for prior authorization from MAA to restart stage two.

(i) The purpose of the medically structured diet and exercise program is to demonstrate the client's ability to adhere to the radical and lifelong behavior changes and strict diet that are required after bariatric surgery.

(ii) The medically structured diet and exercise program must:

(A) Be supervised by a licensed medical provider who has a core provider agreement with MAA;

(B) Include monthly visits to the medical provider;

(C) Include counseling twice a month by a registered dietician referred to by the treating provider or surgeon; and

(D) Be at least six months in duration.

(iii) Documentation of the following requirements must be retained in the client's medical file. Copies of the documentation must be forwarded to MAA upon completion of stage two. MAA will evaluate the documentation and authorize the client for surgery if the stage two requirements were successfully completed.

(A) The provider must document the client's compliance in keeping scheduled appointments, the client's progress by serial weight recording, and client's outcome of at least five percent loss of initial body weight;

(B) For diabetic clients, the provider must document the efforts in diabetic control or stabilization;

(C) The registered dietician must document the client's compliance (or noncompliance) in keeping scheduled appointments, and the client's progress by regular journal reporting and regular exercise;

(D) The client must keep a comprehensive journal of active participation in the medically structured diet and exercise program including the activities under (d)(iii)(A), (d)(iii)(B) if appropriate, and (d)(iii)(C) of this subsection.

(8) If the client fails to complete all of the requirements of subsection (7) of this section, MAA will not authorize stage three - bariatric surgery.

(9) MAA grants authorization for stage two once every twelve months preoperative, per client. If the client does not successfully complete all of the stage two criteria, the client or the client's provider must reapply for prior authorization from MAA to begin stage two.

Stage three - bariatric surgery

(10) MAA may withdraw authorization of payment for bariatric surgery at any time up to the actual surgery if MAA determines that the client is not complying with the requirements of this section.

(11) A surgeon who performs bariatric surgery for medical assistance clients must:

(a) Have a signed core provider agreement with MAA;

(b) Have a valid medical license in the state of Washington; and

(c) Be affiliated with a bariatric surgery program that meets the requirements of WAC 388-550-2301.

(12) For hospital requirements for stage three-bariatric surgery, see WAC 388-530-2301.

NEW SECTION

WAC 388-550-2301 Hospital and medical criteria requirements for bariatric surgery. (1) The medical assistance administration (MAA) pays a hospital for bariatric surgery and bariatric surgery-related services only when:

(a) The client qualifies for bariatric surgery by successfully completing all requirements under WAC 388-531-1600;

(b) The client continues to meet the criteria to qualify for bariatric surgery under WAC 388-531-1600 up to the actual surgery date; and

(c) The hospital providing the bariatric surgery and bariatric surgery-related services meets the requirements in this section and other applicable WAC.

(2) A hospital must meet the following requirements in order to be reimbursed for bariatric surgery and bariatric surgery-related services provided to an eligible medical assistance client. The hospital must:

(a) Be located in Washington state and have a current core provider agreement with MAA.

(b) Have an established bariatric surgery program in operation under which at least one hundred bariatric surgery procedures have been performed. The program must have been in operation for at least five years and be under the direction of an experienced board-certified surgeon. In addition, MAA requires the bariatric surgery program to:

(i) Have a mortality rate of two percent or less;

(ii) Have a morbidity rate of fifteen percent or less;

(iii) Document patient follow-up for at least five years post surgery;

(iv) Have an average weight loss of fifty percent or more achieved by patients at five years post surgery; and

(v) Have a re-operation or revision rate of five percent or less.

(c) Submit documents to MAA that verify the performance requirements listed in this section. The hospital must receive approval from MAA prior to performing a bariatric surgery for a medical assistance client.

(3) MAA waives the program requirements listed in subsection (2)(b) of this section if the hospital participates in a statewide bariatric surgery quality assurance program such as the Clinical Outcomes Assessment Program (COAP).

(4) See WAC 388-531-1600(11) for requirements for surgeons who perform bariatric surgery.

(5) Authorization does not guarantee payment. Authorization for bariatric surgery and bariatric surgery-related services is valid only if:

(a) The client is eligible on the date of service; and

(b) The provider meets the criteria in this section and other applicable WAC to perform bariatric surgery and/or to provide bariatric surgery-related services.

WSR 04-16-004**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 04-180—Filed July 22, 2004, 2:09 p.m., effective July 25, 2004, 11:59 p.m.]

Effective Date of Rule: July 25, 2004, 11:59 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500Q and 220-56-25500R; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The catch quota for Pacific halibut in Marine Area 1 is projected to be taken by the end of the day Sunday, July 25. The fishery will remain closed for the remainder of the year. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2004.

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-25500R Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-56-255:

(1) Catch Record Card Area 1: Closed effective 11:59 p.m. July 25, 2004.

(2) Catch Record Card Areas 2, 3, 4 and 12: Closed

(3) Catch Record Card Area 5: Open through August 14 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(4) Catch Record Card Areas 6-11 and Catch Record Card Area 13: Open through July 24 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(5) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500Q Halibut seasons—Daily and possession limits. (04-156)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 2004:

WAC 220-56-25500R Halibut seasons—Daily and possession limits.

**WSR 04-16-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-178—Filed July 22, 2004, 2:10 p.m., effective July 24, 2004, 12:01 a.m.]

Effective Date of Rule: July 24, 2004, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Y; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The expected run of sockeye is strong enough to allow some recreational harvest opportunity and remain within guidelines on nontarget species. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 21, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900D Exceptions to statewide rules—Columbia, Cowlitz, Kalama, Lewis and Okanogan rivers. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

Columbia River

1. from Rocky Point - Tongue Point line to Bonneville Dam: Salmon: Open immediately through September 30. Minimum size is 12 inches in length. Daily limit through July 31 is six salmon, no more than two adults and release wild chinook. Daily limit beginning August 1 is six salmon, no more than two adults of which no more than one may be a chinook and release chum and wild coho.

2. From Bonneville Dam upstream to the Highway 395 Bridge at Pasco. Salmon: Open immediately through September 30. Minimum size is 12 inches in length. Daily limit is six salmon, no more than two adults. Release wild chinook through July 31. Beginning August 1, release chum.

3. from Highway 395 bridge at Pasco upstream to Priest Rapids Dam: Salmon: Open immediately through July 31, and August 16 through September 30, daily limit of six salmon, no more than two adults. Minimum size is 12 inches in length.

4. from Priest Rapids Dam to Wells Dam: Salmon: Open immediately until further notice. Daily limit is six salmon, no more than 2 adults. Release coho. Minimum size 12 inches in length.

5. from Wells Dam to Chief Joseph Dam: Salmon: Open immediately until further notice, from Highway 173 bridge at Brewster to Highway 17 bridge at Bridgeport. Daily limit is six salmon, no more than 2 adults. Release coho. Minimum size 12 inches in length.

Cowlitz River (Cowlitz/Lewis County)

1. from boundary markers at mouth to Mayfield Dam: Salmon: Open immediately until further notice. Daily limit is six salmon, no more than 2 adults. Release wild coho, and chum. Release wild chinook through July 31. Minimum size 12 inches in length.

2. from posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Salmon: Open immediately until further notice. Daily limit is six salmon, no more than 2 adults. Release wild coho. Release wild chinook through July 31. Minimum size 12 inches in length.

Kalama River (Cowlitz County), from mouth upstream to one thousand feet below fishway at upper salmon hatchery: Salmon: Open immediately until further notice except during the period the temporary fish rack is installed. Daily limit is six salmon, no more than 2 adults. Release wild coho and chum. Release wild chinook through July 31. Minimum size 12 inches in length. Waters from Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters.

Lewis River (Clark Co.), from boundary markers at mouth to mouth of the East Fork: Salmon: Open immediately until further notice, daily limit 6 fish, of which no more than 2 may be adults. Release wild Coho, and Chum. Release wild Chinook through July 31.

Lewis River, North Fork (Cowlitz Co.) from mouth to Colvin Creek:

1. All species: Effective immediately until further notice, lawful to fish from a floating device.

2. Salmon: Open immediately until further notice, daily limit 6 fish, of which no more than 2 may be adults. Release wild Coho, and Chum. Release wild Chinook through July 31.

Lewis River, North Fork (Cowlitz Co.) from Colvin Creek to overhead powerlines below Merwin Dam: Salmon: Open immediately until further notice, daily limit 6 fish, of which no more than 2 may be adults. Release wild Coho, and Chum. Release wild Chinook through July 31.

Okanogan River (Okanogan Co.) from mouth to highway 97 bridge immediately upstream of mouth: Salmon: Open immediately through October 15 daily limit 6 fish, of which no more than 2 may be adults. Release coho. Minimum size 12 inches in length.

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

REPEALER

The following section of the Washington Administration Code is repealed effective 12:01 a.m. July 24, 2004:

WAC 232-28-61900Y Exceptions to statewide rules - 2004 North of Falcon. (04-160)

**WSR 04-16-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-179—Filed July 22, 2004, 3:30 p.m., effective July 24, 2004]

Effective Date of Rule: July 24, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900E; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 run of sockeye returning to Lake Wenatchee as counted at Tumwater Dam is sufficient to allow a fishery. The stock is not listed under ESA. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900E Exceptions to statewide rules—Lake Wenatchee. Notwithstanding the provisions of WAC 232-28-619, effective July 24, until further notice, it is lawful to fish for sockeye salmon in Lake Wenatchee. Daily limit two sockeye, minimum size 12 inches in length. Selective Gear Rules in effect for all species, except fishing from a boat equipped with a motor allowed. Sockeye tagged with an external floy tag and all bull trout must be released. Night closure in effect.

**WSR 04-16-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-181—Filed July 22, 2004, 3:31 p.m., effective July 26, 2004, 6:00 a.m.]

Effective Date of Rule: July 26, 2004, 6:00 a.m.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100H; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

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general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-07100I Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. July 26, 2004 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2 and 5 on Monday, Tuesday and Wednesday of each week. Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 3 on Monday July 26, 2004 only.

(2) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel on Saturdays and Sundays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed 6:00 a.m. July 26, 2004:

WAC 220-52-07100H Sea cucumbers. (04-166)

WSR 04-16-019

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 23, 2004, 1:36 p.m., effective July 23, 2004]

Effective Date of Rule: Immediately.

Purpose: The Division of Developmental Disabilities has received approval from the federal Centers for Medicare and Medicaid Services (CMS) to implement four home and community based service (HCBS) waivers, which replace the current community alternatives program (CAP) waiver.

These rules will clarify eligibility, service array, utilization, provider qualifications, client appeal rights and access to services. This filing includes new WAC 388-825-125 through 388-825-165; 388-825-300 through 388-825-400; and new chapter 388-845 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-825-170, 388-825-180, 388-825-190, 388-825-260, 388-825-262, 388-825-264, 388-825-266, 388-825-268, 388-825-270, 388-825-272, 388-825-276, 388-825-278, 388-825-280, 388-825-282 and 388-825-294; and amending WAC 388-825-120.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The approval of the HCBS waivers by CMS requires the department to implement new rules by April 1, 2004, to protect the health and welfare of eligible clients by ensuring no interruption in services to current participants in the CAP waiver occurs, and to ensure a continuation of federal matching funds under 42 C.F.R. 441, Subpart G—Home and Community Based Services—Waiver Requirements.

These rules were originally filed on an emergency basis as WSR 04-08-020. The department has filed a notice of intent to adopt permanent rules as WSR 03-20-103. Ongoing negotiations with CMS and the need to obtain extensive feed back from stakeholders have delayed the filing of proposed rules for adoption on a permanent basis until the negotiations are completed and the feed back is obtained.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 135, Amended 1, Repealed 15; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 135, Amended 1, Repealed 15.

Date Adopted: July 20, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-18 issue of the Register.

WSR 04-16-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-184—Filed July 26, 2004, 2:55 p.m., effective August 1, 2004.]

Effective Date of Rule: August 1, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900R; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The allowance for fishing from a motorized boat on the Snohomish River which is an exception to the "Selective Gear Rules" regulation which was inadvertently omitted from the sport rules process. This is an agreement from the North of Falcon discussions. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—2004 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: Salmon: Open immediately until further notice, from mouth to Highway 101 Bridge. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

Calawah River (Clallam County), from mouth to forks: Salmon: Open immediately until further notice, from mouth to Highway 101 Bridge. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

Cedar River (King County): immediately until further notice, selective gear rules for all species.

Dickey River (includes all forks) (Clallam County): Salmon: Open immediately until further notice, from mouth to East Fork Dickey, outside Olympic National Park. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

Elwha River (Clallam County): From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: Open immediately until further notice, except closed mouth to marker at outfall of rearing channel at about river mile 3.2. Trout: Minimum length fourteen inches.

Johns River, from mouth upstream, including North and South Forks (Grays Harbor County): Open immediately until further notice. Single point barbless hooks required August 16 until further notice, from mouth to Ballon Creek. Trout: Minimum length fourteen inches.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters from two hundred feet upstream of the Naselle Salmon Hatchery water supply intake barrier to four hundred feet downstream of the entrance to the Naselle Salmon Hatchery adult attraction channel.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): Open immediately until further notice. Night closure and single point barbless hooks required August 16 until further notice from mouth to Leonard Road near Onalaska. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: Open immediately until further notice except closed in mainstem from yellow marker at the FFA high school barn in Deming to confluence of the North and South Forks. Non-buoyant lure restriction and night closure August 1 until fur-

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ther notice on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches.

Puyallup River (Pierce County): Effective August 1 until further notice, from mouth to the Electron power plant outlet, it is unlawful to fish for salmon.

Quillayute River (Clallam County): Salmon: Open immediately until further notice. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

Skagit River (Skagit/Whatcom counties): From Gilligan Creek to Bacon Creek: Open immediately until further notice, except closed August 1 until further notice between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River.

Skokomish River (Mason County), mouth to forks: Open immediately until further notice, except closed August 1 until further notice from mouth to Highway 101. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Effective August 1 until further notice, it is unlawful to fish for salmon.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: Salmon: Open August 1 through August 31. Daily limit two pink only. Selective gear rules in effect, except it is lawful to fish from a floating device equipped with a motor (free drifting or under power) in those waters of the Snohomish River from the mouth upstream to the confluence of the Skykomish and Snoqualmie Rivers.

Sol Duc River (Clallam County): Salmon: Open immediately until further notice from mouth to concrete pump station. Daily limit six fish of which no more than two may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with intact adipose and ventral fins.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 232-28-61900R Exceptions to statewide
rules—2004 North of Falcon.
(04-143)

WSR 04-16-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-185—Filed July 26, 2004, 2:56 p.m., effective July 26, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-05100Y; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-05100Z Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-Shellfish Catch and Reporting Areas 23A-E (east) and 23A-W (west).

(ii) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 200 pounds per week in Shrimp Management Area 1B, or to exceed 400 pounds per week in Shrimp Management Area 1C.

(iii) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23B, 23C and 25D.

(iv) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except as described in section 1 (a)(ii), and any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-52-05100Y Puget Sound shrimp pot and beam trawl fishery. (04-176)

WSR 04-16-023 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-187—Filed July 26, 2004, 2:57 p.m., effective August 1, 2004, 12:01 a.m.]

Effective Date of Rule: August 1, 2004, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Summer steelhead broodstock returns to the Reiter Ponds Hatchery have been extremely poor this year. Drought conditions on the Skykomish River this year is the primary factor affecting brood stock collections efforts. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Skykomish River (Reiter Pond). Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. August 1 until further notice, it is unlawful to fish in those

waters of the Skykomish River in the area 1500' upstream to 1000' downstream of Reiter Ponds Hatchery outlet.

WSR 04-16-028
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed July 26, 2004, 3:42 p.m., effective July 26, 2004]

Effective Date of Rule: Immediately.

Purpose: Amending WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care services, to correct an error in the income standard used to calculate the monthly maintenance amount allowed the community spouse of an institutionalized client. The amount of \$1,692 listed in WAC 388-513-1380 (6)(b)(i)(A) and (6)(c)(i) is incorrect. The correct amount is \$1,562.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: Section 1924 of the Social Security Act (42 U.S.C. 1396r-5).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Washington state's institutional Medicaid program is not in compliance with the federal standard as required by 42 U.S.C. 1396r-5.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 22, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-04-072, filed 2/2/04, effective 3/4/04)

WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services. This rule describes how the department allocates income and excess resources when determining participation in the cost

of care (in the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical facility, the department applies all subsections of this rule.

(2) For a client receiving waived services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, the department applies rules used for the community options program entry system (COPES).

(4) Excess resources are reduced in an amount equal to incurred medical expenses (for definition see WAC 388-519-0110(10)) that are not subject to third-party payment and for which the client is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges;

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan; and

(c) The amount of excess resources is limited to the following amounts:

(i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

(ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

(5) The department allocates nonexcluded income up to a total of the medically needy income level (MNIL) in the following order:

(a) A personal needs allowance (PNA) of:

(i) One hundred sixty dollars for a client living in a state veterans' home;

(ii) Ninety dollars for a veteran or a veteran's surviving spouse, who receives a VA improved pension and does not live in a state veterans' home; or

(iii) Forty-one dollars and sixty-two cents for all other clients in a medical facility.

(b) Federal, state, or local income taxes owed by the client.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program as described in WAC 388-503-0510(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(6) The department allocates nonexcluded income after deducting amounts described in subsection (5) in the following order:

(a) Income garnisheed for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, 2004, two thousand three hundred nineteen dollars, unless a greater amount is allocated as described in subsection (8) of this section. The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand ~~((six*))~~ five hundred ~~((ninety-two))~~ sixty-two dollars; and

(B) Excess shelter expenses as specified under subsection (7) of this section; and

(ii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community or institutionalized spouse who:

(i) Resides with the community spouse, equal to one-third of the amount that one thousand ~~((six*))~~ five hundred ~~((ninety-two))~~ sixty-two dollars exceeds the dependent family member's income.

(ii) Does not reside with the community spouse, equal to the MNIL for the number of dependent family members in the home less the income of the dependent family members.

(iii) Child support received from noncustodial parent is the child's income.

(d) Incurred medical expenses described in subsections (4)(a) and (b) not used to reduce excess resources.

(e) Maintenance of the home of a single client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social services staff documents initial need for the income exemption and reviews the client's circumstances after ninety days.

(7) For the purposes of this section, "excess shelter expenses" means the actual expenses under subsection (7)(b) less the standard shelter allocation under subsection (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred fifty-five dollars, effective April 1, 2003; and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance for four persons, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(8) The amount allocated to the community spouse may be greater than the amount in subsection (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(9) A client who is admitted to a medical facility for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

WSR 04-16-030

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 04-186—Filed July 27, 2004, 10:52 a.m., effective July 27, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing rules.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regulations for the 2004 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation provides for the Bellingham Bay limited participation purse seine fishery as negotiated during the North of Falcon. This fishery is not expected to exceed chinook by-catch levels modeled during the preseason process. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2004.

Evan Jacoby
for Jeff Koenings
Director

EMERGENCY

NEW SECTION

WAC 220-47-601 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches. It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Lawful purse seine gear:

1) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

2) If fishers are enrolled in the "Rolling Wedge" evaluation program they may use the rolling wedge in lieu of brailing provided they comply with the following conditions:

- (a) Have enrolled by contacting the Department at 902-2717 prior to June 1, 2004
- (b) Pay the funding fee of \$100 per day of the opening
- (c) Allow WDFW observer on board for all fishing activities
- (d) No more than 125 fish may be on deck at any one time.
- (e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead

Dimensions and capacities of required recovery boxes:

- (i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.
- (ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.
- (iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(f) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(g) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

Daily Registration - When daily registration (hail in-hail out) is a condition to fish in an area, the license holder must report 1) their name, 2) a telephone number where they can be reached, 3) the gear type, and 4) the area they will be fishing. This report must be made 24 hours in advance of EACH DAY of fishing by using one of the following:

- FAX transmission to (360) 902-2949
- E-mail to psfishtickets@dfw.wa.gov
- Toll-free telephone call to 1-866-791-1279 (leave voice message)

"Hailing out" is required as part of daily registration. To "hail out" the vessel operator must notify the Department by phoning toll-free 1-866-791-1279 as they prepare to leave the fishing area and provide adequate notification as to where and when they will land their fish.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Purse Seines - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed here:

<u>HOURS</u>	<u>DATES</u>
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	July 28 through July 29
9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	July 28 through July 29

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers

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of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

Gill Nets - Open to gill net gear according to the times, dates, and conditions as prescribed and listed here:

<u>HOURS</u>	<u>DATES</u>
8:00 a.m. to 12:00 p.m. daily	July 28 through July 29

Daily Registration (hail in-hail out) is required to participate in these gill net openings.

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>TIME</u>	<u>DATES</u>
5:00 a.m. to 9:00 p.m. daily	July 28 through July 29
7:00 a.m. to 7:00 p.m. daily	September 12 through November 13

It is unlawful to retain chinook and salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Haida Warrior, Polorland, Cape Wendy, and Esperanza from 6:00 a.m. to 8:00 p.m. Wednesday August 18, 2004. Open only to the purse seine vessels Adventurous, Voyager, Anna Louise and Contender from 6:00 a.m. to 8:00 p.m. Wednesday August 25, 2004. Open only to the purse seine vessels Norman B. Solta, Mary M. and Haida Warrior from 6:00 a.m. to 8:00 p.m. Wednesday September 1, 2004.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(iii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iv) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

- 7:00 a.m. September 7 to 8:00 p.m. September 9
- 7:00 a.m. September 13 to 7 p.m. September 15
- 7:00 a.m. September 19 to 4 p.m. October 23

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours and Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 16 to 7:00 a.m. August 17 7:00 p.m. August 22 to 7:00 a.m. August 23 7:00 p.m. August 24 to 7:00 a.m. August 25 7:00 p.m. August 26 to 7:00 a.m. August 27 7:00 p.m. August 29 to 7:00 a.m. August 30 7:00 p.m. August 31 to 7:00 a.m. September 7:00 p.m. September 2 to 7:00 a.m. September 3
7B	5" minimum	7:00 p.m. September 6 to 8:00 a.m. September 7 7:00 p.m. September 7 to 8:00 a.m. September 8 7:00 p.m. September 9 to 8:00 a.m. September 10
7B	5" minimum	6:00 p.m. September 12 to 8:00 a.m. September 13 6:00 p.m. September 14 to 8:00 a.m. September 15 6:00 p.m. September 16 to 8:00 a.m. September 17.
7B	5" minimum	7:00 p.m. September 19 through 8:00 p.m. October 23

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/23, 10/4

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m. September 19 to 8:00 a.m. September 20	
6:00 p.m. September 21 to 8:00 a.m. September 22	
6:00 p.m. September 23 to 8:00 a.m. September 24	
6:00 p.m. September 26 to 8:00 a.m. September 27	
6:00 p.m. September 28 to 8:00 a.m. September 29	
6:00 p.m. September 30 to 8:00 a.m. October 1	

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

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Hours

Dates

7:00 p.m. August 24 to 7:00 a.m. August 25
 7:00 p.m. August 26 to 7:00 a.m. August 27
 6:00 a.m. August 29 through 8:00 p.m. October 30

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/23, 8/24, 8/25, 8/26, 8/27, 8/30, 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula.

All Other Saltwater and Freshwater Areas: Closed.

Quick Reporting" Fisheries:

All fisheries opened under this section.

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-03000W Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective 12:01 a.m. July 29, 2004 through 11:59 p.m. August 30, 2004, it is lawful to dig for and possess razor clams for commercial purposes in those waters and beaches of Razor Clam Area 1 lying south of the Willapa Bay Ship Channel, west of Ellen Sands and north of the tip of Leadbetter Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 31, 2004:

WAC 220-52-03000W Commercial razor clams.

EMERGENCY

**WSR 04-16-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-188—Filed July 27, 2004, 10:53 a.m., effective July 29, 2004, 12:01 a.m.]

Effective Date of Rule: July 29, 2004, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-03000W; and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Based on historical catches and on-site inspection, there should be adequate clams to support a four-week season. Biotxin levels currently fall below the regulatory threshold. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

**WSR 04-16-040
EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed July 27, 2004, 2:48 p.m., effective July 27, 2004]

Effective Date of Rule: Immediately.

Purpose: Grant individuals from out-of-state applying for Washington state residency certified teachers applying for a Washington state residency teaching certificate up to one year to take and successfully pass the WEST-B basic skills test.

Citation of Existing Rules Affected by this Order: Amending WAC 181-01-002.

Statutory Authority for Adoption: RCW 28A.410.210, 28A.410.220.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Related to the first amended sentence, the PESB is extending the exemption provided to out-of-state applicants to certification to out-of-state applicants to masters-degree level teacher preparation programs. Emergency adoption is necessary to align with application timelines of teacher preparation programs. Related to the

second amended sentence of WAC 181-01-002, at the time of initial adoption of WAC 181-01-002 in May of 2004, the board was unaware that a computer-based version of the Praxis I had different scale scores, thus different passing scores, than the paper-and-pencil version passing scores adopted by the PESB. Thus this amendment includes comparable scores on the computer-based version.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 16, 2004.

October 4, 2002
Jennifer Wallace
Executive Director

AMENDATORY SECTION (Amending WSR 04-08-047, filed 4/1/04, effective 5/2/04)

WAC 181-01-002 WEST-B exemptions. Individuals from out of state applying for a Washington state residency teaching certificate under WAC 180-79A-257 (1)(b), or out-of-state applicants to masters-degree level teacher preparation programs, in lieu of passing the WEST-B, may provide official documentation of scores on the Praxis I of 177 for the reading subtest, 176 for the mathematics subtest and 174 for the writing subtest, or scores on the Praxis I CBT computer-administered test of 325 for the reading subtest, 321 for the mathematics subtest, and 321 for the writing subtest, or passing scores from California or Oregon on the CBEST.

WSR 04-16-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-191—Filed July 27, 2004, 3:44 p.m., effective July 29, 2004, 12:00 noon]

Effective Date of Rule: July 29, 2004, 12:00 noon.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 232-28-61900I; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to provide for a recreational fishery in Lake Washington. The projected run is expected to be greater than the escapement goal of 350,000. Additional fish remain on the nontribal share and are available for harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2004.

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Lake Washington. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for, or possess salmon taken from, Lake Washington except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Open from 12:00 noon until 8:00 p.m. July 29, 2004, in waters east of a line extended true south from Webster Point, except closed:

(a) within 100 yards either side of the Highway 520 Bridge (Evergreen Point Floating Bridge);

(b) within 100 yards either side of the Interstate 90 Bridge;

(c) within 1000 feet of the mouth of the Cedar River.

(2) Daily limit of two sockeye salmon, and all other salmon must be released immediately with the least possible harm. Sockeye salmon are defined as *Oncorhynchus nerka* fifteen inches or greater in length. *Oncorhynchus nerka* less than fifteen inches in length are kokanee.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 p.m. July 29, 2004:

WAC 232-28-61900I Exceptions to statewide rules—Lake Washington.

WSR 04-16-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-192—Filed July 28, 2004, 4:49 p.m., effective July 29, 2004]

Effective Date of Rule: July 29, 2004.

Purpose: Amend emergency application process.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-130-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: ALEA funds have become available and must be used by the end of the biennium. Emergency declaration and awarding of funds is specifically provided for in the permanent rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2004.

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-130-04000A Emergency application process. Notwithstanding the provisions of WAC 220-130-040, the director declares an emergency application period of July 29 through August 31, 2004, for application for remaining available funding in Cooperative Project Grants under the Aquatic Lands Enhancement Act. Applications must be post-marked or received by August 31, 2004. Awards will be made no later than October 1, 2004, for projects that must be completed by June 30, 2005.

WSR 04-16-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-193—Filed July 28, 2004, 4:50 p.m., effective July 28, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100Z; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2004.

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-52-05100A Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-

Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central).

(ii) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 200 pounds per week in Shrimp Management Area 1B, or to exceed 400 pounds per week in Shrimp Management Area 1C.

(iii) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23B, 23C and 25D.

(iv) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except as described in section 1 (a)(ii), and any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of

Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-52-05100Z Puget Sound shrimp pot and beam trawl fishery. (04-185)

WSR 04-16-049 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-195—Filed July 28, 2004, 4:51 p.m., effective July 28, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-601.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regulations for the 2004 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation provides for the Bellingham Bay limited participation purse seine fishery as negotiated during the North of Falcon. This fishery is not expected to exceed chinook by-catch levels modeled during the preseason process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-47-602 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches. It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Lawful purse seine gear:

1) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

2) If fishers are enrolled in the "Rolling Wedge" evaluation program they may use the rolling wedge in lieu of brailing provided they comply with the following conditions:

(a) Have enrolled by contacting the Department at 902-2717 prior to June 1, 2004

(b) Pay the funding fee of \$100 per day of the opening

(c) Allow WDFW observer on board for all fishing activities

(d) No more than 125 fish may be on deck at any one time.

(e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead

Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(f) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(g) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

Daily Registration - When daily registration (hail in-hail out) is a condition to fish in an area, the license holder must report 1) their name, 2) a telephone number where they can be reached, 3) the gear type, and 4) the area they will be fishing. This report must be made 24 hours in advance of EACH DAY of fishing by using one of the following:

- FAX transmission to (360) 902-2949
- E-mail to psfishtickets@dfw.wa.gov
- Toll-free telephone call to 1-866-791-1279 (leave voice message)

"Hailing out" is required as part of daily registration. To "hail out" the vessel operator must notify the Department by phoning toll-free 1-866-791-1279 as they prepare to leave the fishing area and provide adequate notification as to where and when they will land their fish.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Purse Seines - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed here:

<u>HOURS</u>	<u>DATES</u>
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	July 28, July 29 and July 30

EMERGENCY

9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	July 28, July 29 and July 30
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(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

Gill Nets - Open to gill net gear according to the times, dates, and conditions as prescribed and listed here:

HOURS DATES

8:00 a.m. to 12:00 p.m. daily July 28, July 29 and July 30

Daily Registration (hail in-hail out) is required to participate in these gill net openings.

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

TIME DATES

5:00 a.m. to 9:00 p.m. daily July 28, July 29, July 30 and August 1

7:00 a.m. to 7:00 p.m. daily September 12 through November 13

It is unlawful to retain chinook and salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Haida Warrior, Polorland, Cape Wendy, and Esperanza from 6:00 a.m. to 8:00 p.m. Wednesday August 18, 2004. Open only to the purse seine vessels Adventurous, Voyager, Anna Louise and Contender from 6:00 a.m. to 8:00 p.m. Wednesday August 25, 2004. Open only to the purse seine vessels Norman B, Solta, Mary M. and Haida Warrior from 6:00 a.m. to 8:00 p.m. Wednesday September 1, 2004.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(iii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next

brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iv) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

7:00 a.m. September 7 to 8:00 p.m. September 9

7:00 a.m. September 13 to 7 p.m. September 15

7:00 a.m. September 19 to 4 p.m. October 23

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours and Dates</u>		
7B and 7C	7" minimum	7:00 p.m. August 16 to 7:00 a.m. August 17		
		7:00 p.m. August 22 to 7:00 a.m. August 23		
		7:00 p.m. August 24 to 7:00 a.m. August 25		
		7:00 p.m. August 26 to 7:00 a.m. August 27		
		7:00 p.m. August 29 to 7:00 a.m. August 30		
		7:00 p.m. August 31 to 7:00 a.m. September		
		7:00 p.m. September 2 to 7:00 a.m. September 3		
		7B	5" minimum	7:00 p.m. September 6 to 8:00 a.m. September 7
				7:00 p.m. September 7 to 8:00 a.m. September 8
				7:00 p.m. September 9 to 8:00 a.m. September 10
7B	5" minimum			6:00 p.m. September 12 to 8:00 a.m. September 13
6:00 p.m. September 14 to 8:00 a.m. September 15				
7B	5" minimum	6:00 p.m. September 16 to 8:00 a.m. September 17		
		7:00 p.m. September 19 through 8:00 p.m. October 23		

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/23, 10/4

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

EMERGENCY

Hours

Dates

6:00 p.m. September 19 to	8:00 a.m. September 20
6:00 p.m. September 21 to	8:00 a.m. September 22
6:00 p.m. September 23 to	8:00 a.m. September 24
6:00 p.m. September 26 to	8:00 a.m. September 27
6:00 p.m. September 28 to	8:00 a.m. September 29
6:00 p.m. September 30 to	8:00 a.m. October 1

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

Hours

Dates

7:00 p.m. August 24 to	7:00 a.m. August 25
7:00 p.m. August 26 to	7:00 a.m. August 27
6:00 a.m. August 29 through	8:00 p.m. October 30

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/23, 8/24, 8/25, 8/26, 8/27, 8/30, 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-601	Puget Sound all-citizen commercial salmon fishery. (04-186)
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WSR 04-16-054

EMERGENCY RULES

DEPARTMENT OF PERSONNEL

[Filed July 29, 2004, 11:56 a.m., effective July 29, 2004]

Effective Date of Rule: Immediately.

Purpose: These modifications will support the implementation of the collective bargaining provision of the Personnel System Reform Act. The modifications add language to the rules to address higher education employees being granted leave without pay for the purpose of formal bargain-

ing sessions under RCW 41.80.010 or chapter 41.06 RCW. Under the proposed modifications employees would not be penalized with adjustment to seniority, periodic increment date or leave accrual rate if the employee took leave without pay for purposes of formal collective bargaining.

Citation of Existing Rules Affected by this Order: Amending WAC 251-08-100, 251-10-025, 251-22-060, and 251-22-200.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Without this proposal in place, higher education employees who are participating in formal collective bargaining under RCW 41.80.010 or chapter 41.06 RCW could have their seniority date, periodic increment date and leave accrual rate adjusted for the time on leave without pay.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-08-100 Periodic increment date. (1) For purposes of payment of periodic increment increases, the effective date shall be determined as follows:

(a) The first of the current month for actions occurring between the first and the fifteenth of the month; or

(b) The first of the following month for actions occurring between the sixteenth and the end of the month.

(2) The periodic increment date of new employees or probationary employees who are reappointed to a new class during the probationary period shall be established:

(a) Upon completion of six months in the class for those appointed at the first step in the salary range; or

(b) Upon completion of twelve months in the class for those appointed at a salary step above the first step in the salary range.

EMERGENCY

(3) The periodic increment date of all employees shall be changed as follows:

(a) Upon promotion, the existing periodic increment date will be eliminated and a new date established to be effective upon completion of the trial service period;

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment date will be eliminated and a new date established as provided in subsection (2) of this section;

(c) Upon reallocation under WAC 251-06-080 (1)(a) of an employee who is at the top step of the current salary range, the employee will be given a new periodic increment date which will be six months following the reallocation action;

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-165(5), 251-22-180, and 251-19-130, or when an employee is on leave without pay for the purpose of formal collective bargaining sessions as provided in WAC 251-22-200;

(e) When employees return from layoff status, the date will be reestablished and extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff;

(f) When a cyclic year position leave of absence without pay exceeds ninety calendar days, the periodic increment date shall be extended on a month-for-month basis. Provisions of (d) of this subsection shall apply to that period exceeding the ninety calendar days. Cyclic year position employees serving a probationary or trial service period will have their periodic increment dates extended by an amount of time equal to the period in which the employee is on leave of absence without pay;

(g) When employees are reverted from trial service following promotion (or return from alternate appointment), the periodic increment date held prior to promotion or layoff will be reestablished;

(h) When the director or the personnel appeals board orders remedial action per WAC 251-12-600, the periodic increment date may be modified as part of the order.

(4) The periodic increment date of all employees shall remain unchanged for all other actions including, but not limited to, transfer within class, appointment to another class with the same or lower salary range maximum, and reallocations except as provided in subsection (3)(c) of this section.

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-19-160.

AMENDATORY SECTION (Amending WSR 86-14-041 (Order 152), filed 6/26/86, effective 8/1/86)

WAC 251-10-025 Layoff seniority—General provisions. (1) Layoff seniority is used to determine which employee(s) will be affected by a layoff.

(2) Layoff seniority is the number of calendar days an employee has been continuously employed in the classified service.

(3) Layoff seniority is based on the earliest date of continuous classified service. For the purposes of layoff senior-

ity, classified service of less than full time shall be considered full-time service.

(4) Authorized leave of absence without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute or as stated in subsection (5) of this section.

(5) Leave of absence without pay (~~(scheduled for cyclic year positions))~~ granted for the following reasons does not constitute a break in service and shall be included when calculating layoff seniority: (~~(for employees in cyclic year positions-))~~

(a) Leave taken to accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-19-130; or

(b) Leave taken for purposes of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(6) Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken service the veteran's active military service to a maximum of five years' credit.

(7) Participation of current state employees in the state internship program pursuant to WAC 251-25-050(1) shall be included in calculating an employee's layoff seniority.

AMENDATORY SECTION (Amending WSR 02-15-052, filed 7/11/02, effective 9/1/02)

WAC 251-22-060 Vacation leave—Accrual. (1) Full-time employees eligible for vacation leave shall accrue vacation leave, to be credited monthly, at the following rates:

(a) During the first year of continuous state employment - 12 days (8.0 hours per month);

(b) During the 2nd year of continuous state employment - 13 days (8 hours, 40 minutes per month);

(c) During the 3rd and 4th years of continuous state employment - 14 days (9 hours, 20 minutes per month);

(d) During the 5th through the 9th years of total state employment - 15 days (10 hours per month);

(e) During the 10th year of total state employment - 16 days (10 hours, 40 minutes per month);

(f) During the 11th year of total state employment - 17 days (11 hours, 20 minutes per month);

(g) During the 12th year of total state employment - 18 days (12 hours per month);

(h) During the 13th year of total state employment - 19 days (12 hours, 40 minutes per month);

(i) During the 14th year of total state employment - 20 days (13 hours, 20 minutes per month);

(j) During the 15th year of total state employment - 21 days (14 hours per month);

(k) During the 16th and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).

(2) Employees working less than full-time schedules shall accrue vacation leave credit on the same prorata basis that their appointment bears to a full-time appointment.

(3) Per the provisions of WAC 251-19-130(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing

the rate of vacation leave accrual for cyclic year position employees.

(4) The following shall apply for purposes of computing years of qualifying state employment:

(a) Employment in the legislative and/or the judicial branch shall not be credited;

(b) Employment exempt by the provisions of WAC 251-04-040(4) or employment in a state agency which is analogous to the conditions specified in WAC 251-04-040(4) shall not be credited;

(c) Each contract year of full-time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;

(d) Employment in part-time classified positions shall be credited as full-time service.

(5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual except during military leave without pay as provided in WAC 251-22-180 and during leave without pay for the purpose of formal collective bargaining sessions under RCW 41.06.010 and chapter 41.06 RCW.

AMENDATORY SECTION (Amending WSR 96-13-077, filed 6/18/96, effective 8/1/96)

WAC 251-22-200 Leave of absence without pay. (1) Leave of absence without pay may be allowed for any of the following reasons:

(a) Conditions applicable for leave with pay;

(b) Disability leave;

(c) Educational leave;

(d) Leave for government service in the public interest;

(e) Parental leave;

(f) Child care emergencies;

(g) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-19-130;

(h) Serious health condition of an eligible employee's child, spouse, or parent as provided in WAC 251-22-116.

(i) Leave taken for the purpose of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be

made not more than thirty calendar days following the conclusion of the exempt appointment.

WSR 04-16-061

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed July 30, 2004, 12:01 p.m., effective July 30, 2004]

Effective Date of Rule: Immediately.

Purpose: To set motorist information sign program fees to allow the Department of Transportation to resume the motorist information sign (MIS) program. This action is authorized by section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV. The revised fees comply with the maximum fee limits also set forth in section 218.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-70-085; and amending WAC 468-70-020 and 468-70-070.

Statutory Authority for Adoption: Section 218 of ESHB 2474, the Transportation Supplemental Budget Bill; chapter 229, Laws of 2004, PV.

Other Authority: RCW 47.36.310 and 47.36.320.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The MIS program has been operating in a limited manner since May of 2002. Few businesses have been able to join the program and little day-to-day maintenance of the logos signs and back panels has occurred. Recent legislation directs the department to resume the program, raise fees, and recover all program costs. By instituting the new fees the department can resume the MIS program and begin serving participating and interested businesses.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2004.

John F. Conrad
Assistant Secretary

AMENDATORY SECTION (Amending Order 196, filed 12/22/99, effective 1/22/00)

WAC 468-70-020 Definitions. When used in these regulations the term:

(1) "Conventional road" shall mean a noninterstate highway which is not an expressway or freeway.

(2) "Department" shall mean the Washington state department of transportation.

(3) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

(4) "Fee zone" means:

(a) Fee zone 1, freeways and expressways with average daily trips greater than eighty thousand;

(b) Fee zone 2, freeways and expressways with average daily trips less than eighty thousand;

(c) Fee zone 3, conventional highways.

(5) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

~~((5))~~ (6) "Motorist information signs" shall mean the same as specific service signs as set forth in the Manual on Uniform Traffic Control Devices adopted by the department as chapter 468-95 WAC.

~~((6))~~ (7) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping, recreation and tourist-oriented services.

~~((7))~~ (8) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

~~((8))~~ "~~Supplemental directional panel~~" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

~~(9)~~ "~~Trade name~~" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

~~(10)~~ "~~Urban area~~" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

~~(11)~~ "~~Qualified tourist oriented business~~" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or non-profit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

~~(12)~~ "~~Tourist oriented directional (TOD) sign~~" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist oriented business, service, or activity.)) (9) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(10) "Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the

terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

(11) "Tourist-oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(12) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

(13) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

AMENDATORY SECTION (Amending WSR 03-20-082, filed 9/30/03, effective 10/31/03)

WAC 468-70-070 Permits and procedure. (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation regional office in care of the regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application forms, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. Business signs may not display messages advertising products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

(6) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.05 RCW.

~~(7) ((Fabrication and installation of business signs:~~

~~(a)) Once an application is approved, the department will request the business to provide ((the)) its business signs for installation. ((Such)) Business signs shall be built to the department's specifications prescribed by WAC 468-70-060. ((Prior to installation the business shall agree to reimburse the department for the actual installation costs.~~

~~(b) The reimbursable business sign installation fees referenced in (a) of this subsection may vary from sign site to sign site.))~~

(8) Business sign replacement and motorist information sign panel maintenance ~~((and replacement))~~ fee:

(a) Maintenance replacement business signs shall be provided by the business, when requested by the department to replace weather worn business signs. ~~((The department will install the replacement business sign after the business agrees to reimburse the department for the actual installation costs as described in subsection (7) of this section.))~~ A business at its own request may also provide replacement business signs for installation. In either case, the installation fee is one hundred fifteen dollars per sign.

(b) The annual ~~((maintenance replacement))~~ fee charged to each business for motorist information sign ~~((back))~~ panels is ~~((one hundred dollars for businesses signed at interchanges and thirty five dollars for businesses signed at intersections.))~~:

(i) Nine hundred ten dollars for signs located in fee zone 1;

(ii) Six hundred eighty-three dollars for signs located in fee zone 2;

(iii) Three hundred sixty-four dollars for signs located in fee zone 3.

(c) The annual ((maintenance)) fee(s) shall be paid within thirty calendar days after the anniversary of the permit issue. ~~((These fees will not be prorated for fractions of the year in the event of business sign removal or coverage.))~~ Failure to pay the annual ~~((maintenance))~~ fee(s) within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the motorist information sign panels.

(9) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.

(10) Revocation and expiration:

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or infor-

mation shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that exceeds the height requirements set forth in this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the motorist service activity must meet the requirements of any other applying motorist service activity.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-70-085

Maintenance replacement of pictorial business signs manufactured by the department prior to January 1, 1987.

**WSR 04-16-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-196—Filed July 30, 2004, 1:37 p.m., effective August 3, 2004, 7:00 p.m.]

Effective Date of Rule: August 3, 2004, 7:00 p.m.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000F; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available. This season is consistent with the 2004 fall management agreement, the 2004 non-Indian allocation agreement, and with actions of the Columbia River compact on July 29, 2004, and is included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has not been completed however, "...NOAA Fisheries concludes that impacts on listed fish associated with the proposed 2004 state and tribal fisheries that are expected to occur through August 16, 2004, are low, and will not have the effect of foreclosing the formulation and implementation of any reasonable and prudent alternative measures contained in the biological opinion." (Stephen Freese letter to Cindy LeFleur, July 29, 2004). There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

EMERGENCY

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-01000F Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREAS: SMCRA 1A, 1B, 1C, 1D, 1E

a) SEASON: 7:00 p.m. Tuesday, August 3, 2004 to 7:00 a.m. Wednesday, August 4, 2004

7:00 p.m. Thursday, August 5, 2004 to 7:00 a.m. Friday, August 6, 2004

7:00 p.m. Sunday, August 8, 2004 to 7:00 a.m. Monday, August 9, 2004

7:00 p.m. Tuesday, August 10, 2004 to 7:00 a.m. Wednesday, August 11, 2004

7:00 p.m. Thursday, August 12, 2004 to 7:00 a.m. Friday, August 13, 2004

b) GEAR: 8 inch minimum mesh and 9-3/4 inch maximum mesh.

Monofilament gear is allowed.

c) SANCTUARIES: Grays River, Elokomina-A, Cowlitz, Kalama-A, Lewis-A, Washougal, Sandy.

d) ALLOWABLE SALE: Salmon and sturgeon. Up to 5 sturgeon may be possessed or sold for each participating vessel per fishing week, including fish harvested in Select Area fisheries. A fishing week is defined as the Sunday through Saturday encompassing the open dates of the fishery.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 13, 2004:

WAC 220-33-01000F Columbia River season below Bonneville.

WSR 04-16-068

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 04-194—Filed July 30, 2004, 1:38 p.m., effective August 1, 2004]

Effective Date of Rule: August 1, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The emergency regulation is needed to protect hatchery steelhead that are part of a special wild broodstock research program from harvest in the upper Kalama basin, so that the reproductive success of those wild broodstock hatchery fish can be compared to that of their wild-reared counterparts when both spawn naturally in the upper Kalama River and its tributaries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Gobar Creek (Cowlitz Co.) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. August 1, 2004 until further notice, release all trout in those waters of Gobar Creek.

WSR 04-16-069
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-190—Filed July 30, 2004, 1:39 p.m., effective August 1, 2004,
 12:01 a.m.]

Effective Date of Rule: August 1, 2004, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900D; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These emergency rules are necessary to comply with agreed-to management plans, and interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2004.

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules—2004 North of Falcon Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. August 1, 2004 until further notice, it is unlawful to violate the following provisions:

(1) Columbia River

From a true north and south line (magnetic 338 degrees N) through Buoy 10 upstream to Rocky Point/Tongue Point line (Buoy 10) -

(a) Open August 1 until further notice. Daily limit of 2 salmon, of which no more than 1 may be a chinook. Coho minimum size is 16 inches in length. Chinook minimum size is 24 inches in length. Release sockeye, chum and wild coho

From Rocky Point/Tongue Point line upstream to Bonneville Dam -

(b) Open August 1 until further notice. Daily limit of 6 salmon. No more than 2 adults of which no more than 1 may be an adult chinook. Minimum size 12 inches in length. Release chum and wild coho. Sockeye may be kept immediately through September 30.

From Bonneville Dam to Hwy. 395 Bridge at Pasco -

(c) Open August 1 until further notice. Daily limit of 6 salmon, of which no more than 2 may be adults. Sockeye may be retained as part of the salmon daily limit through September 30. Minimum size is 12 inches in length.

From Hwy 395 Bridge at Pasco to Priest Rapids Dam -

(d) Open August 16 until further notice. Daily limit 6 salmon, of which no more than two may be adults. Minimum size 12 inches in length.

From Priest Rapids Dam to Wells Dam -

(d) Open immediately through October 15. Daily limit of 6 salmon, no more than 2 adults. Release coho. Minimum size 12 inches in length.

From Wells Dam to Chief Joseph Dam -

(e) Open immediately through October 15, from Highway 173 bridge at Brewster to Highway 17 bridge at Bridgeport. Daily limit of 6 salmon, no more than 2 adults. Release coho. Minimum size 12 inches in length.

(2) Cowlitz River (Cowlitz/Lewis Co.)

From boundary markers at mouth to Mayfield Dam -

(a) Open August 1 until further notice. Daily limit of 6 salmon, no more than 2 adults. Minimum size 12 inches in length. Release chum and wild coho.

(3) Green River (Cowlitz Co.)

From mouth to 2800 Road Bridge -

(a) Open August 1 until further notice. Daily limit of 6 salmon, no more than 2 adults. Minimum size 12 inches in length. Release chum and wild coho.

(4) Kalama River (Cowlitz Co.)

From boundary markers at the mouth to 1000' below the fishway at the upper salmon hatchery -

(a) Open immediately until further notice except during the period the temporary fish rack is installed. Daily limit is six salmon, no more than 2 adults. Release wild coho and chum. Minimum size 12 inches in length. Waters from Morrow Bridge downstream to one thousand five hundred feet below the rack are closed waters.

(5) Lewis River (Clark Co.)

From boundary markers at mouth to mouth of east fork -

(a) Open August 1 until further notice. Minimum size 12 inches in length. Daily limit of 6 salmon, no more than 2 adults. Release chum and wild coho

(6) Lewis River, North Fork (Cowlitz Co.)

From mouth to Colvin Creek -

(a) Open August 1 until further notice. Daily limit of 6 salmon, no more than 2 adults. Minimum size 12 inches in length. Release chum and wild coho.

(7) Lewis River, North Fork (Cowlitz Co.)

From Colvin Creek to overhead powerlines below Merwin Dam -

(a) Open August 1 through September 30. Daily limit of 6 salmon, no more than 2 adults. Minimum size 12 inches in length. Release chum and wild coho.

(8) Okanogan River (Okanogan Co.) from mouth to highway 97 bridge immediately upstream of mouth -

(a) Open immediately through October 15. Daily limit of 6 salmon, no more than 2 adults. Release coho. Minimum size 12 inches in length.

(9) Toutle River (Cowlitz Co.)

From mouth to forks -

(a) Open August 1 until further notice. Daily limit of 6, salmon, no more than 2 adults. Minimum size 12 inches in length. Release chum and wild coho.

(10) Toutle River, North Fork (Cowlitz Co.)

From confluence to the posted deadline downstream of the fish collection facility -

(a) Open August 1 until further notice. Minimum size 12 inches in length. Daily limit of 6, salmon, no more than 2 adults. Release chum and wild coho.

(11) Washougal River

From the mouth to Salmon Falls Bridge -

(a) Open August 1 until further notice. Daily limit of 6 salmon, no more than 2 adults. Minimum size 12 inches in length. Release chum and wild coho.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 232-28-61900D Exceptions to statewide rules—Columbia, Cowlitz, Kalama, Lewis and Okanogan rivers. (04-178)

WSR 04-16-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-198—Filed July 30, 2004, 4:28 p.m., effective July 31, 2004, 12:01 a.m.]

Effective Date of Rule: July 31, 2004, 12:01 a.m.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-602.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regulations for the 2004 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to

initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation provides for the Bellingham Bay limited participation purse seine fishery as negotiated during the North of Falcon. This fishery is not expected to exceed chinook by-catch levels modeled during the preseason process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-47-603 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches. It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Lawful purse seine gear:

1) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

2) If fishers are enrolled in the "Rolling Wedge" evaluation program they may use the rolling wedge in lieu of brailing provided they comply with the following conditions:

(a) Have enrolled by contacting the Department at 902-2717 prior to June 1, 2004

(b) Pay the funding fee of \$100 per day of the opening

(c) Allow WDFW observer on board for all fishing activities

(d) No more than 125 fish may be on deck at any one time.

(e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead

Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(f) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(g) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

Daily Registration - When daily registration (hail in-hail out) is a condition to fish in an area, the license holder must report 1) their name, 2) a telephone number where they can be reached, 3) the gear type, and 4) the area they will be fishing. This report must be made 24 hours in advance of EACH DAY of fishing by using one of the following:

- FAX transmission to (360) 902-2949
- E-mail to psfishtickets@dfw.wa.gov
- Toll-free telephone call to 1-866-791-1279 (leave voice message)

"Hailing out" is required as part of daily registration. To "hail out" the vessel operator must notify the Department by phoning toll-free 1-866-791-1279 as they prepare to leave the fishing area and provide adequate notification as to where and when they will land their fish.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Areas 7 and 7A:

Purse Seines - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed here:

HOURS	DATES
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	August 3 through August 6
9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	August 3 through August 6

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

Gill Nets - Open to gill net gear according to the times, dates, and conditions as prescribed and listed here:

HOURS	DATES
8:00 a.m. to 11:59 p.m. daily	August 3 through August 6

Daily Registration (hail in-hail out) is required to participate in these gill net openings.

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

TIME	DATES
5:00 a.m. to 9:00 p.m. daily	July 31 and August 1 and August 3 through August 6
7:00 a.m. to 7:00 p.m. daily	September 12 through November 13

It is unlawful to retain chinook and salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Haida Warrior, Polorland, Cape Wendy, and Esperanza from 6:00 a.m. to 8:00 p.m. Wednesday August 18, 2004. Open only to the purse seine vessels Adventurous, Voyager, Anna Louise and Contender from 6:00 a.m. to 8:00 p.m. Wednesday August 25, 2004. Open only to the purse seine vessels

EMERGENCY

Norman B, Solta, Mary M. and Haida Warrior from 6:00 a.m. to 8:00 p.m. Wednesday September 1, 2004.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(iii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iv) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

7:00 a.m. September 7 to 8:00 p.m. September 9

7:00 a.m. September 13 to 7 p.m. September 15

7:00 a.m. September 19 to 4 p.m. October 23

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours and Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 16 to 7:00 a.m. August 17 7:00 p.m. August 22 to 7:00 a.m. August 23 7:00 p.m. August 24 to 7:00 a.m. August 25 7:00 p.m. August 26 to 7:00 a.m. August 27 7:00 p.m. August 29 to 7:00 a.m. August 30 7:00 p.m. August 31 to 7:00 a.m. September 7:00 p.m. September 2 to 7:00 a.m. September 3
7B	5" minimum	7:00 p.m. September 6 to 8:00 a.m. September 7 7:00 p.m. September 7 to 8:00 a.m. September 8 7:00 p.m. September 9 to 8:00 a.m. September 10
7B	5" minimum	6:00 p.m. September 12 to 8:00 a.m. September 13 6:00 p.m. September 14 to 8:00 a.m. September 15 6:00 p.m. September 16 to 8:00 a.m. September 17
7B	5" minimum	7:00 p.m. September 19 through 8:00 p.m. October 23

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/23, 10/4

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m. September 19 to	8:00 a.m. September 20
6:00 p.m. September 21 to	8:00 a.m. September 22
6:00 p.m. September 23 to	8:00 a.m. September 24
6:00 p.m. September 26 to	8:00 a.m. September 27
6:00 p.m. September 28 to	8:00 a.m. September 29
6:00 p.m. September 30 to	8:00 a.m. October 1

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
7:00 p.m. August 24 to	7:00 a.m. August 25
7:00 p.m. August 26 to	7:00 a.m. August 27
6:00 a.m. August 29 through	8:00 p.m. October 30

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/23, 8/24, 8/25, 8/26, 8/27, 8/30, 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-602

Puget Sound all-citizen commercial salmon fishery. (04-195)

EMERGENCY

WSR 04-16-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-197—Filed July 30, 2004, 4:30 p.m., effective August 1, 2004,
 11:59 p.m.]

Effective Date of Rule: August 1, 2004, 11:59 p.m.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100A; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2004.

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-52-05100B Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-

Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central)

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E (east), and Marine Fish-Shellfish Catch and Reporting Areas 23B, 23C, 25A, 25D, and 26D.

(iii) Effective 10:00 a.m. August 2, 2004 it is unlawful to harvest shrimp for commercial purposes in that portion of 26A-E (east) from the Shipwreck west to a point one mile offshore then paralleling the shoreline southerly to the 26B line.

(iv) In Shrimp Management Area 2-E (east) it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep

(v) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 and 6, except any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57' °W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57' °W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50'

°N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B, and Marine Fish-Shellfish Management and Catch Reporting Areas 20A: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 1, 2004:

WAC 220-52-05100A Puget Sound shrimp pot and beam trawl fishery. (04-193)

WSR 04-16-076
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 2, 2004, 11:09 a.m., effective August 2, 2004]

Effective Date of Rule: Immediately.

Purpose: These rules remove the requirement to purchase a permit for maintenance work only on all components of an electrical sign. Previous rule changes had the unintended consequence of requiring permits when none had been previously required. The department believes this change will restore previous business practices and will not adversely impact public safety.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46B-900 Electrical work permits and fees, general and 296-46B-970 Continuing education.

Statutory Authority for Adoption: Chapter 19.28 RCW, Electricians and electrical installations.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The August 2, 2004, effective date of these rules is necessary to ensure for the public health, safety, and welfare associated with the statutorily mandated services (chapter 19.28 RCW) provided by the electrical program. These rules remove the requirement to purchase a permit for maintenance work only on all components of an electrical sign. The removal of this permit will save

electrical contractors money. The department believes this change will not adversely impact public safety.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: August 2, 2004.

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-900 Electrical work permits and fees. General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical per-

mits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems except for:

(a) Travel trailers;

(b) Class A basic electrical work which includes the **like-in-kind replacement** of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline signs, skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting, or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When con-

sidering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done

under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-970 Continuing education. General requirements - continuing education classes requirements for administrator, master electrician, and electrician renewal.

(1) DEFINITIONS - for purposes of this section.

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) GENERAL.

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qualifications, the department may revoke the class or instructor

approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the administrator or electrician certificate renewal requirements.

(h) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

- Two copies of all material;
- Applicant's name, address, contact name, and telephone number;

- All required fees;

- Any other information the applicant wants to consider during the review; and

- In addition, class applications will include:

- Sponsor's name, address, contact name, and telephone number;

- Class title;

- Number of continuing education hours requested for the class;

- Statement of whether the class is open to the public;

- Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.);

- List of resources (e.g., texts, references, etc.);

- Copies of all visual aids;

- Sample of the completion certificate.

- In addition, instructor application will include:

- Instructor's name, address, telephone number;

- Copies of credentials or other information showing conformance with the instructor minimum qualifications.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

(A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

- The applicant in writing; and

- The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

(A) Applicant's name and telephone number;

(B) Date of denial;

(C) Sponsor's name and class title if applicable;

(D) Instructor's name if applicable; and

(E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

- Applicant's name and telephone number;

- Sponsor's name and telephone number;

- Class title;

- Class number;

- Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;

- Effective date for this class;

- Expiration date of class;

- Category for which the class is approved (i.e., code update, RCW/WAC update, or industry related);

- Sample of written class roster and attendance sheet;

- Type of class (i.e., classroom, correspondence, internet); and

- Whether the class is open to the public.

(B) For instructors must include:

- Applicant's name and telephone number;

- Instructor's name and telephone number;

- Effective date for the approval; and

- Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

- All requests for review must be:
- Made in writing;
- Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and
- Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

• Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

• Electrical theory based on currently published documents that are readily available for retail purchase; and/or

• Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(ii) Class length:

(A) The minimum allowed length of a class is two hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

• Classroom instruction will be based on the total hours the individual is in the classroom.

• Correspondence instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• Internet instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction).

• Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(iii) Class material must include:

(A) Supplementary written instruction material appropriate to the type and length of the class; and

(B) If the class is code update and is provided via correspondence or internet, the sponsor must provide the individual with a nationally recognized, copyrighted publication that covers all changes to the NEC;

(iv) Class material may include:

- Supplementary internet material;
- Supplementary texts;
- Other material as appropriate.

(v) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

- Name of participant;
- Participant's Washington certificate number;
- Name of sponsor;
- Name of class;
- Date of class;
- Name of instructor;
- Location of the class:
 - If a classroom-type class, the city and state in which the class was given;
 - If a correspondence class, state the class is a correspondence class;
 - If an internet class, state the class is an internet class;

• Class approval number;

• Number of continuing units; and

• Type of continuing education units.

(vi) Instructors:

(A) For classroom instruction, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington:

• ~~((General))~~ Administrator((s)), master electrician, or electrician's certificate; ~~((or~~

~~General master electrician's certificate;))~~ and

• Has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is accredited by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education;

~~(E) For first aid classes is certified by the Red Cross or other similar agency as a first aid instructor;)) and~~

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program website and may post the application process, review, and approval requirements on the contractor's website.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given.

(A) The attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials:

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

**WSR 04-16-078
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD**

[Filed August 2, 2004, 11:25 a.m., effective August 2, 2004]

Effective Date of Rule: Immediately.

Purpose: The purpose of these rules is to provide guidance on the application and selection process for the future teachers conditional scholarship. This allows the application process to proceed while permanent rules are being reviewed and discussed.

Statutory Authority for Adoption: RCW 28B.80.370.

Other Authority: RCW 28B.102.030.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The application process for the future teachers conditional scholarship needs to begin prior to November 2004 by which permanent rules can be adopted and put into effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 23, 2004.

John Klacik
Associate Director

Chapter 250-65 WAC

FUTURE TEACHER CONDITIONAL SCHOLARSHIP AND LOAN REPAYMENT PROGRAM ((CHAPTER 28B.102 RCW))

NEW SECTION

WAC 250-65-061 Student eligibility criteria. In order to be eligible for program benefits, a student must:

- (1) Be registered at least half-time when:
 - (a) A scholarship disbursement is issued; or
 - (b) A loan repayment agreement is signed.
- (2) Be classified as a resident student of the state of Washington for tuition and fee purposes as defined by RCW 28B.15.012 and 28B.15.013.
- (3) Be in good standing and maintaining satisfactory academic progress according to the institution's normal requirements.
- (4) Declare an intention to complete either an approved preparation program leading to residency teacher certification or a program required for an additional endorsement.
- (5) Not be enrolled in or planning to pursue a degree in theology.
- (6) Plan to be employed as a certificated classroom teacher in an approved education program in the state of Washington.
- (7) Submit an application to the board by the requested deadline.
- (8) Submit an educational plan for board approval.
- (9) Attend an eligible institution while receiving program benefits.

NEW SECTION

WAC 250-65-062 Screening and selection of participants. (1) Selection committee.

The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of superintendent of public instruction. If the board selects participants for the program, it shall establish a selection committee for the screening and selecting of the conditional scholarship and loan repayment participants. If a selection committee is established, it may include (but shall not be limited to) representatives from the professional educator standards board, the office of superintendent of public instruction, the Washington education association, the state board for community and technical colleges, the colleges of education, and other community organizations.

(2) Role of selection committee.

The committee will act on behalf of the board to select participants and alternates from the pool(s) of eligible applicants who have submitted applications to the board. The committee will also advise board staff and the board on recommended changes in the program administration, including the application and selection procedures for future competitions.

(3) Selection of participants.

(a) Once all initial eligibility criteria are met, the committee will give priority to individuals seeking certification or an additional endorsement in math, science, technology, or special education. For fiscal year 2005, additional priority shall be given to such individuals who are also bilingual.

(b) The committee may consider, but is not limited to, the following items in the ranking and providing of conditional scholarship awards and loan repayments benefits:

- (i) Ability to act as a role model for students.
- (ii) Applicant's statement evidencing commitment to the teaching profession, especially in a shortage area.
- (iii) Bilingual ability.
- (iv) Class level equal to upper division or graduate standing.
- (v) Community contributions.
- (vi) Leadership ability.
- (vii) Length of time to complete teacher certification or additional shortage area endorsement.
- (viii) Recommendation from a school teacher or official describing the applicant's qualifications as a current or potential teacher.
- (ix) Superior scholastic achievement.

NEW SECTION

WAC 250-65-063 Program benefit amounts. (1) A participant's program benefit shall not exceed the amount of tuition and fees at the institution of higher education attended by the participant or full-time resident undergraduate tuition and fees at the University of Washington during the same academic year, whichever is lower.

(2) Participants who enroll for additional course work after the completion of an academic year of full-time eligibility may be eligible for additional program benefits equivalent

to a third semester or fourth quarter. In this case, the participants would be assumed to be beginning their second academic year of program eligibility. For example, a student attending a semester college who received full-time program benefits for fall, spring and summer, will have received benefits for the equivalent of 1.5 academic years.

(3) Participants enrolled less than full-time shall receive the following prorated program benefits for terms of part-time enrollment:

(a) Enrollment of 9.0 - 11.9 credit hours per term equals three-quarter enrollment. This shall be equal to seventy-five percent of the full-time program benefit.

(b) Enrollment of 6.0 - 8.9 credit hours per term equals half-time enrollment. This shall be equal to fifty percent of the full-time program benefit.

(4) Participants who receive program benefits for part-time enrollment shall have their terms of eligibility reduced on a prorated basis. For example, a participant receiving program benefits on the basis of half-time enrollment for two academic years will have used one academic year of eligibility.

NEW SECTION

WAC 250-65-064 Agreement with the board. The conditions described in this section apply to participants in both the conditional scholarship program and the loan repayment program, unless otherwise noted.

Agreement with the board.

(1) Each participant shall enter into an agreement with the board, hereafter known as the "promissory note" or "contract," agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship or loan repayment programs. The promissory note or contract establishes an obligation on the part of the student to teach in an approved education program for each year of program benefit received.

(2) The promissory note is signed by conditional scholarship participants. The note serves as the legal document verifying the participant's understanding of the opportunity to have the conditional scholarship forgiven in exchange for certificated classroom teaching service and the obligation to repay the conditional scholarship, with interest and an equalization fee, if certificated classroom teaching service is not provided.

(3) The contract is signed by loan repayment participants. The contract details the period of time it is in effect, the documentation needed to verify federal student loan indebtedness, the loan repayment benefit to be paid in exchange for certificated classroom teaching service, and the consequences of not providing said teaching service in the agreed-upon time frame.

**WSR 04-16-089
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-200—Filed August 2, 2004, 4:44 p.m., effective August 2, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100B; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night-time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 2, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-05100C Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central)

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E (east), and Marine Fish-Shellfish Catch and Reporting Areas 23B, 23C, 25A, 25D, and 26D.

(iii) Effective immediately until further notice, it is unlawful to harvest shrimp for commercial purposes in that portion of 26A-W (west) from the Shipwreck west to a point one mile offshore then paralleling the shoreline southerly to the 26B line.

(iv) In Shrimp Management Area 2-E (east) it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep

(v) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 and 6, except any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B, and Marine Fish-Shellfish Management and Catch Reporting Areas 20A: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100B Puget Sound shrimp pot and beam trawl fishery. (04-197)

WSR 04-16-099

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed August 3, 2004, 2:12 p.m., effective August 3, 2004]

Effective Date of Rule: Immediately.

Purpose: These emergency rules add human "Arboviral Disease" to the notifiable conditions rules, replacing "Encephalitis, Viral." The rule change will allow the state's notifiable conditions rules to reflect new case definitions proposed by the Centers for Disease Control and Prevention for infections caused by viruses carried by mosquitos, ticks and other insects (ARthropod-BORne (ARBO)). The new case definitions are designed to accurately identify all clinical manifestations of arboviral diseases, not just encephalitis. The current rules capture only cases of encephalitis (inflammation of the brain), while these infections may cause fever, influenza-like illness, meningitis (inflammation of the lining of the brain), acute flaccid paralysis (polio-like syndrome) and other serious brain and nerve disorders.

Citation of Existing Rules Affected by this Order: Amending WAC 246-101-101 (Table HC-1), 246-101-201 (Table Lab-1), and 246-101-301 (Table HF-1).

Statutory Authority for Adoption: RCW 43.20.050.

Other Authority: WAC 246-101-015(5).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: West Nile Virus (WNV) activity has expanded rapidly across the United States since its introduction in 1999. Washington is one of two continental states that have not reported continuous, season WNV activity in insects, animals, birds, or humans. Because neighboring western states experienced a significant increase in WNV activity from 2002 to 2003, it is expected that Oregon and

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Washington will experience a similar course during the 2004 or 2005 mosquito season. Adding arboviral disease to the notifiable conditions rules will help DOH and local health jurisdictions target disease prevention messages to impacted communities to ensure the public has the best information to stem the spread of WNV. Adopting this change by emergency rule makes it effective for the 2004 mosquito season. Using only the permanent rule process would delay implementation of this rule until the 2005 mosquito season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: August 3, 2004.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-101 Notifiable conditions and the health care provider. This section describes the conditions that Washington's health care providers must notify public health authorities of on a statewide basis. The board finds that the conditions in the table below (Table HC-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions in Washington. Principal health care providers shall notify public health authorities of these conditions as individual case reports using procedures described throughout this chapter. Other health care providers in attendance shall notify public health authorities of the following notifiable conditions, unless the condition notification has already been made. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC 246-101-105, 246-101-110, 246-101-115, and 246-101-120 also include requirements for how notifications shall be made, when they shall be made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table HC-1 (Conditions Notifiable by Health Care Providers)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 work days	√	
Animal Bites	Immediately	√	
<u>Arboviral Disease</u>	<u>Within 3 work days</u>	<u>√</u>	
Asthma, occupational	Monthly		√
Birth Defects – Autism (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Cerebral Palsy (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Fetal Alcohol Syndrome/Fetal Alcohol Effects (<i>Provisional through August, 2004</i>)	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately	√	
Brucellosis (<i>Brucella</i> species)	Immediately	√	
Campylobacteriosis	Within 3 work days	√	
Chancroid	Within 3 work days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 work days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 work days	√	
Cyclosporiasis	Within 3 work days	√	
Diphtheria	Immediately	√	

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Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Disease of suspected bioterrorism origin (including): • Anthrax • Smallpox	Immediately	√	
Disease of suspected foodborne origin (communicable disease clusters only)	Immediately	√	
Disease of suspected waterborne origin (communicable disease clusters only)	Immediately	√	
((Encephalitis, viral	Within 3 work days	√	
Enterohemorrhagic <i>E. coli</i> (shiga-like toxin producing infections only) such as <i>E. coli</i> O157:H7 Infection	Immediately	√	
Giardiasis	Within 3 work days	√	
Gonorrhea	Within 3 work days	√	
Granuloma inguinale	Within 3 work days	√	
<i>Haemophilus influenzae</i> (invasive disease, children under age 5)	Immediately	√	
Hantavirus pulmonary syndrome	Within 3 work days	√	
Hemolytic uremic syndrome	Immediately	√	
Hepatitis A (acute infection)	Immediately	√	
Hepatitis B (acute infection)	Within 3 work days	√	
Hepatitis B surface antigen + pregnant women	Within 3 work days	√	
Hepatitis B (chronic) – Initial diagnosis, and previously unreported prevalent cases (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis C – Acute and chronic (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis (infectious), unspecified	Within 3 work days	√	
Herpes simplex, neonatal and genital (initial infection only) (<i>Provisional through August, 2004</i>)	Within 3 work days	√	
Human immunodeficiency virus (HIV) infection	Within 3 work days	√	
Legionellosis	Within 3 work days	√	
Leptospirosis	Within 3 work days	√	
Listeriosis	Immediately	√	
Lyme Disease	Within 3 work days	√	
Lymphogranuloma venereum	Within 3 work days	√	
Malaria	Within 3 work days	√	
Measles (rubeola)	Immediately	√	
Meningococcal disease	Immediately	√	
Mumps	Within 3 work days	√	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	Immediately	√	

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√
Pesticide poisoning (all other)	Within 3 work days		√
Plague	Immediately	√	
Poliomyelitis	Immediately	√	
Psittacosis	Within 3 work days	√	
Q Fever	Within 3 work days	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (Including use of post-exposure prophylaxis)	Within 3 work days	√	
Relapsing fever (borreliosis)	Immediately	√	
Rubella (including congenital rubella syndrome)	Immediately	√	
Salmonellosis	Immediately	√	
Serious adverse reactions to immunizations	Within 3 work days	√	
Shigellosis	Immediately	√	
Streptococcus, Group A, Invasive (Indicated by blood, spinal fluid or other normally sterile site) (<i>Provisional through August, 2004</i>)	Within 3 work days	√	
Syphilis	Within 3 work days	√	
Tetanus	Within 3 work days	√	
Trichinosis	Within 3 work days	√	
Tuberculosis	Immediately	√	
Tularemia	Within 3 work days	√	
Typhus	Immediately	√	
Vibriosis	Within 3 work days	√	
Yellow fever	Immediately	√	
Yersiniosis	Within 3 work days	√	
Other rare diseases of public health significance	Immediately	√	
Unexplained critical illness or death	Immediately	√	

EMERGENCY

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-201 Notifiable conditions and laboratories. This section describes the conditions about which Washington's laboratories must notify public health authorities of on a statewide basis. The board finds that the conditions in the table below (Table Lab-1) are notifiable for the prevention and control of communicable and noninfectious diseases and conditions in Washington. The board also finds that submission of specimens for many of these conditions will further prevent the spread of disease. Laboratory directors shall notify public health authorities of positive cultures and preliminary test results as individual case reports and provide specimen submissions using procedures described

throughout this chapter. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC 246-101-205, 246-101-210, 246-101-215, 246-101-220, 246-101-225, and 246-101-230 also include requirements for how notifications and specimen submissions are made, when they are made, the content of these notifications and specimen submissions, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table Lab-1 (Conditions Notifiable by Laboratory Directors)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
<u>Arboviral Disease (Isolation; Detection of Viral Nucleic Acid or Antibody)</u>	<u>2 days</u>	√		
Blood Lead Level	Elevated Levels – 2 Days Nonelevated Levels – Monthly		√	
Botulism (Foodborne)	Immediately	√		Serum and Stool - If available, submit suspect foods (2 days)
Botulism (Infant)	Immediately	√		Stool (2 days)
Botulism (Wound)	Immediately	√		Culture, Serum, Debrided tissue, or Swab sample (2 days).
Brucellosis (<i>Brucella</i> species)	2 days	√		Subcultures (2 days)
CD4+ (T4) lymphocyte counts less than 200 and/or CD4+ (T4) percents less than fourteen percent of total lymphocytes (patients aged thirteen or older)	Monthly	Only when the local health department is designated by the Department of Health	√	
<i>Chlamydia trachomatis</i> infection	2 days	√		
Cholera	Immediately	√		Culture (2 days)
Cryptosporidiosis	2 days	√		
Cyclosporiasis	2 days	√		Specimen (2 days)
Diphtheria	2 days	√		Culture (2 days)
Disease of Suspected Bioterrorism Origin (examples): • Anthrax • Smallpox	Immediately	√		Culture (2 days)
Enterohemorrhagic <i>E. coli</i> (shiga-like toxin producing infections only) such as <i>E. coli</i> O157:H7 Infection	2 days	√		Culture (2 days)
Gonorrhea	2 days	√		
Hepatitis A (IgM positive)	2 days	√		
Human immunodeficiency virus (HIV) infection (including positive Western Blot assays, P24 antigen or viral culture tests)	2 days	Only when the local health department is designated by the Department of Health	√ (Except King County)	

EMERGENCY

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to Department of Health	Specimen Submission to Department of Health (Type & Timing)
Human immunodeficiency virus (HIV) infection (positive results on HIV nucleic acid tests (RNA or DNA))	Monthly	Only when the local health department is designated by the Department of Health	√ (Except King County)	
Listeriosis	2 days	√		
Measles (rubeola)	Immediately	√		Serum (2 days)
Meningococcal disease	2 days	√		Culture (Blood/CSF or other sterile sites) (2 days)
Pertussis	2 days	√		
Plague	Immediately	√		Culture or other appropriate clinical material (2 days)
Rabies (human or animal)	Immediately	√ (Pathology Report Only)		Tissue or other appropriate clinical material (Upon request only)
Salmonellosis	2 days	√		Culture (2 days)
Shigellosis	2 days	√		Culture (2 days)
Syphilis				Serum (2 days)
Tuberculosis	2 days		√	Culture (2 days)
Tuberculosis (Antibiotic sensitivity for first isolates)	2 days		√	
Tularemia				Culture or other appropriate clinical material (2 days)
Other rare diseases of public health significance	Immediately	√		

Additional notifications that are requested but not mandatory include:

(1) Laboratory directors may notify either local health departments or the department or both of other laboratory results including hepatitis B and hepatitis C through cooperative agreement.

(2) Laboratory directors may submit malaria cultures to the state public health laboratories.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-301 Notifiable conditions and health care facilities. This section describes the conditions that Washington's health care facilities must notify public health authorities of on a statewide basis. The board finds that the conditions in the table below (Table HF-1) are notifiable for

the prevention and control of communicable and noninfectious diseases and conditions. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction. Health care facilities are required to notify public health authorities of cases that occur in their facilities. Health care facilities may choose to assume the notification for their health care providers for conditions designated in Table HF-1. Health care facilities may not assume the reporting requirements of laboratories that are components of the health care facility. Local health officers may require additional conditions to be notifiable within the local health officer's jurisdiction.

WAC sections 246-101-305, 246-101-310, 246-101-315, and 246-101-320 also include requirements for how notifications shall be made, when they are made, the content of these notifications, and how information regarding notifiable conditions cases must be handled and may be disclosed.

Table HF-1 (Conditions Notifiable by Health Care Facilities)

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Acquired Immunodeficiency Syndrome (AIDS)	Within 3 work days		√
Animal Bites	Immediately	√	
Arboviral Disease	Within 3 work days	√	

EMERGENCY

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Asthma, occupational	Monthly		√
Birth Defects – Abdominal Wall Defects (inclusive of gastroschisis and omphalocele) (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Autism (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Cerebral Palsy (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Down Syndrome	Monthly		√
Birth Defects – Fetal Alcohol Syndrome/Fetal Alcohol Effects (<i>Provisional through August, 2004</i>)	Monthly		√
Birth Defects – Hypospadias	Monthly		√
Birth Defects – Limb reductions	Monthly		√
Birth Defects – Neural Tube Defects (inclusive of anencephaly and spina bifida)	Monthly		√
Birth Defects – Oral Clefts (inclusive of cleft lip with/without cleft palate)	Monthly		√
Botulism (foodborne, infant, and wound)	Immediately	√	
Brucellosis (<i>Brucella</i> species)	Immediately	√	
Cancer (<i>See chapter 246-430 WAC</i>)	Monthly		√
Chancroid	Within 3 work days	√	
<i>Chlamydia trachomatis</i> infection	Within 3 work days	√	
Cholera	Immediately	√	
Cryptosporidiosis	Within 3 work days	√	
Cyclosporiasis	Within 3 work days	√	
Diphtheria	Immediately	√	
Disease of suspected bioterrorism origin (including): • Anthrax • Smallpox	Immediately	√	
Disease of suspected foodborne origin (communicable disease clusters only)	Immediately	√	
Disease of suspected waterborne origin (communicable disease clusters only)	Immediately	√	

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
((Encephalitis, viral	Within 3 work days	÷))	
Enterohemorrhagic <i>E. coli</i> (shiga-like toxin producing infections only) such as <i>E. coli</i> O157:H7 Infection	Immediately	√	
Giardiasis	Within 3 work days	√	
Gonorrhea	Within 3 work days	√	
Granuloma inguinale	Within 3 work days	√	
Gunshot wounds (nonfatal)	Monthly		√
<i>Haemophilus influenzae</i> (invasive disease, children under age 5)	Immediately	√	
Hantavirus pulmonary syndrome	Within 3 work days	√	
Hemolytic uremic syndrome	Immediately	√	
Hepatitis A (acute infection)	Immediately	√	
Hepatitis B (acute infection)	Within 3 work days	√	
Hepatitis B surface antigen+ pregnant women	Within 3 work days	√	
Hepatitis B (chronic) – Initial diagnosis, and previously unreported prevalent cases (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis C – Acute and chronic (<i>Provisional through August, 2004</i>)	Monthly	√	
Hepatitis (infectious), unspecified	Within 3 work days	√	
Human immunodeficiency virus (HIV) infection	Within 3 work days	√	
Legionellosis	Within 3 work days	√	
Leptospirosis	Within 3 work days	√	
Listeriosis	Immediately	√	
Lyme Disease	Within 3 work days	√	
Lymphogranuloma venereum	Within 3 work days	√	
Malaria	Within 3 work days	√	
Measles (rubeola)	Immediately	√	
Meningococcal disease	Immediately	√	
Mumps	Within 3 work days	√	
Paralytic shellfish poisoning	Immediately	√	
Pertussis	Immediately	√	
Pesticide poisoning (hospitalized, fatal, or cluster)	Immediately		√
Plague	Immediately	√	
Poliomyelitis	Immediately	√	

EMERGENCY

Notifiable Condition	Time frame for Notification	Notifiable to Local Health Department	Notifiable to State Department of Health
Psittacosis	Within 3 work days	√	
Q Fever	Within 3 work days	√	
Rabies (Confirmed Human or Animal)	Immediately	√	
Rabies (Use of post-exposure prophylaxis)	Within 3 work days	√	
Relapsing fever (borreliosis)	Immediately	√	
Rubella (including congenital rubella syndrome)	Immediately	√	
Salmonellosis	Immediately	√	
Serious adverse reactions to immunizations	Within 3 work days	√	
Shigellosis	Immediately	√	
Streptococcus, Group A Invasive (Indicated by blood, spinal fluid or other normally sterile site) (<i>Provisional through August, 2004</i>)	Within 3 work days	√	
Syphilis	Within 3 work days	√	
Tetanus	Within 3 work days	√	
Trichinosis	Within 3 work days	√	
Tuberculosis	Immediately	√	
Tularemia	Within 3 work days	√	
Typhus	Immediately	√	
Vibriosis	Within 3 work days	√	
Yellow fever	Immediately	√	
Yersiniosis	Within 3 work days	√	
Other rare diseases of public health significance	Immediately	√	
Unexplained critical illness or death	Immediately	√	

EMERGENCY

WSR 04-16-106**EMERGENCY RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed August 3, 2004, 4:34 p.m., effective August 3, 2004]

Effective Date of Rule: Immediately.

Purpose: To continue the emergency rule that has been in place since April 1, 2004, while the permanent rule-making process is completed (permanent rule proposed under WSR 04-13-135). The emergency rule reflects the April 1, 2004, federal increase in the federal poverty level (FPL).

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Other Authority: 42 U.S.C. 9902(2).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Federal statute (42 U.S.C., chapter 7) requires states to use the annually adjusted federal poverty level (FPL) guidelines as the basis for determining financial eligibility standards for certain medical assistance programs. The immediate effective date is needed to prevent a lapse in the applicable FPL that could result in incorrect eligibility determinations for individuals and families in need of medical assistance.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 3, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-03000X Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately through 11:59 p.m. August 30, 2004, it is lawful to dig for and possess razor clams for commercial purposes in those waters and beaches of Razor Clam Area 1 lying south of the Willapa Bay Ship Channel, west of Ellen Sands and north of the line of boundary markers consisting of five orange posts near the northern tip of Leadbetter Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 31, 2004:

WAC 220-52-03000W Commercial razor clams.

EMERGENCY



WSR 04-16-002
RULES COORDINATOR
CENTRAL WASHINGTON UNIVERSITY
 [Filed July 22, 2004, 8:33 a.m.]

Ms. Barbara Hodges has accepted a new position within the university. Until such time as a permanent replacement is on board, Ms. Judy Miller will be the acting rules coordinator. Ms. Miller's contact information is Ms. Judy Miller, Executive Secretary to the President, Central Washington University, 400 East University Way, Ellensburg, WA 98926-7501, (509) 963-2156 (voice), fax (509) 963-3206, e-mail miller@cwu.edu.

Jerilyn S. McIntyre
 President

WSR 04-16-007
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—July 21, 2004]

August 4-5, 2004

Board Retreat
 Best Western Lighthouse Suite Inn
 491 Damon Road N.W.
 Ocean Shores, WA
 (360) 289-2311

August 4 9:30 a.m. to 5:00 p.m. Board Retreat
 7:00 p.m. to 9:00 p.m. Informal Dinner at Waves Restaurant (no action will be taken)

August 5 8:30 a.m. to 1:30 p.m. Board Retreat

The Workforce Training and Education Coordinating Board will hold a retreat on August 4-5, 2004, at the Best Western Lighthouse Suite Inn, 491 Damon Road N.W., in Ocean Shores, WA. The board will take action on the 2005-07 biennial budget submittal on August 4, 2004.

People meeting special accommodations please call Mary Reister in advance at (360) 753-5660, e-mail mreister@wtb.wa.gov.

WSR 04-16-014
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Memorandum—July 20, 2004]

This is to provide notice that the Washington State University board of regents has moved the date and location of one of its regularly scheduled meetings in 2004. The meeting of September 17, 2004, in Pullman, Washington, has been rescheduled to September 10, 2004, in Seattle, Washington.

The updated remaining 2004 schedule follows:

September 10, 2004	Seattle, Washington
October 22, 2004	Pullman, Washington
November 19, 2004	Pullman, Washington

WSR 04-16-015
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 [Memorandum—July 23, 2004]

2003-2004 Revised P&T Committee Meeting Schedule

Please publish the following revised agenda for the Pharmacy and Therapeutics (P&T) Committee.

Please contact Erika Clayton at (206) 521-2027, if you have any questions regarding the meeting schedule or need further information.

PHARMACY AND THERAPEUTICS (P&T) COMMITTEE
 2004-2005 Revised Meeting Schedule

All meetings are held on Wednesdays and begin at 9:00 a.m.

1.	September 15, 2004 9:00 a.m. - 4:00 p.m. Location: Radisson Hotel Phoenix BC Room 17001 Pacific Highway South Seattle, WA 98188
2.	October 20, 2004 9:00 a.m. - 4:00 p.m. Location: Radisson Hotel Room TBD 17001 Pacific Highway South Seattle, WA 98188
3.	December 15, 2004 9:00 a.m. - 4:00 p.m. Location: Radisson Hotel Chaps Room 17001 Pacific Highway South Seattle, WA 98188
4.	March 16, 2005 9:00 a.m. - 4:00 p.m. Location: TBD
5.	June 15, 2005 9:00 a.m. - 4:00 p.m. Location: TBD

If you are a person with a disability and need a special accommodation, please contact Erika Clayton, (206) 521-2027.

MISC.

WSR 04-16-016
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2004, 1:30 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 243.

Subject: CN 243 assessing and collecting interest for other states.

Effective Date: July 19, 2004.

Document Description: This notice explains to DCS staff how to collect interest when enforcing orders from other states.

To receive a copy of the interpretive or policy statement, contact Beth Heston, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail eheston@dshs.wa.gov.

February 7, [2002] 2004
 Beth Heston

or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2004, and October 31, 2004. Properly licensed pesticide applicators who have obtained coverage under the WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923, or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington State Department of Ecology twenty-four hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

WSR 04-16-020

AGENDA

DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2004, 1:38 p.m.]

DSHS SEMI-ANNUAL RULE-MAKING AGENDA

Following is the Department of Social and Health Services' semi-annual rule-making agenda for July 1, 2004, through December 31, 2004. This report is submitted for publication in the state register pursuant to RCW 34.05.314 and distributed to interested parties, and is available online at <http://www1.dshs.wa.gov/msa/rpau/>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal requirements, or to meet unforeseen circumstances.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-18 issue of the Register.

WSR 04-16-032

DEPARTMENT OF AGRICULTURE

[Filed July 27, 2004, 11:53 a.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®, surfactants (R-11™, X-77™, Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™,

WSR 04-16-038

POLICY STATEMENT

WASHINGTON STATE LOTTERY

[Filed July 27, 2004, 2:28 p.m.]

Washington's Lottery has recently adopted or revised the following policies:

POL 110.013 - Cellular Phone Usage (Revision)

Definition of cellular telephone (cell phone) that it is a portable device that transmits voice or data, using radio waves to communicate with radio antennas placed within adjacent geographic areas called cells.

To the sentence that said the lottery's director of information services (or designee) must approve the allocation of all state cellular phone purchases, cellular services contracts, installation of state phone lines on employees' personal cellular phones, or reimbursement for usage of personal cellular phones for Lottery business, on a cellular phone authorization and use agreement.

Included the information "monitoring their time limitations per calling plan..."

To the paragraph that said information services customer support will audit cellular telephones and cellular telephone services billing and usage. Customer support will receive cellular usage and billing via electronic media. Bills will be audited for plan adherence, cost overrun, and abuse and randomly for unauthorized calls.

To the paragraphs that said employees authorized to use cell phones for business use may have that authority revoked and may face appropriate disciplinary action for failure to follow agency policy, which includes staying within calling plan limitations.

The Lottery director is the only authority to allow exceptions to this policy. Those exceptions will be in writing and maintained by information services customer support.

MISC.

Signed April 28, 2004.

POL 120.015 - Discrimination and Harassment Prevention (Revision)

This policy explains and prohibits discrimination and harassment in the workplace. It also establishes a process for reporting, investigating and resolving complaints about these types of behaviors.

Signed July 1, 2004.

POL 120.017 - Shared Leave Program (Revision)

The amount of sick leave a person can donate has increased. An employee can now donate sick leave, so long as the donation does not cause his or her sick leave balance to fall below one hundred seventy-six hours.

A person can donate sick leave more frequently...so long as a person keeps their sick leave at or above one hundred seventy-six hours, there is not [no] longer a limit on the number of sick leave hours a person can donate.

A person can now donate leave to support an employee who has been called to military service. Employees may now donate vacation leave, sick leave, or a personal holiday to a

fellow state [state] employee who has been called to military service.

Signed December 31, 2003.

POL 250.005 - Prize Claim Validation and Payment (Revision)

To the sentence that said manually logs onto Help Star ticket.

To the "NOTE" that said report not printed to reduce the risk of internal identity theft.

To the sentence that said call the help desk with the winner's name and Social Security number and wait for confirmation.

Signed November 24, 2003; updated July 12, 2004 (to clarify salient points).

To receive a copy of these policies, contact Candace Martin, Legal Division, Washington's Lottery, P.O. Box 43025, Olympia, WA 98504-3025.

July 27, 2004
Candace Martin

**WSR 04-16-039
AGENDA
HEALTH CARE AUTHORITY**

[Filed July 27, 2004, 2:47 p.m.]

July 31, 2004, Semi-Annual Rule-Making Agenda

Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have Interest in the Subject of Rule(s)
1. Preproposal filed September 2003 2. Recoupment of subsidy overpayments 3. Rosanne Reynolds, (360) 923-2948	Add detail previously omitted and update processes.	No mandate.	DSHS/MAA and L&I
1. Preproposal filed April 2004 2. Health coverage tax credit enrollment 3. Rosanne Reynolds, (360) 923-2948	Add rules to implement Health Coverage Tax Credit enrollment in BH.	No mandate, but authorized under chapter 192, Laws of 2004 (ESHB 2797).	Employment Security, Insurance Commissioner, and federal Office of the Treasury.
1. Preproposal, August 2004 2. Public disclosure 3. Melodie Bankers, (360) 923-2728	The current rules do not reflect changes in the law, technology, and HCA processes. The proposed rules improve clarity and make it easier for requesters to understand HCA procedures regarding access to public records.		
1. May 6, 2004 2. WAC 182-12-115 (4) and (5), eligible employees 3. Barbara Scott, (360) 923-2642	Amending these rules is required as a result of the State Supreme Court ruling and settlement agreement in <i>Mader v Health Care Authority</i> .	No mandate.	State agencies, state institutions of higher education and PEBB participating K-12 school districts, educational service districts and local governments.

If you have any questions, Melodie Bankers can be reached at (360) 923-2728.

MISC.

WSR 04-16-042
NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE

[Memorandum—July 26, 2004]

The Wenatchee Valley College board of trustees has revised their meeting schedule for the remainder of 2004. They currently meet every six weeks. This schedule is being changed to the 3rd Wednesday of each month. Location and times will remain the same - work sessions at noon and board meetings at 3 p.m. The new schedule is as follows:

- September 15, 2004
- October 20, 2004
- November 17, 2004
- December 15, 2004

WSR 04-16-043
AGENDA
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed July 28, 2004, 12:28 p.m.]

Department of Financial Institutions
Semi-Annual Agenda for Rules Under Development
July 1, 2004 - December 31, 2004

DIVISION OF CONSUMER SERVICES

1. Proposed amendments to chapter 208-630 WAC relating to check cashers and sellers, to comply with chapter 31.45 RCW as amended by chapter 86, Laws of 2003, and to clarify and improve the regulatory program.

DIVISION OF CREDIT UNIONS (DCU)

1. WAC 208-418-040 may be amended to increase the asset assessment fees up to I-601 limitations for fiscal year 2005, except for credit unions under \$22 million total assets.

2. DCU is in the process of meeting with an industry Debt Cancellation Contracts Task Force. The task force may suggest guidance for debt cancellation contracts. Subsequently, DCU may initiate rule making.

DIVISION OF SECURITIES

The Securities Division has filed preproposals (CR-101s) pertaining to the following:

1. WAC 208-680G-050 would be amended to clarify that both in-state and out-of-state licensees may be charged for examinations and investigations. This is necessary in order to make the escrow-licensing program self-supporting.

2. A new rule, WAC 208-680E-025, concerning periodic reporting will help the division monitor compliance with chapter 18.44 RCW and the regulations adopted thereunder.

3. Amendments to WAC 208-680F-020 are needed to clarify the types of securities that may be substituted for the errors and omissions policy required by RCW 18.44.201.

4. A new rule, WAC 208-680G-060, would begin to define unfair and deceptive practices under RCW 18.44.301.

WSR 04-16-066
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 30, 2004, 1:35 p.m.]

Prevailing Rate of Wage

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was distributed to all state and local agencies, other interested parties, and posted on the internet on August 2, 2004, the industrial statistician has determined the state-wide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after September 1, 2004.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our website at www.lni.wa.gov/TradesLicensing/PrevailingWage/ or call (360) 902-5335.

Josh Swanson
 Prevailing Wage Manager
 Industrial Statistician

WSR 04-16-071

AGENDA
DEPARTMENT OF HEALTH

[Filed July 30, 2004, 4:21 p.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-17 issue of the Register.

WSR 04-16-081
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION

[Memorandum—July 30, 2004]

Please cancel the Thursday, December 9, 2004, State Capitol Committee meeting.

Please record the following rescheduled State Capitol Committee meeting:

- Date: Wednesday, December 1, 2004
- Time: 10:30 a.m. - 12:00 p.m.
- Location: General Administration Building, Room 207

Please record that immediately following State Capitol Committee meeting, the joint State Capitol Committee/Legislative Building Renovation Oversight Committee meeting is scheduled to convene:

MISC.

Date: Wednesday, December 1, 2004
 Time: 12:00 p.m. - 1:00 p.m. (lunch provided)
 Location: General Administration Building, Room 207

If you have any questions, please contact Pamela G. Robel at (360) 902-0982.

WSR 04-16-083

**INTERPRETIVE OR POLICY STATEMENT
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES**

[Filed August 2, 2004, 3:31 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Administrative Policy 1.21.
 Subject: DCS building visitor sign-in.
 Effective Date: July 29, 2004.

Document Description: This notice explains to DCS staff the new policy on signing in visitors entering any DCS building.

To receive a copy of the interpretive or policy statement, contact Beth Heston, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail eheston@dshs.wa.gov.

July 29, 2004
 Beth Heston

WSR 04-16-084

**INTERPRETIVE OR POLICY STATEMENT
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES**

[Filed August 2, 2004, 3:32 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Administrative Policy 1.05.
 Subject: Field office closure.
 Effective Date: July 29, 2004.

Document Description: This notice explains to DCS staff the policy for closing field offices due to inclement weather or a natural disaster.

To receive a copy of the interpretive or policy statement, contact Beth Heston, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail eheston@dshs.wa.gov.

July 29, 2004
 Beth Heston

WSR 04-16-085

**INTERPRETIVE OR POLICY STATEMENT
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES**

[Filed August 2, 2004, 3:33 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-56 MAA.
 Subject: Washington Medicaid integration partnership (WMIP) project.

Effective Date: June 15, 2004.

Document Description: **Effective January 1, 2005, up to 6,000 SSI and SSI-related clients in Snohomish County will be enrolled in a voluntary managed care pilot program.** This program will integrate medical, outpatient mental health, and alcohol and substance abuse treatment services using a contracted health care plan.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 28, 2004
 E. A. Myers, Manager
 Rules and Publications Section

WSR 04-16-095

**INTERPRETIVE STATEMENT
 DEPARTMENT OF REVENUE**

[Filed August 3, 2004, 10:59 a.m.]

ADOPTION OF INTERPRETIVE STATEMENT

**Property Tax Advisory 13.0.2004 - Impact of Local Zoning Ordinances on Property Tax Exemptions Granted Under Chapter 84.36 RCW
 Effective July 30, 2004**

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted the following Property Tax Advisory:

Property Tax Advisory 13.0.2004 (impact of local zoning ordinances on property tax exemptions granted under chapter 84.36 RCW).

This advisory clarifies whether the Department of Revenue must consider local zoning ordinances when it determines the property tax status of real property for nonprofit organizations under chapter 84.36 RCW. More specifically, if the use of a property conflicts with a local zoning ordinance, should the Department of Revenue deny the exemption even though it qualifies for exemption under chapter 84.36 RCW?

Requests for a copy of this advisory may be directed to Velinda Brown, Property Tax Division, P.O. Box 47471,

MISC.

Olympia, WA 98504-7471, phone (360) 570-5865, fax (360) 586-7602.

Alan Lynn
Rules Coordinator

WSR 04-16-102

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 3, 2004, 2:21 p.m.]

The Employment Security Department rule-making agenda is submitted for publication in the Washington State Register in accordance with RCW 34.05.314.

**Employment Security Department
Semi-Annual Rule-Making Agenda (July 31, 2004 - January 31, 2005)**

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Title 192 WAC	Benefits rules	Juanita Myers (360) 902-9665	CR 103 - 8/04	Amend existing rules and adopt new rules as needed to implement unemployment benefits provisions of 2ESB 6097. Topics include job separations, penalties, job search requirements, calculation of benefits, and part-time workers.
Title 192 WAC	Tax rules	Juanita Myers (360) 902-9665	CR 103 - 8/04	Amend existing rules and adopt new rules as needed to implement unemployment tax provisions of 2ESB 6097. Topics include voluntary contributions, benefit charging, penalties, and successor employers.
Chapter 192-210 WAC	Special category occupations (<i>referral union members</i>)	Juanita Myers (360) 902-9665	CR 101 - 2/02 CR 102 - 9/04 Hearing - To be determined	Adopt rules to clarify job search and availability requirements for individual members of full referral unions. Clarify requirements of unions participating in the referral union program.
Chapter 192-170 WAC Chapter 192-180 WAC	Availability to accept work; job search require- ments	Karen Malo (360) 902-0918	CR 101 - 8/02 CR 102 - 9/04 Hearing - To be determined	Adopt rules to clarify job search and availability requirements for individuals who leave work to protect themselves or a member of their immediate family from domestic violence or stalking.
Chapter 192-250 WAC	Shared work	Juanita Myers (360) 902-9665	CR 101 - 5/03 CR 102 - 11/04	Amend and adopt rules to modify eligibility requirements for employers and participants applying for the Shared Work program, clarify expectations of participating employers, address the number of consecutive plans an employer may have, and define terms.

MISC.

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-180 WAC	Mandatory reporting for job search assistance	Juanita Myers (360) 902-9665	CR 101 - 9/04	Amend regulations governing mandatory reporting requirements for claimants profiled as likely to exhaust benefits, and modify reasons that constitute good cause for missing an interview.
Title 192 WAC	Various	Juanita Myers (360) 902-9665	CR 105 - 11/04	Expedited adoption of various house-keeping measures, correcting typographical errors or editing for clarity.

Larry Oline
Rules Coordinator

WSR 04-16-108
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Memorandum—August 4, 2004]

The public is invited to review the Year 2005 Washington state application for federal Substance Abuse Prevention and Treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2005 application will result in approximately \$35 million in federal funds being awarded to the state of Washington for substance abuse prevention and treatment.

A public hearing to review the application and consider questions or comments will be held September 16, 2004, at 10:00 a.m. **The location of the public hearing is the Red Lion Hotel located at 100 Columbia, Vancouver, Washington.** The hearing is sponsored by The Citizens Advisory Council on Alcoholism and Drug Addiction, a statutorily empowered body charged with the role of advising the Department of Social and Health Services on matters relating to the state substance abuse program.

The application is being prepared by the Department of Social and Health Services, Division of Alcohol and Substance Abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Vince Collins, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 438-8226, fax (360) 438-8078, e-mail collivl@dshs.wa.gov.

WSR 04-16-110
RULES COORDINATOR
BATES TECHNICAL COLLEGE

[Memorandum—August 2, 2004]

This letter is official notification updating Bates Technical College's rules coordinator status. Bates' current rules

coordinator is Cindy DeGrosse, executive assistant to the president. She can be reached at (253) 680-7100.

If you need additional information please contact L. H. Horton, Jr. directly at (253) 680-7100.

L. H. Horton, Jr.
Interim President

WSR 04-16-119
DEPARTMENT OF
FISH AND WILDLIFE

[Memorandum—August 18, 2004]

NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND COMMENT OF WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE (WDFW) HATCHERY GENETIC MANAGEMENT PLANS FOR 42 LOWER COLUMBIA HATCHERY PROGRAMS

Hatchery Genetic Management Plans (HGMPs) for forty-two of the Washington Department of Fish and Wildlife (WDFW) lower Columbia artificial production programs are available for a sixty-day public review and comment period. The comments, WDFW's response, and any resultant modifications to HGMPs will subsequently be posted on the WDFW website and provided to NOAA Fisheries for its consideration.

The HGMPs describe, in a format prescribed by NOAA Fisheries, the operation of each artificial production program for salmon and steelhead and the potential effects of each program on listed species. The HGMPs will be provided to NOAA Fisheries for consideration as significant conservation measures under Section 4(d) of the Endangered Species Act.

The HGMPs may be accessed for review through one of the following means: (1) Electronically via the internet to the WDFW website (www.wdfw.wa.gov); or (2) in-person through a scheduled appointment at the WDFW office in Olympia, Washington. To schedule an appointment, or to obtain more information, please call (360) 902-2802 or (360) 902-2701.

WDFW will be accepting public comments on the HGMPs for artificial production programs until October 18, 2004. Comments must be submitted in writing to Dr. Jeff

MISC.

Koenings, Director, WDFW (Attention: Cheryl McCartney, Fish Program), 600 Capitol Way North, Olympia, WA 98501-1091 or electronically through e-mail addressed to HGMP@dfw.wa.gov. All comments must be received by WDFW at the appropriate address or via WDFW's website by 5 p.m. Pacific Daylight Time on October 18, 2004.

This notice can also be found on the Washington State Register website at <http://slc.leg.wa.gov/>.

WSR 04-16-121

DEPARTMENT OF ECOLOGY

[Filed August 4, 2004, 10:42 a.m.]

Modified Industrial Stormwater General Permit Available for Review and Public Comment

Introduction: The Washington State Department of Ecology (ecology) is hosting a series of public hearings and informational workshops on its proposal to modify the industrial stormwater general permit. The draft modified permit is proposed to replace the existing permit that was issued and subsequently appealed. Modifying and reissuing the industrial stormwater general permit is part of a settlement agreement to resolve the appeal.

The modified permit provides coverage for industries located in Washington state, statewide, that discharge stormwater associated with industrial activities. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act); a permit is required for the discharge of wastewater. A discharge of stormwater associated with industrial activities is a discharge of wastewater. Ecology first issued its baseline general permit on November 18, 1992, covering both industrial and construction activities. When reissued in 1995, the industrial stormwater general permit no longer included construction activities (covered under separate construction general permit).

Permits must be reissued at least every five years and the industrial stormwater general permit was reissued without substantive changes by ecology on October 4, 2000, with an expiration date of November 18, 2005. After an appeal and settlement, ecology revised the permit substantially and reissued it on August 21, 2002, with an expiration date of November 18, 2007. This permit was appealed. Because of the appeal and a new law passed by the legislature, ecology is now proposing to modify the existing permit. The modified permit is now available for review and comment. This modification will not change the expiration date of the permit.

Most industrial activities that discharge stormwater either directly or indirectly to surface water are required to obtain permit authorization for their discharge unless they apply for a [and] receive a "No Exposure" certificate. Specifically, facilities listed in the Code of Federal Regulations (C.F.R.) at 40 C.F.R. Subpart 122.26(b)(14)(i-xi, excluding x), stormwater discharges, are included for coverage under the modified permit. A more complete listing of facilities and applicable Standard Industrial Codes (SIC) can be found in the modified permit in Appendix #1-Section C, categories 1-9 and 11.

Permit Requirements: The modified general permit addresses the legal requirements and controls the discharges of pollutants to protect the water quality of ground water and surface water in our state. A general permit is like an individual wastewater discharge permit except that it addresses a group of facilities as a whole. A single permit is developed that implements standard stormwater management, treatment, monitoring, and reporting requirements for all permit holders covered under the general permit. Interested persons are encouraged to obtain a copy of the proposed modified permit and fact sheet addendum and/or attend a workshop and hearing.

The proposed modified permit includes some significant revisions and additions. Some* of these proposed changes include:

- Conditionally authorizing some non-stormwater discharges.
- Clarifying how ecology's Stormwater Management Manuals are used under the permit.
- Clarifying that water clean-up plans or TMDLs which have been completed after the permit issuance date are generally not applicable.
- The presumption of compliance with standards provided permittees are in full compliance with the permit and site specific information does not demonstrate otherwise.
- Elimination of standard mixing zones.
- Relaxation of the stormwater sample collection criteria (storm intensity, dry antecedent period, and first flush collection).
- Replace the effluent limitation for existing dischargers which discharge into water bodies which fail to meet water quality standards (303(d) listed waters) with a benchmark.
- Eliminate the compliance schedule for existing dischargers which discharge into water bodies which fail to meet water quality standards and for existing dischargers subject to TMDL requirements.
- Clarified what permittees must do when sample results are above benchmark values.

*** To see all of the proposed permit modifications please refer to the proposed permit and accompanying fact sheet addendum.**

This public comment period is only on the proposed permit modifications. Comments received on the parts of the permit which are not being modified will not be considered during this comment period and in developing the final permit.

General Permit Issuance: Ecology expects to issue the modified general permit no earlier than October 20, 2004. The modified permit becomes effective thirty days after issuance. The final permit may, however, be modified based on the comments received and if changes represent a substantial departure from the scope or conditions in the modified draft permit, another public notice of draft and comment period may ensue. When issued, a copy of the notice of issuance and ecology's response to the comments will be sent to all persons who submit written comments or give public testimony.

How to Request Copies of the Proposed Modified Permit: The modified permit and fact sheet addendum may

be downloaded from the Internet <http://www.ecy.wa.gov/programs/wq/stormwater>.

Information regarding the Industrial Stormwater General Permit Appeal may be found at http://www.ecy.wa.gov/programs/wq/stormwater/industrial/permit_appeal.html

Or you may request a copy of the proposed modified permit and fact sheet addendum by contacting Joyce Smith:

- Through the address noted below;
- By telephone (360) 407-6858, fax (360) 407-6426;
- By e-mail josm461@ecy.wa.gov.

Where to Submit Written Comments: Ecology is seeking public comment on the proposed modifications to the industrial stormwater general permit. Comments should reference specific text followed by proposed modification or concern when possible. Comments may address technical issues, accuracy and completeness of information, the scope of facilities proposed for coverage, adequacy of environmental protection and permit conditions, or any other concern that would result from issuance of this modified permit. This public comment period is only on the modified parts of the permit. Comments received on existing parts of the permit will not be considered in developing the final permit.

If you wish to comment on the proposed permit modifications you may do so by attending and testifying at one of the public hearings below or you may send your written comments to ecology. Please send written comments to Comments, Industrial Stormwater General Permit, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Written comments may also be submitted by e-mail to the following address bmoo461@ecy.wa.gov.

Written comments must be received by ecology no later than **5:00 p.m., September 27, 2004**. Comments may also be made by attending and testifying at one of the public hearings listed below.

Public Workshop/Hearings: Four public workshops and hearings on the proposed modifications to the permit are scheduled. The purpose of the workshop is to explain the modified general permit, answer questions, and discuss your ideas and concerns before formal testimony begins. The purpose of the hearing is to provide interested parties an opportunity to state for the record their opinions and comments on the proposed modifications to the general permit. The informational workshops will all begin at 1:30 p.m., and the formal public hearing to provide testimony will begin immediately after the workshop concludes. The workshops and hearings will be held on the following dates, times and locations noted below. Additional information on the meeting location may be obtained from the Internet or by contacting Joyce Smith (see above):

Dates, Times, and Locations of the Public Workshops/Hearings:

Lynnwood Civic Center, Council Chambers, 19100 44th Avenue West, Lynnwood, WA, on September 20, 2004, at 1:30 p.m.; at The Olympia Center, 222 North Columbia, Olympia, WA, on September 21, 2004, at 1:30 p.m.; at Lair Building, Little Foot A & B, North 1810 Greene Street, Spokane, WA, on September 23, 2004, at 1:30 p.m.; and at the Hal Holmes Community Center, 201 North Ruby Street, Ellensburg, WA, on September 24, 2004, at 1:30 p.m.

Ecology is an equal opportunity agency. If you have special accommodation needs or require the fact sheet addendum and proposed modified permit in an alternative format, please contact Joyce Smith at (360) 407-6858 or TDD (only) (360) 407-6006.

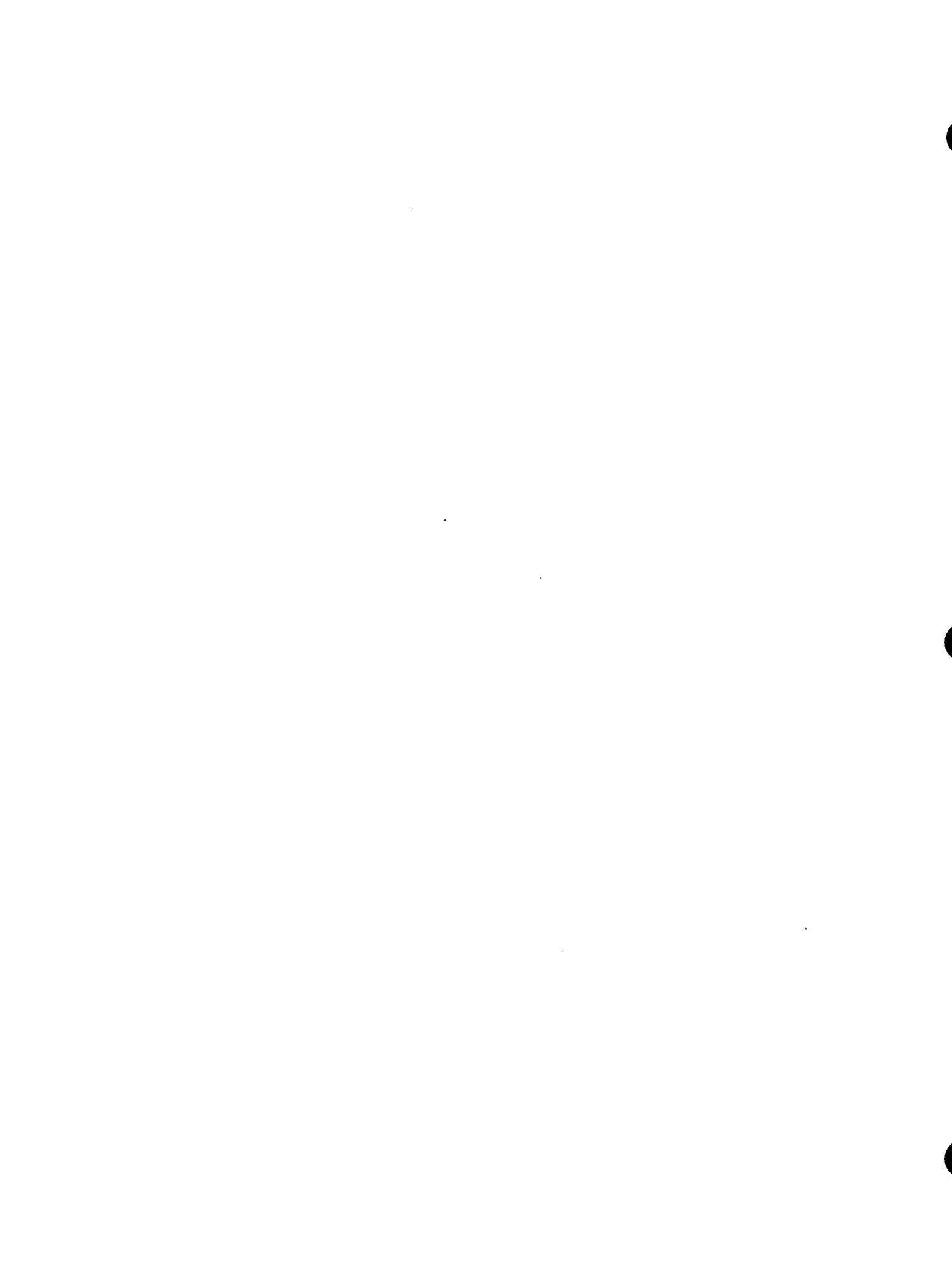


Table of WAC Sections Affected

KEY TO TABLE

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.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action
- 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 identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1- 21-070	AMD	04-02-071	16- 54-030	AMD-E	04-15-021	16-170-140	NEW-P	04-05-119
4- 25-400	PREP	04-08-033	16-157-020	AMD-X	04-16-092	16-170-140	NEW	04-08-062
4- 25-410	PREP	04-08-033	16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119
4- 25-510	PREP	04-08-033	16-170-010	NEW	04-08-062	16-170-145	NEW	04-08-062
4- 25-530	PREP	04-06-085	16-170-020	NEW-P	04-05-119	16-170-150	NEW-P	04-05-119
4- 25-540	PREP	04-08-033	16-170-020	NEW	04-08-062	16-170-150	NEW	04-08-062
4- 25-550	PREP	04-08-033	16-170-030	NEW-P	04-05-119	16-170-155	NEW-P	04-05-119
4- 25-551	PREP	04-08-033	16-170-030	NEW	04-08-062	16-170-155	NEW	04-08-062
4- 25-610	PREP	04-08-033	16-170-035	NEW-P	04-05-119	16-170-170	NEW-P	04-05-119
4- 25-620	PREP	04-08-033	16-170-035	NEW	04-08-062	16-170-170	NEW	04-08-062
4- 25-626	PREP	04-08-033	16-170-037	NEW-P	04-05-119	16-170-175	NEW-P	04-05-119
4- 25-630	PREP	04-08-033	16-170-037	NEW	04-08-062	16-170-175	NEW	04-08-062
4- 25-631	PREP	04-08-033	16-170-040	NEW-P	04-05-119	16-170-180	NEW-P	04-05-119
4- 25-640	PREP	04-08-033	16-170-040	NEW	04-08-062	16-170-180	NEW	04-08-062
4- 25-650	PREP	04-08-033	16-170-050	NEW-P	04-05-119	16-219-010	REP-X	04-13-059
4- 25-660	PREP	04-08-033	16-170-050	NEW	04-08-062	16-219-100	REP-X	04-06-073
4- 25-661	PREP	04-08-033	16-170-060	NEW-P	04-05-119	16-219-100	REP	04-10-105
4- 25-670	PREP	04-08-033	16-170-060	NEW	04-08-062	16-219-105	REP-X	04-06-073
4- 25-710	PREP	04-08-033	16-170-070	NEW-P	04-05-119	16-219-105	REP	04-10-105
4- 25-720	PREP	04-08-033	16-170-070	NEW	04-08-062	16-228-1220	PREP	04-03-005
4- 25-721	PREP	04-08-033	16-170-075	NEW-P	04-05-119	16-228-1231	PREP	04-03-004
4- 25-730	PREP	04-08-033	16-170-075	NEW	04-08-062	16-228-1250	PREP	04-03-004
4- 25-735	PREP	04-08-033	16-170-080	NEW-P	04-05-119	16-229	PREP	04-14-102
4- 25-745	PREP	04-08-033	16-170-080	NEW	04-08-062	16-230-250	REP-X	04-13-058
4- 25-746	PREP	04-08-033	16-170-090	NEW-P	04-05-119	16-230-260	REP-X	04-13-058
4- 25-750	PREP	04-08-033	16-170-090	NEW	04-08-062	16-230-270	REP-X	04-13-058
4- 25-756	PREP	04-11-033	16-170-100	NEW-P	04-05-119	16-230-281	REP-X	04-13-058
4- 25-782	PREP	04-11-033	16-170-100	NEW	04-08-062	16-230-290	REP-X	04-13-058
4- 25-783	PREP	04-08-033	16-170-110	NEW-P	04-05-119	16-230-400	PREP	04-03-004
4- 25-790	PREP	04-08-033	16-170-110	NEW	04-08-062	16-230-410	PREP	04-03-004
4- 25-791	PREP	04-08-033	16-170-115	NEW-P	04-05-119	16-230-420	PREP	04-03-004
4- 25-792	PREP	04-08-033	16-170-115	NEW	04-08-062	16-230-430	PREP	04-03-004
4- 25-793	PREP	04-08-033	16-170-120	NEW-P	04-05-119	16-230-440	PREP	04-03-004
4- 25-795	PREP	04-08-033	16-170-120	NEW	04-08-062	16-230-450	PREP	04-03-004
4- 25-820	PREP	04-11-033	16-170-125	NEW-P	04-05-119	16-230-460	PREP	04-03-004
4- 25-830	PREP	04-08-033	16-170-125	NEW	04-08-062	16-230-470	PREP	04-03-004
4- 25-831	PREP	04-08-033	16-170-130	NEW-P	04-05-119	16-230-600	PREP	04-03-004
4- 25-910	PREP	04-08-033	16-170-130	NEW	04-08-062	16-230-605	PREP	04-03-004
16- 08-003	NEW	04-02-063	16-170-135	NEW-P	04-05-119	16-230-610	PREP	04-03-004
16- 08-004	NEW	04-02-063	16-170-135	NEW	04-08-062	16-230-615	PREP	04-03-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-230-620	PREP	04-03-004	16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004
16-230-625	PREP	04-03-004	16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004
16-230-630	PREP	04-03-004	16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004
16-230-635	PREP	04-03-004	16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004
16-230-640	PREP	04-03-004	16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004
16-230-645	PREP	04-03-004	16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004
16-230-650	PREP	04-03-004	16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004
16-230-655	PREP	04-03-004	16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004
16-230-660	PREP	04-03-004	16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004
16-230-665	PREP	04-03-004	16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004
16-230-670	PREP	04-03-004	16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004
16-230-673	PREP	04-03-004	16-231-400	PREP	04-03-004	16-232-065	PREP	04-03-004
16-230-675	PREP	04-03-004	16-231-405	PREP	04-03-004	16-232-068	PREP	04-03-004
16-230-800	PREP	04-03-004	16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004
16-230-810	PREP	04-03-004	16-231-413	PREP	04-03-004	16-232-074	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-415	PREP	04-03-004	16-232-077	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004
16-230-825	PREP	04-03-004	16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004
16-230-830	PREP	04-03-004	16-231-505	PREP	04-03-004	16-232-115	PREP	04-03-004
16-230-835	PREP	04-03-004	16-231-510	PREP	04-03-004	16-232-120	PREP	04-03-004
16-230-835	PREP	04-13-057	16-231-515	PREP	04-03-004	16-232-200	PREP	04-03-004
16-230-840	PREP	04-03-004	16-231-520	PREP	04-03-004	16-232-205	PREP	04-03-004
16-230-845	PREP	04-03-004	16-231-525	PREP	04-03-004	16-232-210	PREP	04-03-004
16-230-850	PREP	04-03-004	16-231-530	PREP	04-03-004	16-232-215	PREP	04-03-004
16-230-855	PREP	04-03-004	16-231-600	PREP	04-03-004	16-232-220	PREP	04-03-004
16-230-860	PREP	04-03-004	16-231-605	PREP	04-03-004	16-232-225	PREP	04-03-004
16-230-860	PREP	04-13-057	16-231-610	PREP	04-03-004	16-232-300	PREP	04-03-004
16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004	16-232-305	PREP	04-03-004
16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004
16-230-863	PREP	04-03-004	16-231-620	PREP	04-03-004	16-232-315	PREP	04-03-004
16-230-864	PREP	04-03-004	16-231-700	PREP	04-03-004	16-250-155	PREP	04-06-074
16-230-866	PREP	04-03-004	16-231-705	PREP	04-03-004	16-250-155	AMD-P	04-11-093
16-230-868	PREP	04-03-004	16-231-710	PREP	04-03-004	16-250-155	AMD	04-14-076
16-231-100	PREP	04-03-004	16-231-715	PREP	04-03-004	16-252-155	PREP	04-06-074
16-231-105	PREP	04-03-004	16-231-720	PREP	04-03-004	16-252-155	AMD-P	04-11-093
16-231-107	PREP	04-03-004	16-231-725	PREP	04-03-004	16-252-155	AMD	04-14-076
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16-231-115	PREP	04-03-004	16-231-805	PREP	04-03-004	16-301-265	AMD	04-06-019
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16-231-125	PREP	04-03-004	16-231-815	PREP	04-03-004	16-301-310	AMD	04-06-019
16-231-130	PREP	04-03-004	16-231-820	PREP	04-03-004	16-301-325	AMD	04-06-019
16-231-135	PREP	04-03-004	16-231-825	PREP	04-03-004	16-301-330	AMD	04-06-019
16-231-140	PREP	04-03-004	16-231-830	PREP	04-03-004	16-301-335	AMD	04-06-019
16-231-145	PREP	04-03-004	16-231-835	PREP	04-03-004	16-301-365	AMD-P	04-05-118
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16-231-153	PREP	04-03-004	16-231-900	PREP	04-03-004	16-301-375	AMD-P	04-05-118
16-231-156	PREP	04-03-004	16-231-905	PREP	04-03-004	16-301-375	AMD	04-08-043
16-231-159	PREP	04-03-004	16-231-910	PREP	04-03-004	16-301-380	AMD-P	04-05-118
16-231-162	PREP	04-03-004	16-231-912	PREP	04-03-004	16-301-380	AMD	04-08-043
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16-231-215	PREP	04-03-004	16-232-020	PREP	04-03-004	16-301-430	AMD-P	04-05-118
16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004	16-301-430	AMD	04-08-043

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16-301-435	AMD	04-08-043	16-390-150	NEW	04-11-078	16-402-100	NEW	04-14-090
16-301-440	AMD-P	04-05-118	16-390-200	NEW-P	04-08-128	16-402-100	NEW-E	04-14-103
16-301-440	AMD	04-08-043	16-390-200	NEW	04-11-078	16-402-110	NEW-E	04-07-046
16-301-450	REP-P	04-05-118	16-390-210	NEW-P	04-08-128	16-402-110	NEW-P	04-11-111
16-301-450	REP	04-08-043	16-390-210	NEW	04-11-078	16-402-110	NEW	04-14-090
16-301-455	REP-P	04-05-118	16-390-220	NEW-P	04-08-128	16-402-110	NEW-E	04-14-103
16-301-455	REP	04-08-043	16-390-220	NEW	04-11-078	16-402-120	NEW-E	04-07-046
16-301-460	REP-P	04-05-118	16-390-230	NEW-P	04-08-128	16-402-120	NEW-P	04-11-111
16-301-460	REP	04-08-043	16-390-230	NEW	04-11-078	16-402-120	NEW	04-14-090
16-301-465	REP-P	04-05-118	16-390-240	NEW-P	04-08-128	16-402-120	NEW-E	04-14-103
16-301-465	REP	04-08-043	16-390-240	NEW	04-11-078	16-402-130	NEW-E	04-07-046
16-301-470	REP-P	04-05-118	16-390-242	NEW-P	04-08-128	16-402-130	NEW-P	04-11-111
16-301-470	REP	04-08-043	16-390-242	NEW	04-11-078	16-402-130	NEW	04-14-090
16-301-475	REP-P	04-05-118	16-390-245	NEW-P	04-08-128	16-402-130	NEW-E	04-14-103
16-301-475	REP	04-08-043	16-390-245	NEW	04-11-078	16-449-001	REP	04-05-117
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16-301-480	REP	04-08-043	16-390-250	NEW	04-11-078	16-449-020	REP	04-05-117
16-301-485	REP-P	04-05-118	16-390-260	NEW-P	04-08-128	16-449-030	REP	04-05-117
16-301-485	REP	04-08-043	16-390-260	NEW	04-11-078	16-450-005	NEW	04-05-117
16-302-385	AMD-P	04-05-120	16-390-270	NEW-P	04-08-128	16-450-010	NEW	04-05-117
16-302-385	AMD	04-08-044	16-390-270	NEW	04-11-078	16-450-012	NEW	04-05-117
16-302-685	AMD	04-06-018	16-390-280	NEW-P	04-08-128	16-450-014	NEW	04-05-117
16-303-340	AMD	04-06-029	16-390-280	NEW	04-11-078	16-450-016	NEW	04-05-117
16-319-041	AMD	04-06-028	16-400-007	REP-P	04-08-128	16-450-020	NEW	04-05-117
16-324-375	AMD-X	04-07-170	16-400-007	REP	04-11-078	16-450-022	NEW	04-05-117
16-324-375	AMD	04-12-026	16-400-008	REP-P	04-08-128	16-450-024	NEW	04-05-117
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16-324-398	AMD-X	04-07-170	16-400-010	REP	04-11-078	16-450-032	NEW	04-05-117
16-324-398	AMD	04-12-026	16-400-040	REP-P	04-08-128	16-450-040	NEW	04-05-117
16-324-720	REP-X	04-07-170	16-400-040	REP	04-11-078	16-450-042	NEW	04-05-117
16-324-720	REP	04-12-026	16-400-040	REP	04-11-078	16-450-044	NEW	04-05-117
16-324-730	REP-X	04-07-170	16-400-045	REP-P	04-08-128	16-450-044	NEW	04-05-117
16-324-730	REP	04-12-026	16-400-045	REP	04-11-078	16-450-046	NEW	04-05-117
16-324-740	REP-X	04-07-170	16-400-060	REP-P	04-08-128	16-450-048	NEW	04-05-117
16-324-740	REP	04-12-026	16-400-060	REP	04-11-078	16-450-050	NEW	04-05-117
16-324-750	REP-X	04-07-170	16-400-100	REP-P	04-08-128	16-450-060	NEW	04-05-117
16-324-750	REP	04-12-026	16-400-100	REP	04-11-078	16-450-070	NEW	04-05-117
16-328	PREP	04-09-082	16-400-150	REP-P	04-08-128	16-458-075	REP-P	04-08-128
16-328-011	AMD-P	04-13-150	16-400-150	REP	04-11-078	16-458-075	REP	04-11-078
16-333	PREP	04-09-081	16-400-210	REP-P	04-08-128	16-458-085	REP-P	04-08-128
16-333-041	AMD-P	04-13-149	16-400-210	REP	04-11-078	16-458-085	REP	04-11-078
16-350-040	AMD-P	04-07-171	16-400-270	REP-P	04-08-128	16-459-001	REP	04-05-117
16-350-040	AMD	04-11-025	16-400-270	REP	04-11-078	16-459-00101	REP	04-05-117
16-350-045	AMD-P	04-07-171	16-401	PREP	04-04-108	16-459-010	REP	04-05-117
16-350-045	AMD	04-11-025	16-401	PREP	04-06-082	16-459-020	REP	04-05-117
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16-390-005	NEW-P	04-08-128	16-401-027	AMD-P	04-13-146	16-459-040	REP	04-05-117
16-390-005	NEW	04-11-078	16-401-070	NEW-P	04-07-172	16-470	PREP	04-09-080
16-390-010	NEW-P	04-08-128	16-401-070	NEW	04-11-026	16-470-105	AMD-C	04-05-025
16-390-010	NEW	04-11-078	16-402	AMD-P	04-06-083	16-470-105	AMD	04-09-027
16-390-020	NEW-P	04-08-128	16-402	PREP	04-07-045	16-470-750	NEW-E	04-08-082
16-390-020	NEW	04-11-078	16-402	AMD	04-09-084	16-470-755	NEW-E	04-08-082
16-390-030	NEW-P	04-08-128	16-402-010	AMD-P	04-06-083	16-470-760	NEW-E	04-08-082
16-390-030	NEW	04-11-078	16-402-010	AMD	04-09-084	16-470-765	NEW-E	04-08-082
16-390-040	NEW-P	04-08-128	16-402-020	AMD-P	04-06-083	16-470-770	NEW-E	04-08-082
16-390-040	NEW	04-11-078	16-402-020	AMD	04-09-084	16-470-775	NEW-E	04-08-082
16-390-060	NEW-P	04-08-128	16-402-030	NEW-P	04-06-083	16-470-912	AMD-P	04-13-148
16-390-060	NEW	04-11-078	16-402-030	NEW	04-09-084	16-470-917	AMD-P	04-13-148
16-390-100	NEW-P	04-08-128	16-402-040	NEW-P	04-06-083	16-481	PREP	04-09-078
16-390-100	NEW	04-11-078	16-402-040	NEW	04-09-084	16-481	AMD-P	04-13-147
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16-481-025	AMD-P	04-13-147	16-561-006	NEW-P	04-07-194	51- 11-1436	AMD-W	04-07-082
16-481-030	AMD-P	04-13-147	16-561-010	AMD-P	04-07-194	51- 11-1437	AMD-W	04-07-082
16-481-050	AMD-P	04-13-147	16-561-020	AMD-P	04-07-194	51- 11-1440	AMD-W	04-07-082
16-481-060	AMD-P	04-13-147	16-561-030	REP-P	04-07-194	51- 11-1454	AMD-W	04-07-082
16-481-070	AMD-P	04-13-147	16-561-040	AMD-P	04-07-194	51- 11-1513	AMD-W	04-07-082
16-481-075	REP-P	04-13-147	16-561-060	AMD-P	04-07-194	51- 11-1521	AMD-W	04-07-082
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16-512-005	AMD	04-07-128	16-662-105	AMD	04-12-025	51- 13-106	AMD	04-07-192
16-512-006	NEW	04-07-128	16-675	PREP	04-09-083	51- 13-201	AMD-X	04-03-033
16-512-010	AMD	04-07-128	16-690-001	REP	04-05-117	51- 13-201	AMD	04-07-192
16-512-020	AMD	04-07-128	16-690-010	REP	04-05-117	51- 13-302	AMD-X	04-03-033
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16-512-050	AMD	04-07-128	16-690-025	REP	04-05-117	51- 13-303	AMD	04-07-192
16-528-004	NEW	04-10-057	16-690-030	REP	04-05-117	51- 13-304	AMD-X	04-03-033
16-528-005	NEW	04-10-057	16-690-035	REP	04-05-117	51- 13-304	AMD	04-07-192
16-528-010	AMD	04-10-057	16-690-040	REP	04-05-117	51- 13-402	AMD-X	04-03-033
16-528-020	AMD	04-10-057	16-690-045	REP	04-05-117	51- 13-402	AMD	04-07-192
16-528-030	REP	04-10-057	16-690-100	REP	04-05-117	51- 13-502	AMD-X	04-03-033
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16-528-150	AMD	04-10-058	16-750-011	AMD	04-13-014	51- 13-503	AMD	04-07-192
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16-530-005	NEW-P	04-03-111	16-750-015	AMD	04-13-014	51- 50-003	AMD-X	04-13-077
16-530-005	NEW	04-16-026	16-752	PREP	04-10-111	51- 50-005	AMD-X	04-13-077
16-530-006	NEW-P	04-03-111	16-752-500	AMD-P	04-14-104	51- 51-2439	NEW-W	04-07-083
16-530-006	NEW	04-16-026	16-752-505	AMD-P	04-14-104	51- 51-2802	NEW-W	04-07-083
16-530-010	AMD-P	04-03-111	16-752-610	AMD-P	04-14-104	51- 52	PREP	04-13-075
16-530-010	AMD	04-16-026	36- 12	PREP	04-09-009	51- 52-0504	NEW-W	04-07-084
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16-530-020	AMD	04-16-026	36- 12-011	AMD	04-16-045	51- 54-0300	AMD-E	04-13-095
16-530-030	REP-P	04-03-111	36- 12-500	NEW-P	04-13-144	51- 54-0400	NEW-E	04-13-095
16-530-030	REP	04-16-026	36- 12-500	NEW	04-16-045	51- 54-0800	NEW-E	04-13-095
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16-530-040	AMD	04-16-026	36- 14	PREP	04-09-009	67- 16-020	NEW	04-12-029
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16-532-006	NEW-W	04-10-056	36- 14-010	AMD	04-16-045	67- 16-030	NEW	04-12-029
16-532-010	AMD-W	04-10-056	36- 14-200	NEW-P	04-13-144	67- 16-040	NEW-X	04-07-110
16-532-020	AMD-W	04-10-056	36- 14-200	NEW	04-16-045	67- 16-040	NEW	04-12-029
16-532-030	REP-W	04-10-056	36- 14-300	NEW-P	04-13-144	82- 50-021	AMD-X	04-08-126
16-532-040	AMD-W	04-10-056	36- 14-300	NEW	04-16-045	82- 50-021	AMD	04-15-006
16-532-060	AMD-W	04-10-056	36- 14-500	NEW-P	04-13-144	106-116-203	AMD-P	04-14-063
16-532-065	REP-W	04-10-056	36- 14-500	NEW	04-16-045	106-116-305	AMD-P	04-14-063
16-532-101	REP	04-10-059	51- 04-030	AMD-X	04-03-034	106-116-521	AMD-P	04-14-063
16-532-103	NEW-W	04-10-055	51- 04-030	AMD	04-07-193	106-116-603	AMD-P	04-14-063
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16-532-110	AMD-W	04-10-075	51- 11-0602	AMD-W	04-07-082	106-124-900	NEW-P	04-06-014
16-532-115	NEW-W	04-10-075	51- 11-1006	AMD-W	04-07-082	106-124-900	NEW	04-12-015
16-532-120	AMD	04-10-059	51- 11-1132	AMD-W	04-07-082	106-124-910	NEW-P	04-06-014
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16-536-006	NEW-P	04-04-107	51- 11-1312	AMD-W	04-07-082	106-124-920	NEW-P	04-06-014
16-536-010	AMD-P	04-04-107	51- 11-1322	AMD-W	04-07-082	106-124-920	NEW	04-12-015
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16-536-030	REP-P	04-04-107	51- 11-1331	AMD-W	04-07-082	118- 33-020	REP	04-08-007
16-536-040	AMD-P	04-04-107	51- 11-1334	AMD-W	04-07-082	118- 33-030	REP	04-08-007
16-536-060	AMD-P	04-04-107	51- 11-1411	AMD-W	04-07-082	118- 33-040	REP	04-08-007
16-545-005	NEW-P	04-09-104	51- 11-1413	AMD-W	04-07-082	118- 33-050	REP	04-08-007
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16-545-010	AMD-P	04-09-104	51- 11-1416	AMD-W	04-07-082	118- 33-070	REP	04-08-007
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118-33-110	REP	04-08-007	132L-122-030	NEW-P	04-10-052	132Q-01-006	AMD	04-10-065
118-33-120	REP	04-08-007	132L-133-020	AMD-P	04-10-052	132Q-01-010	AMD	04-10-065
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180-51-050	AMD	04-04-093	180-85	PREP	04-08-056	182-12-148	NEW-P	04-13-156
180-51-050	AMD-P	04-15-043	180-85-025	AMD-P	04-15-112	182-12-171	NEW-P	04-13-156
180-51-053	NEW-P	04-15-043	180-85-033	AMD-P	04-15-112	182-12-190	AMD-P	04-13-156
180-51-061	AMD	04-04-092	180-85-077	AMD-P	04-10-087	182-12-200	AMD-P	04-13-156
180-52	PREP	04-12-108	180-85-077	AMD	04-15-120	182-12-205	NEW-P	04-13-156
180-55	PREP	04-12-108	180-85-105	AMD-P	04-04-085	182-12-211	NEW-P	04-13-156
180-55-005	AMD	04-04-093	180-85-105	AMD	04-08-054	182-12-215	REP-P	04-13-156
180-55-015	AMD	04-04-093	180-86	PREP	04-08-056	182-12-220	REP-P	04-13-156
180-55-020	AMD	04-04-093	180-87	PREP	04-08-056	182-12-230	REP-P	04-13-156
180-55-034	AMD	04-04-093	180-88	PREP	04-09-064	182-12-250	NEW-P	04-13-156
180-55-150	REP	04-04-093	180-88-010	NEW-P	04-15-111	182-12-260	NEW-P	04-13-156
180-56	PREP	04-12-108	180-88-020	NEW-P	04-15-111	182-12-265	NEW-P	04-13-156
180-57	PREP	04-09-061	180-88-030	NEW-P	04-15-111	182-12-270	NEW-P	04-13-156
180-72	PREP	04-09-063	180-88-040	NEW-P	04-15-111	182-16-040	PREP	04-07-079
180-72-040	AMD-P	04-15-043	180-88-050	NEW-P	04-15-111	182-16-040	AMD-P	04-13-156
180-72-045	REP-P	04-15-043	180-88-060	NEW-P	04-15-111	182-16-050	AMD-P	04-13-156
180-72-050	AMD-P	04-15-043	180-90	PREP	04-12-107	182-20-400	AMD	04-03-006
180-72-055	REP-P	04-15-043	180-95	PREP	04-12-106	182-25-040	AMD-X	04-11-039
180-72-060	AMD-P	04-15-043	180-96	PREP	04-12-105	182-25-040	AMD	04-15-109

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-150-125	NEW-P	04-10-114	192-220-030	NEW-E	04-10-071	196-20-030	AMD	04-10-067
192-150-130	NEW-E	04-02-039	192-220-030	NEW-P	04-10-114	196-21-005	NEW	04-04-001
192-150-130	NEW-E	04-10-071	192-230-100	NEW-E	04-02-039	196-21-010	AMD	04-04-001
192-150-130	NEW-P	04-10-114	192-230-100	NEW-E	04-10-071	196-21-020	AMD	04-04-001
192-150-135	NEW-E	04-02-039	192-230-100	NEW-P	04-10-114	196-21-030	AMD	04-04-001
192-150-135	NEW-E	04-10-071	192-240-035	AMD-E	04-02-039	196-23	PREP	04-10-011
192-150-135	NEW-P	04-10-114	192-240-035	AMD-E	04-10-071	196-23-070	AMD	04-04-001
192-150-140	NEW-E	04-02-039	192-240-035	AMD-P	04-10-114	196-24-041	REP	04-04-001
192-150-140	NEW-E	04-10-071	192-240-040	AMD-E	04-02-039	196-24-080	REP	04-04-001
192-150-140	NEW-P	04-10-114	192-240-040	AMD-E	04-10-071	196-24-085	REP	04-04-001
192-150-150	NEW-E	04-02-039	192-240-040	AMD-P	04-10-114	196-24-100	REP	04-04-001
192-150-150	NEW-E	04-10-071	192-300-050	AMD-E	04-02-039	196-24-105	REP	04-04-001
192-150-150	NEW-P	04-10-114	192-300-050	AMD-E	04-10-071	196-24-110	REP-W	04-05-061
192-150-200	NEW-E	04-02-039	192-300-050	AMD-P	04-10-113	196-25-001	AMD	04-04-001
192-150-200	NEW-E	04-10-071	192-310-010	AMD-E	04-02-039	196-25-002	AMD-W	04-05-061
192-150-200	NEW-P	04-10-114	192-310-010	AMD-E	04-10-071	196-25-005	AMD	04-04-001
192-150-205	NEW-E	04-02-039	192-310-010	AMD-P	04-10-113	196-25-010	AMD	04-04-001
192-150-205	NEW-E	04-10-071	192-310-025	AMD-E	04-02-039	196-25-020	REP	04-04-001
192-150-205	NEW-P	04-10-114	192-310-025	AMD-E	04-10-071	196-25-030	REP	04-04-001
192-150-210	NEW-E	04-02-039	192-310-025	AMD-P	04-10-113	196-25-040	AMD-W	04-05-061
192-150-210	NEW-E	04-10-071	192-310-030	AMD-E	04-02-039	196-25-050	AMD	04-04-001
192-150-210	NEW-P	04-10-114	192-310-030	AMD-E	04-10-071	196-25-100	REP	04-04-001
192-150-215	NEW-E	04-02-039	192-310-030	AMD-P	04-10-113	196-26A	PREP	04-10-011
192-150-215	NEW-E	04-10-071	192-320-070	AMD-E	04-02-039	196-26A	PREP	04-15-079
192-150-215	NEW-P	04-10-114	192-320-070	AMD-E	04-10-071	196-27A-025	NEW-W	04-05-061
192-150-220	NEW-E	04-02-039	192-320-070	AMD-P	04-10-113	199-08-300	NEW-E	04-10-002
192-150-220	NEW-E	04-10-071	192-320-075	NEW-E	04-02-039	199-08-305	NEW-E	04-10-002
192-150-220	NEW-P	04-10-114	192-320-075	NEW-E	04-10-071	199-08-310	NEW-E	04-10-002
192-180-010	AMD-E	04-02-039	192-320-075	NEW-P	04-10-113	199-08-315	NEW-E	04-10-002
192-180-010	AMD-E	04-10-071	192-340-100	NEW-E	04-02-039	199-08-320	NEW-E	04-10-002
192-180-010	AMD-P	04-10-114	192-340-100	NEW-E	04-10-071	199-08-325	NEW-E	04-10-002
192-180-015	AMD-E	04-02-039	192-340-100	NEW-P	04-10-113	199-08-335	NEW-E	04-10-002
192-180-015	AMD-E	04-10-071	196-09	AMD	04-04-001	199-08-340	NEW-E	04-10-002
192-180-015	AMD-P	04-10-114	196-09	PREP	04-15-050	199-08-350	NEW-E	04-10-002
192-180-020	AMD-E	04-02-039	196-09-010	AMD	04-04-001	199-08-385	NEW-E	04-10-002
192-180-020	AMD-E	04-10-071	196-09-050	NEW	04-04-001	199-08-390	NEW-E	04-10-002
192-180-020	AMD-P	04-10-114	196-09-055	NEW	04-04-001	199-08-395	NEW-E	04-10-002
192-180-025	AMD-E	04-02-039	196-09-060	NEW	04-04-001	199-08-400	NEW-E	04-10-002
192-180-025	AMD-E	04-10-071	196-09-100	NEW	04-04-001	199-08-405	NEW-E	04-10-002
192-180-025	AMD-P	04-10-114	196-09-110	NEW	04-04-001	199-08-410	NEW-E	04-10-002
192-180-030	AMD-E	04-02-039	196-09-120	NEW	04-04-001	199-08-415	NEW-E	04-10-002
192-180-030	AMD-E	04-10-071	196-12-005	NEW	04-04-001	199-08-420	NEW-E	04-10-002
192-180-030	AMD-P	04-10-114	196-12-010	AMD	04-04-001	199-08-425	NEW-E	04-10-002
192-180-040	NEW-E	04-02-039	196-12-020	AMD	04-04-001	199-08-426	NEW-E	04-10-002
192-180-040	NEW-E	04-10-071	196-12-030	AMD	04-04-001	199-08-427	NEW-E	04-10-002
192-180-040	NEW-P	04-10-114	196-12-045	AMD	04-04-001	199-08-428	NEW-E	04-10-002
192-200-005	NEW-E	04-02-039	196-12-050	AMD	04-04-001	199-08-429	NEW-E	04-10-002
192-200-005	NEW-E	04-10-071	196-12-055	NEW	04-04-001	199-08-430	NEW-E	04-10-002
192-200-005	NEW-P	04-10-114	196-12-065	NEW	04-04-001	199-08-435	NEW-E	04-10-002
192-200-010	NEW-E	04-02-039	196-16-006	NEW	04-04-001	199-08-440	NEW-E	04-10-002
192-200-010	NEW-E	04-10-071	196-16-007	AMD	04-04-001	199-08-445	NEW-E	04-10-002
192-200-010	NEW-P	04-10-114	196-16-010	AMD	04-04-001	199-08-450	NEW-E	04-10-002
192-200-030	NEW-E	04-02-039	196-16-020	AMD	04-04-001	199-08-455	NEW-E	04-10-002
192-200-030	NEW-E	04-10-071	196-16-031	AMD	04-04-001	199-08-460	NEW-E	04-10-002
192-200-030	NEW-P	04-10-114	196-16-035	NEW	04-04-001	199-08-465	NEW-E	04-10-002
192-220-010	NEW-E	04-02-039	196-20-005	NEW-P	04-04-027	199-08-470	NEW-E	04-10-002
192-220-010	NEW-E	04-10-071	196-20-005	NEW	04-10-067	199-08-475	NEW-E	04-10-002
192-220-010	NEW-P	04-10-114	196-20-010	AMD-P	04-04-027	199-08-480	NEW-E	04-10-002
192-220-020	NEW-E	04-02-039	196-20-010	AMD	04-10-067	199-08-485	NEW-E	04-10-002
192-220-020	NEW-E	04-10-071	196-20-020	AMD-P	04-04-027	199-08-490	NEW-E	04-10-002
192-220-020	NEW-P	04-10-114	196-20-020	AMD	04-10-067	199-08-495	NEW-E	04-10-002
192-220-030	NEW-E	04-02-039	196-20-030	AMD-P	04-04-027	199-08-500	NEW-E	04-10-002

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
199-08-510	NEW-E	04-10-002	208-690-090	NEW	04-15-005	220-20-056	REP	04-10-108
199-08-515	NEW-E	04-10-002	208-690-100	NEW-E	04-07-182	220-20-080	AMD	04-08-025
199-08-520	NEW-E	04-10-002	208-690-100	NEW-P	04-11-110	220-20-100	AMD-W	04-14-085
199-08-525	NEW-E	04-10-002	208-690-100	NEW	04-15-005	220-22-40000F	NEW-E	04-13-024
199-08-535	NEW-E	04-10-002	208-690-110	NEW-E	04-07-182	220-24-04000L	NEW-E	04-10-001
199-08-540	NEW-E	04-10-002	208-690-110	NEW-P	04-11-110	220-24-04000L	REP-E	04-10-001
199-08-545	NEW-E	04-10-002	208-690-110	NEW	04-15-005	220-24-04000L	REP-E	04-11-010
199-08-550	NEW-E	04-10-002	208-690-112	NEW-E	04-07-182	220-24-04000M	NEW-E	04-11-052
199-08-555	NEW-E	04-10-002	208-690-112	NEW-P	04-11-110	220-24-04000M	REP-E	04-11-052
199-08-565	NEW-E	04-10-002	208-690-112	NEW	04-15-005	220-24-04000N	NEW-E	04-12-011
199-08-570	NEW-E	04-10-002	208-690-115	NEW-E	04-07-182	220-24-04000N	REP-E	04-12-011
199-08-580	NEW-E	04-10-002	208-690-115	NEW-P	04-11-110	220-24-04000P	NEW-E	04-14-009
204-91A	PREP	04-10-054	208-690-115	NEW	04-15-005	220-24-04000P	REP-E	04-14-009
204-91A-030	AMD-P	04-13-040	208-690-120	NEW-E	04-07-182	220-24-04000Q	NEW-E	04-14-092
204-91A-040	AMD-P	04-13-040	208-690-120	NEW-P	04-11-110	220-24-04000Q	REP-E	04-14-092
204-91A-050	AMD-P	04-13-040	208-690-120	NEW	04-15-005	220-24-04000Q	REP-E	04-15-086
204-91A-060	AMD-P	04-13-040	208-690-130	NEW-E	04-07-182	220-24-04000R	NEW-E	04-15-086
204-91A-070	AMD-P	04-13-040	208-690-130	NEW-P	04-11-110	220-32-05100A	NEW-E	04-15-133
204-91A-080	AMD-P	04-13-040	208-690-130	NEW	04-15-005	220-32-05100A	REP-E	04-15-133
204-91A-090	AMD-P	04-13-040	208-690-140	NEW-E	04-07-182	220-32-05100P	NEW-E	04-03-075
204-91A-120	AMD-P	04-13-040	208-690-140	NEW-P	04-11-110	220-32-05100P	REP-E	04-03-075
204-91A-130	AMD-P	04-13-040	208-690-140	NEW	04-15-005	220-32-05100P	REP-E	04-04-053
204-91A-140	AMD-P	04-13-040	208-690-150	NEW-E	04-07-182	220-32-05100Q	NEW-E	04-04-053
204-91A-170	AMD-P	04-13-040	208-690-150	NEW-P	04-11-110	220-32-05100Q	REP-E	04-04-053
204-96-010	AMD	04-07-012	208-690-150	NEW	04-15-005	220-32-05100Q	REP-E	04-07-027
208-690-010	NEW-E	04-07-182	208-690-160	NEW-E	04-07-182	220-32-05100R	NEW-E	04-07-027
208-690-010	NEW-P	04-11-110	208-690-160	NEW-P	04-11-110	220-32-05100R	REP-E	04-07-027
208-690-010	NEW	04-15-005	208-690-160	NEW	04-15-005	220-32-05100S	NEW-E	04-10-064
208-690-020	NEW-E	04-07-182	208-690-170	NEW-E	04-07-182	220-32-05100S	REP-E	04-10-064
208-690-020	NEW-P	04-11-110	208-690-170	NEW-P	04-11-110	220-32-05100T	NEW-E	04-11-022
208-690-020	NEW	04-15-005	208-690-170	NEW	04-15-005	220-32-05100T	REP-E	04-11-022
208-690-030	NEW-E	04-07-182	208-690-180	NEW-E	04-07-182	220-32-05100T	REP-E	04-11-074
208-690-030	NEW-P	04-11-110	208-690-180	NEW-P	04-11-110	220-32-05100U	NEW-E	04-11-074
208-690-030	NEW	04-15-005	208-690-180	NEW	04-15-005	220-32-05100U	REP-E	04-11-074
208-690-031	NEW-E	04-07-182	212-17-060	AMD-E	04-11-061	220-32-05100U	REP-E	04-12-021
208-690-031	NEW-P	04-11-110	212-17-480	NEW-E	04-11-061	220-32-05100V	NEW-E	04-12-021
208-690-035	NEW-E	04-07-182	212-17-485	NEW-E	04-11-061	220-32-05100V	REP-E	04-12-021
208-690-035	NEW-P	04-11-110	212-17-490	NEW-E	04-11-061	220-32-05100W	NEW-E	04-13-065
208-690-035	NEW	04-15-005	212-17-495	NEW-E	04-11-061	220-32-05100W	REP-E	04-13-117
208-690-040	NEW-E	04-07-182	212-17-500	NEW-E	04-11-061	220-32-05100X	NEW-E	04-13-117
208-690-040	NEW-P	04-11-110	212-17-505	NEW-E	04-11-061	220-32-05100X	REP-E	04-13-117
208-690-040	NEW	04-15-005	212-17-510	NEW-E	04-11-061	220-32-05100X	REP-E	04-14-046
208-690-045	NEW-E	04-07-182	212-17-515	NEW-E	04-11-061	220-32-05100Y	NEW-E	04-14-046
208-690-045	NEW-P	04-11-110	212-17-520	NEW-E	04-11-061	220-32-05100Y	REP-E	04-14-046
208-690-045	NEW	04-15-005	212-17-525	NEW-E	04-11-061	220-32-05100Y	REP-E	04-15-051
208-690-050	NEW-E	04-07-182	212-17-530	NEW-E	04-11-061	220-32-05100Z	NEW-E	04-15-051
208-690-050	NEW-P	04-11-110	212-17-535	NEW-E	04-11-061	220-32-05100Z	REP-E	04-15-051
208-690-050	NEW	04-15-005	212-17-540	NEW-E	04-11-061	220-32-05100Z	REP-E	04-15-133
208-690-060	NEW-E	04-07-182	220-12-020	AMD	04-07-009	220-32-06000B	NEW-E	04-10-064
208-690-060	NEW-P	04-11-110	220-16-270	AMD	04-07-009	220-32-06000B	REP-E	04-10-064
208-690-060	NEW	04-15-005	220-16-470	AMD-X	04-12-073	220-33-01000A	NEW-E	04-08-011
208-690-070	NEW-E	04-07-182	220-16-470	AMD	04-16-126	220-33-01000A	REP-E	04-08-026
208-690-070	NEW-P	04-11-110	220-16-47000B	NEW-E	04-10-034	220-33-01000B	NEW-E	04-08-026
208-690-070	NEW	04-15-005	220-16-550	AMD	04-07-009	220-33-01000B	REP-E	04-09-021
208-690-075	NEW-E	04-07-182	220-16-800	NEW	04-07-009	220-33-01000C	NEW-E	04-09-021
208-690-075	NEW-P	04-11-110	220-16-800	NEW-W	04-14-085	220-33-01000C	REP-E	04-11-001
208-690-075	NEW	04-15-005	220-16-810	NEW	04-07-009	220-33-01000D	NEW-E	04-11-075
208-690-080	NEW-E	04-07-182	220-16-810	NEW-W	04-14-085	220-33-01000D	REP-E	04-11-075
208-690-080	NEW-P	04-11-110	220-16-820	NEW-W	04-14-085	220-33-01000E	NEW-E	04-14-048
208-690-080	NEW	04-15-005	220-16-830	NEW-W	04-14-085	220-33-01000E	REP-E	04-14-048
208-690-090	NEW-E	04-07-182	220-16-840	NEW-W	04-14-085	220-33-01000F	NEW-E	04-16-067
208-690-090	NEW-P	04-11-110	220-16-850	NEW-W	04-14-085	220-33-01000F	REP-E	04-16-067

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-33-01000Q	REP-E	04-04-071	220-48-029	AMD-P	04-13-005	220-52-04600N	REP-E	04-13-024
220-33-01000R	NEW-E	04-04-071	220-48-02900D	NEW-E	04-05-056	220-52-04600P	NEW-E	04-13-060
220-33-01000R	REP-E	04-04-071	220-48-02900D	REP-E	04-13-055	220-52-04600P	REP-E	04-13-060
220-33-01000S	NEW-E	04-06-002	220-48-02900E	NEW-E	04-13-055	220-52-05100A	NEW-E	04-16-048
220-33-01000S	REP-E	04-06-002	220-48-02900F	NEW-E	04-14-007	220-52-05100A	REP-E	04-16-073
220-33-01000S	REP-E	04-06-059	220-48-032	AMD-P	04-13-005	220-52-05100B	NEW-E	04-16-073
220-33-01000T	NEW-E	04-06-059	220-48-03200C	NEW-E	04-05-056	220-52-05100B	REP-E	04-16-089
220-33-01000T	REP-E	04-07-008	220-48-03200C	REP-E	04-13-055	220-52-05100C	NEW-E	04-16-089
220-33-01000U	NEW-E	04-07-008	220-48-03200D	NEW-E	04-13-055	220-52-05100P	NEW-E	04-09-007
220-33-01000U	REP-E	04-07-028	220-48-03200E	NEW-E	04-14-007	220-52-05100P	REP-E	04-10-025
220-33-01000V	NEW-E	04-07-028	220-48-062	AMD-P	04-13-005	220-52-05100Q	NEW-E	04-10-025
220-33-01000V	REP-E	04-07-050	220-48-06200C	NEW-E	04-05-056	220-52-05100Q	REP-E	04-11-044
220-33-01000W	NEW-E	04-07-050	220-48-06200C	REP-E	04-13-055	220-52-05100R	NEW-E	04-11-044
220-33-01000W	REP-E	04-07-078	220-48-06200D	NEW-E	04-13-055	220-52-05100R	REP-E	04-13-007
220-33-01000X	NEW-E	04-07-078	220-49-020	AMD-P	04-13-005	220-52-05100S	NEW-E	04-13-007
220-33-01000X	REP-E	04-07-118	220-49-02000P	NEW-E	04-05-056	220-52-05100S	REP-E	04-13-027
220-33-01000Y	NEW-E	04-07-118	220-49-02000P	REP-E	04-13-055	220-52-05100T	NEW-E	04-13-027
220-33-01000Y	REP-E	04-07-169	220-49-02000Q	NEW-E	04-13-055	220-52-05100T	REP-E	04-13-082
220-33-01000Z	NEW-E	04-07-169	220-49-023	AMD-P	04-13-163	220-52-05100U	NEW-E	04-13-082
220-33-01000Z	REP-E	04-08-011	220-49-056	AMD-P	04-13-005	220-52-05100U	REP-E	04-14-058
220-33-03000U	NEW-E	04-09-018	220-49-05600C	NEW-E	04-05-056	220-52-05100V	NEW-E	04-14-058
220-33-03000U	REP-E	04-09-018	220-49-05600C	REP-E	04-13-055	220-52-05100V	REP-E	04-15-024
220-33-04000U	REP-E	04-07-117	220-49-05600D	NEW-E	04-13-055	220-52-05100W	NEW-E	04-15-024
220-33-04000V	NEW-E	04-07-117	220-52-03000U	NEW-E	04-11-051	220-52-05100W	REP-E	04-15-087
220-33-04000V	REP-E	04-07-117	220-52-03000U	REP-E	04-11-051	220-52-05100X	NEW-E	04-15-087
220-33-070	NEW-W	04-10-074	220-52-03000V	NEW-E	04-14-004	220-52-05100X	REP-E	04-15-132
220-36-023	AMD-X	04-11-109	220-52-03000V	REP-E	04-14-004	220-52-05100Y	NEW-E	04-15-132
220-36-023	AMD	04-16-013	220-52-03000W	NEW-E	04-16-031	220-52-05100Y	REP-E	04-16-022
220-40-027	AMD-X	04-11-109	220-52-03000W	REP-E	04-16-031	220-52-05100Z	NEW-E	04-16-022
220-40-027	AMD	04-16-013	220-52-03000W	REP-E	04-16-127	220-52-05100Z	REP-E	04-16-048
220-44-05000A	NEW-E	04-03-010C	220-52-03000X	NEW-E	04-16-127	220-52-07100D	NEW-E	04-03-031
220-44-05000A	REP-E	04-12-012	220-52-04000A	NEW-E	04-13-024	220-52-07100D	REP-E	04-05-008
220-44-05000B	NEW-E	04-12-012	220-52-04000A	REP-E	04-13-024	220-52-07100E	NEW-E	04-05-008
220-44-05000Z	REP-E	04-03-010C	220-52-04000B	NEW-E	04-13-060	220-52-07100E	REP-E	04-05-045
220-47-301	AMD-X	04-12-129	220-52-04000B	REP-E	04-13-060	220-52-07100F	NEW-E	04-05-045
220-47-301	AMD	04-16-125	220-52-04000U	REP-E	04-05-007	220-52-07100F	REP-E	04-06-041
220-47-302	AMD-X	04-12-129	220-52-04000V	NEW-E	04-05-007	220-52-07100G	NEW-E	04-06-041
220-47-302	AMD	04-16-125	220-52-04000V	REP-E	04-05-014	220-52-07100H	NEW-E	04-14-093
220-47-303	AMD-X	04-12-129	220-52-04000W	NEW-E	04-05-014	220-52-07100H	REP-E	04-16-012
220-47-303	AMD	04-16-125	220-52-04000W	REP-E	04-06-003	220-52-07100I	NEW-E	04-16-012
220-47-307	AMD-X	04-12-129	220-52-04000X	NEW-E	04-06-003	220-52-07100I	AMD-P	04-13-033
220-47-307	AMD	04-16-125	220-52-04000X	REP-E	04-07-013	220-52-07300J	REP-E	04-03-010B
220-47-311	AMD-X	04-12-129	220-52-04000Y	NEW-E	04-07-013	220-52-07300K	NEW-E	04-03-010B
220-47-311	AMD	04-16-125	220-52-04000Y	REP-E	04-07-019	220-52-07300K	REP-E	04-03-074
220-47-325	AMD-X	04-12-129	220-52-04000Z	NEW-E	04-07-019	220-52-07300L	NEW-E	04-03-074
220-47-325	AMD	04-16-125	220-52-04600D	REP-E	04-03-049	220-52-07300L	REP-E	04-06-012
220-47-401	AMD-X	04-12-129	220-52-04600F	REP-E	04-05-007	220-55-061	NEW-P	04-05-068
220-47-401	AMD	04-16-125	220-52-04600G	NEW-E	04-03-049	220-55-061	NEW	04-08-063
220-47-411	AMD-X	04-12-129	220-52-04600G	REP-E	04-06-042	220-55-115	AMD-P	04-13-061
220-47-411	AMD	04-16-125	220-52-04600H	NEW-E	04-05-007	220-56-100	AMD-W	04-05-060
220-47-428	AMD-X	04-12-129	220-52-04600H	REP-E	04-06-013	220-56-100	AMD	04-07-009
220-47-428	AMD	04-16-125	220-52-04600I	NEW-E	04-06-013	220-56-100	AMD-X	04-11-119
220-47-430	REP-X	04-12-129	220-52-04600I	REP-E	04-07-013	220-56-10000C	NEW-E	04-10-034
220-47-430	REP	04-16-125	220-52-04600J	NEW-E	04-06-042	220-56-115	AMD	04-07-009
220-47-601	NEW-E	04-16-030	220-52-04600J	REP-E	04-08-038	220-56-118	NEW	04-07-009
220-47-601	REP-E	04-16-049	220-52-04600K	NEW-E	04-07-013	220-56-123	AMD-X	04-11-119
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220-47-602	REP-E	04-16-072	220-52-04600L	NEW-E	04-07-042	220-56-128	AMD-P	04-13-005
220-47-603	NEW-E	04-16-072	220-52-04600L	REP-E	04-13-024	220-56-12800H	NEW-E	04-10-034
220-48-01500T	NEW-E	04-07-029	220-52-04600M	NEW-E	04-08-038	220-56-150	AMD	04-07-009
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220-48-01500U	NEW-E	04-14-047	220-52-04600N	NEW-E	04-13-024	220-56-180	AMD-X	04-11-119

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220- 56-18000C	NEW-E	04-10-034	220- 56-32500Q	NEW-E	04-11-077	220- 69-264	AMD-P	04-13-193
220- 56-195	AMD-X	04-11-119	220- 56-32500Q	REP-E	04-12-036	220- 69-26401	AMD-P	04-13-193
220- 56-19500M	NEW-E	04-10-034	220- 56-32500R	NEW-E	04-12-036	220- 69-270	AMD-P	04-13-193
220- 56-215	AMD	04-07-009	220- 56-32500R	REP-E	04-12-061	220- 69-274	AMD-P	04-13-193
220- 56-232	NEW-W	04-10-077	220- 56-32500S	NEW-E	04-12-061	220- 69-280	AMD-P	04-13-193
220- 56-235	AMD	04-07-009	220- 56-32500S	REP-E	04-13-034	220- 69-300	AMD-P	04-13-193
220- 56-235	AMD-W	04-10-073	220- 56-32500T	NEW-E	04-13-034	220- 72-01000B	NEW-E	04-08-037
220- 56-235	AMD-P	04-13-005	220- 56-32500T	REP-E	04-13-093	220- 72-011	AMD-P	04-05-069
220- 56-23500S	NEW-E	04-05-057	220- 56-32500U	NEW-E	04-13-093	220- 72-089	AMD-P	04-05-069
220- 56-23500S	REP-E	04-13-056	220- 56-32500U	REP-E	04-15-023	220- 72-08900C	NEW-E	04-08-037
220- 56-23500T	NEW-E	04-07-006	220- 56-32500V	NEW-E	04-15-023	220- 72-090	AMD-P	04-05-069
220- 56-23500T	REP-E	04-07-006	220- 56-330	AMD	04-07-009	220- 72-09000C	NEW-E	04-08-037
220- 56-23500U	NEW-E	04-13-056	220- 56-33000J	NEW-E	04-13-004	220- 88B-030	AMD	04-05-027
220- 56-250	AMD	04-07-009	220- 56-33000J	REP-E	04-13-028	220- 88B-040	AMD	04-05-027
220- 56-250	AMD-W	04-10-073	220- 56-33000K	NEW-E	04-13-008	220- 88C-030	AMD-P	04-07-186
220- 56-25000F	NEW-E	04-07-005	220- 56-33000L	NEW-E	04-13-066	220- 88C-030	AMD	04-10-035
220- 56-25000G	NEW-E	04-10-042	220- 56-33000L	REP-E	04-13-066	220- 88C-03000	NEW-E	04-10-041
220- 56-25000G	REP-E	04-10-042	220- 56-335	AMD	04-07-009	220- 88C-040	AMD-P	04-07-186
220- 56-25500K	NEW-E	04-10-027	220- 56-350	AMD	04-07-009	220- 88C-040	AMD	04-10-035
220- 56-25500K	REP-E	04-10-043	220- 56-35000Q	NEW-E	04-03-010A	220- 88C-04000	NEW-E	04-10-041
220- 56-25500L	NEW-E	04-10-043	220- 56-35000Q	REP-E	04-06-035	220-100-110	AMD-X	04-09-046
220- 56-25500L	REP-E	04-12-002	220- 56-35000R	NEW-E	04-06-035	220-100-110	AMD	04-14-006
220- 56-25500M	NEW-E	04-12-002	220- 56-35000R	REP-E	04-07-043	220-110-035	PREP	04-04-008
220- 56-25500M	REP-E	04-12-032	220- 56-35000S	NEW-E	04-07-043	220-110-035	AMD-P	04-08-064
220- 56-25500N	NEW-E	04-12-032	220- 56-35000S	REP-E	04-09-006	220-120-010	REP-P	04-13-141
220- 56-25500N	REP-E	04-13-026	220- 56-35000T	NEW-E	04-09-006	220-120-020	REP-P	04-13-141
220- 56-25500P	NEW-E	04-13-026	220- 56-36000A	NEW-E	04-10-070	220-120-030	REP-P	04-13-141
220- 56-25500P	REP-E	04-14-024	220- 56-36000A	REP-E	04-10-070	220-120-040	REP-P	04-13-141
220- 56-25500Q	NEW-E	04-14-024	220- 56-36000W	NEW-E	04-03-048	220-120-050	REP-P	04-13-141
220- 56-25500Q	REP-E	04-16-004	220- 56-36000W	REP-E	04-03-048	220-120-060	REP-P	04-13-141
220- 56-25500R	NEW-E	04-16-004	220- 56-36000X	NEW-E	04-05-100	220-120-070	REP-P	04-13-141
220- 56-25500R	REP-E	04-16-004	220- 56-36000X	REP-E	04-05-100	220-120-080	REP-P	04-13-141
220- 56-267	AMD-P	04-13-005	220- 56-36000Y	NEW-E	04-07-097	220-120-090	REP-P	04-13-141
220- 56-26700B	NEW-E	04-05-057	220- 56-36000Y	REP-E	04-07-097	220-120-100	REP-P	04-13-141
220- 56-26700B	REP-E	04-13-056	220- 56-36000Z	NEW-E	04-09-058	220-125-010	AMD	04-05-026
220- 56-26700C	NEW-E	04-13-056	220- 56-36000Z	REP-E	04-09-058	220-130-04000A	NEW-E	04-16-047
220- 56-270	AMD-P	04-13-005	220- 56-370	REP	04-07-009	222- 08-010	AMD	04-05-122
220- 56-27000R	REP-E	04-07-116	220- 56-380	AMD	04-07-009	222- 08-020	AMD	04-05-122
220- 56-27000R	REP-E	04-07-123	220- 56-38000G	NEW-E	04-03-010A	222- 08-020	DECOD	04-05-122
220- 56-27000S	NEW-E	04-05-057	220- 56-390	AMD-P	04-13-005	222- 08-030	AMD	04-05-122
220- 56-27000S	REP-E	04-13-056	220- 56-39000B	NEW-E	04-05-057	222- 08-030	DECOD	04-05-122
220- 56-27000T	NEW-E	04-07-116	220- 56-39000B	REP-E	04-13-056	222- 08-035	DECOD	04-05-122
220- 56-27000T	REP-E	04-07-116	220- 56-39000C	NEW-E	04-13-056	222- 08-040	AMD	04-05-122
220- 56-27000T	REP-E	04-07-123	220- 56-410	AMD-P	04-13-005	222- 08-050	NEW	04-05-122
220- 56-27000U	NEW-E	04-07-123	220- 56-41000A	NEW-E	04-05-057	222- 08-060	NEW	04-05-122
220- 56-27000U	REP-E	04-07-123	220- 56-41000A	REP-E	04-13-056	222- 08-070	NEW	04-05-122
220- 56-27000V	NEW-E	04-13-056	220- 56-41000B	NEW-E	04-13-056	222- 08-080	NEW	04-05-122
220- 56-282	AMD	04-07-009	220- 69-210	AMD-P	04-13-193	222- 08-090	NEW	04-05-122
220- 56-310	AMD	04-07-009	220- 69-215	AMD-P	04-13-193	222- 08-100	NEW	04-05-122
220- 56-310	AMD-P	04-13-023	220- 69-220	AMD-P	04-13-193	222- 08-120	NEW	04-05-122
220- 56-315	AMD	04-07-009	220- 69-23402	AMD-P	04-13-193	222- 08-130	NEW	04-05-122
220- 56-325	AMD	04-07-009	220- 69-236	AMD-P	04-13-193	222- 08-140	RECOD	04-05-122
220- 56-32500K	NEW-E	04-09-020	220- 69-240	AMD-P	04-13-033	222- 08-150	RECOD	04-05-122
220- 56-32500K	REP-E	04-09-052	220- 69-240	AMD-P	04-13-193	222- 08-160	RECOD	04-05-122
220- 56-32500L	NEW-E	04-09-052	220- 69-241	AMD	04-05-028	222- 12-090	AMD	04-05-087
220- 56-32500L	REP-E	04-09-102	220- 69-241	AMD-P	04-13-193	222- 16-010	AMD	04-05-087
220- 56-32500M	NEW-E	04-09-102	220- 69-242	AMD-P	04-13-193	230- 02-030	AMD-X	04-12-038
220- 56-32500M	REP-E	04-10-028	220- 69-243	AMD-P	04-13-193	230- 02-035	AMD-X	04-12-038
220- 56-32500N	NEW-E	04-10-028	220- 69-250	AMD-P	04-13-193	230- 02-205	AMD-P	04-15-049
220- 56-32500N	REP-E	04-11-014	220- 69-254	AMD-P	04-13-193	230- 04-124	AMD-W	04-05-059
220- 56-32500P	NEW-E	04-11-014	220- 69-260	AMD-P	04-13-193	230- 04-192	REP-P	04-05-078
220- 56-32500P	REP-E	04-11-077	220- 69-262	REP-P	04-13-193	230- 04-192	REP	04-09-028

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-04-196	REP-P	04-05-078	232-28-282	AMD	04-11-036	232-28-61900I	NEW-E	04-16-041
230-04-196	REP	04-09-028	232-28-285	NEW-P	04-13-170	232-28-61900I	REP-E	04-16-041
230-12-045	AMD-P	04-07-103	232-28-333	AMD-P	04-05-113	232-28-61900J	NEW-E	04-05-015
230-12-045	AMD	04-11-091	232-28-335	AMD-P	04-05-114	232-28-61900J	REP-E	04-05-015
230-12-330	AMD-P	04-11-090	232-28-335	AMD	04-11-036	232-28-61900J	NEW-E	04-11-076
230-12-340	AMD-P	04-11-090	232-28-337	AMD-P	04-05-116	232-28-61900J	REP-E	04-11-076
230-20-059	AMD	04-07-102	232-28-337	AMD	04-11-036	232-28-61900J	NEW-E	04-16-068
230-30-033	AMD-P	04-09-088	232-28-341	AMD-P	04-05-112	232-28-61900K	NEW-E	04-05-033
230-30-033	AMD	04-15-047	232-28-341	AMD	04-11-036	232-28-61900K	REP-E	04-05-033
230-30-072	AMD-P	04-02-045	232-28-341	AMD-P	04-13-169	232-28-61900K	REP-E	04-07-026
230-30-072	AMD-W	04-15-108	232-28-351	AMD-P	04-05-107	232-28-61900K	NEW-E	04-12-013
230-40-070	PREP	04-04-061	232-28-351	AMD	04-11-036	232-28-61900K	REP-E	04-12-013
230-40-070	AMD-P	04-07-147	232-28-352	AMD-P	04-05-108	232-28-61900L	NEW-E	04-05-048
230-40-070	AMD-P	04-09-087	232-28-352	AMD	04-11-036	232-28-61900L	REP-E	04-05-048
230-40-070	AMD	04-11-092	232-28-427	REP-P	04-13-171	232-28-61900L	NEW-E	04-12-033
230-40-120	AMD-C	04-04-036	232-28-428	NEW-P	04-13-171	232-28-61900L	REP-E	04-12-033
230-40-120	AMD	04-06-005	232-28-515	AMD-P	04-13-166	232-28-61900M	NEW-E	04-07-007
230-40-120	AMD-W	04-07-051	232-28-619	AMD	04-07-009	232-28-61900M	REP-E	04-07-007
230-40-120	AMD-P	04-15-048	232-28-619	AMD-X	04-11-069	232-28-61900M	NEW-E	04-12-060
230-40-625	AMD-P	04-11-089	232-28-619	AMD-X	04-11-119	232-28-61900M	REP-E	04-14-049
230-40-823	AMD	04-06-058	232-28-619	AMD-P	04-13-094	232-28-61900N	NEW-E	04-07-004
230-40-825	AMD-P	04-11-089	232-28-619	AMD	04-16-046	232-28-61900N	REP-E	04-07-004
232-12-004	AMD-P	04-05-099	232-28-61900A	NEW-E	04-09-103	232-28-61900N	NEW-E	04-13-035
232-12-004	AMD	04-11-036	232-28-61900A	REP-E	04-09-103	232-28-61900N	REP-E	04-13-035
232-12-005	NEW-P	04-05-099	232-28-61900A	REP-E	04-11-003	232-28-61900P	NEW-E	04-07-026
232-12-005	NEW	04-11-036	232-28-61900A	NEW-E	04-15-022	232-28-61900P	REP-E	04-07-026
232-12-014	AMD-P	04-05-110	232-28-61900B	NEW-E	04-10-005	232-28-61900P	REP-E	04-09-049
232-12-014	AMD	04-11-036	232-28-61900B	REP-E	04-10-005	232-28-61900P	NEW-E	04-13-054
232-12-019	AMD	04-07-009	232-28-61900B	REP-E	04-10-036	232-28-61900P	REP-E	04-13-054
232-12-047	AMD-P	04-05-106	232-28-61900B	NEW-E	04-15-044	232-28-61900Q	NEW-E	04-07-067
232-12-047	AMD	04-11-036	232-28-61900B	REP-E	04-15-044	232-28-61900Q	REP-E	04-07-067
232-12-054	AMD-P	04-05-106	232-28-61900C	NEW-E	04-10-034	232-28-61900Q	NEW-E	04-13-064
232-12-054	AMD	04-11-036	232-28-61900C	REP-E	04-13-069	232-28-61900Q	REP-E	04-13-164
232-12-064	AMD-P	04-05-099	232-28-61900C	NEW-E	04-15-146	232-28-61900R	NEW-E	04-08-005
232-12-064	AMD	04-11-036	232-28-61900C	REP-E	04-15-146	232-28-61900R	REP-E	04-08-005
232-12-168	AMD	04-07-009	232-28-61900D	NEW-E	04-10-036	232-28-61900R	REP-E	04-08-013
232-12-224	REP-P	04-13-038	232-28-61900D	REP-E	04-10-036	232-28-61900R	NEW-E	04-13-069
232-12-243	AMD-P	04-13-165	232-28-61900D	REP-E	04-11-002	232-28-61900R	REP-E	04-16-021
232-12-271	AMD-P	04-05-099	232-28-61900D	NEW-E	04-16-005	232-28-61900S	NEW-E	04-08-013
232-12-271	AMD	04-11-036	232-28-61900D	REP-E	04-16-069	232-28-61900S	NEW-E	04-13-164
232-12-275	AMD-P	04-13-167	232-28-61900E	NEW-E	04-10-063	232-28-61900S	REP-E	04-14-008
232-12-31500K	REP-E	04-08-065	232-28-61900E	REP-E	04-12-060	232-28-61900T	NEW-E	04-08-049
232-12-31500L	NEW-E	04-08-065	232-28-61900E	NEW-E	04-16-011	232-28-61900T	REP-E	04-08-049
232-12-31500L	REP-E	04-08-065	232-28-61900F	REP-E	04-07-004	232-28-61900T	NEW-E	04-14-008
232-12-619	AMD	04-07-009	232-28-61900F	NEW-E	04-11-002	232-28-61900T	REP-E	04-14-091
232-12-619	AMD-X	04-11-119	232-28-61900F	REP-E	04-11-073	232-28-61900U	NEW-E	04-09-047
232-12-619	AMD-P	04-13-094	232-28-61900F	NEW-E	04-16-021	232-28-61900U	REP-E	04-14-059
232-12-61900V	NEW-E	04-10-034	232-28-61900G	NEW-E	04-03-047	232-28-61900V	NEW-E	04-09-019
232-12-828	AMD-P	04-05-106	232-28-61900G	REP-E	04-03-047	232-28-61900V	REP-E	04-09-019
232-12-828	AMD	04-11-036	232-28-61900G	REP-E	04-04-028	232-28-61900V	NEW-E	04-14-049
232-16-270	REP-P	04-13-168	232-28-61900G	NEW-E	04-11-003	232-28-61900W	NEW-E	04-09-023
232-16-610	NEW-P	04-13-168	232-28-61900G	REP-E	04-11-003	232-28-61900W	REP-E	04-09-023
232-16-740	AMD-P	04-13-168	232-28-61900G	NEW-E	04-16-023	232-28-61900W	REP-E	04-09-103
232-28-248	AMD-P	04-05-115	232-28-61900H	NEW-E	04-04-028	232-28-61900W	NEW-E	04-14-057
232-28-248	AMD	04-11-036	232-28-61900H	REP-E	04-04-028	232-28-61900X	NEW-E	04-09-022
232-28-271	AMD	04-03-026	232-28-61900H	REP-E	04-05-032	232-28-61900X	REP-E	04-09-022
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232-28-272	AMD	04-11-036	232-28-61900H	REP-E	04-11-021	232-28-61900X	REP-E	04-15-022
232-28-272	AMD-P	04-13-165	232-28-61900H	NEW-E	04-16-069	232-28-61900Y	NEW-E	04-09-048
232-28-273	AMD-P	04-05-111	232-28-61900I	NEW-E	04-04-060	232-28-61900Y	REP-E	04-11-072
232-28-273	AMD	04-11-036	232-28-61900I	NEW-E	04-11-050	232-28-61900Y	REP-E	04-16-005
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232- 28-61900Z	NEW-E	04-14-091	246- 50-020	AMD-W	04-02-066	246-217-010	PREP-W	04-06-020
232- 28-620	AMD-X	04-11-079	246- 50-030	AMD-W	04-02-066	246-217-010	AMD-P	04-09-056
232- 28-620	AMD	04-16-006	246- 50-035	NEW-W	04-02-066	246-217-010	AMD-C	04-11-097
232- 28-62000P	NEW-E	04-10-034	246- 50-040	REP-W	04-02-066	246-217-010	AMD	04-16-100
232- 28-62000P	REP-E	04-13-142	246- 50-990	AMD-W	04-02-066	246-217-015	PREP-W	04-06-020
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232- 28-621	AMD	04-16-006	246-101-201	PREP	04-12-119	246-233-001	AMD	04-04-055
232- 28-62100N	NEW-E	04-10-034	246-101-201	AMD-E	04-16-099	246-233-005	NEW	04-04-055
232- 28-62100N	REP-E	04-13-068	246-101-301	PREP	04-12-119	246-233-015	NEW	04-04-055
232- 28-62100P	NEW-E	04-13-068	246-101-301	AMD-E	04-16-099	246-233-020	AMD	04-04-055
236- 12-290	AMD-P	04-05-101	246-215-001	AMD-P	04-16-109	246-233-025	NEW	04-04-055
236- 12-470	PREP	04-10-112	246-215-005	NEW-P	04-16-109	246-233-030	NEW	04-04-055
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236- 51-005	NEW	04-07-104	246-215-011	NEW-P	04-16-109	246-233-040	NEW	04-04-055
236- 51-006	NEW	04-07-104	246-215-020	REP-P	04-16-109	246-235-093	AMD	04-04-055
236- 51-010	NEW	04-07-104	246-215-021	NEW-P	04-16-109	246-235-095	AMD	04-04-055
236- 51-100	NEW	04-07-104	246-215-030	REP-P	04-16-109	246-235-097	AMD	04-04-055
236- 51-110	NEW	04-07-104	246-215-031	NEW-P	04-16-109	246-239-080	AMD	04-04-055
236- 51-115	NEW	04-07-104	246-215-040	REP-P	04-16-109	246-247-010	AMD-P	04-07-180
236- 51-120	NEW	04-07-104	246-215-041	NEW-P	04-16-109	246-247-040	AMD-P	04-07-180
236- 51-200	NEW	04-07-104	246-215-050	REP-P	04-16-109	246-247-045	NEW-P	04-07-180
236- 51-205	NEW	04-07-104	246-215-051	NEW-P	04-16-109	246-247-075	AMD-W	04-02-067
236- 51-210	NEW	04-07-104	246-215-060	REP-P	04-16-109	246-247-075	AMD-P	04-07-180
236- 51-215	NEW	04-07-104	246-215-061	NEW-P	04-16-109	246-247-080	AMD-P	04-07-180
236- 51-220	NEW	04-07-104	246-215-070	REP-P	04-16-109	246-247-085	AMD-P	04-07-180
236- 51-225	NEW	04-07-104	246-215-071	NEW-P	04-16-109	246-247-110	AMD-W	04-02-067
236- 51-300	NEW	04-07-104	246-215-080	REP-P	04-16-109	246-247-110	AMD-P	04-07-180
236- 51-302	NEW	04-07-104	246-215-081	NEW-P	04-16-109	246-247-120	AMD-W	04-02-067
236- 51-305	NEW	04-07-104	246-215-090	REP-P	04-16-109	246-247-120	AMD-P	04-07-180
236- 51-306	NEW	04-07-104	246-215-091	NEW-P	04-16-109	246-247-130	AMD-W	04-02-067
236- 51-310	NEW	04-07-104	246-215-100	REP-P	04-16-109	246-247-130	AMD-P	04-07-180
236- 51-320	NEW	04-07-104	246-215-110	REP-P	04-16-109	246-254-053	AMD-P	04-07-181
236- 51-400	NEW	04-07-104	246-215-120	REP-P	04-16-109	246-254-053	AMD	04-12-125
236- 51-405	NEW	04-07-104	246-215-121	NEW-P	04-16-109	246-254-070	AMD-P	04-07-175
236- 51-410	NEW	04-07-104	246-215-130	REP-P	04-16-109	246-254-070	AMD	04-12-124
236- 51-500	NEW	04-07-104	246-215-131	NEW-P	04-16-109	246-254-080	AMD-P	04-07-175
236- 51-502	NEW	04-07-104	246-215-140	REP-P	04-16-109	246-254-080	AMD	04-12-124
236- 51-505	NEW	04-07-104	246-215-141	NEW-P	04-16-109	246-254-090	AMD	04-04-055
236- 51-510	NEW	04-07-104	246-215-150	REP-P	04-16-109	246-254-090	AMD-P	04-07-175
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236- 51-605	NEW	04-07-104	246-215-170	REP-P	04-16-109	246-254-100	AMD	04-12-124
236- 51-610	NEW	04-07-104	246-215-180	REP-P	04-16-109	246-254-120	AMD-P	04-07-175
236- 51-615	NEW	04-07-104	246-215-181	NEW-P	04-16-109	246-254-120	AMD	04-12-124
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236- 51-710	NEW	04-07-104	246-215-200	AMD-P	04-16-109	246-260-010	AMD-P	04-08-099
236- 51-715	NEW	04-07-104	246-215-210	AMD-P	04-16-109	246-260-020	REP-P	04-08-099
236- 51-720	NEW	04-07-104	246-215-220	AMD-P	04-16-109	246-260-021	NEW-P	04-08-099
236- 51-725	NEW	04-07-104	246-215-230	REP-P	04-16-109	246-260-030	REP-P	04-08-099
236- 51-730	NEW	04-07-104	246-215-240	AMD-P	04-16-109	246-260-031	NEW-P	04-08-099
236- 51-735	NEW	04-07-104	246-215-250	REP-P	04-16-109	246-260-040	REP-P	04-08-099
236- 51-740	NEW	04-07-104	246-215-251	NEW-P	04-16-109	246-260-041	NEW-P	04-08-099
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246- 08	PREP	04-06-043	246-215-280	AMD-P	04-16-109	246-260-060	REP-P	04-08-099
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246-260-080	REP-P	04-08-099	246-294-020	AMD	04-06-047	246-809-720	NEW	04-06-011
246-260-081	NEW-P	04-08-099	246-294-030	AMD	04-06-047	246-812	PREP	04-12-120
246-260-090	REP-P	04-08-099	246-294-040	AMD	04-06-047	246-815-020	AMD-P	04-12-122
246-260-091	NEW-P	04-08-099	246-294-050	AMD	04-06-047	246-815-050	AMD-P	04-12-122
246-260-100	REP-P	04-08-099	246-294-060	AMD	04-06-047	246-815-100	AMD-P	04-12-122
246-260-101	NEW-P	04-08-099	246-294-070	AMD	04-06-047	246-815-110	AMD-P	04-12-122
246-260-110	REP-P	04-08-099	246-294-080	AMD	04-06-047	246-815-115	AMD-P	04-12-122
246-260-111	NEW-P	04-08-099	246-294-090	AMD	04-06-047	246-817-135	PREP	04-08-096
246-260-120	REP-P	04-08-099	246-310-010	AMD-X	04-10-014	246-817-180	PREP	04-15-151
246-260-121	NEW-P	04-08-099	246-310-010	PREP	04-15-150	246-817-440	PREP	04-08-095
246-260-130	REP-P	04-08-099	246-310-132	REP-P	04-11-099	246-817-560	PREP	04-09-055
246-260-131	NEW-P	04-08-099	246-310-210	PREP	04-15-150	246-828-030	REP	04-02-068
246-260-140	REP-P	04-08-099	246-310-220	PREP	04-15-150	246-828-045	AMD	04-02-068
246-260-141	NEW-P	04-08-099	246-310-230	PREP	04-15-150	246-828-055	REP	04-02-068
246-260-150	REP-P	04-08-099	246-310-240	PREP	04-15-150	246-828-061	REP	04-02-068
246-260-151	NEW-P	04-08-099	246-310-261	AMD-P	04-11-099	246-828-070	REP	04-02-068
246-260-160	REP-P	04-08-099	246-310-262	AMD-P	04-11-099	246-828-075	AMD	04-02-068
246-260-170	REP-P	04-08-099	246-310-263	NEW-P	04-11-099	246-828-090	AMD	04-02-068
246-260-171	NEW-P	04-08-099	246-310-280	PREP	04-15-150	246-828-095	AMD	04-02-068
246-260-181	NEW-P	04-08-099	246-310-990	AMD-P	04-11-099	246-828-100	AMD	04-02-068
246-260-191	NEW-P	04-08-099	246-320-010	AMD	04-11-057	246-828-105	AMD	04-02-068
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246-260-201	NEW-P	04-08-099	246-320-990	AMD-P	04-13-161	246-828-270	AMD	04-02-068
246-260-210	REP-P	04-08-099	246-322-990	AMD-P	04-13-161	246-828-290	AMD	04-02-068
246-260-211	NEW-P	04-08-099	246-323-990	AMD-P	04-14-066	246-828-320	AMD	04-02-068
246-260-220	REP-P	04-08-099	246-324-990	AMD-P	04-13-161	246-828-330	AMD	04-02-068
246-260-221	NEW-P	04-08-099	246-325-990	AMD-P	04-13-161	246-828-350	AMD	04-02-068
246-260-230	REP-P	04-08-099	246-326-990	AMD-P	04-13-161	246-828-500	AMD	04-02-068
246-260-240	REP-P	04-08-099	246-329-990	AMD-P	04-13-161	246-828-500	PREP	04-13-050
246-260-250	REP-P	04-08-099	246-335-990	PREP	04-09-054	246-828-510	PREP	04-13-050
246-260-260	REP-P	04-08-099	246-335-990	AMD-P	04-13-160	246-828-530	PREP	04-13-050
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246-260-99901	NEW-P	04-08-099	246-360-010	AMD-P	04-12-117	246-828-550	PREP	04-13-050
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246-290-300	AMD	04-04-056	246-360-100	AMD-P	04-12-117	246-840-840	AMD-E	04-05-043
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246-290-320	AMD	04-04-056	246-360-120	AMD-P	04-12-117	246-840-840	AMD	04-13-053
246-290-480	AMD	04-04-056	246-360-130	AMD-P	04-12-117	246-840-850	AMD-E	04-05-043
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246-840-905	NEW	04-13-053	246-915-140	AMD	04-13-052	250-65-070	NEW-P	04-16-077
246-840-910	AMD-E	04-06-009	246-915-160	AMD-P	04-08-046	250-65-080	NEW-P	04-16-077
246-840-910	AMD-P	04-10-078	246-915-160	AMD	04-13-052	250-65-090	NEW-P	04-16-077
246-840-910	AMD	04-14-065	246-915-180	PREP	04-07-177	250-65-100	NEW-P	04-16-077
246-840-930	AMD-E	04-06-009	246-915-182	NEW-P	04-03-119	250-65-110	NEW-P	04-16-077
246-840-930	AMD-P	04-10-078	246-915-182	NEW	04-08-102	250-65-120	NEW-P	04-16-077
246-840-930	AMD	04-14-065	246-915-210	AMD-P	04-03-107	250-65-130	NEW-P	04-16-077
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246-888-060	DECOD-P	04-08-097	246-930-060	PREP	04-13-158	251-07-100	AMD	04-15-020
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246-888-070	DECOD-P	04-08-097	246-930-200	PREP-W	04-10-012	251-08-007	AMD-P	04-11-115
246-888-070	RECOD-P	04-08-097	246-930-310	PREP-W	04-10-012	251-08-007	AMD	04-15-020
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296-24-11003	REP	04-15-105	296-24-16521	REP	04-14-028	296-24-19511	REP	04-14-028
296-24-11005	REP-P	04-03-102	296-24-16523	REP-P	04-03-085	296-24-19513	REP-P	04-03-085
296-24-11005	REP	04-15-105	296-24-16523	REP	04-14-028	296-24-19513	REP	04-14-028
296-24-11007	REP-P	04-03-102	296-24-16525	REP-P	04-03-085	296-24-19514	REP-P	04-03-085
296-24-11007	REP	04-15-105	296-24-16525	REP	04-14-028	296-24-19514	REP	04-14-028
296-24-11009	REP-P	04-03-102	296-24-16527	REP-P	04-03-085	296-24-19517	REP-P	04-03-085
296-24-11009	REP	04-15-105	296-24-16527	REP	04-14-028	296-24-19517	REP	04-14-028
296-24-11011	REP-P	04-03-102	296-24-16529	REP-P	04-03-085	296-24-197	REP-P	04-03-085
296-24-11011	REP	04-15-105	296-24-16529	REP	04-14-028	296-24-197	REP	04-14-028
296-24-11013	REP-P	04-03-102	296-24-16531	REP-P	04-03-085	296-24-200	REP-P	04-03-085
296-24-11013	REP	04-15-105	296-24-16531	REP	04-14-028	296-24-200	REP	04-14-028
296-24-11015	REP-P	04-03-102	296-24-16533	REP-P	04-03-085	296-24-20001	REP-P	04-03-085
296-24-11015	REP	04-15-105	296-24-16533	REP	04-14-028	296-24-20001	REP	04-14-028
296-24-11017	REP-P	04-03-102	296-24-16535	REP-P	04-03-085	296-24-20003	REP-P	04-03-085
296-24-11017	REP	04-15-105	296-24-16535	REP	04-14-028	296-24-20003	REP	04-14-028
296-24-119	REP-P	04-03-102	296-24-16537	REP-P	04-03-085	296-24-20005	REP-P	04-03-085
296-24-119	REP	04-15-105	296-24-16537	REP	04-14-028	296-24-20005	REP	04-14-028
296-24-120	REP	04-07-161	296-24-16539	REP-P	04-03-085	296-24-20007	REP-P	04-03-085
296-24-135	REP-X	04-12-069	296-24-16539	REP	04-14-028	296-24-20007	REP	04-14-028
296-24-13501	REP-X	04-12-069	296-24-180	REP-P	04-03-085	296-24-20009	REP-P	04-03-085
296-24-140	REP-X	04-12-069	296-24-180	REP	04-14-028	296-24-20009	REP	04-14-028
296-24-14001	REP-X	04-12-069	296-24-18001	REP-P	04-03-085	296-24-20011	REP-P	04-03-085
296-24-14003	REP-X	04-12-069	296-24-18001	REP	04-14-028	296-24-20011	REP	04-14-028
296-24-14005	REP-X	04-12-069	296-24-18003	REP-P	04-03-085	296-24-20013	REP-P	04-03-085
296-24-14007	REP-X	04-12-069	296-24-18003	REP	04-14-028	296-24-20013	REP	04-14-028
296-24-14009	REP-X	04-12-069	296-24-18005	REP-P	04-03-085	296-24-20015	REP-P	04-03-085
296-24-14011	REP-X	04-12-069	296-24-18005	REP	04-14-028	296-24-20015	REP	04-14-028
296-24-150	REP-P	04-03-085	296-24-18007	REP-P	04-03-085	296-24-20017	REP-P	04-03-085
296-24-150	REP	04-14-028	296-24-18007	REP	04-14-028	296-24-20017	REP	04-14-028
296-24-15001	REP-P	04-03-085	296-24-18009	REP-P	04-03-085	296-24-20019	REP-P	04-03-085
296-24-15001	REP	04-14-028	296-24-18009	REP	04-14-028	296-24-20019	REP	04-14-028
296-24-15003	REP-P	04-03-085	296-24-190	REP-P	04-03-085	296-24-20021	REP-P	04-03-085
296-24-15003	REP	04-14-028	296-24-190	REP	04-14-028	296-24-20021	REP	04-14-028
296-24-15005	REP-P	04-03-085	296-24-19001	REP-P	04-03-085	296-24-205	REP-P	04-03-085
296-24-15005	REP	04-14-028	296-24-19001	REP	04-14-028	296-24-205	REP	04-14-028
296-24-15007	REP-P	04-03-085	296-24-19003	REP-P	04-03-085	296-24-20501	REP-P	04-03-085
296-24-15007	REP	04-14-028	296-24-19003	REP	04-14-028	296-24-20501	REP	04-14-028
296-24-15009	REP-P	04-03-085	296-24-19005	REP-P	04-03-085	296-24-20503	REP-P	04-03-085
296-24-15009	REP	04-14-028	296-24-19005	REP	04-14-028	296-24-20503	REP	04-14-028
296-24-165	REP-P	04-03-085	296-24-19007	REP-P	04-03-085	296-24-20505	REP-P	04-03-085
296-24-165	REP	04-14-028	296-24-19007	REP	04-14-028	296-24-20505	REP	04-14-028
296-24-16501	REP-P	04-03-085	296-24-19009	REP-P	04-03-085	296-24-20507	REP-P	04-03-085
296-24-16501	REP	04-14-028	296-24-19009	REP	04-14-028	296-24-20507	REP	04-14-028
296-24-16503	REP-P	04-03-085	296-24-19011	REP-P	04-03-085	296-24-20509	REP-P	04-03-085
296-24-16503	REP	04-14-028	296-24-19011	REP	04-14-028	296-24-20509	REP	04-14-028
296-24-16505	REP-P	04-03-085	296-24-19013	REP-P	04-03-085	296-24-20511	REP-P	04-03-085
296-24-16505	REP	04-14-028	296-24-19013	REP	04-14-028	296-24-20511	REP	04-14-028
296-24-16507	REP-P	04-03-085	296-24-19015	REP-P	04-03-085	296-24-20513	REP-P	04-03-085
296-24-16507	REP	04-14-028	296-24-19015	REP	04-14-028	296-24-20513	REP	04-14-028
296-24-16509	REP-P	04-03-085	296-24-195	REP-P	04-03-085	296-24-20515	REP-P	04-03-085
296-24-16509	REP	04-14-028	296-24-195	REP	04-14-028	296-24-20515	REP	04-14-028
296-24-16511	REP-P	04-03-085	296-24-19501	REP-P	04-03-085	296-24-20517	REP-P	04-03-085
296-24-16511	REP	04-14-028	296-24-19501	REP	04-14-028	296-24-20517	REP	04-14-028
296-24-16513	REP-P	04-03-085	296-24-19503	REP-P	04-03-085	296-24-20519	REP-P	04-03-085
296-24-16513	REP	04-14-028	296-24-19503	REP	04-14-028	296-24-20519	REP	04-14-028
296-24-16515	REP-P	04-03-085	296-24-19505	REP-P	04-03-085	296-24-20521	REP-P	04-03-085
296-24-16515	REP	04-14-028	296-24-19505	REP	04-14-028	296-24-20521	REP	04-14-028

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-24-20523	REP-P	04-03-085	296-24-86010	REP-P	04-14-027	296-46B-911	AMD-P	04-08-088
296-24-20523	REP	04-14-028	296-24-86015	REP-P	04-14-027	296-46B-911	AMD	04-12-049
296-24-20525	REP-P	04-03-085	296-24-86020	REP-P	04-14-027	296-46B-915	AMD-P	04-08-088
296-24-20525	REP	04-14-028	296-24-861	REP-P	04-14-027	296-46B-915	AMD	04-12-049
296-24-20527	REP-P	04-03-085	296-24-86105	REP-P	04-14-027	296-46B-915	PREP	04-14-088
296-24-20527	REP	04-14-028	296-24-86110	REP-P	04-14-027	296-46B-920	AMD-P	04-08-088
296-24-20529	REP-P	04-03-085	296-24-86115	REP-P	04-14-027	296-46B-920	AMD	04-12-049
296-24-20529	REP	04-14-028	296-24-86120	REP-P	04-14-027	296-46B-925	AMD-P	04-08-088
296-24-20531	REP-P	04-03-085	296-24-86125	REP-P	04-14-027	296-46B-925	AMD	04-12-049
296-24-20531	REP	04-14-028	296-24-86130	REP-P	04-14-027	296-46B-925	PREP	04-14-088
296-24-20533	REP-P	04-03-085	296-24-88020	AMD-P	04-03-085	296-46B-930	AMD-P	04-08-088
296-24-20533	REP	04-14-028	296-24-88020	AMD	04-14-028	296-46B-930	AMD	04-12-049
296-24-20699	REP-P	04-03-085	296-24-90003	AMD-P	04-03-085	296-46B-935	AMD-P	04-08-088
296-24-20699	REP	04-14-028	296-24-90003	AMD	04-14-028	296-46B-935	AMD	04-12-049
296-24-20700	REP-P	04-03-085	296-24-95603	AMD	04-07-161	296-46B-940	AMD-P	04-08-088
296-24-20700	REP	04-14-028	296-24-975	AMD-P	04-03-102	296-46B-940	AMD	04-12-049
296-24-20710	REP-P	04-03-085	296-24-975	AMD	04-15-105	296-46B-945	AMD-P	04-08-088
296-24-20710	REP	04-14-028	296-24-980	AMD-X	04-12-069	296-46B-945	AMD	04-12-049
296-24-20720	REP-P	04-03-085	296-30-081	PREP	04-04-099	296-46B-950	AMD-P	04-08-088
296-24-20720	REP	04-14-028	296-30-081	AMD-P	04-08-091	296-46B-950	AMD	04-12-049
296-24-20730	REP-P	04-03-085	296-30-081	AMD	04-14-069	296-46B-970	AMD-P	04-08-088
296-24-20730	REP	04-14-028	296-31-070	AMD-P	04-08-091	296-46B-970	AMD	04-12-049
296-24-21701	REP-P	04-12-071	296-31-070	AMD	04-14-069	296-46B-970	PREP	04-14-088
296-24-21703	REP-P	04-12-071	296-37-510	AMD-X	04-11-065	296-46B-970	AMD-E	04-16-076
296-24-21707	REP-P	04-12-071	296-37-515	AMD-X	04-11-065	296-46B-990	AMD-P	04-08-088
296-24-21709	REP-P	04-12-071	296-37-570	AMD-X	04-11-065	296-46B-990	AMD	04-12-049
296-24-21711	REP-P	04-12-071	296-37-575	AMD	04-10-026	296-46B-995	AMD-P	04-08-088
296-24-21713	REP-P	04-12-071	296-37-595	NEW-X	04-11-065	296-46B-995	AMD	04-12-049
296-24-230	REP-P	04-08-039	296-45-125	AMD	04-07-160	296-46B-999	AMD-P	04-08-088
296-24-23001	REP-P	04-08-039	296-45-175	AMD-P	04-03-102	296-46B-999	AMD	04-12-049
296-24-23003	REP-P	04-08-039	296-45-175	AMD	04-15-105	296-54-573	AMD-P	04-03-085
296-24-23005	REP-P	04-08-039	296-46B-010	AMD-P	04-08-088	296-54-573	AMD	04-14-028
296-24-23007	REP-P	04-08-039	296-46B-010	AMD	04-12-049	296-54-57310	AMD-P	04-03-102
296-24-23009	REP-P	04-08-039	296-46B-020	AMD-P	04-08-088	296-54-57310	AMD	04-15-105
296-24-23011	REP-P	04-08-039	296-46B-020	AMD	04-12-049	296-56	PREP	04-07-154
296-24-23013	REP-P	04-08-039	296-46B-030	AMD-P	04-08-088	296-56-60115	AMD-X	04-05-072
296-24-23015	REP-P	04-08-039	296-46B-030	AMD	04-12-049	296-56-60115	AMD	04-11-066
296-24-23017	REP-P	04-08-039	296-46B-110	AMD-P	04-08-088	296-56-60243	AMD-X	04-05-072
296-24-23019	REP-P	04-08-039	296-46B-110	AMD	04-12-049	296-56-60243	AMD	04-11-066
296-24-23021	REP-P	04-08-039	296-46B-210	AMD-P	04-08-088	296-59-130	AMD-P	04-03-085
296-24-23023	REP-P	04-08-039	296-46B-210	AMD	04-12-049	296-59-130	AMD	04-14-028
296-24-23025	REP-P	04-08-039	296-46B-250	AMD-P	04-08-088	296-62	PREP	04-05-073
296-24-23027	REP-P	04-08-039	296-46B-250	AMD	04-12-049	296-62	PREP	04-07-155
296-24-23029	REP-P	04-08-039	296-46B-300	AMD-P	04-08-088	296-62	PREP	04-07-156
296-24-23031	REP-P	04-08-039	296-46B-300	AMD	04-12-049	296-62	PREP	04-09-097
296-24-23033	REP-P	04-08-039	296-46B-314	AMD-P	04-08-088	296-62-052	REP	04-10-026
296-24-23035	REP-P	04-08-039	296-46B-314	AMD	04-12-049	296-62-05201	REP	04-10-026
296-24-23037	REP-P	04-08-039	296-46B-334	AMD-P	04-08-088	296-62-05203	REP	04-10-026
296-24-233	AMD-P	04-12-071	296-46B-334	AMD	04-12-049	296-62-05205	REP	04-10-026
296-24-260	REP	04-09-099	296-46B-410	AMD-P	04-08-088	296-62-05207	REP	04-10-026
296-24-33009	AMD-X	04-12-069	296-46B-410	AMD	04-12-049	296-62-05209	REP	04-10-026
296-24-37013	AMD-X	04-12-069	296-46B-430	AMD-P	04-08-088	296-62-05213	REP	04-10-026
296-24-47511	AMD-P	04-08-039	296-46B-430	AMD	04-12-049	296-62-05215	REP	04-10-026
296-24-56527	AMD	04-07-161	296-46B-900	AMD-P	04-08-088	296-62-05217	REP	04-10-026
296-24-61703	AMD	04-07-161	296-46B-900	AMD	04-12-049	296-62-05219	REP	04-10-026
296-24-63399	AMD	04-07-161	296-46B-900	PREP	04-14-088	296-62-05221	REP	04-10-026
296-24-67509	PREP	04-07-155	296-46B-900	AMD-E	04-16-076	296-62-05223	REP	04-10-026
296-24-69003	AMD-P	04-03-085	296-46B-905	AMD-P	04-08-088	296-62-05305	AMD-P	04-07-159
296-24-69003	AMD	04-14-028	296-46B-905	AMD	04-12-049	296-62-05305	AMD	04-14-026
296-24-75011	AMD	04-07-161	296-46B-905	PREP	04-14-088	296-62-071	REP-P	04-15-107
296-24-860	REP-P	04-14-027	296-46B-910	AMD-P	04-08-088	296-62-07101	REP-P	04-15-107
296-24-86005	REP-P	04-14-027	296-46B-910	AMD	04-12-049	296-62-07102	REP-P	04-15-107

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296-62-30235	REP-P	04-15-107	296-62-31420	REP-P	04-15-107	296-96-00900	NEW-P	04-08-087
296-62-3030	REP-P	04-15-107	296-62-31425	REP-P	04-15-107	296-96-00900	NEW	04-12-047
296-62-30305	REP-P	04-15-107	296-62-31430	REP-P	04-15-107	296-96-00902	NEW-P	04-08-087
296-62-30310	REP-P	04-15-107	296-62-31435	REP-P	04-15-107	296-96-00902	NEW	04-12-047
296-62-30315	REP-P	04-15-107	296-62-31440	REP-P	04-15-107	296-96-00903	NEW-P	04-08-087
296-62-3040	REP-P	04-15-107	296-62-31445	REP-P	04-15-107	296-96-00903	NEW	04-12-047
296-62-30405	REP-P	04-15-107	296-62-31450	REP-P	04-15-107	296-96-00904	NEW-P	04-08-087
296-62-30410	REP-P	04-15-107	296-62-31455	REP-P	04-15-107	296-96-00904	NEW	04-12-047
296-62-30415	REP-P	04-15-107	296-62-31460	REP-P	04-15-107	296-96-00906	NEW-P	04-08-087
296-62-30420	REP-P	04-15-107	296-62-31465	REP-P	04-15-107	296-96-00906	NEW	04-12-047
296-62-30425	REP-P	04-15-107	296-62-31470	REP-P	04-15-107	296-96-00910	NEW-P	04-08-087
296-62-30430	REP-P	04-15-107	296-62-3152	REP-P	04-15-107	296-96-00910	NEW	04-12-047
296-62-30435	REP-P	04-15-107	296-62-3160	REP-P	04-15-107	296-96-00912	NEW-P	04-08-087
296-62-30440	REP-P	04-15-107	296-62-3170	REP-P	04-15-107	296-96-00912	NEW	04-12-047
296-62-30445	REP-P	04-15-107	296-62-3180	REP-P	04-15-107	296-96-00914	NEW-P	04-08-087
296-62-30450	REP-P	04-15-107	296-62-3190	REP-P	04-15-107	296-96-00914	NEW	04-12-047
296-62-30455	REP-P	04-15-107	296-62-3195	REP-P	04-15-107	296-96-00916	NEW-P	04-08-087
296-62-30460	REP-P	04-15-107	296-62-40019	AMD	04-10-026	296-96-00916	NEW	04-12-047
296-62-30465	REP-P	04-15-107	296-65	PREP	04-05-073	296-96-00918	NEW-P	04-08-087
296-62-3050	REP-P	04-15-107	296-78-540	AMD	04-07-160	296-96-00918	NEW	04-12-047
296-62-30505	REP-P	04-15-107	296-78-56511	AMD-P	04-03-085	296-96-00920	NEW-P	04-08-087
296-62-30510	REP-P	04-15-107	296-78-56511	AMD	04-14-028	296-96-00920	NEW	04-12-047
296-62-30515	REP-P	04-15-107	296-78-590	AMD-P	04-03-085	296-96-00922	NEW-P	04-08-087
296-62-30520	REP-P	04-15-107	296-78-590	AMD	04-14-028	296-96-00922	NEW	04-12-047
296-62-30525	REP-P	04-15-107	296-78-605	AMD-P	04-03-085	296-96-00924	NEW-P	04-08-087
296-62-30530	REP-P	04-15-107	296-78-605	AMD	04-14-028	296-96-00924	NEW	04-12-047
296-62-30535	REP-P	04-15-107	296-78-615	AMD-P	04-03-085	296-96-00926	NEW-P	04-08-087
296-62-3060	REP-P	04-15-107	296-78-615	AMD	04-14-028	296-96-00926	NEW	04-12-047
296-62-30605	REP-P	04-15-107	296-78-650	AMD-P	04-03-085	296-96-00930	NEW-P	04-08-087
296-62-30610	REP-P	04-15-107	296-78-650	AMD	04-14-028	296-96-00930	NEW	04-12-047
296-62-30615	REP-P	04-15-107	296-78-660	AMD-P	04-03-085	296-96-01000	AMD-P	04-08-087
296-62-3070	REP-P	04-15-107	296-78-660	AMD	04-14-028	296-96-01000	AMD	04-12-047
296-62-30705	REP-P	04-15-107	296-78-665	AMD-P	04-03-085	296-96-01005	AMD-P	04-08-087
296-62-30710	REP-P	04-15-107	296-78-665	AMD	04-14-028	296-96-01005	AMD	04-12-047
296-62-30715	REP-P	04-15-107	296-78-690	AMD-P	04-03-085	296-96-01006	NEW-P	04-08-087
296-62-3080	REP-P	04-15-107	296-78-690	AMD	04-14-028	296-96-01006	NEW	04-12-047
296-62-3090	REP-P	04-15-107	296-78-70503	AMD-P	04-03-085	296-96-01007	NEW-P	04-08-087
296-62-30905	REP-P	04-15-107	296-78-70503	AMD	04-14-028	296-96-01007	NEW	04-12-047
296-62-30910	REP-P	04-15-107	296-78-710	PREP	04-06-078	296-96-01009	NEW-P	04-08-087
296-62-30915	REP-P	04-15-107	296-78-71001	AMD-X	04-12-069	296-96-01009	NEW	04-12-047
296-62-30920	REP-P	04-15-107	296-78-71007	AMD-P	04-03-085	296-96-01010	AMD-P	04-08-087
296-62-30925	REP-P	04-15-107	296-78-71007	AMD	04-14-028	296-96-01010	AMD	04-12-047
296-62-30930	REP-P	04-15-107	296-78-71017	AMD-P	04-03-085	296-96-01027	AMD-P	04-08-087
296-62-30935	REP-P	04-15-107	296-78-71017	AMD	04-14-028	296-96-01027	AMD	04-12-047
296-62-30940	REP-P	04-15-107	296-78-71505	AMD-P	04-03-085	296-96-01035	AMD-P	04-08-087
296-62-3100	REP-P	04-15-107	296-78-71505	AMD	04-14-028	296-96-01035	AMD	04-12-047
296-62-31005	REP-P	04-15-107	296-79-030	AMD-P	04-03-085	296-96-01070	AMD-P	04-08-087
296-62-31110	REP-P	04-15-107	296-79-030	AMD	04-14-028	296-96-01070	AMD	04-12-047
296-62-3120	REP-P	04-15-107	296-79-220	AMD-P	04-03-102	296-96-01075	NEW-P	04-08-087
296-62-3130	REP-P	04-15-107	296-79-220	AMD	04-15-105	296-96-01075	NEW	04-12-047
296-62-31305	REP-P	04-15-107	296-96-00500	AMD-P	04-08-087	296-96-01080	REP-P	04-08-087
296-62-31310	REP-P	04-15-107	296-96-00500	AMD	04-12-047	296-96-01080	REP	04-12-047
296-62-31315	REP-P	04-15-107	296-96-00600	AMD-P	04-08-087	296-96-02230	NEW-P	04-08-087
296-62-31320	REP-P	04-15-107	296-96-00600	AMD	04-12-047	296-96-02230	NEW	04-12-047
296-62-31325	REP-P	04-15-107	296-96-00650	AMD-P	04-08-087	296-96-02232	NEW-P	04-08-087
296-62-31330	REP-P	04-15-107	296-96-00650	AMD	04-12-047	296-96-02232	NEW	04-12-047
296-62-31335	REP-P	04-15-107	296-96-00700	AMD-P	04-08-087	296-96-02235	NEW-P	04-08-087
296-62-3138	REP-P	04-15-107	296-96-00700	AMD	04-12-047	296-96-02235	NEW	04-12-047
296-62-3140	REP-P	04-15-107	296-96-00800	AMD-P	04-08-087	296-96-02240	AMD-P	04-08-087
296-62-31405	REP-P	04-15-107	296-96-00800	AMD	04-12-047	296-96-02240	AMD	04-12-047
296-62-31410	REP-P	04-15-107	296-96-00805	NEW-P	04-08-087	296-96-02275	AMD-P	04-08-087
296-62-31415	REP-P	04-15-107	296-96-00805	NEW	04-12-047	296-96-02275	AMD	04-12-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-02276	NEW-P	04-08-087	296-96-05070	AMD-P	04-08-087	296-96-08175	AMD-P	04-08-087
296-96-02276	NEW	04-12-047	296-96-05070	AMD	04-12-047	296-96-08175	AMD	04-12-047
296-96-02277	AMD-P	04-08-087	296-96-05160	AMD-P	04-08-087	296-96-08180	AMD-P	04-08-087
296-96-02277	AMD	04-12-047	296-96-05160	AMD	04-12-047	296-96-08180	AMD	04-12-047
296-96-02278	AMD-P	04-08-087	296-96-05170	AMD-P	04-08-087	296-96-08190	AMD-P	04-08-087
296-96-02278	AMD	04-12-047	296-96-05170	AMD	04-12-047	296-96-08190	AMD	04-12-047
296-96-02280	AMD-P	04-08-087	296-96-05230	AMD-P	04-08-087	296-96-08200	AMD-P	04-08-087
296-96-02280	AMD	04-12-047	296-96-05230	AMD	04-12-047	296-96-08200	AMD	04-12-047
296-96-02281	AMD-P	04-08-087	296-96-05290	AMD-P	04-08-087	296-96-08215	NEW-P	04-08-087
296-96-02281	AMD	04-12-047	296-96-05290	AMD	04-12-047	296-96-08215	NEW	04-12-047
296-96-02282	NEW-P	04-08-087	296-96-07010	AMD-P	04-08-087	296-96-08220	AMD-P	04-08-087
296-96-02282	NEW	04-12-047	296-96-07010	AMD	04-12-047	296-96-08220	AMD	04-12-047
296-96-02283	NEW-P	04-08-087	296-96-07021	NEW-P	04-08-087	296-96-08230	AMD-P	04-08-087
296-96-02283	NEW	04-12-047	296-96-07021	NEW	04-12-047	296-96-08230	AMD	04-12-047
296-96-02285	NEW-P	04-08-087	296-96-07024	NEW-P	04-08-087	296-96-08250	AMD-P	04-08-087
296-96-02285	NEW	04-12-047	296-96-07024	NEW	04-12-047	296-96-08250	AMD	04-12-047
296-96-02290	NEW-P	04-08-087	296-96-07080	AMD-P	04-08-087	296-96-09002	AMD-P	04-08-087
296-96-02290	NEW	04-12-047	296-96-07080	AMD	04-12-047	296-96-09002	AMD	04-12-047
296-96-02310	AMD-P	04-08-087	296-96-07100	AMD-P	04-08-087	296-96-09003	NEW-P	04-08-087
296-96-02310	AMD	04-12-047	296-96-07100	AMD	04-12-047	296-96-09003	NEW	04-12-047
296-96-02315	AMD-P	04-08-087	296-96-07170	AMD-P	04-08-087	296-96-09004	NEW-P	04-08-087
296-96-02315	AMD	04-12-047	296-96-07170	AMD	04-12-047	296-96-09004	NEW	04-12-047
296-96-02317	NEW-P	04-08-087	296-96-07180	AMD-P	04-08-087	296-96-10002	NEW-P	04-08-087
296-96-02317	NEW	04-12-047	296-96-07180	AMD	04-12-047	296-96-10002	NEW	04-12-047
296-96-02318	NEW-P	04-08-087	296-96-07190	AMD-P	04-08-087	296-96-11000	REP-P	04-08-087
296-96-02318	NEW	04-12-047	296-96-07190	AMD	04-12-047	296-96-11000	REP	04-12-047
296-96-02320	AMD-P	04-08-087	296-96-07200	AMD-P	04-08-087	296-96-11001	AMD-P	04-08-087
296-96-02320	AMD	04-12-047	296-96-07200	AMD	04-12-047	296-96-11001	AMD	04-12-047
296-96-02325	AMD-P	04-08-087	296-96-07215	NEW-P	04-08-087	296-96-11016	AMD-P	04-08-087
296-96-02325	AMD	04-12-047	296-96-07215	NEW	04-12-047	296-96-11016	AMD	04-12-047
296-96-02330	AMD-P	04-08-087	296-96-07230	AMD-P	04-08-087	296-96-11019	AMD-P	04-08-087
296-96-02330	AMD	04-12-047	296-96-07230	AMD	04-12-047	296-96-11019	AMD	04-12-047
296-96-02340	AMD-P	04-08-087	296-96-07250	AMD-P	04-08-087	296-96-11022	AMD-P	04-08-087
296-96-02340	AMD	04-12-047	296-96-07250	AMD	04-12-047	296-96-11022	AMD	04-12-047
296-96-02350	AMD-P	04-08-087	296-96-08010	AMD-P	04-08-087	296-96-11045	AMD-P	04-08-087
296-96-02350	AMD	04-12-047	296-96-08010	AMD	04-12-047	296-96-11045	AMD	04-12-047
296-96-02355	AMD-P	04-11-063	296-96-08020	AMD-P	04-08-087	296-96-11057	AMD-P	04-08-087
296-96-02355	AMD	04-15-104	296-96-08020	AMD	04-12-047	296-96-11057	AMD	04-12-047
296-96-02360	AMD-P	04-08-087	296-96-08022	NEW-P	04-08-087	296-96-11078	AMD-P	04-08-087
296-96-02360	AMD	04-12-047	296-96-08022	NEW	04-12-047	296-96-11078	AMD	04-12-047
296-96-02361	NEW-P	04-08-087	296-96-08024	NEW-P	04-08-087	296-96-11080	NEW-P	04-08-087
296-96-02361	NEW	04-12-047	296-96-08024	NEW	04-12-047	296-96-11080	NEW	04-12-047
296-96-02362	NEW-P	04-08-087	296-96-08030	AMD-P	04-08-087	296-96-13135	NEW-P	04-08-087
296-96-02362	NEW	04-12-047	296-96-08030	AMD	04-12-047	296-96-13135	NEW	04-12-047
296-96-02363	NEW-P	04-08-087	296-96-08050	AMD-P	04-08-087	296-96-13139	NEW-P	04-08-087
296-96-02363	NEW	04-12-047	296-96-08050	AMD	04-12-047	296-96-13139	NEW	04-12-047
296-96-02364	NEW-P	04-08-087	296-96-08060	AMD-P	04-08-087	296-96-13143	NEW-P	04-08-087
296-96-02364	NEW	04-12-047	296-96-08060	AMD	04-12-047	296-96-13143	NEW	04-12-047
296-96-02365	REP-P	04-08-087	296-96-08090	AMD-P	04-08-087	296-96-13145	NEW-P	04-08-087
296-96-02365	REP	04-12-047	296-96-08090	AMD	04-12-047	296-96-13145	NEW	04-12-047
296-96-02366	NEW-P	04-08-087	296-96-08100	AMD-P	04-08-087	296-96-13147	NEW-P	04-08-087
296-96-02366	NEW	04-12-047	296-96-08100	AMD	04-12-047	296-96-13147	NEW	04-12-047
296-96-02367	NEW-P	04-08-087	296-96-08110	AMD-P	04-08-087	296-96-13149	NEW-P	04-08-087
296-96-02367	NEW	04-12-047	296-96-08110	AMD	04-12-047	296-96-13149	NEW	04-12-047
296-96-02370	NEW-P	04-08-087	296-96-08140	AMD-P	04-08-087	296-96-13151	NEW-P	04-08-087
296-96-02370	NEW	04-12-047	296-96-08140	AMD	04-12-047	296-96-13151	NEW	04-12-047
296-96-02371	NEW-P	04-08-087	296-96-08150	AMD-P	04-08-087	296-96-13153	NEW-P	04-08-087
296-96-02371	NEW	04-12-047	296-96-08150	AMD	04-12-047	296-96-13153	NEW	04-12-047
296-96-05010	AMD-P	04-08-087	296-96-08160	AMD-P	04-08-087	296-96-13155	NEW-P	04-08-087
296-96-05010	AMD	04-12-047	296-96-08160	AMD	04-12-047	296-96-13155	NEW	04-12-047
296-96-05030	AMD-P	04-08-087	296-96-08170	AMD-P	04-08-087	296-96-13157	NEW-P	04-08-087
296-96-05030	AMD	04-12-047	296-96-08170	AMD	04-12-047	296-96-13157	NEW	04-12-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-13159	NEW-P	04-08-087	296-150M-3000	AMD	04-12-048	296-155-655	AMD-P	04-14-083
296-96-13159	NEW	04-12-047	296-150P	PREP	04-13-132	296-155-682	AMD-P	04-03-085
296-96-13161	NEW-P	04-08-087	296-150P-3000	AMD-P	04-08-092	296-155-682	AMD	04-14-028
296-96-13161	NEW	04-12-047	296-150P-3000	AMD	04-12-048	296-200A-900	AMD-P	04-08-092
296-96-13167	NEW-P	04-08-087	296-150R	PREP	04-13-132	296-200A-900	AMD	04-12-048
296-96-13167	NEW	04-12-047	296-150R-3000	AMD-P	04-08-092	296-301-020	AMD-P	04-03-085
296-96-13169	NEW-P	04-08-087	296-150R-3000	AMD	04-12-048	296-301-020	PREP	04-06-078
296-96-13169	NEW	04-12-047	296-150T	PREP	04-13-132	296-301-020	AMD-X	04-12-069
296-96-13171	NEW-P	04-08-087	296-150T-3000	AMD-P	04-08-092	296-301-020	AMD	04-14-028
296-96-13171	NEW	04-12-047	296-150T-3000	AMD	04-12-048	296-301-170	AMD-P	04-03-085
296-96-14045	AMD-P	04-08-087	296-150V	PREP	04-13-132	296-301-170	AMD	04-14-028
296-96-14045	AMD	04-12-047	296-150V-3000	AMD-P	04-08-092	296-302-010	REP-P	04-03-085
296-96-14060	AMD-P	04-08-087	296-150V-3000	AMD	04-12-048	296-302-010	REP	04-14-028
296-96-14060	AMD	04-12-047	296-155	PREP	04-03-084	296-302-015	REP-P	04-03-085
296-96-14070	AMD-P	04-08-087	296-155	PREP	04-05-074	296-302-015	REP	04-14-028
296-96-14070	AMD	04-12-047	296-155	PREP	04-11-062	296-302-020	REP-P	04-03-085
296-96-14080	AMD-P	04-08-087	296-155-120	AMD	04-07-160	296-302-020	REP	04-14-028
296-96-14080	AMD	04-12-047	296-155-165	AMD-P	04-14-083	296-302-025	REP-P	04-03-085
296-96-16040	AMD-P	04-08-087	296-155-17331	AMD	04-10-026	296-302-025	REP	04-14-028
296-96-16040	AMD	04-12-047	296-155-174	AMD	04-10-026	296-302-02501	REP-P	04-03-085
296-96-16150	AMD-P	04-08-087	296-155-200	AMD-P	04-14-083	296-302-02501	REP	04-14-028
296-96-16150	AMD	04-12-047	296-155-300	REP-X	04-12-069	296-302-02503	REP-P	04-03-085
296-96-23100	AMD-P	04-08-087	296-155-300	AMD-P	04-14-083	296-302-02503	REP	04-14-028
296-96-23100	AMD	04-12-047	296-155-305	AMD-P	04-14-083	296-302-02505	REP-P	04-03-085
296-96-23101	AMD-P	04-08-087	296-155-310	AMD-P	04-14-083	296-302-02505	REP	04-14-028
296-96-23101	AMD	04-12-047	296-155-315	AMD-P	04-14-083	296-302-02507	REP-P	04-03-085
296-96-23117	NEW-P	04-08-087	296-155-429	AMD-P	04-03-102	296-302-02507	REP	04-14-028
296-96-23117	NEW	04-12-047	296-155-429	AMD	04-15-105	296-302-02509	REP-P	04-03-085
296-96-23118	NEW-P	04-08-087	296-155-481	REP-P	04-14-027	296-302-02509	REP	04-14-028
296-96-23118	NEW	04-12-047	296-155-482	REP-P	04-14-027	296-302-02511	REP-P	04-03-085
296-96-23119	NEW-P	04-08-087	296-155-483	REP-P	04-14-027	296-302-02511	REP	04-14-028
296-96-23119	NEW	04-12-047	296-155-484	REP-P	04-14-027	296-302-02513	REP-P	04-03-085
296-96-23151	AMD-P	04-08-087	296-155-485	REP-P	04-14-027	296-302-02513	REP	04-14-028
296-96-23151	AMD	04-12-047	296-155-487	AMD-P	04-03-085	296-302-02515	REP-P	04-03-085
296-96-23240	AMD-P	04-08-087	296-155-487	REP-P	04-14-027	296-302-02515	REP	04-14-028
296-96-23240	AMD	04-12-047	296-155-487	AMD	04-14-028	296-302-02517	REP-P	04-03-085
296-96-23270	AMD-P	04-08-087	296-155-488	AMD-P	04-03-085	296-302-02517	REP	04-14-028
296-96-23270	AMD	04-12-047	296-155-488	REP-P	04-14-027	296-302-02519	REP-P	04-03-085
296-96-23287	AMD-P	04-08-087	296-155-488	AMD	04-14-028	296-302-02519	REP	04-14-028
296-96-23287	AMD	04-12-047	296-155-489	REP-P	04-14-027	296-302-03001	REP-P	04-03-085
296-96-23303	NEW-P	04-11-063	296-155-490	REP-P	04-14-027	296-302-03001	REP	04-14-028
296-96-23303	NEW	04-15-104	296-155-493	REP-P	04-14-027	296-302-03003	REP-P	04-03-085
296-96-23610	AMD-P	04-08-087	296-155-494	REP-P	04-14-027	296-302-03003	REP	04-14-028
296-96-23610	AMD	04-12-047	296-155-496	REP-P	04-14-027	296-302-035	REP-P	04-03-085
296-104	PREP	04-08-114	296-155-497	REP-P	04-14-027	296-302-035	REP	04-14-028
296-104-700	AMD-P	04-08-115	296-155-498	REP-P	04-14-027	296-302-040	REP-P	04-03-085
296-104-700	AMD	04-13-044	296-155-525	AMD-P	04-03-085	296-302-040	REP	04-14-028
296-115-050	AMD-P	04-03-085	296-155-525	AMD	04-14-028	296-302-045	REP-P	04-03-085
296-115-050	AMD	04-14-028	296-155-575	REP	04-09-099	296-302-045	REP	04-14-028
296-127	PREP	04-06-063	296-155-576	REP	04-09-099	296-302-050	REP-P	04-03-085
296-127-011	AMD-X	04-03-083	296-155-610	AMD-E	04-10-107	296-302-050	REP	04-14-028
296-127-011	AMD	04-10-083	296-155-610	AMD-P	04-14-083	296-302-05501	REP-P	04-03-085
296-127-01377	AMD-P	04-12-068	296-155-615	AMD-P	04-14-083	296-302-05501	REP	04-14-028
296-127-01377	AMD	04-16-094	296-155-617	PREP	04-07-154	296-302-05503	REP-P	04-03-085
296-150C	PREP	04-13-132	296-155-617	REP-P	04-12-071	296-302-05503	REP	04-14-028
296-150C-3000	AMD-P	04-08-092	296-155-61701	REP-P	04-12-071	296-302-060	REP-P	04-03-085
296-150C-3000	AMD	04-12-048	296-155-61703	REP-P	04-12-071	296-302-060	REP	04-14-028
296-150F	PREP	04-13-132	296-155-61705	REP-P	04-12-071	296-302-065	REP-P	04-03-085
296-150F-3000	AMD-P	04-08-092	296-155-61707	REP-P	04-12-071	296-302-065	REP	04-14-028
296-150F-3000	AMD	04-12-048	296-155-61709	REP-P	04-12-071	296-302-06501	REP-P	04-03-085
296-150M	PREP	04-13-132	296-155-61711	REP-P	04-12-071	296-302-06501	REP	04-14-028
296-150M-3000	AMD-P	04-08-092	296-155-61713	REP-P	04-12-071	296-302-06503	REP-P	04-03-085

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-302-06503	REP	04-14-028	296-307-45240	REP-P	04-15-107	296-307-62605	NEW-P	04-15-107
296-302-06505	REP-P	04-03-085	296-307-45400	REP-P	04-15-107	296-307-62610	NEW-P	04-15-107
296-302-06505	REP	04-14-028	296-307-45410	REP-P	04-15-107	296-307-62615	NEW-P	04-15-107
296-302-06507	REP-P	04-03-085	296-307-45420	REP-P	04-15-107	296-307-62620	NEW-P	04-15-107
296-302-06507	REP	04-14-028	296-307-45430	REP-P	04-15-107	296-307-62625	NEW-P	04-15-107
296-302-06509	REP-P	04-03-085	296-307-45440	REP-P	04-15-107	296-307-628	NEW-P	04-15-107
296-302-06509	REP	04-14-028	296-307-45450	REP-P	04-15-107	296-307-630	NEW-P	04-15-107
296-302-06511	REP-P	04-03-085	296-307-45600	REP-P	04-15-107	296-307-632	NEW-P	04-15-107
296-302-06511	REP	04-14-028	296-307-45610	REP-P	04-15-107	296-307-63205	NEW-P	04-15-107
296-302-06513	REP-P	04-03-085	296-307-45620	REP-P	04-15-107	296-307-63210	NEW-P	04-15-107
296-302-06513	REP	04-14-028	296-307-45800	REP-P	04-15-107	296-307-63215	NEW-P	04-15-107
296-302-06515	REP-P	04-03-085	296-307-46000	REP-P	04-15-107	296-307-63220	NEW-P	04-15-107
296-302-06515	REP	04-14-028	296-307-50025	AMD-P	04-15-107	296-307-63225	NEW-P	04-15-107
296-302-06517	REP-P	04-03-085	296-307-50029	AMD-P	04-15-107	296-307-63230	NEW-P	04-15-107
296-302-06517	REP	04-14-028	296-307-550	AMD-P	04-15-107	296-307-63235	NEW-P	04-15-107
296-302-06519	REP-P	04-03-085	296-307-55015	AMD-P	04-15-107	296-307-63240	NEW-P	04-15-107
296-302-06519	REP	04-14-028	296-307-55030	AMD-P	04-15-107	296-307-634	NEW-P	04-15-107
296-302-06521	REP-P	04-03-085	296-307-55035	AMD-P	04-15-107	296-307-63405	NEW-P	04-15-107
296-302-06521	REP	04-14-028	296-307-55060	AMD-P	04-15-107	296-307-63410	NEW-P	04-15-107
296-302-06523	REP-P	04-03-085	296-307-560	AMD-P	04-15-107	296-307-63415	NEW-P	04-15-107
296-302-06523	REP	04-14-028	296-307-56025	AMD-P	04-15-107	296-307-636	NEW-P	04-15-107
296-302-06525	REP-P	04-03-085	296-307-56050	AMD-P	04-15-107	296-307-63605	NEW-P	04-15-107
296-302-06525	REP	04-14-028	296-307-594	NEW-P	04-15-107	296-307-63610	NEW-P	04-15-107
296-302-06527	REP-P	04-03-085	296-307-596	NEW-P	04-15-107	296-307-63615	NEW-P	04-15-107
296-302-06527	REP	04-14-028	296-307-59605	NEW-P	04-15-107	296-307-63620	NEW-P	04-15-107
296-302-06529	REP-P	04-03-085	296-307-598	NEW-P	04-15-107	296-307-63625	NEW-P	04-15-107
296-302-06529	REP	04-14-028	296-307-59805	NEW-P	04-15-107	296-307-63630	NEW-P	04-15-107
296-302-06531	REP-P	04-03-085	296-307-59810	NEW-P	04-15-107	296-307-63635	NEW-P	04-15-107
296-302-06531	REP	04-14-028	296-307-600	NEW-P	04-15-107	296-307-638	NEW-P	04-15-107
296-303-030	AMD-P	04-03-085	296-307-60005	NEW-P	04-15-107	296-307-63805	NEW-P	04-15-107
296-303-030	AMD	04-14-028	296-307-60010	NEW-P	04-15-107	296-307-63810	NEW-P	04-15-107
296-305-01515	AMD	04-07-160	296-307-602	NEW-P	04-15-107	296-307-63815	NEW-P	04-15-107
296-305-02501	AMD	04-10-026	296-307-60205	NEW-P	04-15-107	296-307-63820	NEW-P	04-15-107
296-305-04501	PREP	04-08-090	296-307-604	NEW-P	04-15-107	296-307-63825	NEW-P	04-15-107
296-305-04501	PREP	04-11-062	296-307-60405	NEW-P	04-15-107	296-307-640	NEW-P	04-15-107
296-305-06519	AMD-P	04-03-085	296-307-606	NEW-P	04-15-107	296-307-642	NEW-P	04-15-107
296-305-06519	AMD	04-14-028	296-307-60605	NEW-P	04-15-107	296-307-644	NEW-P	04-15-107
296-307	PREP	04-09-097	296-307-608	NEW-P	04-15-107	296-307-64402	NEW-P	04-15-107
296-307-018	AMD-P	04-15-107	296-307-60805	NEW-P	04-15-107	296-307-64404	NEW-P	04-15-107
296-307-039	AMD	04-07-160	296-307-610	NEW-P	04-15-107	296-307-64406	NEW-P	04-15-107
296-307-039	AMD-P	04-15-107	296-307-61005	NEW-P	04-15-107	296-307-646	NEW-P	04-15-107
296-307-03905	AMD	04-07-160	296-307-61010	NEW-P	04-15-107	296-307-64602	NEW-P	04-15-107
296-307-03910	REP	04-07-160	296-307-61015	NEW-P	04-15-107	296-307-64604	NEW-P	04-15-107
296-307-03915	REP	04-07-160	296-307-612	NEW-P	04-15-107	296-307-648	NEW-P	04-15-107
296-307-03920	AMD-P	04-15-107	296-307-61205	NEW-P	04-15-107	296-307-64802	NEW-P	04-15-107
296-307-03925	REP	04-07-160	296-307-61210	NEW-P	04-15-107	296-307-64804	NEW-P	04-15-107
296-307-061	AMD-P	04-15-107	296-307-614	NEW-P	04-15-107	296-307-650	NEW-P	04-15-107
296-307-07013	AMD-P	04-15-107	296-307-61405	NEW-P	04-15-107	296-307-65002	NEW-P	04-15-107
296-307-11015	AMD-P	04-15-107	296-307-616	NEW-P	04-15-107	296-307-65004	NEW-P	04-15-107
296-307-13045	AMD-P	04-15-107	296-307-61605	NEW-P	04-15-107	296-307-65006	NEW-P	04-15-107
296-307-14505	AMD-X	04-07-162	296-307-61610	NEW-P	04-15-107	296-307-65008	NEW-P	04-15-107
296-307-14505	AMD	04-13-129	296-307-61615	NEW-P	04-15-107	296-307-65010	NEW-P	04-15-107
296-307-14510	AMD-X	04-07-162	296-307-618	NEW-P	04-15-107	296-307-65012	NEW-P	04-15-107
296-307-14510	AMD	04-13-129	296-307-61805	NEW-P	04-15-107	296-307-65014	NEW-P	04-15-107
296-307-16340	AMD-P	04-15-107	296-307-620	NEW-P	04-15-107	296-307-65016	NEW-P	04-15-107
296-307-45010	AMD-P	04-15-107	296-307-62005	NEW-P	04-15-107	296-307-65018	NEW-P	04-15-107
296-307-45035	AMD-P	04-15-107	296-307-62010	NEW-P	04-15-107	296-307-65020	NEW-P	04-15-107
296-307-45045	AMD-P	04-15-107	296-307-62015	NEW-P	04-15-107	296-307-65022	NEW-P	04-15-107
296-307-452	REP-P	04-15-107	296-307-62020	NEW-P	04-15-107	296-307-65024	NEW-P	04-15-107
296-307-45210	REP-P	04-15-107	296-307-622	NEW-P	04-15-107	296-307-652	NEW-P	04-15-107
296-307-45220	REP-P	04-15-107	296-307-624	NEW-P	04-15-107	296-307-65202	NEW-P	04-15-107
296-307-45230	REP-P	04-15-107	296-307-626	NEW-P	04-15-107	296-307-65204	NEW-P	04-15-107

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-654	NEW-P	04-15-107	296-400A-021	AMD-P	04-08-089	296-802-300	NEW	04-10-026
296-307-65402	NEW-P	04-15-107	296-400A-021	AMD	04-12-046	296-802-30005	NEW	04-10-026
296-307-65404	NEW-P	04-15-107	296-400A-023	NEW-P	04-08-089	296-802-400	NEW	04-10-026
296-307-656	NEW-P	04-15-107	296-400A-023	NEW	04-12-046	296-802-40005	NEW	04-10-026
296-307-686	NEW-P	04-15-107	296-400A-026	AMD-P	04-08-089	296-802-40010	NEW	04-10-026
296-307-688	NEW-P	04-15-107	296-400A-026	AMD	04-12-046	296-802-40015	NEW	04-10-026
296-307-68805	NEW-P	04-15-107	296-400A-028	NEW-P	04-08-089	296-802-500	NEW	04-10-026
296-307-68810	NEW-P	04-15-107	296-400A-028	NEW	04-12-046	296-802-50005	NEW	04-10-026
296-307-690	NEW-P	04-15-107	296-400A-029	NEW-P	04-08-089	296-802-50010	NEW	04-10-026
296-307-69005	NEW-P	04-15-107	296-400A-029	NEW	04-12-046	296-802-600	NEW	04-10-026
296-307-69010	NEW-P	04-15-107	296-400A-030	AMD-P	04-08-089	296-802-60005	NEW	04-10-026
296-307-69015	NEW-P	04-15-107	296-400A-030	AMD	04-12-046	296-802-900	NEW	04-10-026
296-307-692	NEW-P	04-15-107	296-400A-031	AMD-P	04-08-089	296-803-100	NEW-P	04-03-102
296-307-69205	NEW-P	04-15-107	296-400A-031	AMD	04-12-046	296-803-100	NEW	04-15-105
296-307-69210	NEW-P	04-15-107	296-400A-035	AMD-P	04-08-089	296-803-200	NEW-P	04-03-102
296-307-694	NEW-P	04-15-107	296-400A-035	AMD	04-12-046	296-803-200	NEW	04-15-105
296-307-69405	NEW-P	04-15-107	296-400A-045	AMD-P	04-08-089	296-803-20005	NEW-P	04-03-102
296-307-69410	NEW-P	04-15-107	296-400A-045	AMD	04-12-046	296-803-20005	NEW	04-15-105
296-307-69415	NEW-P	04-15-107	296-400A-120	AMD-P	04-08-089	296-803-300	NEW-P	04-03-102
296-307-69420	NEW-P	04-15-107	296-400A-120	AMD	04-12-046	296-803-300	NEW	04-15-105
296-307-69425	NEW-P	04-15-107	296-400A-121	AMD-P	04-08-089	296-803-30005	NEW-P	04-03-102
296-307-69430	NEW-P	04-15-107	296-400A-121	AMD	04-12-046	296-803-30005	NEW	04-15-105
296-307-69435	NEW-P	04-15-107	296-400A-122	AMD-P	04-08-089	296-803-400	NEW-P	04-03-102
296-307-69440	NEW-P	04-15-107	296-400A-122	AMD	04-12-046	296-803-400	NEW	04-15-105
296-307-696	NEW-P	04-15-107	296-400A-130	AMD-P	04-08-089	296-803-40005	NEW-P	04-03-102
296-307-69605	NEW-P	04-15-107	296-400A-130	AMD	04-12-046	296-803-40005	NEW	04-15-105
296-307-69610	NEW-P	04-15-107	296-400A-135	NEW-P	04-08-089	296-803-40010	NEW-P	04-03-102
296-307-69615	NEW-P	04-15-107	296-400A-135	NEW	04-12-046	296-803-40010	NEW	04-15-105
296-307-69620	NEW-P	04-15-107	296-400A-140	AMD-P	04-08-089	296-803-40015	NEW-P	04-03-102
296-307-69625	NEW-P	04-15-107	296-400A-140	AMD	04-12-046	296-803-40015	NEW	04-15-105
296-307-69630	NEW-P	04-15-107	296-400A-150	NEW-P	04-08-089	296-803-40020	NEW-P	04-03-102
296-307-698	NEW-P	04-15-107	296-400A-150	NEW	04-12-046	296-803-40020	NEW	04-15-105
296-307-69805	NEW-P	04-15-107	296-400A-155	NEW-P	04-08-089	296-803-500	NEW-P	04-03-102
296-307-69810	NEW-P	04-15-107	296-400A-155	NEW	04-12-046	296-803-500	NEW	04-15-105
296-307-69815	NEW-P	04-15-107	296-400A-300	AMD-P	04-08-089	296-803-50005	NEW-P	04-03-102
296-307-69820	NEW-P	04-15-107	296-400A-300	AMD	04-12-046	296-803-50005	NEW	04-15-105
296-307-69825	NEW-P	04-15-107	296-400A-400	AMD-P	04-08-089	296-803-50010	NEW-P	04-03-102
296-307-69830	NEW-P	04-15-107	296-400A-400	AMD	04-12-046	296-803-50010	NEW	04-15-105
296-307-700	NEW-P	04-15-107	296-400A-425	AMD-P	04-08-089	296-803-50015	NEW-P	04-03-102
296-307-70005	NEW-P	04-15-107	296-400A-425	AMD	04-12-046	296-803-50015	NEW	04-15-105
296-307-702	NEW-P	04-15-107	296-800	PREP	04-07-157	296-803-50020	NEW-P	04-03-102
296-307-704	NEW-P	04-15-107	296-800-11045	PREP	04-06-078	296-803-50020	NEW	04-15-105
296-307-70410	NEW-P	04-15-107	296-800-11045	AMD-X	04-12-069	296-803-50025	NEW-P	04-03-102
296-307-70415	NEW-P	04-15-107	296-800-150	AMD	04-07-160	296-803-50025	NEW	04-15-105
296-307-70420	NEW-P	04-15-107	296-800-15005	AMD	04-07-160	296-803-50030	NEW-P	04-03-102
296-307-70425	NEW-P	04-15-107	296-800-15010	REP	04-07-160	296-803-50030	NEW	04-15-105
296-307-70430	NEW-P	04-15-107	296-800-15015	REP	04-07-160	296-803-50035	NEW-P	04-03-102
296-307-70435	NEW-P	04-15-107	296-800-15025	REP	04-07-160	296-803-50035	NEW	04-15-105
296-307-70440	NEW-P	04-15-107	296-800-17005	AMD	04-10-026	296-803-50040	NEW-P	04-03-102
296-307-70445	NEW-P	04-15-107	296-800-180	AMD	04-10-026	296-803-50040	NEW	04-15-105
296-307-70450	NEW-P	04-15-107	296-800-310	AMD-W	04-11-058	296-803-50045	NEW-P	04-03-102
296-307-70455	NEW-P	04-15-107	296-800-31010	AMD-W	04-11-058	296-803-50045	NEW	04-15-105
296-307-70460	NEW-P	04-15-107	296-800-31020	AMD-W	04-11-058	296-803-50050	NEW-P	04-03-102
296-307-70465	NEW-P	04-15-107	296-800-31070	AMD-W	04-11-058	296-803-50050	NEW	04-15-105
296-307-70470	NEW-P	04-15-107	296-800-35052	PREP	04-06-078	296-803-50055	NEW-P	04-03-102
296-307-70475	NEW-P	04-15-107	296-800-35052	AMD-X	04-12-069	296-803-50055	NEW	04-15-105
296-307-70480	NEW-P	04-15-107	296-800-370	AMD-W	04-11-058	296-803-50060	NEW-P	04-03-102
296-400A	PREP	04-16-093	296-802-100	NEW	04-10-026	296-803-50060	NEW	04-15-105
296-400A-005	AMD-P	04-08-089	296-802-200	NEW	04-10-026	296-803-600	NEW-P	04-03-102
296-400A-005	AMD	04-12-046	296-802-20005	NEW	04-10-026	296-803-600	NEW	04-15-105
296-400A-020	AMD-P	04-08-089	296-802-20010	NEW	04-10-026	296-803-60005	NEW-P	04-03-102
296-400A-020	AMD	04-12-046	296-802-20015	NEW	04-10-026	296-803-60005	NEW	04-15-105

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-48080	NEW	04-14-028	296-823-11010	AMD-X	04-07-158	296-829-500	NEW	04-09-099
296-806-48082	NEW-P	04-03-085	296-823-11010	AMD	04-12-070	296-841	PREP	04-07-155
296-806-48082	NEW	04-14-028	296-823-12010	AMD-X	04-07-158	296-841	PREP	04-07-156
296-806-48084	NEW-P	04-03-085	296-823-12010	AMD	04-12-070	296-841-100	AMD-X	04-11-064
296-806-48084	NEW	04-14-028	296-823-13005	AMD-X	04-07-158	296-841-20005	AMD-X	04-11-064
296-806-48086	NEW-P	04-03-085	296-823-13005	AMD	04-12-070	296-841-20010	AMD-X	04-11-064
296-806-48086	NEW	04-14-028	296-823-14005	AMD-X	04-07-158	296-841-20020	AMD-X	04-11-064
296-806-48088	NEW-P	04-03-085	296-823-14005	AMD	04-12-070	296-841-20025	NEW-X	04-11-064
296-806-48088	NEW	04-14-028	296-823-14015	AMD-X	04-07-158	296-841-300	AMD-X	04-11-064
296-806-485	NEW-P	04-03-085	296-823-14015	AMD	04-12-070	296-843-100	NEW	04-02-053
296-806-485	NEW	04-14-028	296-823-14025	AMD-X	04-07-158	296-843-110	NEW	04-02-053
296-806-48502	NEW-P	04-03-085	296-823-14025	AMD	04-12-070	296-843-11005	NEW	04-02-053
296-806-48502	NEW	04-14-028	296-823-14050	AMD-X	04-07-158	296-843-11010	NEW	04-02-053
296-806-500	NEW-P	04-03-085	296-823-14050	AMD	04-12-070	296-843-120	NEW	04-02-053
296-806-500	NEW	04-14-028	296-823-14060	AMD-X	04-07-158	296-843-12005	NEW	04-02-053
296-809-100	NEW	04-03-081	296-823-14060	AMD	04-12-070	296-843-130	NEW	04-02-053
296-809-200	NEW	04-03-081	296-823-14065	AMD-X	04-07-158	296-843-13005	NEW	04-02-053
296-809-20002	NEW	04-03-081	296-823-14065	AMD	04-12-070	296-843-13010	NEW	04-02-053
296-809-20004	NEW	04-03-081	296-823-15010	AMD-X	04-07-158	296-843-140	NEW	04-02-053
296-809-20006	NEW	04-03-081	296-823-15010	AMD	04-12-070	296-843-14005	NEW	04-02-053
296-809-300	NEW	04-03-081	296-823-15015	AMD-X	04-07-158	296-843-150	NEW	04-02-053
296-809-30002	NEW	04-03-081	296-823-15015	AMD	04-12-070	296-843-15005	NEW	04-02-053
296-809-30004	NEW	04-03-081	296-823-15020	AMD-X	04-07-158	296-843-15010	NEW	04-02-053
296-809-400	NEW	04-03-081	296-823-15020	AMD	04-12-070	296-843-15015	NEW	04-02-053
296-809-40002	NEW	04-03-081	296-823-160	AMD-X	04-07-158	296-843-160	NEW	04-02-053
296-809-40004	NEW	04-03-081	296-823-160	AMD	04-12-070	296-843-16005	NEW	04-02-053
296-809-500	NEW	04-03-081	296-823-16005	AMD-X	04-07-158	296-843-170	NEW	04-02-053
296-809-50002	NEW	04-03-081	296-823-16005	AMD	04-12-070	296-843-17005	NEW	04-02-053
296-809-50004	NEW	04-03-081	296-823-16010	AMD-X	04-07-158	296-843-180	NEW	04-02-053
296-809-50006	NEW	04-03-081	296-823-16010	AMD	04-12-070	296-843-18005	NEW	04-02-053
296-809-50008	NEW	04-03-081	296-823-16015	AMD-X	04-07-158	296-843-18010	NEW	04-02-053
296-809-50010	NEW	04-03-081	296-823-16015	AMD	04-12-070	296-843-18015	NEW	04-02-053
296-809-50012	NEW	04-03-081	296-823-16025	AMD-X	04-07-158	296-843-18020	NEW	04-02-053
296-809-50014	NEW	04-03-081	296-823-16025	AMD	04-12-070	296-843-190	NEW	04-02-053
296-809-50016	NEW	04-03-081	296-823-16030	AMD-X	04-07-158	296-843-19005	NEW	04-02-053
296-809-50018	NEW	04-03-081	296-823-16030	AMD	04-12-070	296-843-200	NEW	04-02-053
296-809-50020	NEW	04-03-081	296-823-17010	AMD-X	04-07-158	296-843-20005	NEW	04-02-053
296-809-50022	NEW	04-03-081	296-823-17010	AMD	04-12-070	296-843-20010	NEW	04-02-053
296-809-50024	NEW	04-03-081	296-823-180	AMD-X	04-07-158	296-843-20015	NEW	04-02-053
296-809-600	NEW	04-03-081	296-823-180	AMD	04-12-070	296-843-20020	NEW	04-02-053
296-809-60002	NEW	04-03-081	296-823-18015	AMD-X	04-07-158	296-843-20025	NEW	04-02-053
296-809-60004	NEW	04-03-081	296-823-18015	AMD	04-12-070	296-843-20030	NEW	04-02-053
296-809-700	NEW	04-03-081	296-823-18045	AMD-X	04-07-158	296-843-20035	NEW	04-02-053
296-809-70002	NEW	04-03-081	296-823-18045	AMD	04-12-070	296-843-210	NEW	04-02-053
296-809-70004	NEW	04-03-081	296-823-18050	AMD-X	04-07-158	296-843-21005	NEW	04-02-053
296-809-800	NEW	04-03-081	296-823-18050	AMD	04-12-070	296-843-220	NEW	04-02-053
296-816-100	NEW-P	04-07-159	296-823-18055	AMD-X	04-07-158	296-843-22005	NEW	04-02-053
296-816-100	NEW	04-14-026	296-823-18055	AMD	04-12-070	296-843-22010	NEW	04-02-053
296-816-200	NEW-P	04-07-159	296-823-200	AMD-X	04-07-158	296-843-300	NEW	04-02-053
296-816-200	NEW	04-14-026	296-823-200	AMD	04-12-070	296-849-100	NEW-P	04-15-106
296-816-20005	NEW-P	04-07-159	296-829-100	NEW	04-09-099	296-849-110	NEW-P	04-15-106
296-816-20005	NEW	04-14-026	296-829-200	NEW	04-09-099	296-849-11010	NEW-P	04-15-106
296-816-20010	NEW-P	04-07-159	296-829-20005	NEW	04-09-099	296-849-11020	NEW-P	04-15-106
296-816-20010	NEW	04-14-026	296-829-20010	NEW	04-09-099	296-849-11030	NEW-P	04-15-106
296-816-20015	NEW-P	04-07-159	296-829-300	NEW	04-09-099	296-849-11040	NEW-P	04-15-106
296-816-20015	NEW	04-14-026	296-829-30005	NEW	04-09-099	296-849-11050	NEW-P	04-15-106
296-816-20020	NEW-P	04-07-159	296-829-30010	NEW	04-09-099	296-849-11065	NEW-P	04-15-106
296-816-20020	NEW	04-14-026	296-829-400	NEW	04-09-099	296-849-11070	NEW-P	04-15-106
296-816-300	NEW-P	04-07-159	296-829-40005	NEW	04-09-099	296-849-11090	NEW-P	04-15-106
296-816-300	NEW	04-14-026	296-829-40010	NEW	04-09-099	296-849-120	NEW-P	04-15-106
296-823-100	AMD-X	04-07-158	296-829-40015	NEW	04-09-099	296-849-12010	NEW-P	04-15-106
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296-849-12080	NEW-P	04-15-106	296-864-50010	NEW-P	04-12-071	296-874-30030	NEW-P	04-14-027
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296-849-13005	NEW-P	04-15-106	296-864-50020	NEW-P	04-12-071	296-874-30034	NEW-P	04-14-027
296-849-13020	NEW-P	04-15-106	296-864-600	NEW-P	04-12-071	296-874-30036	NEW-P	04-14-027
296-849-13045	NEW-P	04-15-106	296-864-60005	NEW-P	04-12-071	296-874-30038	NEW-P	04-14-027
296-849-190	NEW-P	04-15-106	296-864-60010	NEW-P	04-12-071	296-874-30040	NEW-P	04-14-027
296-863-10005	NEW-P	04-08-039	296-864-700	NEW-P	04-12-071	296-874-30042	NEW-P	04-14-027
296-863-200	NEW-P	04-08-039	296-874-100	NEW-P	04-14-027	296-874-30044	NEW-P	04-14-027
296-863-20005	NEW-P	04-08-039	296-874-200	NEW-P	04-14-027	296-874-30046	NEW-P	04-14-027
296-863-20010	NEW-P	04-08-039	296-874-20002	NEW-P	04-14-027	296-874-400	NEW-P	04-14-027
296-863-20015	NEW-P	04-08-039	296-874-20004	NEW-P	04-14-027	296-874-40002	NEW-P	04-14-027
296-863-20020	NEW-P	04-08-039	296-874-20006	NEW-P	04-14-027	296-874-40004	NEW-P	04-14-027
296-863-20025	NEW-P	04-08-039	296-874-20008	NEW-P	04-14-027	296-874-40006	NEW-P	04-14-027
296-863-20030	NEW-P	04-08-039	296-874-20010	NEW-P	04-14-027	296-874-40008	NEW-P	04-14-027
296-863-20035	NEW-P	04-08-039	296-874-20012	NEW-P	04-14-027	296-874-40010	NEW-P	04-14-027
296-863-20040	NEW-P	04-08-039	296-874-20014	NEW-P	04-14-027	296-874-40012	NEW-P	04-14-027
296-863-300	NEW-P	04-08-039	296-874-20016	NEW-P	04-14-027	296-874-40014	NEW-P	04-14-027
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296-863-30010	NEW-P	04-08-039	296-874-20020	NEW-P	04-14-027	296-874-40018	NEW-P	04-14-027
296-863-30015	NEW-P	04-08-039	296-874-20022	NEW-P	04-14-027	296-874-40020	NEW-P	04-14-027
296-863-30020	NEW-P	04-08-039	296-874-20024	NEW-P	04-14-027	296-874-40022	NEW-P	04-14-027
296-863-30025	NEW-P	04-08-039	296-874-20026	NEW-P	04-14-027	296-874-40024	NEW-P	04-14-027
296-863-30030	NEW-P	04-08-039	296-874-20028	NEW-P	04-14-027	296-874-40026	NEW-P	04-14-027
296-863-30035	NEW-P	04-08-039	296-874-20030	NEW-P	04-14-027	296-874-40028	NEW-P	04-14-027
296-863-30040	NEW-P	04-08-039	296-874-20032	NEW-P	04-14-027	296-874-40030	NEW-P	04-14-027
296-863-400	NEW-P	04-08-039	296-874-20034	NEW-P	04-14-027	296-874-40032	NEW-P	04-14-027
296-863-40005	NEW-P	04-08-039	296-874-20036	NEW-P	04-14-027	296-874-40034	NEW-P	04-14-027
296-863-40010	NEW-P	04-08-039	296-874-20038	NEW-P	04-14-027	296-874-40036	NEW-P	04-14-027
296-863-40015	NEW-P	04-08-039	296-874-20040	NEW-P	04-14-027	296-874-40038	NEW-P	04-14-027
296-863-40020	NEW-P	04-08-039	296-874-20042	NEW-P	04-14-027	296-874-40040	NEW-P	04-14-027
296-863-40025	NEW-P	04-08-039	296-874-20044	NEW-P	04-14-027	296-874-40042	NEW-P	04-14-027
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296-863-40035	NEW-P	04-08-039	296-874-20048	NEW-P	04-14-027	308- 08	PREP	04-15-040
296-863-40040	NEW-P	04-08-039	296-874-20050	NEW-P	04-14-027	308- 11-030	AMD-P	04-14-075
296-863-40045	NEW-P	04-08-039	296-874-20052	NEW-P	04-14-027	308- 13-150	PREP	04-06-030
296-863-40050	NEW-P	04-08-039	296-874-20054	NEW-P	04-14-027	308- 13-150	AMD-P	04-13-143
296-863-40055	NEW-P	04-08-039	296-874-20056	NEW-P	04-14-027	308- 14-010	NEW-P	04-14-073
296-863-40060	NEW-P	04-08-039	296-874-20058	NEW-P	04-14-027	308- 14-085	AMD-P	04-14-073
296-863-40065	NEW-P	04-08-039	296-874-20060	NEW-P	04-14-027	308- 14-090	AMD-P	04-14-073
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296-863-600	NEW-P	04-08-039	296-874-20066	NEW-P	04-14-027	308- 14-135	AMD-P	04-14-073
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296-863-60015	NEW-P	04-08-039	296-874-20072	NEW-P	04-14-027	308- 15	PREP	04-04-050
296-863-700	NEW-P	04-08-039	296-874-20074	NEW-P	04-14-027	308- 17-150	AMD-P	04-07-032
296-864-100	NEW-P	04-12-071	296-874-20076	NEW-P	04-14-027	308- 17-150	AMD	04-12-024
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296-864-40020	NEW-P	04-12-071	296-874-30024	NEW-P	04-14-027	308- 56A	PREP	04-05-121
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308-56A-030	AMD-P	04-03-120	308-66-200	AMD-P	04-12-079	308-96A-314	AMD-P	04-10-003
308-56A-030	AMD	04-07-168	308-66-200	AMD	04-16-090	308-96A-314	AMD	04-14-077
308-56A-040	AMD-P	04-03-120	308-66-210	AMD-P	04-12-079	308-96A-316	AMD-P	04-10-003
308-56A-040	AMD	04-07-168	308-66-210	AMD	04-16-090	308-96A-316	AMD	04-14-077
308-56A-075	AMD-X	04-09-033	308-66-211	AMD-P	04-12-079	308-96A-550	AMD-P	04-03-121
308-56A-075	AMD	04-13-118	308-66-211	AMD	04-16-090	308-96A-550	AMD	04-08-079
308-56A-140	AMD-P	04-04-006	308-66-212	AMD-P	04-12-079	308-96A-560	AMD-P	04-03-121
308-56A-140	AMD	04-08-080	308-66-212	AMD	04-16-090	308-96A-560	AMD	04-08-079
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308-56A-150	AMD	04-08-002	308-66-214	AMD	04-16-090	308-99-020	AMD-W	04-08-001
308-56A-250	PREP	04-08-006	308-66-220	AMD-P	04-12-079	308-99-040	AMD-P	04-07-047
308-56A-250	AMD-P	04-14-016	308-66-220	AMD	04-16-090	308-99-040	AMD-W	04-08-001
308-56A-405	PREP	04-11-106	308-66-225	AMD-P	04-12-079	308-99-060	AMD-P	04-07-047
308-56A-410	PREP	04-11-106	308-66-225	AMD	04-16-090	308-99-060	AMD-W	04-08-001
308-56A-415	PREP	04-11-106	308-66-227	AMD-P	04-12-079	308-104-046	NEW-P	04-15-123
308-56A-420	PREP	04-11-106	308-66-227	AMD	04-16-090	308-104-100	AMD-P	04-15-122
308-56A-450	AMD-P	04-04-022	308-66-250	NEW-P	04-12-079	308-104-101A	NEW-E	04-13-003
308-56A-450	AMD	04-08-002	308-66-250	NEW	04-16-090	308-104-105	AMD-P	04-15-122
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308-56A-455	AMD	04-08-080	308-66-260	NEW	04-16-090	308-124A-025	AMD	04-08-012
308-56A-460	AMD-P	04-04-006	308-77-180	REP	04-09-012	308-124A-110	AMD-P	04-03-039
308-56A-460	AMD	04-08-080	308-78-010	AMD	04-06-001	308-124A-110	AMD	04-07-153
308-56A-500	AMD-P	04-04-049	308-78-045	AMD	04-06-001	308-124A-440	AMD-P	04-03-039
308-56A-500	AMD	04-08-081	308-93-030	PREP	04-07-054	308-124A-440	AMD	04-08-012
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308-56A-505	AMD	04-08-081	308-96A	PREP	04-03-002	308-124C-030	AMD	04-07-151
308-56A-525	PREP	04-08-058	308-96A	PREP	04-03-003	308-124D-030	AMD-P	04-03-038
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308-61-135	PREP	04-12-010	308-96A-005	AMD	04-14-077	308-127-140	AMD	04-08-003
308-61-190	AMD-P	04-06-004	308-96A-021	AMD-P	04-03-121	308-127-160	AMD-P	04-05-098
308-61-190	AMD	04-12-063	308-96A-021	AMD	04-08-079	308-127-160	AMD	04-08-003
308-63	PREP	04-11-104	308-96A-026	AMD-P	04-04-022	308-127-160	AMD-P	04-09-095
308-63-090	PREP	04-12-009	308-96A-026	AMD	04-08-002	308-127-160	AMD	04-12-028
308-65	PREP	04-11-105	308-96A-070	PREP	04-09-032	308-127-160	AMD-P	04-16-117
308-66-110	AMD-P	04-12-079	308-96A-070	AMD-E	04-09-044	308-127-225	AMD-P	04-05-098
308-66-110	AMD	04-16-090	308-96A-070	AMD-P	04-12-072	308-127-225	AMD	04-08-003
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308-66-120	AMD	04-16-090	308-96A-071	AMD-E	04-09-044	308-129-110	AMD	04-12-027
308-66-140	AMD-P	04-12-079	308-96A-071	AMD-P	04-12-072	308-129-110	AMD-P	04-16-118
308-66-140	AMD	04-16-090	308-96A-072	AMD-P	04-03-121	308-330-197	AMD-P	04-15-124
308-66-145	AMD-P	04-12-079	308-96A-072	AMD	04-08-079	308-330-305	AMD-P	04-15-124
308-66-145	AMD	04-16-090	308-96A-072	AMD-P	04-03-121	308-330-309	AMD-P	04-15-124
308-66-152	AMD-P	04-12-079	308-96A-074	AMD	04-08-079	308-330-316	AMD-P	04-15-124
308-66-152	AMD	04-16-090	308-96A-076	PREP	04-09-029	308-330-320	AMD-P	04-15-124
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308-66-157	AMD-P	04-12-079	308-96A-079	PREP	04-09-060	308-330-700	AMD-P	04-15-124
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308-66-180	AMD-P	04-12-079	308-96A-311	AMD-P	04-10-003	308-390-104	AMD	04-15-100
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308-390-201	AMD-W	04-15-101	314- 19-030	AMD-P	04-16-124	316- 35-110	AMD-X	04-16-091
308-390-201	AMD-P	04-16-053	314- 19-035	AMD-P	04-16-124	316- 35-130	AMD-X	04-16-091
308-390-203	AMD-P	04-09-105	314- 19-040	AMD-P	04-16-124	316- 35-160	AMD-X	04-16-091
308-390-203	AMD	04-15-100	314- 20	PREP	04-08-105	316- 35-170	AMD-X	04-16-091
308-390-204	AMD-P	04-09-105	314- 20-001	NEW-P	04-15-161	316- 35-190	AMD-X	04-16-091
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308-390-300	AMD	04-15-100	314- 20-030	AMD-P	04-15-161	316- 35-250	AMD-X	04-16-091
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308-390-502	AMD	04-15-100	314- 24-040	AMD-P	04-15-161	326- 02-040	AMD	04-08-093
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357-43-100	NEW-P	04-13-191	365-230-035	NEW-P	04-05-062	388-11-045	PREP-W	04-07-112
357-43-105	NEW-P	04-13-191	365-230-035	NEW	04-10-037	388-11-048	PREP-W	04-07-112
357-43-110	NEW-P	04-13-191	365-230-040	NEW-P	04-05-062	388-11-205	PREP-W	04-07-112
357-43-115	NEW-P	04-13-191	365-230-040	NEW	04-10-037	388-14-045	PREP-W	04-07-112
357-46-005	NEW-P	04-13-030	365-230-050	NEW-P	04-05-062	388-14-450	PREP-W	04-07-112
357-46-010	NEW-P	04-13-030	365-230-050	NEW	04-10-037	388-14A	PREP	04-07-113
357-46-015	NEW-P	04-13-030	365-230-060	NEW-P	04-05-062	388-14A-1020	PREP	04-06-053
357-46-020	NEW-P	04-13-030	365-230-060	NEW	04-10-037	388-14A-1020	AMD-E	04-07-057
357-46-025	NEW-P	04-13-030	365-230-070	NEW-P	04-05-062	388-14A-1020	PREP	04-09-036
357-46-030	NEW-P	04-13-030	365-230-070	NEW	04-10-037	388-14A-1020	AMD-P	04-13-139
357-46-035	NEW-P	04-13-030	365-230-080	NEW-P	04-05-062	388-14A-1020	AMD-E	04-14-054
357-46-040	NEW-P	04-13-030	365-230-080	NEW	04-10-037	388-14A-3140	PREP	04-09-036
357-46-045	NEW-P	04-13-030	365-230-090	NEW-P	04-05-062	388-14A-3370	PREP	04-09-036
357-46-050	NEW-P	04-13-030	365-230-090	NEW	04-10-037	388-14A-3600	PREP	04-09-036
357-46-060	NEW-P	04-13-030	365-230-100	NEW-P	04-05-062	388-14A-3810	PREP	04-06-053
357-46-070	NEW-P	04-13-030	365-230-100	NEW	04-10-037	388-14A-3810	PREP	04-09-036
357-46-075	NEW-P	04-13-030	365-230-110	NEW-P	04-05-062	388-14A-4040	AMD-E	04-07-057
357-46-080	NEW-P	04-13-030	365-230-110	NEW	04-10-037	388-14A-4040	AMD-P	04-13-139
357-46-085	NEW-P	04-13-030	365-230-120	NEW-P	04-05-062	388-14A-4040	AMD-E	04-14-054
357-46-090	NEW-P	04-13-030	365-230-120	NEW	04-10-037	388-14A-4100	PREP-W	04-07-022
357-46-095	NEW-P	04-13-030	365-230-130	NEW-P	04-05-062	388-14A-4100	AMD-E	04-07-057
357-46-100	NEW-P	04-13-030	365-230-130	NEW	04-10-037	388-14A-4100	PREP	04-07-062
357-46-105	NEW-P	04-13-030	365-230-132	NEW-P	04-05-062	388-14A-4100	AMD-P	04-13-139
357-46-110	NEW-P	04-13-030	365-230-132	NEW	04-10-037	388-14A-4100	AMD-E	04-14-054
357-46-115	NEW-P	04-13-030	365-230-134	NEW-P	04-05-062	388-14A-4110	PREP-W	04-07-022
357-46-120	NEW-P	04-13-030	365-230-134	NEW	04-10-037	388-14A-4110	AMD-E	04-07-057
357-46-125	NEW-P	04-13-030	365-230-140	NEW-P	04-05-062	388-14A-4110	PREP	04-07-062
357-46-130	NEW-P	04-13-030	365-230-140	NEW	04-10-037	388-14A-4110	AMD-P	04-13-139
357-46-135	NEW-P	04-13-030	365-230-150	NEW-P	04-05-062	388-14A-4110	AMD-E	04-14-054
357-46-140	NEW-P	04-13-030	365-230-150	NEW	04-10-037	388-14A-4120	PREP-W	04-07-022
357-46-145	NEW-P	04-13-030	365-230-160	NEW-P	04-05-062	388-14A-4120	AMD-E	04-07-057
357-46-150	NEW-P	04-13-030	365-230-160	NEW	04-10-037	388-14A-4120	PREP	04-07-062
357-46-155	NEW-P	04-13-030	365-230-170	NEW-P	04-05-062	388-14A-4120	AMD-P	04-13-139
357-46-160	NEW-P	04-13-030	365-230-170	NEW	04-10-037	388-14A-4120	AMD-E	04-14-054
357-46-165	NEW-P	04-13-030	365-230-180	NEW-P	04-05-062	388-14A-4121	NEW-E	04-07-057
357-46-170	NEW-P	04-13-030	365-230-180	NEW	04-10-037	388-14A-4121	NEW-P	04-13-139
357-46-175	NEW-P	04-13-030	365-230-190	NEW-P	04-05-062	388-14A-4121	NEW-E	04-14-054
357-46-180	NEW-P	04-13-030	365-230-190	NEW	04-10-037	388-14A-4122	NEW-E	04-07-057
357-46-185	NEW-P	04-13-030	365-230-200	NEW-P	04-05-062	388-14A-4122	NEW-P	04-13-139
357-46-190	NEW-P	04-13-030	365-230-200	NEW	04-10-037	388-14A-4122	NEW-E	04-14-054
357-46-195	NEW-P	04-13-030	365-230-210	NEW-P	04-05-062	388-14A-4123	NEW-E	04-07-057
357-46-200	NEW-P	04-13-030	365-230-210	NEW	04-10-037	388-14A-4123	NEW-P	04-13-139
357-46-205	NEW-P	04-13-030	365-230-220	NEW-P	04-05-062	388-14A-4123	NEW-E	04-14-054
357-49-010	NEW-P	04-13-192	365-230-220	NEW	04-10-037	388-14A-4124	NEW-E	04-07-057
357-49-015	NEW-P	04-13-192	365-230-230	NEW-P	04-05-062	388-14A-4124	NEW-P	04-13-139
357-49-020	NEW-P	04-13-192	365-230-230	NEW	04-10-037	388-14A-4124	NEW-E	04-14-054
363-116-070	AMD-P	04-10-030	365-230-240	NEW-P	04-05-062	388-14A-4125	NEW-E	04-07-057
363-116-070	AMD	04-14-017	365-230-240	NEW	04-10-037	388-14A-4125	NEW-P	04-13-139
363-116-185	AMD-P	04-10-031	365-230-250	NEW-P	04-05-062	388-14A-4125	NEW-E	04-14-054
363-116-185	AMD	04-14-018	365-230-250	NEW	04-10-037	388-14A-4126	NEW-E	04-07-057
363-116-300	AMD-P	04-08-008	365-230-260	NEW-P	04-05-062	388-14A-4126	NEW-P	04-13-139
363-116-300	AMD	04-12-014	365-230-260	NEW	04-10-037	388-14A-4126	NEW-E	04-14-054
365-230-010	NEW-P	04-05-062	365-230-270	NEW-P	04-05-062	388-14A-4130	PREP-W	04-07-022
365-230-010	NEW	04-10-037	365-230-270	NEW	04-10-037	388-14A-4130	AMD-E	04-07-057
365-230-015	NEW-P	04-05-062	371-08	PREP	04-15-009	388-14A-4130	PREP	04-07-062
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388-14A-4135	NEW-E	04-07-057	388-27-0165	AMD	04-06-024	388-71-0202	AMD	04-16-029
388-14A-4135	NEW-P	04-13-139	388-27-0175	AMD-E	04-03-018	388-71-0405	AMD-E	04-10-062
388-14A-4135	NEW-E	04-14-054	388-27-0175	AMD	04-06-024	388-71-0405	AMD-P	04-10-101
388-14A-4140	NEW-E	04-07-057	388-27-0190	AMD-E	04-03-018	388-71-0405	AMD	04-16-029
388-14A-4140	NEW-P	04-13-139	388-27-0190	AMD	04-06-024	388-71-0410	AMD-E	04-10-062
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388-14A-4143	NEW-E	04-07-057	388-27-0195	AMD	04-06-024	388-71-0410	AMD	04-16-029
388-14A-4143	NEW-P	04-13-139	388-27-0200	AMD-E	04-03-018	388-71-0415	AMD-E	04-10-062
388-14A-4143	NEW-E	04-14-054	388-27-0200	AMD	04-06-024	388-71-0415	AMD-P	04-10-101
388-14A-4145	NEW-E	04-07-057	388-27-0210	AMD-E	04-03-018	388-71-0415	AMD	04-16-029
388-14A-4145	NEW-P	04-13-139	388-27-0210	AMD	04-06-024	388-71-0420	AMD-E	04-10-062
388-14A-4145	NEW-E	04-14-054	388-27-0215	AMD-E	04-03-018	388-71-0420	AMD-P	04-10-101
388-14A-4150	NEW-E	04-07-057	388-27-0215	AMD	04-06-024	388-71-0420	AMD	04-16-029
388-14A-4150	NEW-P	04-13-139	388-27-0220	AMD-E	04-03-018	388-71-0425	AMD-E	04-10-062
388-14A-4150	NEW-E	04-14-054	388-27-0220	AMD	04-06-024	388-71-0425	AMD-P	04-10-101
388-14A-4160	NEW-E	04-07-057	388-27-0225	REP-E	04-03-018	388-71-0425	AMD	04-16-029
388-14A-4160	NEW-P	04-13-139	388-27-0225	REP	04-06-024	388-71-0440	AMD-E	04-10-062
388-14A-4160	NEW-E	04-14-054	388-27-0230	AMD-E	04-03-018	388-71-0440	AMD-P	04-10-101
388-14A-4165	NEW-E	04-07-057	388-27-0230	AMD	04-06-024	388-71-0440	AMD	04-16-029
388-14A-4165	NEW-P	04-13-139	388-27-0235	REP-E	04-03-018	388-71-0465	AMD-E	04-10-062
388-14A-4165	NEW-E	04-14-054	388-27-0235	REP	04-06-024	388-71-0465	AMD-P	04-10-101
388-14A-4170	NEW-E	04-07-057	388-27-0240	REP-E	04-03-018	388-71-0465	AMD	04-16-029
388-14A-4170	NEW-P	04-13-139	388-27-0240	REP	04-06-024	388-71-0470	AMD-E	04-10-062
388-14A-4170	NEW-E	04-14-054	388-27-0245	REP-E	04-03-018	388-71-0470	AMD-P	04-10-101
388-14A-4175	NEW-E	04-07-057	388-27-0245	REP	04-06-024	388-71-0470	AMD	04-16-029
388-14A-4175	NEW-P	04-13-139	388-27-0270	REP-E	04-03-018	388-71-0480	AMD-E	04-10-062
388-14A-4175	NEW-E	04-14-054	388-27-0270	REP	04-06-024	388-71-0480	AMD-P	04-10-101
388-14A-5000	PREP	04-07-166	388-61-001	AMD-P	04-16-105	388-71-0480	AMD	04-16-029
388-14A-5001	PREP	04-08-069	388-71-0100	AMD-P	04-13-138	388-71-0510	AMD-E	04-10-062
388-14A-6300	PREP	04-09-036	388-71-0105	AMD-E	04-06-039	388-71-0510	AMD-P	04-10-101
388-25	PREP	04-07-059	388-71-0105	AMD-P	04-13-138	388-71-0510	AMD	04-16-029
388-25-0225	PREP	04-08-068	388-71-0105	AMD-E	04-14-013	388-71-0531	NEW	04-04-042
388-25-0225	AMD-E	04-15-082	388-71-0110	AMD-P	04-13-138	388-71-0531	REP-E	04-07-058
388-25-0226	PREP	04-08-068	388-71-0115	AMD-P	04-13-138	388-71-0531	PREP	04-07-060
388-25-0226	NEW-E	04-15-082	388-71-0116	NEW-E	04-06-039	388-71-0531	REP-P	04-11-085
388-25-0227	NEW-E	04-15-082	388-71-0116	NEW-E	04-14-013	388-71-0531	REP	04-15-001
388-25-0228	NEW-E	04-15-082	388-71-0120	REP-P	04-13-138	388-71-0531	REP-E	04-15-011
388-25-0230	PREP	04-08-068	388-71-01205	NEW-P	04-13-138	388-71-05665	AMD-E	04-10-062
388-25-0230	REP-E	04-15-082	388-71-0121	NEW-P	04-13-138	388-71-05665	AMD-P	04-10-101
388-25-1000	NEW-E	04-07-091	388-71-01210	NEW-P	04-13-138	388-71-05665	AMD	04-16-029
388-25-1000	NEW-E	04-15-055	388-71-01215	NEW-P	04-13-138	388-71-0700	AMD-E	04-10-062
388-25-1010	NEW-E	04-07-091	388-71-01220	NEW-P	04-13-138	388-71-0700	AMD-P	04-10-101
388-25-1010	NEW-E	04-15-055	388-71-01225	NEW-P	04-13-138	388-71-0700	AMD	04-16-029
388-25-1020	NEW-E	04-07-091	388-71-01230	NEW-P	04-13-138	388-71-0708	AMD-E	04-10-062
388-25-1020	NEW-E	04-15-055	388-71-01235	NEW-P	04-13-138	388-71-0708	AMD-P	04-10-101
388-25-1030	NEW-E	04-07-091	388-71-01240	NEW-P	04-13-138	388-71-0708	AMD	04-16-029
388-25-1030	NEW-E	04-15-055	388-71-01245	NEW-P	04-13-138	388-71-0900	PREP	04-07-061
388-25-1040	NEW-E	04-07-091	388-71-01250	NEW-P	04-13-138	388-71-0905	PREP	04-07-061
388-25-1040	NEW-E	04-15-055	388-71-01255	NEW-P	04-13-138	388-71-0910	PREP	04-07-061
388-25-1050	NEW-E	04-07-091	388-71-01260	NEW-P	04-13-138	388-71-0915	PREP	04-07-061
388-25-1050	NEW-E	04-15-055	388-71-01265	NEW-P	04-13-138	388-71-0915	AMD-E	04-10-062
388-27-0120	AMD-E	04-03-018	388-71-01270	NEW-P	04-13-138	388-71-0915	AMD-P	04-10-101
388-27-0120	AMD	04-06-024	388-71-01275	NEW-P	04-13-138	388-71-0915	AMD	04-16-029
388-27-0130	AMD-E	04-03-018	388-71-01280	NEW-P	04-13-138	388-71-0920	PREP	04-07-061
388-27-0130	AMD	04-06-024	388-71-0150	REP-P	04-13-138	388-71-0925	PREP	04-07-061
388-27-0135	AMD-E	04-03-018	388-71-0155	REP-P	04-13-138	388-71-0930	PREP	04-07-061
388-27-0135	AMD	04-06-024	388-71-0194	AMD-E	04-10-062	388-71-0935	PREP	04-07-061
388-27-0155	AMD-E	04-03-018	388-71-0194	AMD-P	04-10-101	388-71-0940	PREP	04-07-061
388-27-0155	AMD	04-06-024	388-71-0194	AMD	04-16-029	388-71-0945	PREP	04-07-061
388-27-0160	AMD-E	04-03-018	388-71-0202	AMD	04-04-042	388-71-0950	PREP	04-07-061
388-27-0160	AMD	04-06-024	388-71-0202	AMD-E	04-10-062	388-71-0955	PREP	04-07-061

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388- 71-0960	AMD-E	04-10-062	388- 72A-0060	AMD-E	04-10-062	388- 72A-0100	AMD-P	04-10-101
388- 71-0960	AMD-P	04-10-101	388- 72A-0060	AMD-P	04-10-101	388- 72A-0100	AMD	04-16-029
388- 71-0960	AMD	04-16-029	388- 72A-0060	AMD-P	04-14-099	388- 72A-0115	NEW-E	04-09-094
388- 71-0965	PREP	04-07-061	388- 72A-0060	AMD-E	04-15-013	388- 72A-0115	NEW-P	04-14-099
388- 71-1105	AMD-E	04-10-062	388- 72A-0060	AMD	04-16-029	388- 72A-0115	NEW-E	04-15-013
388- 71-1105	AMD-P	04-10-101	388- 72A-0065	AMD-E	04-09-094	388- 72A-0120	NEW-P	04-14-099
388- 71-1105	AMD	04-16-029	388- 72A-0065	AMD-E	04-10-062	388- 72A-0120	NEW-E	04-15-013
388- 72A	PREP	04-09-089	388- 72A-0065	AMD-P	04-10-101	388- 78A	PREP	04-06-072
388- 72A-0010	AMD-E	04-09-094	388- 72A-0065	AMD-P	04-14-099	388- 78A	PREP	04-07-189
388- 72A-0010	AMD-P	04-10-097	388- 72A-0065	AMD-E	04-15-013	388- 78A	PREP-W	04-08-034
388- 72A-0010	AMD-W	04-11-082	388- 72A-0065	AMD	04-16-029	388- 78A-0010	REP-P	04-11-116
388- 72A-0010	AMD-S	04-11-086	388- 72A-0069	NEW-E	04-09-094	388- 78A-0010	REP	04-16-065
388- 72A-0010	AMD-W	04-14-096	388- 72A-0069	NEW-P	04-14-099	388- 78A-0020	REP-P	04-11-116
388- 72A-0010	AMD-P	04-14-099	388- 72A-0069	NEW-E	04-15-013	388- 78A-0020	REP	04-16-065
388- 72A-0010	AMD-E	04-15-013	388- 72A-0070	AMD-E	04-09-094	388- 78A-0030	REP-P	04-11-116
388- 72A-0035	AMD-P	04-14-099	388- 72A-0070	AMD-P	04-14-099	388- 78A-0030	REP	04-16-065
388- 72A-0035	AMD-E	04-15-013	388- 72A-0070	AMD-E	04-15-013	388- 78A-0040	REP-P	04-11-116
388- 72A-0036	NEW-E	04-09-094	388- 72A-0075	REP-E	04-09-094	388- 78A-0040	REP	04-16-065
388- 72A-0036	NEW-P	04-10-097	388- 72A-0075	REP-P	04-14-099	388- 78A-0050	REP-P	04-11-116
388- 72A-0036	NEW-W	04-11-082	388- 72A-0075	REP-E	04-15-013	388- 78A-0050	REP	04-16-065
388- 72A-0036	NEW-S	04-11-086	388- 72A-0080	AMD-E	04-09-094	388- 78A-0060	REP-P	04-11-116
388- 72A-0036	NEW-W	04-14-096	388- 72A-0080	AMD-P	04-14-099	388- 78A-0060	REP	04-16-065
388- 72A-0036	NEW-P	04-14-099	388- 72A-0080	AMD-E	04-15-013	388- 78A-0070	REP-P	04-11-116
388- 72A-0036	NEW-E	04-15-013	388- 72A-0081	NEW-E	04-09-094	388- 78A-0070	REP	04-16-065
388- 72A-0037	NEW-E	04-09-094	388- 72A-0081	NEW-P	04-14-099	388- 78A-0080	REP-P	04-11-116
388- 72A-0037	NEW-P	04-14-099	388- 72A-0081	NEW-E	04-15-013	388- 78A-0080	REP	04-16-065
388- 72A-0037	NEW-E	04-15-013	388- 72A-0082	NEW-E	04-09-094	388- 78A-0090	REP-P	04-11-116
388- 72A-0038	NEW-E	04-09-094	388- 72A-0082	NEW-P	04-14-099	388- 78A-0090	REP	04-16-065
388- 72A-0038	NEW-P	04-14-099	388- 72A-0082	NEW-E	04-15-013	388- 78A-0100	REP-P	04-11-116
388- 72A-0038	NEW-E	04-15-013	388- 72A-0083	NEW-E	04-09-094	388- 78A-0100	REP	04-16-065
388- 72A-0039	NEW-E	04-09-094	388- 72A-0083	NEW-P	04-14-099	388- 78A-0110	REP-P	04-11-116
388- 72A-0039	NEW-P	04-14-099	388- 72A-0083	NEW-E	04-15-013	388- 78A-0110	REP	04-16-065
388- 72A-0039	NEW-E	04-15-013	388- 72A-0084	NEW-E	04-09-094	388- 78A-0120	REP-P	04-11-116
388- 72A-0040	REP-E	04-09-094	388- 72A-0084	NEW-P	04-14-099	388- 78A-0120	REP	04-16-065
388- 72A-0040	REP-P	04-14-099	388- 72A-0084	NEW-E	04-15-013	388- 78A-0130	REP-P	04-11-116
388- 72A-0040	REP-E	04-15-013	388- 72A-0085	AMD-E	04-09-094	388- 78A-0130	REP	04-16-065
388- 72A-0041	NEW-E	04-09-094	388- 72A-0085	AMD-P	04-14-099	388- 78A-0140	REP-P	04-11-116
388- 72A-0041	NEW-P	04-10-097	388- 72A-0085	AMD-E	04-15-013	388- 78A-0140	REP	04-16-065
388- 72A-0041	NEW-W	04-11-082	388- 72A-0086	NEW-E	04-09-094	388- 78A-0150	REP-P	04-11-116
388- 72A-0041	NEW-S	04-11-086	388- 72A-0086	NEW-P	04-10-097	388- 78A-0150	REP	04-16-065
388- 72A-0041	NEW-W	04-14-096	388- 72A-0086	NEW-W	04-11-082	388- 78A-0160	REP-P	04-11-116
388- 72A-0041	NEW-P	04-14-099	388- 72A-0086	NEW-S	04-11-086	388- 78A-0160	REP	04-16-065
388- 72A-0041	NEW-E	04-15-013	388- 72A-0086	NEW-W	04-14-096	388- 78A-0170	REP-P	04-11-116
388- 72A-0042	NEW-P	04-10-097	388- 72A-0086	NEW-P	04-14-099	388- 78A-0170	REP	04-16-065
388- 72A-0042	NEW-W	04-11-082	388- 72A-0086	NEW-E	04-15-013	388- 78A-0180	REP-P	04-11-116
388- 72A-0042	NEW-S	04-11-086	388- 72A-0087	NEW-E	04-09-094	388- 78A-0180	REP	04-16-065
388- 72A-0042	NEW-W	04-14-096	388- 72A-0087	NEW-P	04-14-099	388- 78A-0190	REP-P	04-11-116
388- 72A-0042	NEW-P	04-14-099	388- 72A-0087	NEW-E	04-15-013	388- 78A-0190	REP	04-16-065
388- 72A-0042	NEW-E	04-15-013	388- 72A-0090	AMD-E	04-09-094	388- 78A-0200	REP-P	04-11-116
388- 72A-0053	NEW-E	04-10-062	388- 72A-0090	AMD-P	04-14-099	388- 78A-0200	REP	04-16-065
388- 72A-0053	NEW-P	04-10-101	388- 72A-0090	AMD-E	04-15-013	388- 78A-0210	REP-P	04-11-116
388- 72A-0053	NEW	04-16-029	388- 72A-0092	NEW-E	04-09-094	388- 78A-0210	REP	04-16-065
388- 72A-0055	AMD-E	04-09-094	388- 72A-0092	NEW-P	04-14-099	388- 78A-0220	REP-P	04-11-116
388- 72A-0055	AMD-P	04-14-099	388- 72A-0092	NEW-E	04-15-013	388- 78A-0220	REP	04-16-065
388- 72A-0055	AMD-E	04-15-013	388- 72A-0095	AMD-E	04-09-094	388- 78A-0230	REP-P	04-11-116
388- 72A-0057	NEW-E	04-10-062	388- 72A-0095	AMD-P	04-10-097	388- 78A-0230	REP	04-16-065
388- 72A-0057	NEW-P	04-10-101	388- 72A-0095	AMD-W	04-11-082	388- 78A-0240	REP-P	04-11-116
388- 72A-0057	NEW	04-16-029	388- 72A-0095	AMD-S	04-11-086	388- 78A-0240	REP	04-16-065
388- 72A-0058	NEW-E	04-10-062	388- 72A-0095	AMD-W	04-14-096	388- 78A-0250	REP-P	04-11-116
388- 72A-0058	NEW-P	04-10-101	388- 72A-0095	AMD-P	04-14-099	388- 78A-0250	REP	04-16-065
388- 72A-0058	NEW	04-16-029	388- 72A-0095	AMD-E	04-15-013	388- 78A-0260	REP-P	04-11-116

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-78A-2870	NEW	04-16-065	388-78A-3180	NEW	04-16-065	388-110-140	AMD	04-16-063
388-78A-2880	NEW-P	04-11-116	388-78A-3190	NEW-P	04-11-116	388-110-150	AMD-P	04-13-021
388-78A-2880	NEW	04-16-065	388-78A-3190	NEW	04-16-065	388-110-150	AMD	04-16-063
388-78A-2890	NEW-P	04-11-116	388-78A-3200	NEW-P	04-11-116	388-110-170	REP-P	04-13-021
388-78A-2890	NEW	04-16-065	388-78A-3200	NEW	04-16-065	388-110-170	REP	04-16-063
388-78A-2900	NEW-P	04-11-116	388-78A-3210	NEW-P	04-11-116	388-110-180	REP-P	04-13-021
388-78A-2900	NEW	04-16-065	388-78A-3210	NEW	04-16-065	388-110-180	REP	04-16-063
388-78A-2910	NEW-P	04-11-116	388-78A-3220	NEW-P	04-11-116	388-110-190	REP-P	04-13-021
388-78A-2910	NEW	04-16-065	388-78A-3220	NEW	04-16-065	388-110-190	REP	04-16-063
388-78A-2920	NEW-P	04-11-116	388-78A-3230	NEW-P	04-11-116	388-110-200	REP-P	04-13-021
388-78A-2920	NEW	04-16-065	388-78A-3230	NEW	04-16-065	388-110-200	REP	04-16-063
388-78A-2930	NEW-P	04-11-116	388-96	PREP	04-08-133	388-110-220	AMD-P	04-13-021
388-78A-2930	NEW	04-16-065	388-97-017	PREP	04-12-095	388-110-220	AMD	04-16-063
388-78A-2940	NEW-P	04-11-116	388-97-125	PREP	04-06-055	388-110-240	AMD-P	04-13-021
388-78A-2940	NEW	04-16-065	388-105	PREP	04-10-089	388-110-240	AMD	04-16-063
388-78A-2950	NEW-P	04-11-116	388-105-0005	AMD-P	04-04-044	388-110-260	AMD-P	04-13-021
388-78A-2950	NEW	04-16-065	388-105-0005	AMD-E	04-06-038	388-110-260	AMD	04-16-063
388-78A-2960	NEW-P	04-11-116	388-105-0005	AMD-W	04-06-056	388-110-270	AMD-P	04-13-021
388-78A-2960	NEW	04-16-065	388-105-0005	AMD-P	04-06-075	388-110-270	AMD	04-16-063
388-78A-2970	NEW-P	04-11-116	388-105-0005	AMD	04-09-092	388-110-280	AMD-P	04-13-021
388-78A-2970	NEW	04-16-065	388-105-0030	AMD-P	04-04-044	388-110-280	AMD	04-16-063
388-78A-2980	NEW-P	04-11-116	388-105-0030	AMD-E	04-06-038	388-140-0005	NEW-E	04-03-010D
388-78A-2980	NEW	04-16-065	388-105-0030	AMD-W	04-06-056	388-140-0010	NEW-E	04-03-010D
388-78A-2990	NEW-P	04-11-116	388-105-0030	AMD-P	04-06-075	388-140-0015	NEW-E	04-03-010D
388-78A-2990	NEW	04-16-065	388-105-0030	AMD	04-09-092	388-140-0020	NEW-E	04-03-010D
388-78A-3000	NEW-P	04-11-116	388-105-0040	AMD-P	04-04-044	388-140-0025	NEW-E	04-03-010D
388-78A-3000	NEW	04-16-065	388-105-0040	AMD-E	04-06-038	388-140-0030	NEW-E	04-03-010D
388-78A-3010	NEW-P	04-11-116	388-105-0040	AMD-W	04-06-056	388-140-0035	NEW-E	04-03-010D
388-78A-3010	NEW	04-16-065	388-105-0040	AMD-P	04-06-075	388-140-0040	NEW-E	04-03-010D
388-78A-3020	NEW-P	04-11-116	388-105-0040	AMD	04-09-092	388-140-0045	NEW-E	04-03-010D
388-78A-3020	NEW	04-16-065	388-105-0045	NEW-P	04-04-044	388-140-0050	NEW-E	04-03-010D
388-78A-3030	NEW-P	04-11-116	388-105-0045	NEW-E	04-06-038	388-140-0055	NEW-E	04-03-010D
388-78A-3030	NEW	04-16-065	388-105-0045	NEW-W	04-06-056	388-140-0060	NEW-E	04-03-010D
388-78A-3040	NEW-P	04-11-116	388-105-0045	NEW-P	04-06-075	388-140-0065	NEW-E	04-03-010D
388-78A-3040	NEW	04-16-065	388-105-0045	NEW	04-09-092	388-140-0070	NEW-E	04-03-010D
388-78A-3050	NEW-P	04-11-116	388-110	AMD-P	04-13-021	388-140-0075	NEW-E	04-03-010D
388-78A-3050	NEW	04-16-065	388-110	AMD	04-16-063	388-140-0080	NEW-E	04-03-010D
388-78A-3060	NEW-P	04-11-116	388-110-005	AMD-P	04-13-021	388-140-0085	NEW-E	04-03-010D
388-78A-3060	NEW	04-16-065	388-110-005	AMD	04-16-063	388-140-0090	NEW-E	04-03-010D
388-78A-3070	NEW-P	04-11-116	388-110-010	AMD-P	04-13-021	388-140-0095	NEW-E	04-03-010D
388-78A-3070	NEW	04-16-065	388-110-010	AMD	04-16-063	388-140-0100	NEW-E	04-03-010D
388-78A-3080	NEW-P	04-11-116	388-110-010	AMD	04-16-063	388-140-0105	NEW-E	04-03-010D
388-78A-3080	NEW	04-16-065	388-110-020	AMD-P	04-13-021	388-140-0110	NEW-E	04-03-010D
388-78A-3090	NEW-P	04-11-116	388-110-020	AMD	04-16-063	388-140-0115	NEW-E	04-03-010D
388-78A-3090	NEW	04-16-065	388-110-030	AMD-P	04-13-021	388-140-0120	NEW-E	04-03-010D
388-78A-3100	NEW-P	04-11-116	388-110-030	AMD	04-16-063	388-140-0125	NEW-E	04-03-010D
388-78A-3100	NEW	04-16-065	388-110-040	AMD-P	04-13-021	388-140-0130	NEW-E	04-03-010D
388-78A-3110	NEW-P	04-11-116	388-110-040	AMD	04-16-063	388-140-0135	NEW-E	04-03-010D
388-78A-3110	NEW	04-16-065	388-110-050	AMD-P	04-13-021	388-140-0140	NEW-E	04-03-010D
388-78A-3120	NEW-P	04-11-116	388-110-050	AMD	04-16-063	388-140-0145	NEW-E	04-03-010D
388-78A-3120	NEW	04-16-065	388-110-060	REP-P	04-13-021	388-140-0150	NEW-E	04-03-010D
388-78A-3130	NEW-P	04-11-116	388-110-060	REP	04-16-063	388-140-0155	NEW-E	04-03-010D
388-78A-3130	NEW	04-16-065	388-110-060	REP	04-16-063	388-140-0160	NEW-E	04-03-010D
388-78A-3140	NEW-P	04-11-116	388-110-070	AMD-P	04-13-021	388-140-0165	NEW-E	04-03-010D
388-78A-3140	NEW	04-16-065	388-110-070	AMD	04-16-063	388-140-0170	NEW-E	04-03-010D
388-78A-3150	NEW-P	04-11-116	388-110-080	REP-P	04-13-021	388-140-0175	NEW-E	04-03-010D
388-78A-3150	NEW	04-16-065	388-110-080	REP	04-16-063	388-140-0180	NEW-E	04-03-010D
388-78A-3160	NEW-P	04-11-116	388-110-090	AMD-P	04-13-021	388-140-0185	NEW-E	04-03-010D
388-78A-3160	NEW	04-16-065	388-110-090	AMD	04-16-063	388-140-0190	NEW-E	04-03-010D
388-78A-3170	NEW-P	04-11-116	388-110-100	AMD-P	04-13-021	388-140-0195	NEW-E	04-03-010D
388-78A-3170	NEW	04-16-065	388-110-100	AMD	04-16-063	388-140-2000	NEW-E	04-03-010D
388-78A-3180	NEW-P	04-11-116	388-110-120	AMD-P	04-13-021	388-140-0205	NEW-E	04-03-010D
			388-110-120	AMD	04-16-063			
			388-110-140	AMD-P	04-13-021			

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388-140-0210	NEW-E	04-03-010D	388-140-0520	NEW-E	04-03-010D	388-148-0075	AMD	04-08-073
388-140-0215	NEW-E	04-03-010D	388-140-0525	NEW-E	04-03-010D	388-148-0085	AMD-P	04-03-116
388-140-0220	NEW-E	04-03-010D	388-140-0530	NEW-E	04-03-010D	388-148-0085	AMD	04-08-073
388-140-0225	NEW-E	04-03-010D	388-140-0535	NEW-E	04-03-010D	388-148-0090	AMD-P	04-03-116
388-140-0230	NEW-E	04-03-010D	388-140-0540	NEW-E	04-03-010D	388-148-0090	AMD	04-08-073
388-140-0235	NEW-E	04-03-010D	388-140-0545	NEW-E	04-03-010D	388-148-0095	AMD-P	04-03-116
388-140-0240	NEW-E	04-03-010D	388-140-0550	NEW-E	04-03-010D	388-148-0095	AMD-E	04-05-035
388-140-0245	NEW-E	04-03-010D	388-140-0560	NEW-E	04-03-010D	388-148-0095	AMD	04-08-073
388-140-0250	NEW-E	04-03-010D	388-140-0565	NEW-E	04-03-010D	388-148-0098	NEW-P	04-03-116
388-140-0255	NEW-E	04-03-010D	388-140-0570	NEW-E	04-03-010D	388-148-0098	NEW	04-08-073
388-140-0260	NEW-E	04-03-010D	388-140-0575	NEW-E	04-03-010D	388-148-0100	AMD-P	04-03-116
388-140-0265	NEW-E	04-03-010D	388-140-0580	NEW-E	04-03-010D	388-148-0100	AMD	04-08-073
388-140-0270	NEW-E	04-03-010D	388-140-0585	NEW-E	04-03-010D	388-148-0110	AMD-P	04-03-116
388-140-0275	NEW-E	04-03-010D	388-140-0590	NEW-E	04-03-010D	388-148-0110	AMD	04-08-073
388-140-0280	NEW-E	04-03-010D	388-140-0595	NEW-E	04-03-010D	388-148-0120	AMD-P	04-03-116
388-140-0285	NEW-E	04-03-010D	388-140-0600	NEW-E	04-03-010D	388-148-0120	AMD-E	04-05-035
388-140-0290	NEW-E	04-03-010D	388-140-0605	NEW-E	04-03-010D	388-148-0120	AMD	04-08-073
388-140-0295	NEW-E	04-03-010D	388-140-0610	NEW-E	04-03-010D	388-148-0125	AMD-P	04-03-116
388-140-0300	NEW-E	04-03-010D	388-140-0615	NEW-E	04-03-010D	388-148-0125	AMD-E	04-05-035
388-140-0305	NEW-E	04-03-010D	388-140-0620	NEW-E	04-03-010D	388-148-0125	AMD	04-08-073
388-140-0310	NEW-E	04-03-010D	388-140-0625	NEW-E	04-03-010D	388-148-0127	NEW-P	04-03-116
388-140-0315	NEW-E	04-03-010D	388-140-0630	NEW-E	04-03-010D	388-148-0127	NEW	04-08-073
388-140-0320	NEW-E	04-03-010D	388-140-0635	NEW-E	04-03-010D	388-148-0130	AMD-P	04-03-116
388-140-0325	NEW-E	04-03-010D	388-148	AMD-P	04-03-116	388-148-0130	AMD	04-08-073
388-140-0330	NEW-E	04-03-010D	388-148	AMD	04-08-073	388-148-0135	AMD-P	04-03-116
388-140-0335	NEW-E	04-03-010D	388-148-0005	AMD-P	04-03-116	388-148-0135	AMD	04-08-073
388-140-0340	NEW-E	04-03-010D	388-148-0005	AMD	04-08-073	388-148-0140	AMD-P	04-03-116
388-140-0345	NEW-E	04-03-010D	388-148-0010	AMD-P	04-03-116	388-148-0140	AMD-E	04-05-035
388-140-0350	NEW-E	04-03-010D	388-148-0010	AMD	04-08-073	388-148-0140	AMD	04-08-073
388-140-0355	NEW-E	04-03-010D	388-148-0015	AMD-P	04-03-116	388-148-0150	AMD-P	04-03-116
388-140-0360	NEW-E	04-03-010D	388-148-0015	AMD	04-08-073	388-148-0150	AMD	04-08-073
388-140-0365	NEW-E	04-03-010D	388-148-0020	AMD-P	04-03-116	388-148-0165	AMD-P	04-03-116
388-140-0370	NEW-E	04-03-010D	388-148-0020	AMD	04-08-073	388-148-0165	AMD	04-08-073
388-140-0375	NEW-E	04-03-010D	388-148-0025	AMD-P	04-03-116	388-148-0170	AMD-P	04-03-116
388-140-0380	NEW-E	04-03-010D	388-148-0025	AMD	04-08-073	388-148-0170	AMD-E	04-05-035
388-140-0385	NEW-E	04-03-010D	388-148-0035	AMD-P	04-03-116	388-148-0170	AMD	04-08-073
388-140-0390	NEW-E	04-03-010D	388-148-0035	AMD-E	04-05-035	388-148-0180	AMD-P	04-03-116
388-140-0395	NEW-E	04-03-010D	388-148-0035	AMD	04-08-073	388-148-0180	AMD	04-08-073
388-140-0400	NEW-E	04-03-010D	388-148-0040	AMD-P	04-03-116	388-148-0185	AMD-P	04-03-116
388-140-0405	NEW-E	04-03-010D	388-148-0040	AMD-E	04-05-035	388-148-0185	AMD	04-08-073
388-140-0410	NEW-E	04-03-010D	388-148-0040	AMD	04-08-073	388-148-0200	AMD-P	04-03-116
388-140-0415	NEW-E	04-03-010D	388-148-0045	AMD-P	04-03-116	388-148-0200	AMD	04-08-073
388-140-0420	NEW-E	04-03-010D	388-148-0045	AMD-E	04-05-035	388-148-0210	AMD-P	04-03-116
388-140-0425	NEW-E	04-03-010D	388-148-0045	AMD	04-08-073	388-148-0210	AMD	04-08-073
388-140-0430	NEW-E	04-03-010D	388-148-0050	AMD-P	04-03-116	388-148-0220	AMD-P	04-03-116
388-140-0435	NEW-E	04-03-010D	388-148-0050	AMD-E	04-05-035	388-148-0220	AMD-E	04-05-035
388-140-0440	NEW-E	04-03-010D	388-148-0050	AMD	04-08-073	388-148-0220	AMD	04-08-073
388-140-0445	NEW-E	04-03-010D	388-148-0050	AMD-P	04-16-001	388-148-0225	AMD-P	04-03-116
388-140-0450	NEW-E	04-03-010D	388-148-0055	AMD-P	04-03-116	388-148-0225	AMD	04-08-073
388-140-0455	NEW-E	04-03-010D	388-148-0055	AMD	04-08-073	388-148-0230	AMD-P	04-03-116
388-140-0460	NEW-E	04-03-010D	388-148-0058	NEW-P	04-03-116	388-148-0230	AMD	04-08-073
388-140-0465	NEW-E	04-03-010D	388-148-0058	NEW-E	04-05-035	388-148-0235	AMD-P	04-03-116
388-140-0470	NEW-E	04-03-010D	388-148-0058	NEW	04-08-073	388-148-0235	AMD	04-08-073
388-140-0475	NEW-E	04-03-010D	388-148-0060	AMD-P	04-03-116	388-148-0240	AMD-P	04-03-116
388-140-0480	NEW-E	04-03-010D	388-148-0060	AMD-E	04-05-035	388-148-0240	AMD	04-08-073
388-140-0485	NEW-E	04-03-010D	388-148-0060	AMD	04-08-073	388-148-0245	AMD-P	04-03-116
388-140-0490	NEW-E	04-03-010D	388-148-0065	AMD-P	04-03-116	388-148-0245	AMD	04-08-073
388-140-0495	NEW-E	04-03-010D	388-148-0065	AMD-E	04-05-035	388-148-0250	AMD-P	04-03-116
388-140-0500	NEW-E	04-03-010D	388-148-0065	AMD	04-08-073	388-148-0250	AMD	04-08-073
388-140-0505	NEW-E	04-03-010D	388-148-0070	AMD-P	04-03-116	388-148-0255	AMD-P	04-03-116
388-140-0510	NEW-E	04-03-010D	388-148-0070	AMD	04-08-073	388-148-0255	AMD	04-08-073
388-140-0515	NEW-E	04-03-010D	388-148-0075	AMD-P	04-03-116	388-148-0260	AMD-P	04-03-116

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388-148-0260	AMD-E	04-05-035	388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073
388-148-0260	AMD	04-08-073	388-148-0455	AMD	04-08-073	388-148-0650	REP-P	04-03-116
388-148-0265	AMD-P	04-03-116	388-148-0460	AMD-P	04-03-116	388-148-0650	REP	04-08-073
388-148-0265	AMD	04-08-073	388-148-0460	AMD-E	04-05-035	388-148-0655	AMD-P	04-03-116
388-148-0270	AMD-P	04-03-116	388-148-0460	AMD	04-08-073	388-148-0655	AMD	04-08-073
388-148-0270	AMD-E	04-05-035	388-148-0462	NEW-E	04-05-035	388-148-0660	AMD-P	04-03-116
388-148-0270	AMD	04-08-073	388-148-0470	AMD-P	04-03-116	388-148-0660	AMD	04-08-073
388-148-0275	AMD-P	04-03-116	388-148-0470	AMD	04-08-073	388-148-0670	AMD-P	04-03-116
388-148-0275	AMD	04-08-073	388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073
388-148-0285	REP-P	04-03-116	388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116
388-148-0285	REP	04-08-073	388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073
388-148-0300	AMD-P	04-03-116	388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116
388-148-0300	AMD	04-08-073	388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073
388-148-0305	AMD-P	04-03-116	388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116
388-148-0305	AMD	04-08-073	388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035
388-148-0315	AMD-P	04-03-116	388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073
388-148-0315	AMD	04-08-073	388-148-0490	AMD-P	04-03-116	388-148-0705	AMD-P	04-03-116
388-148-0320	AMD-P	04-03-116	388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073
388-148-0320	AMD	04-08-073	388-148-0500	REP-P	04-03-116	388-148-0710	AMD-P	04-03-116
388-148-0325	AMD-P	04-03-116	388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073
388-148-0325	AMD	04-08-073	388-148-0520	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116
388-148-0335	AMD-P	04-03-116	388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073
388-148-0335	AMD-E	04-05-035	388-148-0520	AMD	04-08-073	388-148-0718	NEW-P	04-03-116
388-148-0335	AMD	04-08-073	388-148-0525	AMD-P	04-03-116	388-148-0718	NEW	04-08-073
388-148-0340	AMD-P	04-03-116	388-148-0525	AMD	04-08-073	388-148-0720	AMD-P	04-03-116
388-148-0340	AMD	04-08-073	388-148-0535	AMD-P	04-03-116	388-148-0720	AMD-E	04-05-035
388-148-0345	AMD-P	04-03-116	388-148-0535	AMD	04-08-073	388-148-0720	AMD	04-08-073
388-148-0345	AMD-E	04-05-035	388-148-0540	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116
388-148-0345	AMD	04-08-073	388-148-0540	AMD	04-08-073	388-148-0722	NEW-E	04-05-035
388-148-0350	AMD-P	04-03-116	388-148-0541	NEW-P	04-03-116	388-148-0722	NEW	04-08-073
388-148-0350	AMD-E	04-05-035	388-148-0541	NEW	04-08-073	388-148-0725	AMD-P	04-03-116
388-148-0350	AMD	04-08-073	388-148-0542	NEW-P	04-03-116	388-148-0725	AMD-E	04-05-035
388-148-0352	NEW-P	04-03-116	388-148-0542	NEW-E	04-05-035	388-148-0725	AMD	04-08-073
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388-148-0355	AMD-P	04-03-116	388-148-0555	AMD-P	04-03-116	388-148-0730	AMD	04-08-073
388-148-0355	AMD	04-08-073	388-148-0555	AMD	04-08-073	388-148-0735	REP-P	04-03-116
388-148-0360	REP-P	04-03-116	388-148-0560	AMD-P	04-03-116	388-148-0735	REP	04-08-073
388-148-0360	REP	04-08-073	388-148-0560	AMD-E	04-05-035	388-148-0750	AMD-P	04-03-116
388-148-0365	AMD-P	04-03-116	388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073
388-148-0365	AMD	04-08-073	388-148-0585	AMD-P	04-03-116	388-148-0765	AMD-P	04-03-116
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388-148-0375	AMD	04-08-073	388-148-0585	AMD	04-08-073	388-148-0775	AMD-P	04-03-116
388-148-0380	AMD-P	04-03-116	388-148-0600	AMD-P	04-03-116	388-148-0775	AMD	04-08-073
388-148-0380	AMD	04-08-073	388-148-0600	AMD	04-08-073	388-148-0785	AMD-P	04-03-116
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388-148-0385	AMD	04-08-073	388-148-0605	AMD	04-08-073	388-148-0785	AMD	04-08-073
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388-148-0395	AMD-E	04-05-035	388-148-0610	AMD	04-08-073	388-148-0795	AMD	04-08-073
388-148-0395	AMD	04-08-073	388-148-0615	REP-P	04-03-116	388-148-0800	AMD-P	04-03-116
388-148-0400	AMD-P	04-03-116	388-148-0615	REP	04-08-073	388-148-0800	AMD	04-08-073
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388-148-0422	NEW	04-08-073	388-148-0625	AMD-P	04-03-116	388-148-0810	AMD-P	04-03-116
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388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116	388-148-0830	AMD-P	04-03-116
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388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073	388-148-0860	AMD-P	04-03-116
388-148-0430	AMD	04-08-073	388-148-0635	REP-P	04-03-116	388-148-0860	AMD	04-08-073
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388-148-0880	AMD	04-08-073	388-148-1120	AMD-E	04-05-035	388-155-180	REP-P	04-07-134
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388-148-0885	AMD	04-08-073	388-148-1205	NEW-P	04-03-116	388-155-200	REP-P	04-07-134
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388-148-0890	AMD	04-08-073	388-148-1210	NEW-P	04-03-116	388-155-230	REP-P	04-07-134
388-148-0892	NEW-P	04-03-116	388-148-1210	NEW	04-08-073	388-155-240	REP-P	04-07-134
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388-148-0892	NEW	04-08-073	388-148-1215	NEW	04-08-073	388-155-270	REP-P	04-07-134
388-148-0895	AMD-P	04-03-116	388-148-1220	NEW-P	04-03-116	388-155-280	REP-P	04-07-134
388-148-0895	AMD	04-08-073	388-148-1220	NEW	04-08-073	388-155-290	REP-P	04-07-134
388-148-0900	AMD-P	04-03-116	388-148-1225	NEW-P	04-03-116	388-155-295	REP-P	04-07-134
388-148-0900	AMD	04-08-073	388-148-1225	NEW	04-08-073	388-155-310	REP-P	04-07-134
388-148-0905	AMD-P	04-03-116	388-148-1230	NEW-P	04-03-116	388-155-320	REP-P	04-07-134
388-148-0905	AMD	04-08-073	388-148-1230	NEW	04-08-073	388-155-330	REP-P	04-07-134
388-148-0915	AMD-P	04-03-116	388-148-1235	NEW-P	04-03-116	388-155-340	REP-P	04-07-134
388-148-0915	AMD-E	04-05-035	388-148-1235	NEW	04-08-073	388-155-350	REP-P	04-07-134
388-148-0915	AMD	04-08-073	388-148-1240	NEW-P	04-03-116	388-155-360	REP-P	04-07-134
388-148-0935	REP-P	04-03-116	388-148-1240	NEW	04-08-073	388-155-370	REP-P	04-07-134
388-148-0935	REP	04-08-073	388-148-1245	NEW-P	04-03-116	388-155-380	REP-P	04-07-134
388-148-0995	AMD-P	04-03-116	388-148-1245	NEW	04-08-073	388-155-390	REP-P	04-07-134
388-148-0995	AMD-E	04-05-035	388-148-1250	NEW-P	04-03-116	388-155-400	REP-P	04-07-134
388-148-0995	AMD	04-08-073	388-148-1250	NEW	04-08-073	388-155-410	REP-P	04-07-134
388-148-1020	REP-P	04-03-116	388-148-1255	NEW-P	04-03-116	388-155-420	REP-P	04-07-134
388-148-1020	REP	04-08-073	388-148-1255	NEW	04-08-073	388-155-430	REP-P	04-07-134
388-148-1025	AMD-P	04-03-116	388-148-1260	NEW-P	04-03-116	388-155-440	REP-P	04-07-134
388-148-1025	AMD	04-08-073	388-148-1260	NEW	04-08-073	388-155-450	REP-P	04-07-134
388-148-1030	AMD-P	04-03-116	388-148-1265	NEW-P	04-03-116	388-155-460	REP-P	04-07-134
388-148-1030	AMD	04-08-073	388-148-1265	NEW	04-08-073	388-155-470	REP-P	04-07-134
388-148-1035	AMD-P	04-03-116	388-148-1270	NEW-P	04-03-116	388-155-480	REP-P	04-07-134
388-148-1035	AMD	04-08-073	388-148-1270	NEW	04-08-073	388-155-490	REP-P	04-07-134
388-148-1045	AMD-P	04-03-116	388-148-1275	NEW-P	04-03-116	388-155-500	REP-P	04-07-134
388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073	388-155-600	REP-P	04-07-134
388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116	388-155-605	REP-P	04-07-134
388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073	388-155-610	REP-P	04-07-134
388-148-1060	AMD-P	04-03-116	388-155	REP-C	04-10-095	388-155-620	REP-P	04-07-134
388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134	388-155-630	REP-P	04-07-134
388-148-1060	AMD	04-08-073	388-155-010	REP-P	04-07-134	388-155-640	REP-P	04-07-134
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388-148-1065	REP	04-08-073	388-155-040	REP-P	04-07-134	388-155-660	REP-P	04-07-134
388-148-1066	NEW-P	04-03-116	388-155-050	REP-P	04-07-134	388-155-670	REP-P	04-07-134
388-148-1066	NEW	04-08-073	388-155-060	REP-P	04-07-134	388-155-680	REP-P	04-07-134
388-148-1070	AMD-P	04-03-116	388-155-070	REP-P	04-07-134	388-155-991	REP-P	04-07-134
388-148-1070	AMD-E	04-05-035	388-155-080	REP-P	04-07-134	388-155-992	REP-P	04-07-134
388-148-1070	AMD	04-08-073	388-155-083	REP-P	04-07-134	388-155-993	REP-P	04-07-134
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388-148-1076	NEW-E	04-05-035	388-155-090	REP-P	04-07-134	388-273-0025	AMD-P	04-07-089
388-148-1076	NEW	04-08-073	388-155-092	REP-P	04-07-134	388-273-0025	AMD-E	04-11-080
388-148-1077	NEW-P	04-03-116	388-155-093	REP-P	04-07-134	388-273-0025	AMD	04-13-136
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388-148-1077	NEW	04-08-073	388-155-095	REP-P	04-07-134	388-273-0030	AMD-P	04-07-089
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388-148-1078	NEW-E	04-05-035	388-155-097	REP-P	04-07-134	388-273-0030	AMD	04-13-136
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388-148-1079	NEW	04-08-073	388-155-120	REP-P	04-07-134	388-273-0035	AMD	04-13-136
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388-290-0010	AMD	04-08-021	388-290-0082	NEW	04-08-021	388-290-0155	PREP	04-13-046
388-290-0010	AMD	04-08-134	388-290-0082	NEW	04-08-134	388-290-0160	AMD-P	04-02-047
388-290-0012	NEW-P	04-02-047	388-290-0085	AMD-P	04-02-047	388-290-0160	AMD	04-08-021
388-290-0012	NEW	04-08-021	388-290-0085	AMD-E	04-05-079	388-290-0160	AMD	04-08-134
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388-290-0020	AMD	04-08-134	388-290-0090	PREP	04-13-046	388-290-0167	AMD	04-08-134
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388-290-0060	AMD-P	04-02-047	388-290-0135	AMD	04-08-021	388-290-0245	AMD	04-08-134
388-290-0060	AMD	04-08-021	388-290-0135	AMD	04-08-134	388-290-0247	NEW-P	04-02-047
388-290-0060	AMD	04-08-134	388-290-0140	AMD-P	04-02-047	388-290-0247	NEW	04-08-021
388-290-0060	PREP	04-13-046	388-290-0140	AMD	04-08-021	388-290-0247	NEW	04-08-134
388-290-0065	AMD-P	04-02-047	388-290-0140	AMD	04-08-134	388-290-0250	AMD-P	04-02-047
388-290-0065	AMD	04-08-021	388-290-0140	PREP	04-13-046	388-290-0250	AMD	04-08-021
388-290-0065	AMD	04-08-134	388-290-0143	AMD-P	04-02-047	388-290-0250	AMD	04-08-134
388-290-0070	AMD-P	04-02-047	388-290-0143	AMD	04-08-021	388-290-0255	AMD-P	04-02-047
388-290-0070	AMD	04-08-021	388-290-0143	AMD	04-08-134	388-290-0255	AMD	04-08-021
388-290-0070	AMD	04-08-134	388-290-0145	AMD-P	04-02-047	388-290-0255	AMD	04-08-134
388-290-0075	AMD-P	04-02-047	388-290-0145	AMD	04-08-021	388-290-0260	AMD-P	04-02-047
388-290-0075	AMD-E	04-05-079	388-290-0145	AMD	04-08-134	388-290-0260	AMD	04-08-021
388-290-0075	AMD	04-08-021	388-290-0150	AMD-P	04-02-047	388-290-0260	AMD	04-08-134
388-290-0075	AMD	04-08-134	388-290-0150	AMD	04-08-021	388-290-0265	AMD-P	04-02-047
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388-310-1600	AMD-P	04-03-095	388-424-0009	NEW-P	04-10-100	388-448-0190	REP-E	04-02-051
388-310-1600	AMD	04-07-025	388-424-0009	NEW	04-15-004	388-448-0190	REP-E	04-03-010E
388-310-1650	AMD-P	04-03-095	388-424-0010	AMD-P	04-10-100	388-448-0190	REP	04-07-140
388-310-1650	AMD	04-07-025	388-424-0010	AMD	04-15-004	388-448-0200	AMD-P	04-02-048
388-310-2000	AMD-C	04-02-058	388-424-0015	AMD-P	04-10-100	388-448-0200	AMD	04-07-140
388-310-2000	AMD	04-05-010	388-424-0015	AMD	04-15-004	388-448-0210	AMD-P	04-02-048
388-400-0005	AMD-P	04-10-099	388-424-0016	NEW-P	04-10-100	388-448-0210	AMD	04-07-140
388-400-0005	PREP	04-12-096	388-424-0016	NEW	04-15-004	388-450-0005	AMD-C	04-02-058
388-400-0005	AMD	04-15-057	388-424-0020	AMD-P	04-10-100	388-450-0005	AMD-W	04-04-034
388-400-0010	AMD-P	04-10-099	388-424-0020	AMD	04-15-004	388-450-0005	PREP	04-10-094
388-400-0010	AMD	04-15-057	388-424-0025	AMD-P	04-10-100	388-450-0005	PREP-W	04-13-099
388-400-0025	AMD-P	04-10-099	388-424-0025	AMD	04-15-004	388-450-0015	PREP	04-13-107
388-400-0025	AMD	04-15-057	388-426	PREP-W	04-03-052	388-450-0020	REP	04-09-005
388-400-0030	AMD-P	04-15-054	388-426-0005	AMD	04-03-050	388-450-0050	AMD-P	04-11-084
388-400-0040	AMD-P	04-10-096	388-434-0005	AMD	04-03-019	388-450-0050	AMD	04-14-043
388-400-0040	AMD-P	04-10-099	388-434-0005	PREP	04-07-086	388-450-0100	PREP	04-05-034
388-400-0040	AMD-E	04-14-039	388-434-0005	AMD-P	04-15-052	388-450-0100	AMD-P	04-10-099
388-400-0040	AMD	04-14-040	388-434-0010	PREP	04-11-083	388-450-0100	AMD	04-15-057
388-400-0040	AMD	04-15-057	388-434-0010	AMD-P	04-16-104	388-450-0106	AMD-P	04-10-099
388-408-0015	PREP	04-07-164	388-436-0002	AMD-P	04-02-049	388-450-0106	AMD	04-15-057
388-408-0034	AMD-P	04-02-050	388-436-0002	AMD-E	04-03-098	388-450-0116	AMD-P	04-10-099
388-408-0034	AMD	04-06-025	388-436-0002	AMD	04-07-023	388-450-0116	AMD	04-15-057
388-408-0035	AMD-P	04-02-050	388-436-0015	AMD-C	04-02-057	388-450-0140	AMD-P	04-10-096
388-408-0035	AMD	04-06-025	388-436-0015	AMD	04-05-013	388-450-0140	AMD-E	04-14-039
388-408-0035	AMD-P	04-10-096	388-436-0040	AMD-C	04-02-058	388-450-0140	AMD	04-14-040
388-408-0035	AMD-E	04-14-039	388-436-0040	AMD	04-05-010	388-450-0150	REP	04-09-005
388-408-0035	AMD	04-14-040	388-438-0100	REP-P	04-04-074	388-450-0156	AMD-P	04-10-099
388-410-0001	AMD-C	04-02-058	388-438-0100	REP-E	04-06-023	388-450-0156	AMD	04-15-057
388-410-0001	AMD	04-05-010	388-438-0100	REP	04-07-141	388-450-0165	AMD-C	04-02-058
388-412-0005	PREP	04-13-100	388-438-0110	AMD-P	04-10-099	388-450-0165	AMD	04-05-010
388-412-0015	AMD-P	04-13-098	388-438-0110	AMD	04-15-057	388-450-0170	AMD	04-03-051
388-414-0001	AMD-P	04-04-076	388-440	PREP-W	04-03-052	388-450-0185	PREP	04-12-092
388-414-0001	AMD	04-07-139	388-440-0001	AMD-C	04-02-058	388-450-0190	AMD-P	04-04-075
388-414-0001	PREP	04-08-036	388-440-0001	AMD	04-05-010	388-450-0190	AMD	04-07-138
388-414-0001	AMD-E	04-10-061	388-442-0010	PREP	04-10-091	388-450-0190	PREP	04-12-092
388-414-0001	AMD-P	04-10-098	388-442-0010	AMD-E	04-14-041	388-450-0195	PREP	04-12-092
388-414-0001	AMD	04-14-038	388-442-0010	AMD-P	04-14-042	388-450-0215	AMD	04-06-052
388-416-0005	AMD-P	04-15-052	388-444-0055	AMD-C	04-02-058	388-450-0500	PREP	04-07-085
388-416-0015	AMD	04-03-019	388-444-0055	AMD	04-05-010	388-452-0005	AMD-P	04-06-040
388-416-0020	PREP	04-13-102	388-446-0005	AMD-P	04-03-094	388-452-0005	AMD	04-10-102
388-416-0030	REP-P	04-04-074	388-446-0005	AMD	04-13-097	388-454-0010	AMD-C	04-03-010F
388-416-0030	REP	04-07-141	388-448-0001	AMD-P	04-02-048	388-454-0010	AMD	04-05-012
388-416-0035	PREP	04-12-098	388-448-0001	AMD	04-07-140	388-462-0015	PREP	04-14-097
388-418-0005	AMD-W	04-02-052	388-448-0010	AMD-P	04-02-048	388-462-0020	AMD-P	04-10-099
388-418-0005	AMD-P	04-02-072	388-448-0010	AMD	04-07-140	388-462-0020	AMD	04-15-057
388-418-0005	AMD-E	04-02-073	388-448-0020	AMD-P	04-02-048	388-466-0130	AMD-C	04-02-058
388-418-0005	AMD	04-06-026	388-448-0020	AMD	04-07-140	388-466-0130	AMD	04-05-010
388-418-0005	AMD-P	04-15-053	388-448-0030	AMD-P	04-02-048	388-470-0040	REP	04-09-003
388-418-0007	AMD-P	04-15-052	388-448-0030	AMD	04-07-140	388-472-0010	AMD-P	04-03-093
388-418-0011	NEW-P	04-15-052	388-448-0120	AMD-P	04-02-048	388-472-0010	AMD	04-14-037
388-418-0020	AMD-P	04-15-052	388-448-0120	AMD	04-07-140	388-473-0010	PREP	04-12-097
388-418-0025	AMD	04-03-019	388-448-0160	AMD-P	04-02-048	388-475-0050	NEW	04-09-002
388-424-0001	NEW-P	04-10-100	388-448-0160	AMD-E	04-02-051	388-475-0100	NEW	04-09-002
388-424-0001	NEW	04-15-004	388-448-0160	AMD-E	04-03-010E	388-475-0150	NEW	04-09-002
388-424-0005	REP-P	04-10-100	388-448-0160	AMD	04-07-140	388-475-0200	NEW	04-09-002
388-424-0005	REP	04-15-004	388-448-0170	REP-P	04-02-048	388-475-0250	NEW	04-09-002
388-424-0006	NEW-P	04-10-100	388-448-0170	REP-E	04-02-051	388-475-0300	NEW	04-09-002
388-424-0006	NEW	04-15-004	388-448-0170	REP-E	04-03-010E	388-475-0350	NEW	04-09-003
388-424-0007	NEW-P	04-10-100	388-448-0170	REP	04-07-140	388-475-0400	NEW	04-09-003
388-424-0007	NEW	04-15-004	388-448-0180	AMD-P	04-02-048	388-475-0450	NEW	04-09-003
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388-475-0650	NEW	04-09-004	388-501-0165	AMD-W	04-11-059	388-530-1250	PREP	04-09-035
388-475-0700	NEW	04-09-004	388-502-0160	PREP	04-07-088	388-530-1260	PREP	04-09-035
388-475-0750	NEW	04-09-004	388-502-0160	PREP	04-16-087	388-530-1850	PREP	04-03-089
388-475-0800	NEW	04-09-005	388-503-0505	AMD-P	04-04-074	388-530-1850	AMD-P	04-07-137
388-475-0820	NEW	04-09-005	388-503-0505	AMD-E	04-06-023	388-530-1850	AMD	04-11-009
388-475-0840	NEW	04-09-005	388-503-0505	AMD	04-07-141	388-531	PREP	04-12-093
388-475-0860	NEW	04-09-005	388-505-0110	PREP	04-04-095	388-531-0050	PREP	04-13-103
388-475-0880	NEW	04-09-005	388-505-0110	AMD-P	04-09-090	388-531-0050	AMD-E	04-15-090
388-475-0900	NEW	04-09-005	388-505-0110	AMD	04-15-003	388-531-0150	AMD-E	04-15-090
388-475-1050	AMD-X	04-09-091	388-505-0210	AMD-P	04-10-099	388-531-0200	AMD-E	04-15-090
388-475-1050	AMD	04-15-002	388-505-0210	AMD	04-15-057	388-531-0650	AMD-E	04-15-090
388-475-1250	AMD-X	04-09-091	388-505-0211	NEW	04-08-125	388-531-1600	AMD-E	04-15-090
388-475-1250	AMD	04-15-002	388-505-0211	AMD-P	04-13-140	388-531-2000	NEW-P	04-16-017
388-478-0005	AMD-C	04-02-058	388-505-0211	AMD	04-16-064	388-532	PREP	04-12-094
388-478-0005	AMD	04-05-010	388-511-1130	REP	04-09-004	388-532-001	NEW	04-05-011
388-478-0055	AMD-S	04-03-096	388-513-1301	AMD-E	04-08-019	388-532-050	AMD	04-05-011
388-478-0055	AMD	04-07-024	388-513-1301	AMD-P	04-12-101	388-532-100	AMD	04-05-011
388-478-0060	PREP	04-12-092	388-513-1301	AMD-E	04-15-091	388-532-110	NEW	04-05-011
388-478-0075	AMD-E	04-07-143	388-513-1315	AMD-E	04-08-019	388-532-120	NEW	04-05-011
388-478-0075	PREP	04-07-165	388-513-1315	AMD-P	04-12-101	388-532-130	NEW	04-05-011
388-478-0075	AMD-E	04-09-001	388-513-1315	AMD-E	04-15-091	388-532-140	NEW	04-05-011
388-478-0075	AMD-P	04-12-042	388-513-1350	AMD-C	04-02-056	388-532-500	NEW	04-05-011
388-478-0075	AMD	04-15-092	388-513-1350	AMD	04-04-072	388-532-510	NEW	04-05-011
388-478-0080	AMD-E	04-11-013	388-513-1350	PREP	04-16-027	388-532-520	NEW	04-05-011
388-478-0080	AMD-P	04-13-134	388-513-1380	AMD-C	04-02-056	388-532-530	NEW	04-05-011
388-478-0080	AMD	04-16-107	388-513-1380	AMD	04-04-072	388-532-540	NEW	04-05-011
388-478-0085	AMD-E	04-07-167	388-513-1380	PREP	04-16-027	388-532-550	NEW	04-05-011
388-478-0085	AMD-P	04-13-135	388-513-1380	AMD-E	04-16-028	388-532-720	AMD-P	04-10-099
388-478-0085	AMD-E	04-16-106	388-515-1510	AMD-E	04-08-019	388-532-720	AMD	04-15-057
388-484-0005	AMD-C	04-02-058	388-515-1510	AMD-P	04-12-101	388-533-0300	AMD-P	04-05-083
388-484-0005	AMD	04-05-010	388-515-1550	NEW-E	04-10-062	388-533-0300	AMD	04-13-049
388-492	PREP-W	04-04-094	388-515-1550	NEW-P	04-10-101	388-533-0310	NEW-P	04-05-083
388-492	PREP	04-04-097	388-515-1550	NEW	04-16-029	388-533-0310	NEW	04-13-049
388-492-0010	REP-E	04-05-003	388-517-0300	PREP	04-10-090	388-533-0315	NEW-P	04-05-083
388-492-0010	REP-E	04-13-001	388-519-0100	PREP	04-13-102	388-533-0315	NEW	04-13-049
388-492-0020	AMD-E	04-05-003	388-519-0110	PREP	04-13-102	388-533-0320	NEW-P	04-05-083
388-492-0020	AMD-E	04-13-001	388-519-0120	REP-X	04-15-012	388-533-0320	NEW	04-13-049
388-492-0030	AMD-E	04-05-003	388-526	PREP	04-04-096	388-533-0325	NEW-P	04-05-083
388-492-0030	AMD-E	04-13-001	388-527-2700	AMD-P	04-05-082	388-533-0325	NEW	04-13-049
388-492-0040	AMD-E	04-05-003	388-527-2700	AMD	04-10-060	388-533-0330	NEW-P	04-05-083
388-492-0040	PREP	04-12-092	388-527-2730	AMD-P	04-05-082	388-533-0330	NEW	04-13-049
388-492-0040	AMD-E	04-13-001	388-527-2730	AMD	04-10-060	388-533-0340	NEW-P	04-05-083
388-492-0050	AMD-E	04-05-003	388-527-2733	AMD-P	04-05-082	388-533-0340	NEW	04-13-049
388-492-0050	AMD-E	04-13-001	388-527-2733	AMD	04-10-060	388-533-0345	NEW-P	04-05-083
388-492-0060	AMD-E	04-05-003	388-527-2740	AMD-P	04-05-082	388-533-0350	NEW	04-13-049
388-492-0060	AMD-E	04-13-001	388-527-2740	AMD	04-10-060	388-533-0350	REP-P	04-05-083
388-492-0070	AMD-E	04-05-003	388-527-2742	AMD-P	04-05-082	388-533-0350	REP	04-13-049
388-492-0070	PREP	04-12-092	388-527-2742	AMD	04-10-060	388-533-0360	NEW-P	04-05-083
388-492-0070	AMD-E	04-13-001	388-527-2750	AMD-P	04-05-082	388-533-0360	NEW	04-13-049
388-492-0080	AMD-E	04-05-003	388-527-2750	AMD	04-10-060	388-533-0365	NEW-P	04-05-083
388-492-0080	AMD-E	04-13-001	388-527-2754	AMD-P	04-05-082	388-533-0365	NEW	04-13-049
388-492-0090	AMD-E	04-05-003	388-527-2754	AMD	04-10-060	388-533-0370	NEW-P	04-05-083
388-492-0090	AMD-E	04-13-001	388-527-2790	AMD-P	04-05-082	388-533-0370	NEW	04-13-049
388-492-0100	AMD-E	04-05-003	388-527-2790	AMD	04-10-060	388-533-0375	NEW-P	04-05-083
388-492-0100	AMD-E	04-13-001	388-527-2792	NEW-P	04-05-082	388-533-0375	NEW	04-13-049
388-492-0110	AMD-E	04-05-003	388-527-2792	NEW	04-10-060	388-533-0380	NEW-P	04-05-083
388-492-0110	AMD-E	04-13-001	388-527-2795	AMD-P	04-05-082	388-533-0380	NEW	04-13-049
388-492-0120	AMD-E	04-05-003	388-527-2795	AMD	04-10-060	388-533-0385	NEW-P	04-05-083
388-492-0120	AMD-E	04-13-001	388-529	PREP	04-06-054	388-533-0385	NEW	04-13-049
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388-533-0390	NEW	04-13-049	388-544	PREP	04-07-087	388-553-200	NEW-C	04-02-055
388-533-0400	PREP	04-14-098	388-545	PREP-W	04-04-031	388-553-200	NEW	04-11-007
388-533-0500	PREP	04-14-098	388-546	PREP	04-02-060	388-553-300	NEW-C	04-02-055
388-533-0600	PREP	04-14-098	388-546-0001	AMD-P	04-12-103	388-553-300	NEW	04-11-007
388-533-701	NEW-P	04-07-136	388-546-0100	AMD-P	04-12-103	388-553-400	NEW-C	04-02-055
388-533-701	NEW	04-11-008	388-546-0150	AMD-P	04-12-103	388-553-400	NEW	04-11-007
388-533-710	NEW-P	04-07-136	388-546-0200	AMD-P	04-12-103	388-553-500	NEW-C	04-02-055
388-533-710	NEW	04-11-008	388-546-0250	AMD-P	04-12-103	388-553-500	NEW	04-11-007
388-533-720	NEW-P	04-07-136	388-546-0300	AMD-P	04-12-103	388-720-0020	AMD-C	04-02-059
388-533-720	NEW	04-11-008	388-546-0400	AMD-P	04-12-103	388-720-0020	AMD	04-05-080
388-533-730	NEW-P	04-07-136	388-546-0425	NEW-P	04-12-103	388-800-0048	AMD-P	04-10-099
388-533-730	NEW	04-11-008	388-546-0450	AMD-P	04-12-103	388-800-0048	AMD	04-15-057
388-535	PREP	04-07-115	388-546-0500	AMD-P	04-12-103	388-820	PREP	04-13-106
388-535-1050	AMD-X	04-07-142	388-546-0600	AMD-P	04-12-103	388-820-020	AMD	04-04-043
388-535-1050	AMD	04-14-100	388-546-0700	AMD-P	04-12-103	388-820-030	AMD	04-04-043
388-535-1065	AMD-X	04-07-142	388-546-0800	AMD-P	04-12-103	388-820-050	AMD	04-04-043
388-535-1065	AMD	04-14-100	388-546-0900	NEW-P	04-12-103	388-820-056	NEW	04-04-043
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388-535A-0050	AMD-E	04-12-041	388-546-1500	NEW-P	04-12-103	388-820-070	AMD	04-04-043
388-535A-0060	AMD-E	04-04-073	388-546-2500	NEW-P	04-12-103	388-820-076	NEW	04-04-043
388-535A-0060	AMD-E	04-12-041	388-546-3000	NEW-P	04-12-103	388-820-086	NEW	04-04-043
388-538	PREP	04-13-101	388-546-4000	NEW-P	04-12-103	388-820-090	AMD	04-04-043
388-538	PREP-W	04-16-082	388-547	PREP-W	04-04-031	388-820-100	AMD	04-04-043
388-538	PREP	04-16-086	388-550	PREP	04-03-092	388-820-120	AMD	04-04-043
388-538-060	PREP-W	04-14-034	388-550	PREP	04-12-093	388-820-230	AMD	04-04-043
388-538-063	PREP	04-04-095	388-550	PREP	04-13-103	388-820-260	AMD	04-04-043
388-538-063	NEW-P	04-09-090	388-550-1050	PREP	04-13-103	388-820-290	AMD	04-04-043
388-538-063	NEW	04-15-003	388-550-1700	PREP	04-13-103	388-820-300	AMD	04-04-043
388-538-112	AMD-P	04-07-135	388-550-1750	PREP	04-13-103	388-820-310	AMD	04-04-043
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388-542	AMD-P	04-13-140	388-550-2800	AMD-P	04-16-017	388-820-340	AMD	04-04-043
388-542	AMD	04-16-064	388-550-2900	PREP	04-03-091	388-820-350	AMD	04-04-043
388-542-0010	NEW-P	04-13-140	388-550-2900	PREP	04-13-103	388-820-400	AMD	04-04-043
388-542-0010	NEW	04-16-064	388-550-3100	PREP	04-05-085A	388-820-405	NEW	04-04-043
388-542-0020	NEW-P	04-13-140	388-550-3100	AMD-P	04-08-123	388-820-410	AMD	04-04-043
388-542-0020	NEW	04-16-064	388-550-3100	AMD	04-13-048	388-820-550	AMD	04-04-043
388-542-0050	AMD-P	04-13-140	388-550-3700	PREP	04-15-130	388-820-555	NEW	04-04-043
388-542-0050	AMD	04-16-064	388-550-3800	PREP	04-13-105	388-820-560	AMD	04-04-043
388-542-0100	AMD	04-08-018	388-550-4800	AMD-P	04-16-017	388-820-600	AMD	04-04-043
388-542-0100	REP-P	04-13-140	388-550-4900	PREP	04-03-090	388-820-650	AMD	04-04-043
388-542-0100	REP	04-16-064	388-550-4900	AMD-P	04-08-124	388-820-690	AMD	04-04-043
388-542-0125	AMD	04-08-018	388-550-4900	AMD	04-12-044	388-825	PREP	04-08-071
388-542-0125	REP-P	04-13-140	388-550-5000	PREP	04-03-090	388-825-030	AMD-E	04-14-003
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388-542-0150	REP-P	04-13-140	388-550-5100	AMD-P	04-08-124	388-825-070	AMD	04-11-087
388-542-0150	REP	04-16-064	388-550-5100	AMD	04-12-044	388-825-090	AMD-P	04-08-072
388-542-0200	REP-P	04-13-140	388-550-5200	PREP	04-03-090	388-825-090	AMD	04-11-087
388-542-0200	REP	04-16-064	388-550-5200	AMD-P	04-08-124	388-825-100	AMD-P	04-12-100
388-542-0220	REP-P	04-13-140	388-550-5200	AMD	04-12-044	388-825-100	AMD	04-15-093
388-542-0220	REP	04-16-064	388-550-5210	NEW-P	04-08-124	388-825-101	NEW-P	04-12-100
388-542-0250	AMD-E	04-13-137	388-550-5210	NEW	04-12-044	388-825-101	NEW	04-15-093
388-542-0250	REP-P	04-13-140	388-550-5220	NEW-P	04-08-124	388-825-102	NEW-P	04-12-100
388-542-0250	REP	04-16-064	388-550-5220	NEW	04-12-044	388-825-102	NEW	04-15-093
388-542-0275	REP-P	04-13-140	388-550-5450	NEW-P	04-16-017	388-825-103	NEW-P	04-12-100
388-542-0275	REP	04-16-064	388-550-5900	PREP	04-13-103	388-825-103	NEW	04-15-093
388-542-0300	AMD-P	04-13-140	388-550-6000	PREP	04-13-104	388-825-104	NEW-P	04-12-100
388-542-0300	AMD	04-16-064	388-551	PREP	04-02-061	388-825-104	NEW	04-15-093
388-542-0500	AMD	04-08-018	388-551	PREP-W	04-07-111	388-825-105	NEW-P	04-12-100
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388-825-125	NEW-E	04-16-019	388-825-276	REP-E	04-16-019	388-835-0085	AMD	04-16-018
388-825-130	NEW-E	04-08-020	388-825-278	REP-E	04-08-020	388-835-0090	AMD-E	04-10-016
388-825-130	NEW-E	04-16-019	388-825-278	REP-E	04-16-019	388-835-0090	AMD-P	04-12-099
388-825-135	NEW-E	04-08-020	388-825-280	REP-E	04-08-020	388-835-0090	AMD	04-16-018
388-825-135	NEW-E	04-16-019	388-825-280	REP-E	04-16-019	388-835-0100	AMD-E	04-10-016
388-825-140	NEW-E	04-08-020	388-825-282	REP-E	04-08-020	388-835-0100	AMD-P	04-12-099
388-825-140	NEW-E	04-16-019	388-825-282	REP-E	04-16-019	388-835-0100	AMD	04-16-018
388-825-145	NEW-E	04-08-020	388-825-284	REP-E	04-08-020	388-835-0115	AMD-E	04-10-016
388-825-145	NEW-E	04-16-019	388-825-284	REP-E	04-16-019	388-835-0115	AMD-P	04-12-099
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388-825-150	NEW-E	04-16-019	388-825-300	NEW-E	04-16-019	388-835-0135	REP-E	04-10-016
388-825-155	NEW-E	04-08-020	388-825-305	NEW-E	04-08-020	388-835-0135	REP-P	04-12-099
388-825-155	NEW-E	04-16-019	388-825-305	NEW-E	04-16-019	388-835-0135	REP	04-16-018
388-825-160	NEW-E	04-08-020	388-825-310	NEW-E	04-08-020	388-835-0140	AMD-E	04-10-016
388-825-160	NEW-E	04-16-019	388-825-310	NEW-E	04-16-019	388-835-0140	AMD-P	04-12-099
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388-825-165	NEW-E	04-16-019	388-825-315	NEW-E	04-16-019	388-837-9005	NEW-E	04-10-016
388-825-170	REP-E	04-08-020	388-825-320	NEW-E	04-08-020	388-837-9005	NEW-P	04-12-099
388-825-170	REP-E	04-16-019	388-825-320	NEW-E	04-16-019	388-837-9005	NEW	04-16-018
388-825-180	REP-E	04-08-020	388-825-325	NEW-E	04-08-020	388-837-9015	NEW-E	04-10-016
388-825-180	REP-E	04-16-019	388-825-325	NEW-E	04-16-019	388-837-9015	NEW-P	04-12-099
388-825-190	REP-E	04-08-020	388-825-330	NEW-E	04-08-020	388-837-9015	NEW	04-16-018
388-825-190	REP-E	04-16-019	388-825-330	NEW-E	04-16-019	388-837-9020	NEW-E	04-10-016
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388-825-210	AMD-P	04-16-088	388-825-335	NEW-E	04-16-019	388-837-9020	NEW	04-16-018
388-825-228	PREP	04-12-091	388-825-340	NEW-E	04-08-020	388-837-9030	NEW-E	04-10-016
388-825-228	AMD-P	04-16-088	388-825-340	NEW-E	04-16-019	388-837-9030	NEW-P	04-12-099
388-825-230	PREP	04-12-091	388-825-345	NEW-E	04-08-020	388-837-9030	NEW	04-16-018
388-825-230	AMD-P	04-16-088	388-825-345	NEW-E	04-16-019	388-837-9040	NEW-E	04-10-016
388-825-232	PREP	04-12-091	388-825-355	NEW-E	04-08-020	388-837-9040	NEW-P	04-12-099
388-825-232	AMD-P	04-16-088	388-825-355	NEW-E	04-16-019	388-837-9040	NEW	04-16-018
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388-825-234	AMD-P	04-16-088	388-825-360	NEW-E	04-16-019	388-845-0010	NEW-E	04-16-019
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388-825-236	AMD-P	04-16-088	388-825-365	NEW-E	04-16-019	388-845-0015	NEW-E	04-16-019
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388-825-238	AMD-P	04-16-088	388-825-370	NEW-E	04-16-019	388-845-0020	NEW-E	04-16-019
388-825-242	PREP	04-12-091	388-825-375	NEW-E	04-08-020	388-845-0025	NEW-E	04-08-020
388-825-242	AMD-P	04-16-088	388-825-375	NEW-E	04-16-019	388-845-0025	NEW-E	04-16-019
388-825-248	PREP	04-12-091	388-825-380	NEW-E	04-08-020	388-845-0030	NEW-E	04-08-020
388-825-248	AMD-P	04-16-088	388-825-380	NEW-E	04-16-019	388-845-0030	NEW-E	04-16-019
388-825-252	PREP	04-12-091	388-825-385	NEW-E	04-08-020	388-845-0035	NEW-E	04-08-020
388-825-252	AMD-P	04-16-088	388-825-385	NEW-E	04-16-019	388-845-0035	NEW-E	04-16-019
388-825-253	PREP	04-12-091	388-825-390	NEW-E	04-08-020	388-845-0040	NEW-E	04-08-020
388-825-253	NEW-P	04-16-088	388-825-390	NEW-E	04-16-019	388-845-0040	NEW-E	04-16-019
388-825-254	PREP	04-12-091	388-825-395	NEW-E	04-08-020	388-845-0045	NEW-E	04-08-020
388-825-254	AMD-P	04-16-088	388-825-395	NEW-E	04-16-019	388-845-0045	NEW-E	04-16-019
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388-825-260	REP-E	04-16-019	388-825-400	NEW-E	04-16-019	388-845-0050	NEW-E	04-16-019
388-825-262	REP-E	04-08-020	388-827	PREP	04-08-070	388-845-0055	NEW-E	04-08-020
388-825-262	REP-E	04-16-019	388-827-0110	AMD-P	04-12-102	388-845-0055	NEW-E	04-16-019
388-825-264	REP-E	04-08-020	388-827-0110	AMD	04-15-094	388-845-0060	NEW-E	04-08-020
388-825-264	REP-E	04-16-019	388-827-0115	AMD-P	04-12-102	388-845-0060	NEW-E	04-16-019
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388-825-266	REP-E	04-16-019	388-827-0175	AMD-P	04-12-102	388-845-0065	NEW-E	04-16-019
388-825-268	REP-E	04-08-020	388-827-0175	AMD	04-15-094	388-845-0070	NEW-E	04-08-020
388-825-268	REP-E	04-16-019	388-827-0185	AMD-P	04-12-102	388-845-0070	NEW-E	04-16-019
388-825-270	REP-E	04-08-020	388-827-0185	AMD	04-15-094	388-845-0075	NEW-E	04-08-020
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388-865-0501	REP	04-07-014	392-140-626	AMD-P	04-04-005	415-110-817	NEW-P	04-13-036
388-865-0502	REP	04-07-014	392-140-626	AMD	04-08-118	415-110-910	AMD	04-04-041
388-865-0504	REP	04-07-014	392-140-630	AMD-P	04-04-005	415-112	PREP	04-15-037
388-865-0505	REP	04-07-014	392-140-630	AMD	04-08-118	415-112-150	NEW-P	04-13-036
388-865-0510	REP	04-07-014	392-140-640	AMD-P	04-04-005	415-112-430	AMD-P	04-05-063
388-865-0511	NEW	04-07-014	392-140-640	AMD	04-08-118	415-112-430	AMD	04-12-020
388-865-0515	REP	04-07-014	392-140-643	AMD-P	04-04-005	415-113	PREP	04-15-135
388-865-0516	NEW	04-07-014	392-140-643	AMD	04-08-118	415-501	PREP	04-12-019
388-865-0520	NEW	04-07-014	392-140-646	AMD-P	04-04-005	434- 12-005	NEW	04-04-018
388-865-0525	REP	04-07-014	392-140-646	AMD	04-08-118	434- 12-010	REP	04-05-041
388-865-0526	NEW	04-07-014	392-140-653	AMD-P	04-04-005	434- 12-015	NEW	04-05-041
388-865-0530	REP	04-07-014	392-140-653	AMD	04-08-118	434- 12-020	REP	04-05-041
388-865-0531	NEW	04-07-014	392-142-115	REP-P	04-05-054	434- 12-025	NEW	04-04-018
388-865-0535	REP	04-07-014	392-142-115	REP	04-08-116	434- 12-030	REP	04-05-041
388-865-0536	NEW	04-07-014	392-142-130	REP-P	04-05-054	434- 12-040	REP	04-05-041
388-865-0540	REP	04-07-014	392-142-130	REP	04-08-116	434- 12-050	REP	04-05-041
388-865-0541	NEW	04-07-014	392-142-135	REP-P	04-05-054	434- 12-060	REP	04-05-041
388-865-0545	REP-W	04-08-028	392-142-135	REP	04-08-116	434- 12-070	REP	04-05-041
388-865-0546	REP-W	04-08-028	392-142-165	AMD-P	04-05-054	434- 12-080	REP	04-05-041
388-865-0547	NEW	04-07-014	392-142-165	AMD	04-08-116	434- 12-090	REP	04-05-041
388-865-0550	REP	04-07-014	392-142-205	AMD-P	04-05-054	434- 12-100	REP	04-05-041
388-865-0551	NEW	04-07-014	392-142-205	AMD	04-08-116	434- 12-110	REP	04-05-041
388-865-0555	REP	04-07-014	392-143-010	AMD-P	04-05-055	434- 12-120	REP	04-05-041
388-865-0557	REP	04-07-014	392-143-010	AMD	04-08-117	434- 12-130	REP	04-05-041
388-865-0560	REP	04-07-014	392-143-015	AMD-P	04-05-055	434- 12-140	REP	04-05-041
388-865-0561	NEW	04-07-014	392-143-015	AMD	04-08-117	434- 12-150	REP	04-05-041
388-865-0565	REP	04-07-014	392-143-030	AMD-P	04-05-055	434- 12-160	REP	04-05-041
388-865-0566	NEW	04-07-014	392-143-030	AMD	04-08-117	434- 12-170	REP	04-05-041
388-865-0570	NEW	04-07-014	392-143-031	AMD-P	04-05-055	434- 12-180	REP	04-05-041
388-865-0575	NEW	04-07-014	392-143-031	AMD	04-08-117	434- 12-200	REP	04-05-041
388-865-0580	NEW	04-07-014	392-143-032	AMD-P	04-05-055	434- 12-210	REP	04-05-041
388-865-0585	NEW	04-07-014	392-143-032	AMD	04-08-117	434- 12-220	REP	04-05-041
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390- 05-295	NEW-P	04-08-086	392-143-061	REP-P	04-05-055	434-110-080	REP	04-04-018
390- 05-295	NEW	04-12-052	392-143-061	REP	04-08-117	434-110-090	REP	04-04-018
390- 12-010	AMD-P	04-08-086	392-143-065	REP-P	04-05-055	434-110-100	AMD	04-04-018
390- 12-010	AMD	04-12-053	392-143-065	REP	04-08-117	434-112-010	NEW	04-04-018
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390- 16-207	AMD	04-12-054	392-143-070	AMD	04-08-117	434-112-025	NEW	04-04-018
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390- 17-030	AMD	04-12-056	399- 30-060	AMD	04-09-085	434-112-050	NEW	04-04-018
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390- 37-041	AMD-P	04-08-086	415- 04-040	AMD-P	04-05-017	434-112-090	NEW	04-04-018
390- 37-041	AMD	04-12-059	415- 04-040	AMD	04-09-042	434-112-095	NEW	04-04-018
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392-140-605	AMD-P	04-04-005	415-108-990	NEW-P	04-13-036	434-120-045	NEW	04-04-018
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434-120-160	AMD	04-04-018	434-238-170	AMD	04-15-089	434-263-010	NEW	04-16-037
434-120-170	AMD	04-04-018	434-240-005	AMD-X	04-10-084	434-263-020	NEW-E	04-12-004
434-120-212	AMD	04-04-018	434-240-005	AMD	04-15-089	434-263-020	NEW-P	04-13-016
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463- 30-253	NEW-P	04-13-154	463- 38-051	AMD-P	04-13-154	463- 42	AMD-P	04-13-154
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463- 30-280	REP-P	04-13-154	463- 38-052	DECOD-P	04-13-154	463- 42-012	AMD-P	04-13-154
463- 30-320	AMD-P	04-13-154	463- 38-053	AMD-P	04-13-154	463- 42-012	DECOD-P	04-13-154
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463- 30-345	NEW-P	04-13-154	463- 38-054	DECOD-P	04-13-154	463- 42-025	DECOD-P	04-13-154
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463- 42-085	DECOD-P	04-13-154	463- 42-382	REP-P	04-13-154	463- 58-010	AMD-P	04-13-154
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463- 42-115	DECOD-P	04-13-154	463- 42-525	DECOD-P	04-13-154	463- 58-060	AMD-P	04-13-154
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463- 42-125	DECOD-P	04-13-154	463- 42-535	DECOD-P	04-13-154	463- 60-010	RECOD-P	04-13-154
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463- 42-135	DECOD-P	04-13-154	463- 42-537	NEW-P	04-13-154	463- 60-015	RECOD-P	04-13-154
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463- 42-175	DECOD-P	04-13-154	463- 42-665	DECOD-P	04-13-154	463- 60-085	RECOD-P	04-13-154
463- 42-185	AMD-P	04-13-154	463- 42-665	REP-P	04-13-154	463- 60-095	RECOD-P	04-13-154
463- 42-185	DECOD-P	04-13-154	463- 42-675	DECOD-P	04-13-154	463- 60-105	RECOD-P	04-13-154
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463- 42-195	DECOD-P	04-13-154	463- 42-680	DECOD-P	04-13-154	463- 60-125	RECOD-P	04-13-154
463- 42-205	AMD-P	04-13-154	463- 42-680	REP-P	04-13-154	463- 60-135	RECOD-P	04-13-154
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463- 42-225	DECOD-P	04-13-154	463- 43	AMD-P	04-13-154	463- 60-185	RECOD-P	04-13-154
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463- 42-255	AMD-P	04-13-154	463- 43-060	AMD-P	04-13-154	463- 60-235	RECOD-P	04-13-154
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463- 42-285	DECOD-P	04-13-154	463- 47-120	AMD-P	04-13-154	463- 60-302	RECOD-P	04-13-154
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463- 42-297	NEW-P	04-13-154	463- 50-020	REP-P	04-13-154	463- 60-342	RECOD-P	04-13-154
463- 42-302	AMD-P	04-13-154	463- 50-040	AMD-P	04-13-154	463- 60-352	RECOD-P	04-13-154
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463- 42-333	NEW-P	04-13-154	463- 54-040	AMD-P	04-13-154	463- 60-625	RECOD-P	04-13-154
463- 42-342	AMD-P	04-13-154	463- 54-040	DECOD-P	04-13-154	463- 60-645	RECOD-P	04-13-154
463- 42-342	DECOD-P	04-13-154	463- 54-050	AMD-P	04-13-154	463- 60-655	RECOD-P	04-13-154
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463- 42-352	DECOD-P	04-13-154	463- 54-060	AMD-P	04-13-154	463- 60-675	RECOD-P	04-13-154
463- 42-362	AMD-P	04-13-154	463- 54-060	DECOD-P	04-13-154	463- 60-680	RECOD-P	04-13-154
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463-62-030	NEW-P	04-13-154	463-76-052	RECOD-P	04-13-154	478-116-101	AMD	04-13-086
463-62-040	NEW-P	04-13-154	463-76-053	RECOD-P	04-13-154	478-116-111	AMD-P	04-07-127
463-62-050	NEW-P	04-13-154	463-76-054	RECOD-P	04-13-154	478-116-111	AMD	04-13-086
463-62-060	NEW-P	04-13-154	463-76-055	RECOD-P	04-13-154	478-116-114	AMD-P	04-07-127
463-62-070	NEW-P	04-13-154	463-76-060	RECOD-P	04-13-154	478-116-114	AMD	04-13-086
463-64-010	NEW-P	04-13-154	463-76-061	RECOD-P	04-13-154	478-116-116	AMD-P	04-07-127
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463-64-040	NEW-P	04-13-154	463-76-064	RECOD-P	04-13-154	478-116-121	AMD	04-13-086
463-64-050	NEW-P	04-13-154	463-76-065	RECOD-P	04-13-154	478-116-125	AMD-P	04-07-127
463-64-060	NEW-P	04-13-154	463-76-080	RECOD-P	04-13-154	478-116-125	AMD	04-13-086
463-66-010	RECOD-P	04-13-154	463-76-090	RECOD-P	04-13-154	478-116-131	AMD-P	04-07-127
463-66-020	RECOD-P	04-13-154	463-78-005	RECOD-P	04-13-154	478-116-131	AMD	04-13-086
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463-66-040	RECOD-P	04-13-154	463-78-020	RECOD-P	04-13-154	478-116-141	AMD	04-13-086
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463-66-060	RECOD-P	04-13-154	463-78-070	RECOD-P	04-13-154	478-116-145	AMD	04-13-086
463-66-070	RECOD-P	04-13-154	463-78-090	RECOD-P	04-13-154	478-116-161	AMD-P	04-07-127
463-66-080	RECOD-P	04-13-154	463-78-095	RECOD-P	04-13-154	478-116-161	AMD	04-13-086
463-66-090	RECOD-P	04-13-154	463-78-100	RECOD-P	04-13-154	478-116-165	AMD-P	04-07-127
463-66-100	RECOD-P	04-13-154	463-78-105	RECOD-P	04-13-154	478-116-165	AMD	04-13-086
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463-68-020	NEW-P	04-13-154	463-78-120	RECOD-P	04-13-154	478-116-167	AMD	04-13-086
463-68-030	NEW-P	04-13-154	463-78-135	RECOD-P	04-13-154	478-116-171	AMD-P	04-07-127
463-68-040	NEW-P	04-13-154	463-78-140	RECOD-P	04-13-154	478-116-171	AMD	04-13-086
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463-68-060	NEW-P	04-13-154	463-78-230	RECOD-P	04-13-154	478-116-181	AMD	04-13-086
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463-70-070	RECOD-P	04-13-154	468-70-020	AMD	04-16-056	478-116-211	AMD-P	04-07-127
463-70-080	RECOD-P	04-13-154	468-70-020	AMD-E	04-16-061	478-116-211	AMD	04-13-086
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463-72-040	NEW-P	04-13-154	468-70-070	AMD-E	04-16-061	478-116-251	AMD	04-13-086
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463-72-060	NEW-P	04-13-154	468-70-085	REP-P	04-13-045	478-116-253	AMD	04-13-086
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478-168-160	AMD	04-13-087	480- 93-005	AMD-P	04-15-141	484- 20-103	AMD-X	04-14-051
478-168-170	REP-P	04-09-076	480- 93-007	NEW-P	04-15-141	484- 20-105	AMD-X	04-14-051
478-168-170	REP	04-13-087	480- 93-008	NEW-P	04-15-141	484- 20-116	AMD-X	04-14-051
478-168-180	AMD-P	04-09-076	480- 93-009	NEW-P	04-15-141	484- 20-120	AMD-X	04-14-051
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478-168-290	REP	04-13-087	480- 93-080	AMD-P	04-15-141	495D-120-020	REP-P	04-11-103
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478-168-300	REP-P	04-09-076	480- 93-112	REP-P	04-15-141	495D-120-040	REP	04-16-003
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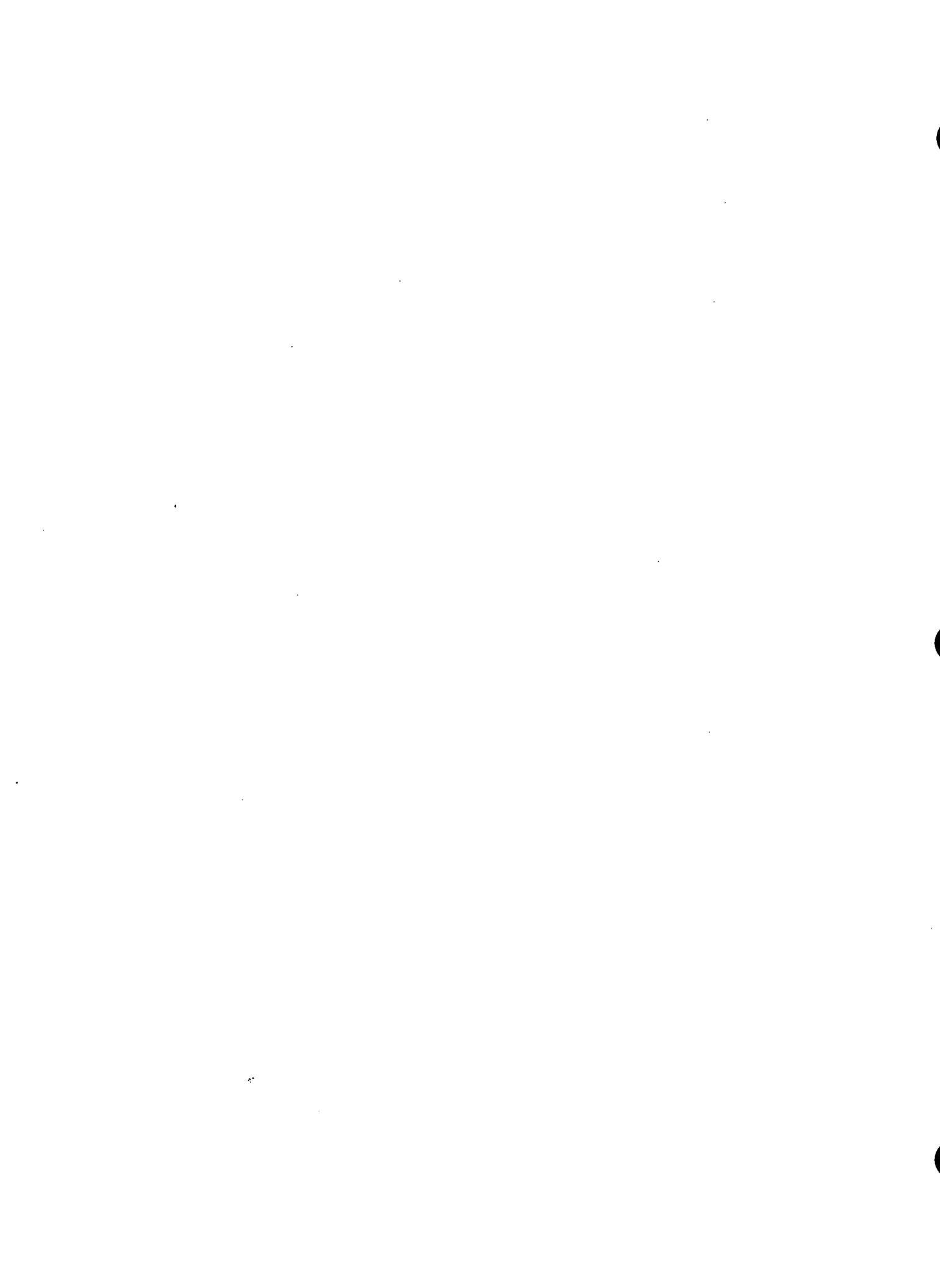
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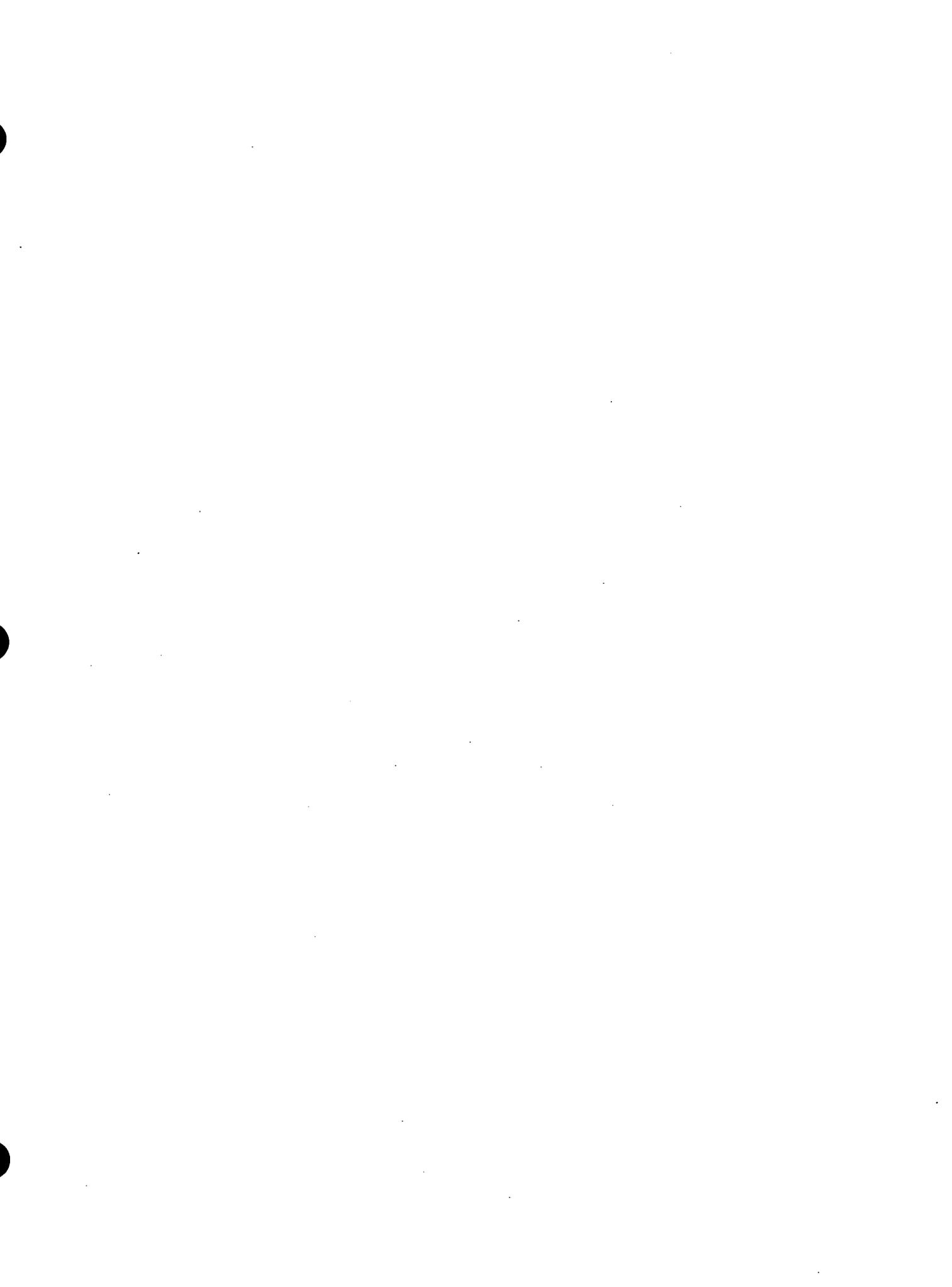
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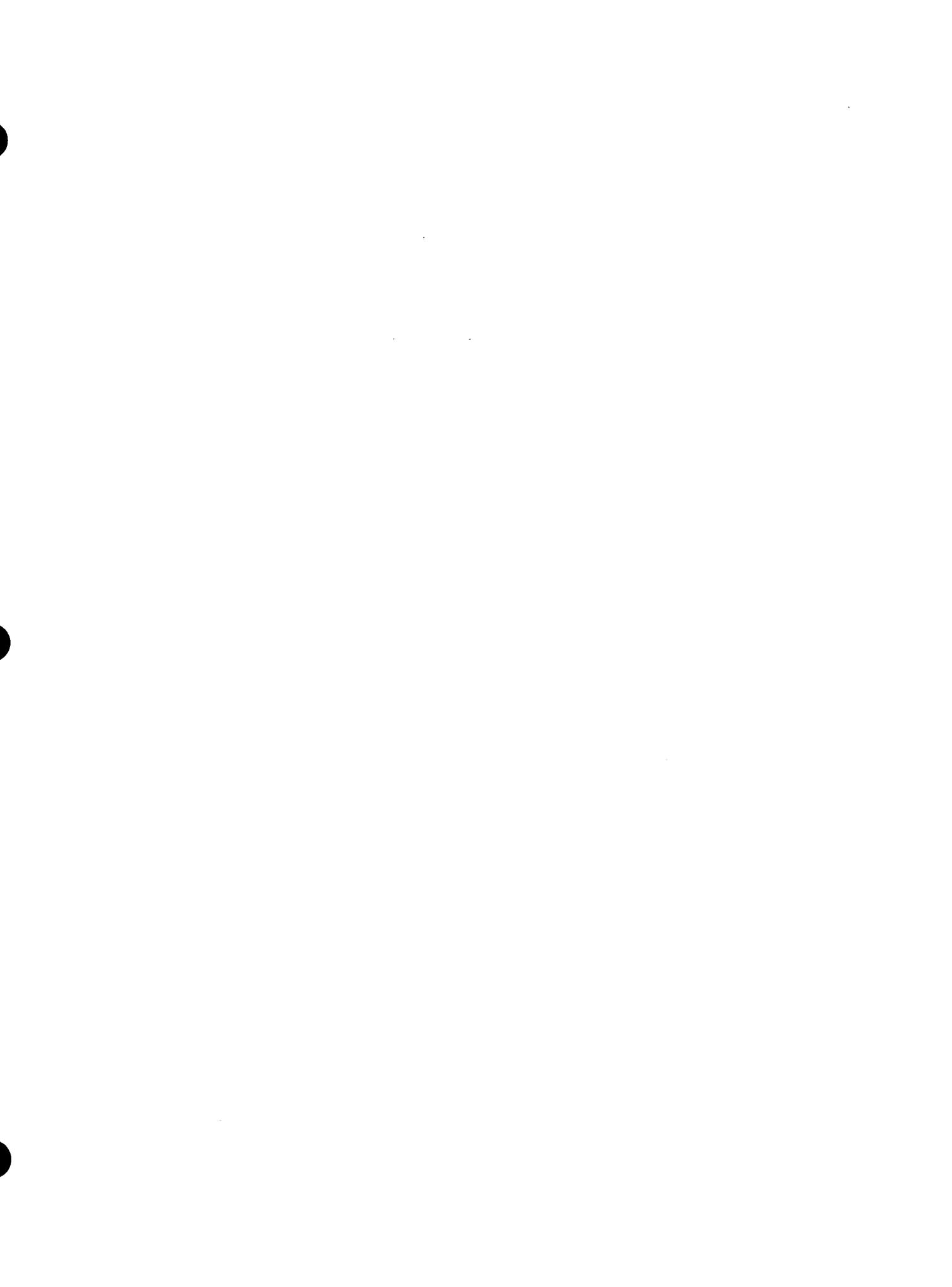
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